



Journal of the Senate

State of Indiana

119th General Assembly

Second Regular Session

Fourth Meeting Day

Thursday Morning

January 7, 2016

The Senate convened at 9:03 a.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	Merritt
Bassler	Messmer
Becker	Miller, Patricia
Boots	Miller, Pete
Bray	Mishler
Breaux	Mrvan
Broden <input type="checkbox"/>	Niemeyer
Brown	Perfect
Buck	Raatz
Charbonneau	Randolph
Crider	Rogers
Delph	Schneider <input type="checkbox"/>
Eckerty	Smith
Ford	Steele <input type="checkbox"/>
Glick	Stoops
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Houchin	Waltz
Kenley	Yoder <input type="checkbox"/>
Kruse	Young, M.
Lanane	Zakas

Roll Call 5: present 46; excused 4. [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 202** — Rogers (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 204** — Merritt (Civil Law)
A BILL FOR AN ACT to amend the Indiana Code concerning property.

- SB 216** — Hershman (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.
- SB 220** — Glick (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 224** — Eckerty (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.
- SB 225** — Eckerty (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 226** — Eckerty (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.
- SB 227** — Grooms (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 228** — Grooms (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 229** — Grooms (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 230** — Grooms (Homeland Security & Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.
- SB 231** — Grooms (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- SB 232** — Lanane (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 233** — Lanane (Veterans Affairs & The Military)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 234** — Lanane (Family & Children Services)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 235** — Lanane (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

- SB 236** — Lanane (Family & Children Services)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.
- SB 237** — Glick (Family & Children Services)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 238** — Glick (Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural resources and to make an appropriation.
- SB 239** — Glick (Homeland Security & Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.
- SB 240** — Walker (Pensions & Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.
- SB 241** — Walker (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 242** — Walker (Insurance & Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.
- SB 243** — Walker (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 244** — Ford (Commerce & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 245** — Ford (Pensions & Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- SB 246** — Ford (Commerce & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- SB 247** — Ford (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.
- SB 248** — Ford (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.
- SB 249** — Buck (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 250** — Buck (Civil Law)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.
- SB 251** — Kruse (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.
- SB 252** — Waltz (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- SB 253** — Waltz (Civil Law)
A BILL FOR AN ACT to amend the Indiana Code concerning property.
- SB 254** — Zakas (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 255** — Charbonneau (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- SB 256** — Charbonneau (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- SB 257** — Charbonneau (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.
- SB 258** — Tomes (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- SB 259** — Tomes, Ford, Steele, M. Young, Smith, Messmer, Pete Miller, Waltz, Banks, Buck, Eckerty (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.
- SB 260** — Rogers (Homeland Security & Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.
- SB 261** — Taylor (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 262** — Taylor (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 263** — Taylor (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 264** — Taylor (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.
- SB 265** — Taylor (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.
- SB 266** — Taylor (Homeland Security & Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- SB 267** — Taylor (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

- SB 268** — Taylor (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 269** — Taylor (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 270** — Merritt (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- SB 271** — Merritt (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- SB 272** — Lanane (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- SB 273** — Breaux (Health & Provider Services)
A BILL FOR AN ACT concerning health.
- SB 274** — Breaux (Utilities)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.
- SB 275** — Breaux (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- SB 276** — Breaux (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.
- SB 277** — Stoops (Elections)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- SB 278** — Stoops (Pensions & Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- SB 279** — Stoops (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 280** — Brown (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 281** — Delph (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.
- SB 282** — Delph (Homeland Security & Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.
- SB 283** — Delph (Homeland Security & Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 284** — Delph (Rules & Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- SB 285** — Delph, Boots, Kruse (Pensions & Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- SB 286** — Delph (Judiciary)
A BILL FOR AN ACT concerning courts and court officers.
- SB 287** — Delph (Pensions & Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- SB 288** — Delph (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.
- SB 289** — Holdman (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 290** — M. Young (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 291** — Leising (Agriculture)
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.
- SB 292** — Alting (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning gaming.
- SB 294** — Alting, M. Young, Hershman, Yoder, Boots, Merritt, Messmer, Perfect, Walker, Niemeyer, Arnold (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.
- SB 295** — Banks, Hershman (Veterans Affairs & The Military)
A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.
- SB 296** — Banks (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning the military and veterans.
- SB 297** — Patricia Miller (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- SB 298** — Boots (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 299** — Boots (Civil Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 300** — Boots (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

- SB 308** — Hershman (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 309** — Hershman (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 310** — Rogers, Niemeyer (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 311** — Niemeyer (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 312** — Niemeyer (Commerce & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- SB 313** — Holdman (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- SB 314** — Brown (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- SB 315** — Brown (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- SB 316** — Charbonneau (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- SB 317** — Glick (Commerce & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- SB 318** — Mrvan (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 319** — Mrvan (Rules & Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- SB 320** — Grooms (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 321** — Pete Miller (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 322** — Breaux (Rules & Legislative Procedure)
A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning family law and juvenile law.
- SB 323** — Hershman (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 324** — Messmer (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- SB 325** — Messmer (Family & Children Services)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- SB 326** — Bassler (Civil Law)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- SB 327** — Bassler (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- SB 328** — Rogers (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.
- SB 329** — Mishler (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 330** — Mishler (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 331** — Zakas (Civil Law)
A BILL FOR AN ACT to amend the Indiana Code concerning probate.
- SB 332** — Zakas (Pensions & Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.
- SB 333** — Yoder (Homeland Security & Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning transportation.
- SB 334** — Yoder (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 335** — Becker, Tomes (Insurance & Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- SB 336** — Becker, Messmer (Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.
- SB 337** — Alting (Commerce & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- SB 338** — Lanane (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.
- SB 339** — Ford, Alting, Yoder (Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation and to make an appropriation.

- SB 340** — Walker (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 341** — Stoops (Family & Children Services)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- SB 342** — Stoops (Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- SB 343** — Becker, Grooms, Delph (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.
- SB 344** — Holdman, Hershman (Rules & Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning civil rights.
- SB 345** — Tallian (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 346** — Tallian (Rules & Legislative Procedure)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- SB 347** — Charbonneau (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.
- SB 348** — Broden (Commerce & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- SB 349** — Broden (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.
- SB 350** — Raatz (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- SB 351** — Raatz (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- SB 352** — M. Young, Waltz, Taylor, Merritt, Patricia Miller (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.
- SJR 14** — Holdman (Rules & Legislative Procedure)
A JOINT RESOLUTION requesting Congress to call a constitutional convention for the purpose of proposing an amendment to the Constitution of the United States concerning imposition of fiscal restraints on the federal government and limitations of federal powers.
- SJR 15** — Grooms (Judiciary)
A JOINT RESOLUTION proposing an amendment to Articles

5 and 6 of the Constitution of the State of Indiana concerning state offices and administration.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions & Labor, to which was referred Senate Bill 20, 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 2.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules & Legislative Procedure, to which was referred Senate Bill 49, 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 7.1-3-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. An out-of-state brewer holding either a primary source of supply permit or an out-of-state brewer's permit may:

- (1) appoint a beer wholesaler **or a liquor wholesaler that wholesales beer under IC 7.1-3-8-3.5** to perform the services described in IC 7.1-3-3-5(f)(1) through IC 7.1-3-3-5(f)(2); and
- (2) provide a fee to a beer wholesaler **or a liquor wholesaler that wholesales beer under IC 7.1-3-8-3.5** who performs the services described in IC 7.1-3-3-5(f)(1) through IC 7.1-3-3-5(f)(2).

SECTION 2. IC 7.1-3-3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.5. (a) This section applies only to a beer wholesaler that also holds a wine wholesaler permit.**

(b) Notwithstanding any other provision of this title, a beer wholesaler may:

- (1) purchase and import liquor from a primary source of supply; and
- (2) possess liquor and sell liquor at wholesale;

if the primary source of supply or any subsidiary or affiliate of the primary source of supply for liquor has been the wholesaler's primary source of supply for beer or wine for at least three (3) consecutive years immediately preceding the selling of liquor to the wholesaler.

(c) A beer wholesaler that wholesales liquor under this section may not:

- (1) be required by the commission to apply for or maintain a liquor wholesaler permit; or
- (2) keep or store liquor at a place other than the premises described in the application and permit for the beer wholesaler's permit.

(d) A beer wholesaler to whom this section applies is subject to IC 7.1-3-8-3 and any other law or rule of the commission applicable to the holder of a liquor wholesaler permit as to the beer wholesaler's sale of liquor to the extent the law or rule does not conflict with this section.

SECTION 3. IC 7.1-3-8-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. (a) This section applies only to a liquor wholesaler that also holds a wine wholesaler permit.**

(b) Notwithstanding any other provision of this title, a liquor wholesaler may:

(1) purchase and import beer from a primary source of supply; and

(2) possess beer and sell beer at wholesale;

if the primary source of supply or any subsidiary or affiliate of the primary source of supply for beer has been the wholesaler's primary source of supply for liquor or wine for at least three (3) consecutive years immediately preceding the selling of beer to the wholesaler.

(c) A liquor wholesaler that wholesales beer under this section may not:

(1) be required by the commission to apply for or maintain a beer wholesaler permit; or

(2) keep or store beer at more than one (1) licensed premises.

(d) A liquor wholesaler to whom this section applies is subject to IC 7.1-3-3-5 and any other law or rule of the commission applicable to the holder of a beer wholesaler permit as to the liquor wholesaler's sale of beer to the extent the law or rule does not conflict with this section.

SECTION 4. IC 7.1-3-25-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 0.5. As used in this chapter, "beer wholesaler" includes a liquor wholesaler that wholesales beer under IC 7.1-3-8-3.5.**

SECTION 5. IC 7.1-4-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.5. As used in this chapter, "beer wholesaler" includes a liquor wholesaler that wholesales beer under IC 7.1-3-8-3.5.**

SECTION 6. IC 7.1-4-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7. (a) All sales of alcoholic beverages made by a primary source of supply to a liquor wholesaler or to a beer wholesaler that wholesales liquor under IC 7.1-3-3-5.5 shall at the time of the sale be accompanied by an invoice that must show the following:**

(1) The name and address of the seller and the purchaser.

(2) The date of disposition.

(3) The name or names of each brand sold.

(4) The number of packages, if any.

(5) The number of cases by size of bottle.

(6) The quantity of each kind of alcoholic beverage sold.

(b) The primary source of supply shall send a copy of the invoice to the department of revenue and the commission at the time of the sale.

SECTION 7. IC 7.1-4-4.1-13, AS AMENDED BY P.L.165-2006, SECTION 35, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 13. (a) This section applies to the following permits:**

(1) Beer wholesaler's permit.

(2) Malt wholesaler's permit.

(3) Liquor wholesaler's permit.

(4) Wine wholesaler's permit.

(b) Except as provided in subsections (c) and (d), a permit fee of two thousand dollars (\$2,000) is annually imposed for the issuance of each of the permits described in subsection (a).

(c) A permit fee of one hundred dollars (\$100) is annually imposed for the issuance of a wine wholesaler's permit to a permit applicant who:

(1) has never previously held a wine wholesaler's permit and anticipates selling less than twelve thousand (12,000) gallons of wine and brandy in a year; or

(2) previously held a wine wholesaler's permit and certifies to the commission that the permit applicant sold less than twelve thousand (12,000) gallons of wine and brandy in the previous year.

(d) A permit fee of four thousand dollars (\$4,000) is annually imposed for the issuance of:

(1) a beer wholesaler's permit for a beer wholesaler that wholesales liquor under IC 7.1-3-3-5.5; or

(2) a liquor wholesaler's permit for a liquor wholesaler that wholesales beer under IC 7.1-3-8-3.5.

SECTION 8. IC 7.1-5-5-7, AS AMENDED BY P.L.159-2014, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7. (a) It is unlawful for a permittee in a sale or contract to sell alcoholic beverages to discriminate between purchasers by granting a price, discount, allowance, or service charge which is not available to all purchasers at the same time. However, this section does not authorize or require a permittee to sell to a person to whom the permittee is not authorized to sell under this title.**

(b) A premises that operates at least two (2) restaurants that are separate and distinct from each other on the same premises may provide for a different schedule of prices in each restaurant if each restaurant conforms to all other laws and rules of the commission regarding pricing and price discrimination in its separate and distinct areas.

(c) This section does not apply to the holder of a gaming site permit that complies with IC 7.1-3-17.5-6.

(d) Notwithstanding subsection (a), a beer wholesaler or a liquor wholesaler that wholesales beer under IC 7.1-3-8-3.5 may offer a special discount price to a beer dealer or beer retailer for beer or flavored malt beverage, if the beer or flavored malt beverage:

(1) is a brand or package the beer wholesaler has discontinued; or

(2) will expire in not more than:

(A) twenty (20) days for packaged beer or packaged flavored malt beverage; and

(B) ten (10) days for draft beer or draft flavored malt beverage.

(e) The special discount under subsection (d) only applies to beer or flavored malt beverage that will expire and be subject to

removal from retailer or dealer shelves in accordance with the primary source of supply's coding data clearly identified on the container.

(f) Any beer or flavored malt beverage sold at a special discount price under subsection (d) shall be accompanied by an invoice clearly designating, in addition to all other information required by law, all the following information:

- (1) The date of delivery.
- (2) The expiration date of each brand, package type, and quantity delivered.
- (3) The per unit price for each package.

(g) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 9. IC 7.1-5-5-9, AS AMENDED BY P.L.159-2014, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) This section does not apply to product management (as described in 905 IAC 1-5.2-15) by a permittee.

(b) It is unlawful for a permittee to coerce, or attempt to coerce, or persuade another permittee to enter into an agreement, or to take an action, which would violate a provision of this title or of the rules and regulations of the commission.

(c) It is unlawful for a beer wholesaler, **a liquor wholesaler that wholesales beer under IC 7.1-3-8-3.5**, or a primary source of supply to cancel or terminate an agreement or contract between ~~a beer~~ the wholesaler and a primary source of supply for the sale of beer, unfairly and without due regard for the equities of the other party.

(d) A person who knowingly or intentionally violates subsection (b) or (c) commits a Class B misdemeanor.

SECTION 10. IC 7.1-5-5-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 9.5. (a) It is unlawful for a primary source of supply for liquor to terminate its relationship, in whole or in part, with a liquor wholesaler for the purpose of transferring one (1) or more brands of liquor to a beer wholesaler authorized to distribute liquor under IC 7.1-3-3-5.5. A person who knowingly or intentionally violates this subsection commits a Class B misdemeanor.**

(b) A primary source of supply does not violate subsection (a) if the brand or brands are transferred to the beer wholesaler not later than:

- (1) ninety (90) days after the date the primary source of supply for liquor acquired the rights to market, distribute, own, or import the brand or brands to be transferred to the beer wholesaler; or**
- (2) October 1, 2016;**

whichever is later.

(c) Subsection (a) does not apply to any brand or brands of liquor that were not sold or distributed to the holder of a liquor wholesaler permit in Indiana before January 1, 2006. This subsection expires October 1, 2017.

SECTION 11. IC 7.1-5-9-3, AS AMENDED BY P.L.79-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section applies to a brewer that manufactures, in aggregate, more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana.

(b) It is unlawful for the holder of a brewer's or beer wholesaler's permit to have an interest in a liquor permit of any type under this title. **However, this section does not prohibit the holder of a beer wholesaler's permit from wholesaling liquor under IC 7.1-3-3-5.5.**

(c) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 12. IC 7.1-5-9-4, AS AMENDED BY P.L.159-2014, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Except as provided in IC 7.1-3-3-4 **and subsection (c)**, an applicant for a beer wholesaler's permit shall have no interest in the following:

- (1) A permit to manufacture or to sell at retail alcoholic beverages of any kind.
- (2) Any other permit to wholesale alcoholic beverages.
- (3) Through stock ownership or otherwise, a partnership, limited liability company, or corporation that holds:
 - (A) a permit to manufacture or to sell at retail alcoholic beverages of any kind; or
 - (B) any other permit to wholesale alcoholic beverages of any kind.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

(c) This section does not prohibit the holder of a beer wholesaler's permit from wholesaling liquor under IC 7.1-3-3-5.5.

SECTION 13. IC 7.1-5-9-6, AS AMENDED BY P.L.79-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) It is unlawful for the holder of a distiller's, rectifier's, or liquor wholesaler's permit to have an interest in a beer permit of any type under this title. This section does not apply to **the following:**

- (1) The holder of an artisan distiller's permit that has an interest in a brewer's permit issued under IC 7.1-3-2-2(b).**
- (2) The holder of a beer wholesaler's permit that wholesales liquor under IC 7.1-3-3-5.5.**
- (3) The holder of a liquor wholesaler's permit that wholesales beer under IC 7.1-3-8-3.5.**

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 14. IC 35-52-7-30.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 30.5. IC 7.1-5-5-9.5 defines a crime concerning relationships.**

(Reference is to SB 49 as introduced.)

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

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 200, 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 5, after "school's" insert "**or school corporation's**".

Page 1, line 5, after "school" insert "**or school corporation**".

Page 1, line 8, after "school's" insert "**or school corporation's**".

Page 1, line 9, after "school" insert "**or school corporation**".

Page 1, line 10, after "school's" insert "**or school corporation's**".

Page 1, line 10, delete "improvement" and insert "**or school corporation performance**".

(Reference is to SB 200 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 1.

KRUSE, Chair

Report adopted.

SENATE MOTION

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

SR 10 Senator Arnold

Honoring Sgt. Anne Schellinger on her retirement

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 10

Senate Resolution 10, introduced by Senator Arnold:

A SENATE RESOLUTION honoring Sgt. Anne Schellinger upon her retirement from the South Bend Police Department, and for her dedicated service to the community.

Whereas, Sgt. Anne Schellinger joined the Notre Dame Police department in 1979;

Whereas, Anne went on to graduate from the Indiana Law Enforcement Academy Class in 1982;

Whereas, Anne was hired in 1987 to work for the South Bend Police Department, Patrol Division;

Whereas, Anne was promoted for the first time in 1990 to Corporal and went on the work for many other divisions within the department, eventually being promoted to Sergeant;

Whereas, on March 15, 2016 after 36 years, 7 months, and 24 days of dedicated public service, Anne will retire: Therefore,

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

SECTION 1. That the Indiana Senate recognizes and honors Sgt. Anne Schellinger for her dedicated service and contributions to our community.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Sgt. Anne Schellinger.

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

SENATE MOTION

Madam President: I move that Senator Patricia Miller be added as second author of Senate Bill 186.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 3.

PETE MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author and Senator Rogers be added as third author of Senate Bill 73.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Charbonneau, Holdman, Leising, Rogers, and Stoops be added as coauthors of Senate Bill 200.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Eckerty be added as second author of Senate Bill 301.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be added as second author of Senate Bill 223.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Houchin be added as second author and Senator Grooms be added as coauthor of Senate Bill 11.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 49 and Senator Eckerty be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Crider be added as coauthor of Senate Bill 14.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as coauthor of Senate Bill 78.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as third author of Senate Bill 76.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as third author of Senate Bill 158.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as second author of Senate Bill 158.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as second author of Senate Bill 76.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Houchin, Taylor,

Tomes, and Raatz be added as coauthors of Senate Bill 14.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 9.

RAATZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 10.

RAATZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as coauthor of Senate Bill 145.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 35.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Bill 82.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author of Senate Bill 149.

BASSLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author of Senate Bill 150.

BASSLER

Motion prevailed.

January 7, 2016

Senate 29

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Bill 181.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Bill 22.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, January 11, 2016.

LONG

Motion prevailed.

The Senate adjourned at 9:12 a.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate