



Journal of the Senate

State of Indiana

119th General Assembly

First Regular Session

Forty-second Meeting Day

Monday Afternoon

April 13, 2015

The Senate convened at 3:34 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Senator Dennis K. Kruse.

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

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 413; present 50; excused 0. [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.

SENATE MOTION

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

HCR 74 Senator Bray
Honoring Bugles Across America.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 74

House Concurrent Resolution 74, sponsored by Senator Bray:

A CONCURRENT RESOLUTION honoring Bugles Across America.

Whereas, Bugles Across America was founded in 2000 as a result of P.L. 106-65 that states that every qualified veteran has a right to military funeral honors;

Whereas, P.L. 106-65 calls for two people to fold and present the flag and to provide a sounding of "Taps";

Whereas, The shortage of available military buglers was addressed by allowing the sounding of "Taps" to be done via a recording;

Whereas, Bugles Across America, founded by Tom Daly, was formed to provide live buglers to fill this need;

Whereas, Bugles Across America consists of men and women of all ages, races, and creeds who may be active military, veterans, or civilians;

Whereas, Many members of Bugles Across America are professional musicians but some are capable amateurs;

Whereas, Regardless of background or previous experience, Bugles Across America requires that all volunteers audition by sounding "Taps" for a director before being placed on the active bugler list to assure that every veteran's family will receive a dignified sounding of "Taps";

Whereas, Over the last 13 years, Bugles Across America has provided a sounding of "Taps" for over 100,000 funeral missions, and members have corporately given over a million hours of volunteer time to veterans and their families; and

Whereas, The final service for our fallen veterans should be conducted with the dignity and honor that they so richly deserve: 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 commends Bugles Across America members for their dedicated service to our fallen veterans and their families.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Tom Daly.

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.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 177, 311, 474, and 514 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, with amendments, Engrossed Senate Bills 6, 390, 423, 426, 509, and 516 and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 75 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

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

HCR 75 Senator Kenley

Acknowledging the tragic assassination of Abraham Lincoln and the fact that he "truly belongs to the ages".

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 75

House Concurrent Resolution 75, sponsored by Senator Kenley:

A CONCURRENT RESOLUTION acknowledging the tragic assassination of Abraham Lincoln and the fact that he "truly belongs to the ages".

Whereas, Abraham Lincoln was elected as the 16th president of the United States in November 1860;

Whereas, The presidency of Abraham Lincoln was marked by numerous events that would be forever remembered in history;

Whereas, During his presidency, a Civil War was waged, and was won by Union troops, and the United States was preserved;

Whereas, On May 20, 1862, President Lincoln signed the Homestead Act allowing an American citizen to claim 160 acres of western lands to own and farm;

Whereas, On July 1, 1862, during his Presidency, Lincoln signed the Pacific Railway Act allowing the construction of the transcontinental railroad connecting the east and west coasts;

Whereas, On July 2, 1862, Lincoln signed the Morrill Act, also known as the Land Grant College Act, allowing higher education for all citizens;

Whereas, On May 15, 1862, President Lincoln created the United States Department of Agriculture to serve the country's agriculture interests;

Whereas, On March 3, 1863, President Lincoln signed the National Banking Act, which created a system of National Banks and a uniform national currency;

Whereas, That during his presidency on January 1, 1863, he signed the Emancipation Proclamation, which ended slavery in those states in rebellion, and supported the 13th Amendment to the U.S. Constitution, which passed the Senate on April 8, 1864, and the House of Representatives on January 31, 1865; this permanently ended legal slavery in the United States after ratification, making Lincoln the first American president in history to publicly announce that he favored voting rights for African Americans;

Whereas, Abraham Lincoln made the ultimate sacrifice for the country he loved, dying from an assassin's bullet on April 15, 1865;

Whereas, Edwin M. Stanton, Secretary of War, stated upon Lincoln's last breath, "Now he belongs to the ages";

Whereas, April 15, 2015, is the 150th anniversary of the death of Abraham Lincoln and the beginning of his legacy to the ages; and

Whereas, Abraham Lincoln's legacy consists of monuments, memorials, schools, colleges, currency, books, streets, avenues, U.S. naval vessels, tunnels, zoos, counties, automobiles, parks, a state capital, forts, cemeteries, stamps, and more: 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 encourages all the citizens of Indiana to help prepare the next generation of Hoosiers by visiting memorials, reading books, and discussing the legacy of Abraham Lincoln so that he indeed continues to

belong to the ages.

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.

RESOLUTIONS ON SECOND READING

Senate Resolution 50

Senator Leising called up Senate Resolution 50 for second reading. The resolution was read a second time and adopted by voice vote.

Senate Resolution 22

Senator Breaux called up Senate Resolution 22 for second reading. The resolution was read a second time and adopted by voice vote.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1003

Senator Long called up Engrossed House Bill 1003 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1008

Senator Walker called up Engrossed House Bill 1008 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1008-5)

Madam President: I move that Engrossed House Bill 1008 be amended to read as follows:

Page 3, delete lines 26 through 42.

Delete pages 4 through 17.

Page 18, delete lines 1 through 21.

Page 19, after line 33, begin a new paragraph and insert:

"SECTION 9. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means either of the following:

(1) The interim study committee on elections established by IC 2-5-1.3-4.

(2) An appropriate interim study committee as determined by the legislative council.

(c) During the 2015 legislative interim, the legislative council is urged to assign the topic of straight ticket voting to a study committee.

(d) If the topic described in subsection (c) is assigned to a study committee, the study committee shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any

recommended legislation concerning the topic, in an electronic format under IC 5-14-6 not later than November 1, 2015.

(e) This SECTION expires December 31, 2015.

SECTION 10. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1008 as printed March 31, 2015.)

WALKER

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1110

Senator Steele called up Engrossed House Bill 1110 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1110-6)

Madam President: I move that Engrossed House Bill 1110 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-8-1-1.5, AS AMENDED BY P.L.119-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.5. (a) This section applies to a candidate for any of the following offices:

(1) Judge of a city court in a city located in a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).

(2) Judge of a town court.

(b) A person is not qualified to run for an office subject to this section unless not later than the deadline for filing the declaration or petition of candidacy or certificate of nomination the person is registered to vote in a county in which the municipality is located.

(c) Except as provided in IC 33-35-5-7.5, before a candidate for the office of judge of a city court described in subsection (a)(1) or a town court may file a:

(1) declaration of candidacy or petition of nomination;

(2) certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8; or

(3) declaration of intent to be a write-in candidate or certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;

the candidate must be an attorney in good standing admitted to the practice of law in Indiana.

SECTION 2. IC 3-8-1-28.5, AS AMENDED BY P.L.119-2012, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 28.5. (a) This section does not apply to a candidate for the office of judge of a city court in a city located in a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).

(b) A candidate for the office of judge of a city court must reside in the city upon filing any of the following:

- (1) A declaration of candidacy or declaration of intent to be a write-in candidate required under IC 3-8-2.
- (2) A petition of nomination under IC 3-8-6.
- (3) A certificate of nomination under IC 3-10-6-12.

(c) A candidate for the office of judge of a city court must reside in a county in which the city is located upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

(d) ~~This subsection applies to a candidate for the office of judge of a city court listed in IC 33-35-5-7(c):~~ Before a candidate for the office of judge of ~~the a~~ city court may file a:

- (1) declaration of candidacy or petition of nomination;
- (2) certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8; or
- (3) declaration of intent to be a write-in candidate or certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;

the candidate must be an attorney in good standing admitted to the practice of law in Indiana.

SECTION 3. IC 3-8-1-29.5 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 29-5: (a) This section applies to a candidate for the office of judge of a town court listed in IC 33-35-5-7(c):~~

~~(b) Before a candidate for the office of judge of the court may file a:~~

- ~~(1) declaration of candidacy or petition of nomination;~~
- ~~(2) certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8; or~~
- ~~(3) declaration of intent to be a write-in candidate or certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;~~

~~the candidate must be an attorney in good standing admitted to the practice of law in Indiana."~~

Page 5, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 16. IC 33-35-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) A city court is not a court of record.

(b) A town court is not a court of record.

(c) **Except as provided in section 7.5 of this chapter,** a person selected as judge of ~~the following courts a city court or town court~~ must be an attorney in good standing ~~under the requirements of the supreme court:~~

- ~~(1) Anderson city court.~~
- ~~(2) Avon town court.~~
- ~~(3) Brownsburg town court.~~
- ~~(4) Carmel city court.~~
- ~~(5) A city or town court located in Lake County.~~
- ~~(6) Muncie city court.~~
- ~~(7) Noblesville city court.~~
- ~~(8) Plainfield town court.~~
- ~~(9) Greenwood city court.~~
- ~~(10) Martinsville city court.~~

admitted to the practice of law in Indiana.

SECTION 17. IC 33-35-5-7.5 IS ADDED TO THE

INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JUNE 29, 2015]: **Sec. 7.5. (a) This section applies to a person who is a judge of a city or town court:**

(1) serving on June 30, 2015; and

(2) who is not an attorney in good standing admitted to the practice of law in Indiana.

(b) This section does not apply to a person described in subsection (a) after the person leaves office.

(c) A person described in subsection (a) may:

(1) complete the term to which the person was elected before July 1, 2015; and

(2) after that, continue to serve consecutive elected terms."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1110 as printed April 3, 2015.)

STEELE

Motion prevailed.

SENATE MOTION
(Amendment 1110-4)

Madam President: I move that Engrossed House Bill 1110 be amended to read as follows:

Page 4, line 13, delete "In making an".

Page 4, delete lines 14 through 15.

Page 4, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 9. IC 33-33-71-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 30. (a) The judicial nominating commission (referred to as the "commission" in this chapter) consists of seven (7) members, the majority of whom shall form a quorum. The chief ~~justice shall appoint a justice of the supreme court or a judge of the court of appeals to serve as a member and chairman of the commission until a successor is appointed:~~ **judge of the St. Joseph County superior court serves ex officio as a member and chairperson of the commission.** Those admitted to the practice of law in Indiana and residing in St. Joseph County or maintaining their principal law office in St. Joseph County shall elect, under sections 32 and 33 of this chapter, three (3) of their number to serve as attorney members of the commission. If any attorney member of the commission terminates residence in St. Joseph County or discontinues the maintenance of a principal law office in St. Joseph County, the member shall be considered to have resigned from the commission. The three (3) remaining members of the commission must be persons not admitted to the practice of law (referred to as "nonattorney members" in this chapter) and residents of St. Joseph County. However, not more than two (2) of the nonattorney members may be from the same political party and that the appointment of the nonattorney members of the commission shall be made under section 31 of this chapter. Not more than four (4) commission members may be from the same political party.

(b) **This subsection does not apply to the chief judge of the St. Joseph County superior court.** A member of the commission may not hold any other salaried public office nor an office in a political party organization. A member of the commission is not eligible for appointment to a judicial office in St. Joseph County who has, within four (4) years immediately preceding an appointment, served on the commission. If any nonattorney member of the commission terminates residence in St. Joseph County, the member is considered to have resigned from the commission."

Renumber all SECTIONS consecutively.
(Reference is to EHB 1110 as printed April 3, 2015.)

ZAKAS

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1165

Senator Holdman called up Engrossed House Bill 1165 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1265

Senator Patricia Miller called up Engrossed House Bill 1265 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1270

Senator Kenley called up Engrossed House Bill 1270 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1311

Senator Alting called up Engrossed House Bill 1311 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1311-2)

Madam President: I move that Engrossed House Bill 1311 be amended to read as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 7.1-3-2-7, AS AMENDED BY SEA 297-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. The holder of a brewer's permit or an out-of-state brewer holding either a primary source of supply permit or an out-of-state brewer's permit may do the following:

- (1) Manufacture beer.
- (2) Place beer in containers or bottles.
- (3) Transport beer.
- (4) Sell and deliver beer to a person holding a beer wholesaler's permit issued under IC 7.1-3-3.
- (5) If the brewer manufactures, at all of the brewer's breweries located in Indiana, an aggregate of not more than

ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana, the permit holder may do the following:

(A) Sell and deliver a total of not more than thirty thousand (30,000) barrels of beer in a calendar year to a person holding a retailer or a dealer permit under this title. The total number of barrels of beer that the permit holder may sell and deliver under this clause in a calendar year may not exceed thirty thousand (30,000) barrels of beer.

(B) Be the proprietor of a restaurant.

(C) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant established under clause (B).

(D) Transfer beer directly from the brewery to the restaurant by means of:

- (i) bulk containers; or
- (ii) a continuous flow system.

(E) Install a window between the brewery and an adjacent restaurant that allows the public and the permittee to view both premises.

(F) Install a doorway or other opening between the brewery and an adjacent restaurant that provides the public and the permittee with access to both premises.

(G) Sell the brewery's beer by the glass for consumption on the premises. Brewers permitted to sell beer by the glass under this clause must ~~furnish the minimum food requirements prescribed by the commission.~~ **make food available for consumption on the premises. A brewer may comply with the requirements of this clause by doing any of the following:**

- (i) **Allowing a vehicle of transportation that is a food establishment (as defined in IC 16-18-2-137) to serve food near the brewer's licensed premises.**
- (ii) **Placing menus in the brewer's premises of restaurants that will deliver food to the brewery.**
- (iii) **Providing food prepared at the brewery.**

(H) Sell and deliver beer to a consumer at the permit premises of the brewer or at the residence of the consumer. The delivery to a consumer may be made only in a quantity at any one (1) time of not more than one-half (1/2) barrel, but the beer may be contained in bottles or other permissible containers.

(I) Sell the brewery's beer as authorized by this section for carryout on Sunday in a quantity at any one (1) time of not more than five hundred seventy-six (576) ounces. A brewer's beer may be sold under this clause at any address for which the brewer holds a brewer's permit issued under this chapter if the address is located within the same city boundaries in which the beer was manufactured.

(J) With the approval of the commission, participate:

- (i) **individually; or**
- (ii) **with other permit holders under this chapter;**

in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. The commission may not grant to a holder of a permit under this chapter approval under this clause to participate in a trade show or exposition for more than forty-five (45) days in a calendar year.

(K) Store or condition beer in a secure building that is:

- (i) separate from the brewery; and**
- (ii) owned or leased by the permit holder.**

A brewer may not sell or transfer beer directly to a permittee or consumer from a building described in this clause.

(6) If the brewer's brewery manufactures more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana, the permit holder may own a portion of the corporate stock of another brewery that:

- (A) is located in the same county as the brewer's brewery;
- (B) manufactures less than ninety thousand (90,000) barrels of beer in a calendar year; and
- (C) is the proprietor of a restaurant that operates under subdivision (5).

(7) Provide complimentary samples of beer that are:

- (A) produced by the brewer; and
- (B) offered to consumers for consumption on the brewer's premises.

(8) Own a portion of the corporate stock of a sports corporation that:

- (A) manages a minor league baseball stadium located in the same county as the brewer's brewery; and
- (B) holds a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant located in that stadium.

(9) For beer described in IC 7.1-1-2-3(a)(4):

- (A) may allow transportation to and consumption of the beer on the licensed premises; and
- (B) may not sell, offer to sell, or allow sale of the beer on the licensed premises."

Delete page 2.

Page 3, delete lines 1 through 37.

Page 4, delete lines 16 through 42, begin a new paragraph and insert:

"SECTION 4. IC 7.1-3-27-5, AS AMENDED BY SEA 297-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Except as provided in section 7 of this chapter, an applicant for an artisan distiller's permit must meet all the following requirements to be eligible for an artisan distiller's permit:

(1) The permit applicant must hold one (1) of the following permits for the three (3) year period immediately preceding the date of the application:

- (A) A farm winery permit under IC 7.1-3-12.
- (B) A brewer's permit issued under IC 7.1-3-2-2(b).

(C) A distiller's permit under IC 7.1-3-7.

(2) The permit applicant may not have more than one (1) violation of this title during the three (3) year period immediately preceding the date of the application.

(3) The permit applicant may not have any violation of this title during the twelve (12) month period immediately preceding the date of the permit application.

(b) As used in this subsection, "qualifying permit" means a farm winery, brewer's, or distiller's permit under subsection (a)(1)(A), (a)(1)(B), or (a)(1)(C) that is required in order to hold an artisan distiller's permit. The same persons must directly or indirectly own and control ~~one hundred percent (100%)~~ **more than fifty percent (50%)** of the entity that holds the qualifying permit and the artisan distiller's permit."

Delete page 5.

Page 6, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1311 as printed April 3, 2015.)

ALTING

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1333

Senator Kenley called up Engrossed House Bill 1333 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1448

Senator Patricia Miller called up Engrossed House Bill 1448 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1448-2)

Madam President: I move that Engrossed House Bill 1448 be amended to read as follows:

Page 3, delete lines 28 through 30.

Page 3, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 4. IC 12-23-19-4, AS ADDED BY SEA 464-2015, SEC. 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) As used in this section, "account" refers to the mental health and addiction forensic treatment services account established by subsection (b).

(b) The mental health and addiction forensic treatment services account is established for the purpose of providing grants, vouchers, and for leveraging federal funds for the provision of mental health and addiction forensic treatment services. The account shall be administered by the division. The division may use money in the account only to fund grants and vouchers under this chapter that are provided to the following:

- (1) Community corrections programs.
- (2) Court administered programs.
- (3) Probation programs.
- (4) Community mental health centers.

(5) Certified **or licensed** mental health or addiction providers.

(c) The account consists of:

- (1) appropriations made by the general assembly;
- (2) grants; and
- (3) gifts and bequests.

(d) The expenses of administering the account shall be paid from money in the account.

(e) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(f) Money in the account at the end of a state fiscal year does not revert to the state general fund.

(g) Money deposited in the account may be used as the required state match under the Medicaid rehabilitation program and the Behavioral and Primary Healthcare Coordination program under Section 1915(i) of the Social Security Act."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1448 as printed April 10, 2015.)

PATRICIA MILLER

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1453

Senator Glick called up Engrossed House Bill 1453 for second reading. The bill was re-read a second time by title.

SENATE MOTION
(Amendment 1453-3)

Madam President: I move that Engrossed House Bill 1453 be amended to read as follows:

Page 3, line 17, delete "either:".

Page 3, delete lines 18 through 20.

Page 3, line 21, delete "(B) for a person who".

Page 3, line 22, delete ", meets the acreage requirements set" and insert ";".

Page 3, run in lines 17 through 22.

Page 3, delete lines 23 through 25.

Page 3, line 28, delete "a" and insert "**an initial**".

Page 3, line 29, delete "subsection (a)(1)(B)" and insert "**this section**".

Page 3, line 35, delete "not".

Page 3, line 42, after "preserve." insert "**This subsection does not prevent a person who has acquired a hunting preserve from maintaining and operating the hunting preserve at a different location if the requirements in this chapter are met.**".

Page 4, line 20, delete "Except as provided under subsection (c), the" and insert "**The**".

Page 4, line 21, delete ":" and insert "**one hundred (100) contiguous acres in the area where cervidae are hunted.**".

Page 4, delete lines 22 through 24.

Page 4, line 25, delete "Except as provided under subsection

(d), the" and insert "**The**".

Page 4, line 26, delete "ten (10)" and insert "**eight (8)**".

Page 4, delete lines 37 through 42.

Page 5, delete lines 1 through 3.

Page 5, line 7, after "8." insert "**(a)**".

Page 5, between lines 8 and 9, begin a new paragraph and insert:

"(b) The owner of a hunting preserve may not release cervidae on a hunting preserve unless the cervid is a permitted animal."

(Reference is to EHB 1453 as reprinted April 8, 2015.)

GLICK

Motion prevailed.

SENATE MOTION
(Amendment 1453-2)

Madam President: I move that Engrossed House Bill 1453 be amended to read as follows:

Page 6, between lines 37 and 38, begin a new paragraph and insert:

"Sec. 15. (a) Except as provided in subsection (b), a person who violates this chapter is subject to the penalties set forth in IC 14-22-38-1.

(b) A person who knowingly or intentionally violates section 7, 8, 13(b), or 13(c) of this chapter commits a Level 6 felony."

Page 8, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 10. IC 35-52-14-27.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27.5. IC 14-22-20.7-15 defines a crime concerning a hunting preserve."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1453 as reprinted April 8, 2015.)

GLICK

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1456

Senator Glick called up Engrossed House Bill 1456 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1456-4)

Madam President: I move that Engrossed House Bill 1456 be amended to read as follows:

Page 2, line 5, after "et seq.)" insert "**or IC 10-16-20**".

Page 2, line 36, delete "shall:" and insert "**shall provide to members and reserve members of the Indiana National Guard a list of the rights a servicemember or a servicemember's dependent has under the state and federal servicemembers civil relief acts.**".

Page 2, delete lines 37 through 42.

Page 3, delete lines 1 through 2.

Page 3, line 14, after "member" insert "**or reserve member**".

Page 3, line 18, delete ":" and insert "**the member or member's dependent provides documentation to the person that the person is a member or reserve member of the Indiana National Guard ordered to state active duty for at least thirty (30) consecutive days.**".

Page 3, delete lines 19 through 26.

Page 3, line 38, after "1." insert "**A violation of the federal Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is a violation of this chapter.**".

Page 4, line 1, after "member" insert "**or reserve member**".

Page 4, line 10, after "member" insert "**or reserve member**".

Page 4, line 27, delete "The" and insert "**After giving notice to a plaintiff, as applicable, the**".

Page 5, delete lines 31 through 36, begin a new paragraph and insert:

"Sec. 5. A civil action to enforce this chapter or IC 10-16-7-23 may be brought in any court with jurisdiction by the attorney general against any person that knowingly or intentionally violates any provision of this chapter. The court may:

- (1) issue an injunction;**
- (2) order the person to make a payment of money;**
 - (A) unlawfully received from; or**
 - (B) required to be refunded to;**
- one (1) or more servicemembers;**
- (3) order the person to pay to the state the reasonable costs of the attorney general's investigation and prosecution related to the action; and**
- (4) order the person to pay to the state a civil penalty not greater than five thousand dollars (\$5,000) per violation.**

However, a court may not proceed if relief from the violation has already been granted under the federal Servicemembers Civil Relief Act."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1456 as printed March 18, 2015.)

GLICK

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1542

Senator Altig called up Engrossed House Bill 1542 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1542-1)

Madam President: I move that Engrossed House Bill 1542 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-1-3-13.5, AS AMENDED BY P.L.40-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13.5.

"Conviction for operating while intoxicated" means a conviction (as defined in IC 9-13-2-38):

(1) in Indiana for

(A) an alcohol related or drug related crime under Acts 1939, c.48, s.52, as amended; IC 9-4-1-54 (repealed September 1, 1983); IC 9-11-2 (repealed July 1, 1991); or IC 14-1-5 (repealed July 1, 1995); or

(B) a crime under IC 9-30-5-1 through IC 9-30-5-9, IC 35-46-9, IC 35-46-9-6, or IC 14-15-8 (before its repeal); or

(2) in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a crime described in IC 9-30-5-1 through IC 9-30-5-9, IC 35-46-9-6, or IC 14-15-8-8 (before its repeal)."

Page 3, delete line 42, begin a new paragraph and insert:

"SECTION 5. IC 7.1-3-1-18, AS AMENDED BY P.L.224-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) ~~Whenever, under the provisions of this title, Except as provided in subsections (d) and (e), if publication of notice of application for a permit is required under this title, the publication shall be made in one (1) newspaper of general circulation published in the county where the permit is to be in effect.~~

(b) Publication required by this section under subsection (a) may be made in any newspaper of general circulation published one (1) or more times each week.

(c) The rates which shall be paid for the advertising of a notice required under this title shall be those required to be paid in case of other notices published for or on behalf of the state.

(d) ~~The commission may publish notice of application for a:~~

(1) three-way permit for a restaurant described in IC 7.1-3-20-12(4); or

(2) seasonal permit granted under IC 7.1-3-20-22;

by posting the notice on the commission's Internet web site.

(e) If:

(1) the commission is unable to procure advertising of a notice as required under subsection (a) at the rates set forth in IC 5-3-1; or

(2) the newspaper published in the county as described in subsection (a) refuses to publish the notice;

the commission may, instead of publication in a newspaper as required under subsection (a), require the designated member of the local board of the county to post printed notices in three (3) prominent locations in the county."

Page 4, delete lines 1 through 12.

Page 4, line 23, delete "includes" and insert "**means**".

Page 4, line 23, delete "or" and insert "**and**".

Page 4, line 39, delete "at" and insert "**on the premises of**".

Page 4, line 39, after "facility" insert "**campus**".

Page 7, delete lines 11 through 42, begin a new paragraph and insert:

"SECTION 10. IC 7.1-3-18-9, AS AMENDED BY P.L.165-2006, SECTION 26, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The commission may issue an employee's permit to a person who desires to act as:

- (1) a clerk in a package liquor store;
- (2) an employee who serves wine at a farm winery; or
- (3) a bartender, waiter, waitress, or manager in a retail establishment, excepting dining car and boat employees.

(b) A permit authorized by this section is conditioned upon the compliance by the holder with reasonable rules relating to the permit which the commission may prescribe from time to time.

(c) A permit issued under this section entitles its holder to work for any lawful employer. However, a person may work without an employee's permit for thirty (30) days from the date shown on a receipt for a cashier's check or money order payable to the commission for that person's employee's permit application.

(d) A person who, for a package liquor store or retail establishment, is:

- (1) the sole proprietor;
- (2) a partner, a general partner, or a limited partner in a partnership or limited partnership that owns the business establishment;
- (3) a member of a limited liability company that owns the business establishment; or
- (4) a stockholder in a corporation that owns the business establishment;

is not required to obtain an employee's permit in order to perform any of the acts listed in subsection (a).

(e) An applicant may declare on the application form that the applicant will use the employee's permit only to perform volunteer service that benefits a nonprofit organization. It is unlawful for an applicant who makes a declaration under this subsection to use an employee's permit for any purpose other than to perform volunteer service that benefits a nonprofit organization.

(f) The commission may not issue an employee's permit to an applicant while the applicant is serving a sentence for a conviction for operating while intoxicated, including any term of probation or parole.

(g) The commission may not issue an employee's permit to an applicant who has two (2) unrelated convictions for operating while intoxicated if:

- (1) the first conviction occurred less than ten (10) years before the date of the applicant's application for the permit; and
- (2) the applicant completed the sentence for the second conviction, including any term of probation or parole, less than two (2) years before the date of the applicant's application for the permit.

(h) If an applicant for an employee's permit has at least three (3) unrelated convictions for operating while intoxicated in the ten (10) years immediately preceding the date of the applicant's application for the permit, the commission may not grant the issuance of the permit. If, in the ten (10) years immediately

preceding the date of the applicant's application the applicant has:

- (1) one (1) conviction for operating while intoxicated, and the applicant is not subject to subsection (f); or
- (2) two (2) unrelated convictions for operating while intoxicated, and the applicant is not subject to subsection (f) or (g);

the commission may grant or deny the issuance of a permit.

(i) **Except as provided under section 9.5 of this chapter**, the commission shall revoke a permit issued to an employee under this section if:

- (1) the employee is convicted of a Class B misdemeanor for violating IC 7.1-5-10-15(a); or
- (2) the employee is convicted of operating while intoxicated after the issuance of the permit.

The commission may revoke a permit issued to an employee under this section for any violation of this title or the rules adopted by the commission.

SECTION 11. IC 7.1-3-18-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 9.5. (a) This section applies only to an employee who:**

- (1) holds an employee's permit issued under section 9 of this chapter;**
- (2) is convicted of operating while intoxicated;**
- (3) does not have a prior conviction for operating while intoxicated; and**
- (4) was at least twenty-one (21) years of age at the time the employee committed the offense of operating while intoxicated for which the employee was convicted.**

(b) The commission shall send to the most recent mailing address that the commission has on file a written notice to an employee that the employee's permit will be revoked six (6) months after the date of sentencing for the conviction of operating while intoxicated unless the employee submits to the commission, on a form prescribed by the commission, information verifying that the employee has completed an appropriate substance abuse treatment or education program that was provided by a provider certified by the division of mental health and addiction.

(c) If an employee fails to submit the information as required under subsection (b) within six (6) months from the date of the sentencing, the commission shall revoke the employee's permit.

SECTION 11. IC 7.1-3-19-5, AS AMENDED BY P.L.94-2008, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. The commission shall cause one (1) notice of the pending investigation to be published ~~in a newspaper~~ in accordance with the provisions of IC 7.1-3-1-18. The publication of the notice shall be at least ~~fifteen (15)~~ **five (5)** days before the investigation."

Delete page 8.

Page 9, delete lines 1 through 15.

Page 9, line 27, delete "night" and insert "day".

Page 12, delete lines 22 through 42.

Delete page 13.

Page 14, delete lines 1 through 18.

Page 14, delete lines 32 through 42.

Page 15, delete lines 1 through 7.

Page 16, line 1, after "facility" insert "**campus**".

Page 16, line 1, delete "IC 7.1-3-1-29(b)" and insert "**IC 7.1-3-1-29(c)**".

Page 17, delete lines 16 through 42.

Delete pages 18 through 22.

Page 23, delete line 1.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1542 as printed April 10, 2015.)

MESSMER

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1635

Senator Kruse called up Engrossed House Bill 1635 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1638

Senator Kruse called up Engrossed House Bill 1638 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 the Motion to Concur on Senate Bill 123, filed April 7, 2015, be withdrawn from further consideration by the Senate.

BECKER

Motion prevailed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1015

Senator Merritt called up Engrossed House Bill 1015 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning businesses and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 414: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1036

Senator Bray called up Engrossed House Bill 1036 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 415: yeas 31, nays 19. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1044

Senator Boots called up Engrossed House Bill 1044 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 416: yeas 33, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1050

Senator Glick called up Engrossed House Bill 1050 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 417: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1183

Senator Patricia Miller called up Engrossed House Bill 1183 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

April 13, 2015

Senate 1017

Roll Call 418: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1278

Senator Yoder called up Engrossed House Bill 1278 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 419: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1286

Senator Buck called up Engrossed House Bill 1286 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 420: yeas 36, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1475

Senator Hershman called up Engrossed House Bill 1475 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 421: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1562

Senator Brown called up Engrossed House Bill 1562 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 422: yeas 40, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**MOTIONS TO CONCUR
IN HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Senate Bill 383.

HERSHMAN

Roll Call 423: yeas 49, nays 1. Motion prevailed.

**MOTIONS TO DISSENT
FROM HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate dissent from the House Amendments to Senate Bill 123 and that a conference committee be appointed to confer with a like committee of the House.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent from the House Amendments to Senate Bill 426 and that a conference committee be appointed to confer with a like committee of the House.

HOUCHIN

Motion prevailed.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 123:

Conferees: Becker, Chair and Rogers

Advisors: Kenley, Stoops, Tomes, and Bassler

LONG

Date: 4/13/15

Time: 3:48 p.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 426:

Conferees: Houchin, Chair and Broden

Advisors: Kenley, Breaux, and Buck

LONG
Date: 4/13/15
Time: 3:42 p.m.

Report adopted.

SENATE MOTION

Madam President: I move that Senator Breaux be added as cosponsor of House Bill 1015.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as cosponsor of House Bill 1015.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Resolution 57.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second sponsor of House Bill 1466.

BROWN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Pete Miller be added as second sponsor of House Bill 1472.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as second sponsor of House Bill 1333.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Boots be added as second sponsor of House Bill 1270.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as second sponsor of House Bill 1165.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as cosponsor of House Bill 1466.

BROWN

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, April 14, 2015.

LONG

Motion prevailed.

The Senate adjourned at 5:05 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate