



Journal of the Senate

State of Indiana

118th General Assembly

Second Regular Session

Sixth Meeting Day

Tuesday Afternoon

January 14, 2014

The Senate convened at 1:37 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Dr. Sherilyn Emberton, Huntington University.

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	Merritt
Arnold	Miller, Patricia
Banks	Miller, Pete
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Crider	Skinner
Delph	Smith
Eckerty	Steele
Glick	Stoops
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske <input type="checkbox"/>	Young, M.
Leising	Young, R.
Long	Zakas

Roll Call 7: present 49; excused 1. [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 292 — Waterman, Banks (Health and Provider Services)

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

SB 293 — Waterman (Tax and Fiscal Policy)

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

SB 294 — Boots (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 295 — Waterman (Agriculture and Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

SB 296 — Waterman (Public Policy)

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

SB 297 — Stoops (Corrections and Criminal Law)

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

SB 298 — Stoops (Environmental Affairs)

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

SB 299 — R. Young (Homeland Security, Transportation and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

SB 300 — R. Young (Homeland Security, Transportation and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

SB 301 — Nugent, Tomes (Public Policy)

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

SB 302 — Merritt (Utilities)

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

SB 303 — Merritt (Utilities)

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

SB 304 — Merritt (Agriculture and Natural Resources)

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

SB 305 — Merritt (Judiciary)

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

- SB 306** — Becker (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.
- SB 307** — Wyss (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 308** — Wyss (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 309** — Skinner (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 310** — Skinner (Civil Law)
A BILL FOR AN ACT to amend the Indiana Code concerning property.
- SB 311** — Head (Local Government)
A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning agriculture and animals.
- SB 312** — Head (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.
- SB 313** — M. Young (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 314** — Tallian (Corrections and Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 315** — Mrvan (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- SB 316** — Mrvan (Corrections and Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 317** — Mrvan (Elections)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- SB 318** — Mrvan (Corrections and Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- SB 319** — Alting (Commerce, Economic Development and Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.
- SB 320** — Zakas (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.
- SB 321** — Schneider, Banks (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 322** — Schneider, Banks (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 323** — Eckerty (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.
- SB 324** — Stoops (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- SB 325** — Stoops (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- SB 326** — Smith (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 327** — Tallian (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- SB 328** — Arnold, Rogers (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.
- SB 329** — Arnold, Rogers (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- SB 330** — Boots (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 331** — Glick (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.
- SB 332** — Holdman (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- SB 333** — Crider (Utilities)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.
- SB 334** — Walker (Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.
- SB 335** — Waltz (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning

- public safety.
- SB 336** — Waltz (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.
- SB 337** — Pete Miller (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.
- SB 338** — Hershman (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- SB 339** — Merritt (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.
- SB 340** — Merritt (Utilities)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.
- SB 341** — Broden (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.
- SB 342** — Broden (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.
- SB 343** — Lanane (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.
- SB 344** — Hume, Pete Miller (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 345** — Grooms (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- SB 346** — Grooms (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.
- SB 347** — Buck (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 348** — Alting (Commerce, Economic Development and Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- SB 349** — Merritt (Commerce, Economic Development Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.
- SB 350** — Wyss, Arnold (Civil Law)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- SB 351** — Paul (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning the military and veterans.
- SB 352** — Paul (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning the military and veterans.
- SB 353** — Paul (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.
- SB 354** — Paul (Homeland Security, Transportation and Veterans Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.
- SB 355** — Tallian (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- SB 356** — R. Young, Glick (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.
- SB 357** — R. Young (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.
- SB 358** — Charbonneau (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.
- SB 359** — Charbonneau (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- SB 360** — Mrvan (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 361** — Yoder (Agriculture and Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- SB 362** — R. Young (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.
- SB 363** — Mishler (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning

education.

SB 364 — Boots (Public Policy)

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

SB 365 — Pete Miller (Education and Career Development)

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

SB 366 — Schneider, M. Young (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

SJR 10 — Long (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SJR 11 — Long (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SJR 12 — Long (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SJR 13 — Long (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SJR 14 — Long (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SB 1 — Hershman, Kenley (Tax and Fiscal Policy)

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

SB 367 — Hershman (Appropriations)

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

SB 368 — Buck (Tax and Fiscal Policy)

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

SB 369 — Tallian (Appropriations)

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

SB 370 — Tallian (Appropriations)

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

SB 371 — Breaux (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 372 — Taylor (Health and Provider Services)

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

SB 373 — Taylor (Judiciary)

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

SB 374 — Arnold (Health and Provider Services)

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

SB 375 — Holdman (Commerce, Economic Development and Technology)

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

SB 376 — Glick (Environmental Affairs)

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

SB 377 — Glick (Civil Law)

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

SB 378 — Grooms (Civil Law)

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

SB 379 — Grooms (Tax and Fiscal Policy)

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

SB 380 — Waltz (Judiciary)

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

SB 381 — Crider (Utilities)

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

SB 382 — Lanane, Breaux (Health and Provider Services)

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

SB 383 — Charbonneau (Tax and Fiscal Policy)

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

SB 384 — Boots (Public Policy)

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

SB 385 — Pete Miller (Elections)

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

- SB 386** — Wyss, Zakas, Arnold (Judiciary)
 A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 387** — Wyss, Arnold (Homeland Security, Transportation and Veterans Affairs)
 A BILL FOR AN ACT to amend the Indiana Code concerning public safety.
- SB 388** — Rogers (Public Policy)
 A BILL FOR AN ACT to amend the Indiana Code concerning gaming.
- SB 389** — Rogers (Education and Career Development)
 A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 390** — R. Young (Judiciary)
 A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 391** — R. Young (Environmental Affairs)
 A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.
- SB 392** — Delph (Elections)
 A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly and to make an appropriation.
- SB 393** — Tomes (Commerce, Economic Development and Technology)
 A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation and to make an appropriation.
- SB 394** — Bray, Zakas (Civil Law)
 A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.
- SB 395** — Steele (Judiciary)
 A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 396** — Hershman (Commerce, Economic Development and Technology)
 A BILL FOR AN ACT to amend the Indiana Code concerning utilities.
- SB 397** — Leising (Health and Provider Services)
 A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- SB 398** — Stoops (Agriculture and Natural Resources)
 A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.
- SB 399** — Stoops (Environmental Affairs)
 A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- SB 400** — Taylor (Corrections and Criminal Law)
 A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 401** — Walker (Tax and Fiscal Policy)
 A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 402** — Eckerty (Judiciary)
 A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- SB 403** — Eckerty (Judiciary)
 A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 404** — Yoder (Rules and Legislative Procedure)
 A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- SB 405** — Yoder (Utilities)
 A BILL FOR AN ACT to amend the Indiana Code concerning utilities.
- SB 406** — Mishler (Health and Provider Services)
 A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- SB 407** — Tallian (Agriculture and Natural Resources)
 A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 408** — Becker, Patricia Miller (Health and Provider Services)
 A BILL FOR AN ACT to amend the Indiana Code concerning health.
- SB 409** — Zakas (Civil Law)
 A BILL FOR AN ACT to amend the Indiana Code concerning property.
- SB 410** — Hume (Appropriations)
 A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- SB 411** — Mrvan (Commerce, Economic Development and Technology)
 A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- SB 412** — Mrvan (Pensions and Labor)
 A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- SB 413** — Broden (Health and Provider Services)
 A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- SB 414** — Broden, Randolph (Civil Law)
 A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 415 — Alting, M. Young, Arnold (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

SB 416 — Smith (Pensions and Labor)

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning education.

SB 417 — Smith (Homeland Security, Transportation and Veterans Affairs)

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

SB 418 — Smith (Appropriations)

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

SB 419 — Pete Miller (Health and Provider Services)

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

SB 420 — Head (Local Government)

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

SB 421 — Head (Commerce, Economic Development and Technology)

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

SB 422 — Merritt (Local Government)

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

SB 423 — Wyss, Broden (Homeland Security, Transportation and Veterans Affairs)

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

SJR 15 — Delph (Judiciary)

A JOINT RESOLUTION proposing an amendment to Article 1 of the Constitution of the State of Indiana concerning the Bill of Rights.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 8

Senate Concurrent Resolution 8, introduced by Senator Steele:

A CONCURRENT RESOLUTION memorializing Judge Robert R. Brown and urging the Indiana Department of Transportation to rename that section of U.S. Highway 50 between Brownstown and Seymour the "Robert R. Brown Memorial Highway".

Whereas, The Honorable Robert R. Brown, a retired Jackson Circuit Court judge, died September 12, 2011, at his home in Brownstown at the age of 78;

Whereas, Robert R. Brown served as a Jackson Circuit Court judge from 1971 until his retirement in 1999;

Whereas, After his retirement, Judge Brown served as a senior judge and certified mediator throughout southern Indiana and successfully mediated more than 500 cases;

Whereas, Born in Whiteland, Judge Brown graduated from Franklin College;

Whereas, While attending Indiana University School of Law in the evening, Judge Brown was employed by Eli Lilly and Co. and, subsequently, as Executive Director of the Indiana Home Builders Association;

Whereas, After receiving his law degree in 1963, Judge Brown formed the law partnership of Whitcomb & Brown with Edgar D. Whitcomb, who later became Secretary of State and Governor of Indiana;

Whereas, Judge Brown also served as counsel to the Democratic caucus of the Indiana House of Representatives;

Whereas, Judge Brown was appointed by Governor Roger Branigin in 1965 to serve as Prosecutor of Jackson County and was elected to that position in 1966, serving in this position until his election as Circuit Court Judge of Jackson County;

Whereas, A committed community leader, Judge Brown served as president of the Indiana Judges Association; a member of the Indiana Supreme Court Rules Committee; a graduate of the National College of State Trial Judges, the American Academy for Judicial Education, and the Indiana Judicial College; a board member of the Indiana Judicial Center, the Indiana Law Enforcement Training Board, and the American Cancer Society Jackson County; a hearing officer of the Indiana Supreme Court Disciplinary Commission; a delegate to the 2000 National Democratic Convention; was the recipient of the "Excellence in Public Information and Education" Award from the Indiana Judicial College, Franklin College's Alumnus Award for "Distinguished Service in the Legal Profession", and the "Centennial Service Award" of the Indiana State Bar Association; a fellow of the Indiana Bar Foundation; founder of the Jackson County Juvenile Group Home; and founder of the James Blevins Scholarship Fund; and

Whereas, Judge Robert R. Brown won and held the respect and confidence of all who knew him and served his profession and his community faithfully and well: 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 many contributions made by Judge Robert R. Brown to the community and the state by renaming the section of U.S.

Highway 50 between Brownstown and Seymour the "Robert R. Brown Memorial Highway".

SECTION 2. That the copies of this resolutions be transmitted by the Secretary of the Senate to his wife, Donna; sons, Jeffery and Douglas; and daughter, Kristen; and the commissioner of the Indiana Department of Transportation.

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

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill 4, 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.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Economic Development and Technology, to which was referred Senate Bill 2, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, after "47." insert "(a) As used in this section, "flag" means:

- (1) the flag of the United States of America; or
- (2) the Indiana state flag;

that is made in the United States of America. The term does not include a representation of the flag of the United States of America or the Indiana state flag.

(b)".

Page 1, delete lines 5 through 7 and insert "acquired is a flag that is:

- (1) at least three (3) feet by five (5) feet in size; or
- (2) purchased or sold by a veterans organization listed in IC 10-18-8-1, regardless of the size of the flag."

(Reference is to SB 2 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Tax and Fiscal Policy.

Committee Vote: Yeas 6, Nays 0.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Economic Development and Technology, to which was referred Senate Bill 68, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 4-13.6-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.5. "Acceptable piping material", for purposes of IC 4-13.6-5-13, means piping material that meets the recognized standards for piping material issued by:**

- (1) the American Society for Testing and Materials; or
- (2) the American Water Works Association.

SECTION 2. IC 4-13.6-5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 13. (a) This section applies to a contract for a public works project that involves the installation of piping materials.**

(b) The specifications for a public works project must provide that all acceptable piping materials may be acquired for and used in the public works project.

(c) In the acquisition of piping materials for a public works project, the following characteristics of the piping materials shall be considered, where applicable:

- (1) Quality.
- (2) Sustainability.
- (3) Durability.
- (4) Corrosion resistance."

Page 1, line 6, delete "material, including polyvinyl chloride piping material," and insert "**material**".

Page 1, line 15, delete "considered:" and insert "**considered, where applicable:**".

Page 2, line 7, delete "material, including polyvinyl chloride piping material," and insert "**material**".

Page 2, line 20, delete "considered:" and insert "**considered, where applicable:**".

Page 2, line 30, delete "material, including polyvinyl chloride piping material," and insert "**material**".

Page 2, line 39, delete "considered:" and insert "**considered, where applicable:**".

Renumber all SECTIONS consecutively.

(Reference is to SB 68 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 4, Nays 2.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill 107, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 13, after "IC 13-13-5-1" insert ", **IC 13-15-1-2**,".

Page 2, line 22, after "of" insert "**IC 13-15-1-2 and**".

Page 3, line 5, after "IC 13-13-5-1" insert ", **IC 13-15-1-2**,".

Page 3, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 11. IC 13-15-1-2, AS AMENDED BY P.L.133-2012, SECTION 96, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. The board shall establish requirements for the issuance of permits to control water pollution and atomic radiation, including the following:

- (1) Permits to control or limit the discharge of any contaminants into state waters or into a publicly owned treatment works.
- (2) Permits for the construction, installation, or modification of facilities, equipment, or devices to control or limit any discharge, emission, or disposal of contaminants into the waters of Indiana or into a publicly owned treatment works.
- (3) Permits for the operation of facilities, equipment, or devices to control or limit the discharge, emission, or disposal of any contaminants into the waters of Indiana or into a publicly owned treatment works.
- (4) **Permits for the construction, installation, or modification of:**
 - (A) **commercial onsite sewage systems;**
 - (B) **residential onsite sewage systems; and**
 - (C) **mobile home community waste water systems.**

However, the board may not require a permit under subdivision (2) for any facility, equipment, or device constructed, installed, or modified as part of a surface coal mining operation that is operated under a permit issued under IC 14-34."

Renumber all SECTIONS consecutively.

(Reference is to SB 107 as introduced.)

and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 1.

CHARBONNEAU, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 135, 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 12, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill 137, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 12, delete "eight (8)" and insert "**ten (10)**".

Page 2, between lines 30 and 31, begin a new line block indented and insert:

- "(9) **The secretary of family and social services appointed under IC 12-8-1.5-2 or the secretary's designee.**
- "(10) **The executive director of the Indiana prosecuting attorneys council or the executive director's designee.**"

(Reference is to SB 137 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 6, Nays 0.

ZAKAS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill 151, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 30, after "days" insert "**after the date that the lien was recorded**".

Page 3, line 35, after "years" insert "**after the date that the lien was recorded**".

(Reference is to SB 151 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 6, Nays 0.

ZAKAS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill 179, 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.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill 186, 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.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 207, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

ZAKAS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal

Policy, to which was referred Senate Bill 249, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 33, after "sale" insert "**under IC 6-1.1-24-5**".

Page 3, line 34, delete "tax deed," and insert "**certificate of sale**".

Page 3, line 35, after "sale" delete ";" and insert "**under IC 6-1.1-24-5;**".

(Reference is to SB 249 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

HERSHMAN, Chair

Report adopted.

REPORT OF THE SENATE COMMITTEE ON ETHICS

Madam President: Pursuant to Senate Rule 97, the Senate Committee on Ethics met on January 13, 2014, to render an advisory opinion with regard to Senator Delph's request that the Committee consider whether or not he has a conflict of interest pertaining to Senate Bill 173 which would require him to be excused from voting on this bill at any stage of the legislative process. The members in attendance were: Senator Walker, Chair; Senator Steele, Senator Grooms, Senator Hume, and Senator Arnold.

The Senate Committee on Ethics has considered the facts presented by Senator Delph and hereby recommends that Senate Delph be excused from participation in all votes pertaining to Senate Bill 173 because of his potential conflict of interest with regard to the legislation. The vote of the Committee was 5-0.

WALKER, Chair

Report adopted.

SENATE MOTION

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

SR 10 Senator Schneider
Memorializing John C. McLane.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 10

Senate Resolution 10, introduced by Senator Schneider:

A SENATE RESOLUTION memorializing John C. McLane.

Whereas, John C. McLane passed away Saturday, November 16, 2013, at the age of 63;

Whereas, Born on March 9, 1950, to William J. and JoAnn McLane, John McLane lived life to the fullest with a passion for politics, sports, and the city of Indianapolis;

Whereas, John McLane attended every Republican National Convention since President Reagan was nominated and could often be found in Washington presenting papers to senators on foreign policy, taxes, or education;

Whereas, In 1981, John was given the "Outstanding Service to the Young Republicans" award;

Whereas, John McLane was a member of the Indianapolis Committee on Foreign Relations, The Economic Club, and The Capital Club in Washington, D.C.;

Whereas, John McLane, who was a Pacer season ticket holder since the team's days in the American Basketball Association, developed his love of basketball when his neighbor, famed coach Tony Hinkle, began teaching him the intricacies of the game;

Whereas, A graduate of Indiana University, John McLane was an Indiana state employee for more than 34 years as an accountant in the Indiana Department of Workforce Development;

Whereas, Born with a rare bone disease known as Osteogenesis Imperfecta, John McLane survived over 180 broken bones and countless surgeries;

Whereas, In spite of the suffering he endured throughout his life, John McLane never complained; he regarded each day as a new celebration of life; and

Whereas, John McLane lived life to the fullest, earning the respect and admiration of all who knew him: Therefore,

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

SECTION 1. That the Indiana Senate mourns the passing of this outstanding man and extends its heartfelt sympathy to his mother, JoAnn; brothers, William (Nancy) and David; sister, Beth Ann Clark; nephew, Spencer Clark; and nieces, Katherine and Sarah Kerchner.

SECTION 2. That the copies of this resolution be transmitted by the Secretary of the Senate to the family of John C. McLane.

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

SENATE MOTION

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

HCR 6 Senator Grooms
Honoring Providence High School girls volleyball team.

HCR 8 Senator Long
Convening a Joint Session for the state of the state address.

HCR 9 Senator Long
Convening a Joint Session for the state of the
judiciary address.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 6

House Concurrent Resolution 6, sponsored by Senator
Grooms:

A CONCURRENT RESOLUTION honoring the Providence
High School girls volleyball team.

*Whereas, Top-ranked Providence High School won its first
volleyball state championship by defeating Hammond's Bishop
Noll High School, 25-18, 25-15, 25-20, in the final match at
Worthen Arena at Ball State University;*

*Whereas, With a record of 36 - 4, Providence High School
appeared in the state championship game for the seventh time,
returning after finishing as runner-up in last year's
championship final match;*

*Whereas, After their fourth loss of the year on September 25,
the Pioneers overpowered their final 17 opponents 44-0;*

*Whereas, Providence alumna Head Coach Terri Purichia has
guided the Pioneers to the Indiana High School Athletic
Association state finals five times during her coaching tenure;*

*Whereas, Abby Spitznagel was named as the Class 2A Mental
Attitude Award winner by the Indiana High School Athletic
Association Executive Committee;*

*Whereas, Abby, team captain and defensive specialist, led her
team to the state finals the past two years, and, during her
career at Providence, has won three sectional and regional
titles, two semi-state championships, and a semi-state runner-up
finish; and*

*Whereas, It is fitting that we give special recognition to the
young ladies and coaches of the Providence High School
volleyball team: 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
congratulate the Providence High School girls volleyball team on
its state championship title and to wish team members continued
success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of
Representatives transmit a copy of this resolution to members of
the Providence High School girls volleyball team, head coach

Terri Purichia, assistant coaches Brandy Denning, Hayley
Koetter, Taylor Gelbach, Karrie Quenichet, and Jenna Denstorff,
athletic director Mickey A. Golembeski, principal Dr. Mindy
Ernstberger, and president Joan Hurley.

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 Concurrent Resolution 8

House Concurrent Resolution 8, sponsored by Senator Long:

A CONCURRENT RESOLUTION to convene a Joint Session
of the One Hundred Eighteenth General Assembly of the State of
Indiana.

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That a joint convention of the Senate and House
of Representatives be convened, to meet in the Chamber of the
House of Representatives at 7:00 p.m. on Tuesday, January 14,
2014, to receive the Governor's message that will be given in
compliance with Article 5, Section 13 of the Constitution of the
State of Indiana and the Speaker is directed to appoint a
committee of four members of this House to transmit this
resolution to the Senate and report to this House such actions as
the Senate may take.

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 Concurrent Resolution 9

House Concurrent Resolution 9, sponsored by Senator Long:

A CONCURRENT RESOLUTION to convene a Joint Session
of the One Hundred Eighteenth General Assembly of the State of
Indiana.

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That a joint convention of the Senate and House
of Representatives be convened, to meet in the Chamber of the
House of Representatives at 2:00 p.m. on Wednesday,
January 15, 2014, to receive the Chief Justice's message which
will be given in compliance with Article 7, Section 3 of the
Constitution of the State of Indiana and the Speaker is directed
to appoint a committee of four members of this House to transmit
this resolution to the Senate and report to this House such action
as the Senate may take.

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 BILLS ON SECOND READING

Senate Bill 44

Senator Breaux called up Senate Bill 44 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 16

Senator Banks called up Engrossed Senate Bill 16 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

Roll Call 8: yeas 42, nays 6. 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. House sponsors: Representatives Clere and Cox.

Engrossed Senate Bill 24

Senator M. Young called up Engrossed Senate Bill 24 for third reading:

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

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

Roll Call 9: yeas 49, 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. House sponsors: Representatives Steuerwald and McMillin.

Engrossed Senate Bill 32

Senator Tomes called up Engrossed Senate Bill 32 for third reading:

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

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

Roll Call 10: yeas 39, 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. House sponsors: Representatives McNamara and Richardson.

Engrossed Senate Bill 51

Senator Patricia Miller called up Engrossed Senate Bill 51 for third reading:

A BILL FOR AN ACT concerning health.

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

Roll Call 11: yeas 49, 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. House sponsor: Representative Bacon.

Engrossed Senate Bill 61

Senator Boots called up Engrossed Senate Bill 61 for third reading:

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

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

Roll Call 12: yeas 49, 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. House sponsor: Representative Frye.

SENATE MOTION

Madam President: I move that Senate Bill 283, assigned to the Senate Committee on Appropriations, be withdrawn from further consideration by the Senate.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Charbonneau, Hume, Nugent, Grooms, and Rogers be added as coauthors of Senate Bill 167.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as coauthor of Senate Bill 111.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as second author of Senate Bill 306.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Yoder be added as second author of Senate Bill 357.

R. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Holdman, Bray, Broden, and Tallian be appointed to act with a like committee of the House of Representatives to wait upon the Chief Justice and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly on January 15, 2014.

Senator Holdman shall serve as chair of the committee.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as second author and Senator Arnold be added as coauthor of Senate Bill 137.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Senate Bill 167.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 51.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 344.

HUME

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Hume and Mrvan be added as coauthors of Senate Bill 300.

R. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Hume and Mrvan be added as coauthors of Senate Bill 299.

R. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as coauthor of Senate Bill 104.

TALLIAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author of Senate Bill 325.

STOOPS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be removed as author of Senate Bill 382 and that Senator Breaux be substituted therefor.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Bill 374.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be added as coauthor of Senate Bill 245.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Banks, Becker, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Crider, Delph, Eckerty, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Leising, Merritt, Patricia Miller, Pete Miller, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Schneider, Skinner, Smith, Steele, Stoops, Tallian, Taylor, Tomes, Walker, Waltz, Waterman, Wyss, Yoder, M. Young, R. Young, and Zakas be

added as cosponsors of House Concurrent Resolution 4.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author of Senate Bill 6.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as coauthor of Senate Bill 16.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Senate Bill 253.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as second author of Senate Bill 7.

ARNOLD

Motion prevailed.

SENATE MOTION

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

BREAUX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be removed as author of Senate Bill 278 and that Senator Rogers be substituted therefor.

BREAUX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be removed as author of Senate Bill 280 and that Senator Rogers be substituted therefor.

BREAUX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 88 and that Senator Alting be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

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

HCR 4 Senator Long
Recognizing Luke Bielawski.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 4

House Concurrent Resolution 4, sponsored by Senator Long:

A CONCURRENT RESOLUTION recognizing the accomplishments of Luke Bielawski.

Whereas, Luke Bielawski, a 24-year-old law school student, founded the Get On The Green Foundation, a nonprofit 501c(3) corporation dedicated to raising awareness and money through golf-related fundraising events to help worthwhile national, regional, and local charities;

Whereas, During the summer of 2013, Fishers native Luke Bielawski conducted a fundraising event in which he "teed off" from the shores of the Pacific Ocean, striking a golf ball across the United States, and completing his journey on the shores of the Atlantic, finishing with a final score of 52,345 and losing 5,540 golf balls;

Whereas, Luke's 2,928-mile journey took place along paved, two-lane country roads and remote highways from Ventura, California, to Kiawah Island, South Carolina, but often required that he putt his way through congested areas in many cities and towns;

Whereas, Inspired by the movie Forrest Gump, Luke Bielawski was searching for a way to have a positive impact on the lives of young people when he decided to golf across America;

Whereas, Calling his journey "From Tee to Shining Tee," Luke successfully raised more than \$60,000 for scholarships for Providence Cristo Rey High School, whose Cristo Rey Network nationally runs 26 schools with about 8,000 students; and

Whereas, Dedication to a cause such as this deserves special recognition: 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 recognize the effort put forth by Luke Bielawski on behalf of Providence Cristo Rey High School and its students.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Luke Bielawski and his family.

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.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 88, 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 everything after the enacting clause and insert the following:

SECTION 1. IC 35-36-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) At the trial of a criminal case in which the defendant intends to interpose the defense of insanity, evidence may be introduced to prove the defendant's sanity or insanity at the time at which the defendant is alleged to have committed the offense charged in the indictment or information.

(b) When notice of an insanity defense is filed **in a case in which the state is not seeking a sentence of death or life imprisonment without parole**, the court shall appoint two (2) or three (3) competent disinterested:

- (1) psychiatrists;
- (2) psychologists endorsed by the state psychology board as health service providers in psychology; or
- (3) physicians.

At least one (1) of ~~whom~~ **the individuals appointed under this subsection** must be a psychiatrist ~~to~~ **or psychologist. The individuals appointed under this subsection shall** examine the defendant and ~~to~~ testify at the trial. This testimony shall follow the presentation of the evidence for the prosecution and for the defense, including ~~the~~ **the testimony of any medical mental health experts employed by the state or by the defense.**

(c) **When notice of an insanity defense is filed in a case in which the state is seeking a sentence of death or life imprisonment without parole, the court shall appoint two (2) or three (3) competent disinterested:**

- (1) psychiatrists;
- (2) **psychologists endorsed by the state psychology board as health service providers in psychology; or**
- (3) **physicians;**

who have expertise in determining insanity. Not more than one (1) individual appointed under this subsection may be a

physician who is not a psychiatrist or psychologist. The individuals appointed under this subsection shall examine the defendant and testify at the trial. This testimony must follow the presentation of the evidence for the prosecution and for the defense, including the testimony of any mental health experts employed by the state or by the defense.

(~~e~~) (d) If a defendant does not adequately communicate, participate, and cooperate with the ~~medical~~ **mental health** witnesses appointed by the court after being ordered to do so by the court, the defendant may not present as evidence the testimony of any other ~~medical~~ **mental health** witness:

- (1) with whom the defendant adequately communicated, participated, and cooperated; and
- (2) whose opinion is based upon examinations of the defendant;

unless the defendant shows by a preponderance of the evidence that the defendant's failure to communicate, participate, or cooperate with the ~~medical~~ **mental health** witnesses appointed by the court was caused by the defendant's mental illness.

(~~d~~) (e) The ~~medical~~ **mental health** witnesses appointed by the court may be cross-examined by both the prosecution and the defense, and each side may introduce evidence in rebuttal to the testimony of ~~such a~~ **medical mental health** witness.

(Reference is to SB 88 as introduced.)

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

LONG, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 6, 8, and 9 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that the Senate do now recess until 7:00 p.m., at which time the Senate will reconvene in the House chambers for the purpose of attending a joint convention of the Senate and the House of Representatives to receive the Governor's message to the General Assembly delivered in compliance with Article 5, Section 13 of the Constitution of the State of Indiana, which requires that the Governor "from time to time give to the General Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient."

LONG

Motion prevailed.

2:35 p.m.

The Chair declared a recess until 7:00 p.m., for a Joint

January 14, 2014

Senate 47

Convention with the members of the House of Representatives.

(The message of Governor Michael R. Pence is recorded in the Journal of the House.)

RECESS

The Senate reconvened at 7:41 p.m., with Senator Long in the Chair.

SENATE MOTION

Madam President: I move we adjourn until 1:00 p.m., Wednesday, January 15, 2014.

DELPH

Motion prevailed.

The Senate adjourned at 7:42 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate