



Journal of the Senate

State of Indiana

119th General Assembly

First Regular Session

Sixth Meeting Day

Tuesday Afternoon

January 13, 2015

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

Prayer was offered by Reverend Guy Solarek, Crossroads Baptist Church.

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

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 <input checked="" type="checkbox"/>	Walker
Houchin	Waltz
Kenley	Yoder
Kruse	Young, M.
Lanane	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 0001 — Holdman (Rules & Legislative Procedure)

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

SB 0389 — Zakas (Tax & Fiscal Policy)

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

SB 0438 — Hershman (Tax & Fiscal Policy)

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

SB 0452 — Holdman (Rules & Legislative Procedure)

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

SB 0453 — Holdman, Kenley (Rules & Legislative Procedure)

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

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 3

Senate Concurrent Resolution 3, introduced by Senators Hershman and Head:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to name the length of highway being constructed across the Deer Creek Valley the "James Whitcomb Riley Memorial Highway".

Whereas, James Whitcomb Riley was born in Greenfield, but visited the Delphi area often;

Whereas, It is said, "Next to Greenfield, his birthplace, no town or city in all Indiana was closer to his heart than Delphi";

Whereas, When referring to James Whitcomb Riley, "Hoosier" is not just a name for people living in Indiana — it is a name for people who are "humble before God and hardworking despite suffering all that life throws at them";

Whereas, James Whitcomb Riley, known as the "Hoosier Poet", was beloved by Hoosiers everywhere because he represented in his poems and in his life all of us who live in Indiana and those who don't;

Whereas, James Whitcomb Riley's poetry is representative of home, fields, and woods, and all the people who have helped to make Indiana such a wonderful place;

Whereas, James Whitcomb Riley is also known as the "Children's Poet" because he saw the world in much the same way as a child, all fresh and new; and

Whereas, There have been few poets who have so thoroughly known and understood the people of our great state: Therefore,

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

YODER, Chair

Report adopted.

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to name the length of highway being constructed across the Deer Creek Valley the "James Whitcomb Riley Memorial Highway".

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the Commissioner of the Indiana Department of Transportation.

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

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill 100, 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 3.

CHARBONNEAU, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill 171, 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 Homeland Security & Transportation, to which was referred Senate Bill 193, 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 10, Nays 0.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred Senate Bill 197, 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 9, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill 199, 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 37, delete lines 37 through 42.

Page 38, delete lines 1 through 29.

Page 44, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 53. IC 35-47-9-2, AS AMENDED BY P.L.157-2014, SECTION 5, AND AS AMENDED BY P.L.168-2014, SECTION 89, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) *A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c).* A person who knowingly or intentionally possesses a firearm:

(1) in or on school property; or

(2) on a school bus;

commits a Level 6 felony.

(b) *It is a defense to a prosecution under subsection (a) that:*

(1) *the person is permitted to legally possess the firearm; and*

(2) *the firearm is:*

(A) *locked in the trunk of the person's motor vehicle;*

(B) *kept in the glove compartment of the person's locked motor vehicle; or*

(C) *stored out of plain sight in the person's locked motor vehicle.*

(c) *A person who is permitted to legally possess a firearm and who knowingly, intentionally, or recklessly leaves the firearm in plain view in a motor vehicle that is parked in a school parking lot commits a Class A misdemeanor."*

Renumber all SECTIONS consecutively.

(Reference is to SB 199 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

ZAKAS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill 311, 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 9, Nays 0.

CHARBONNEAU, Chair

Report adopted.

SENATE MOTION

Madam President: I move that Senators Eckerty, Leising, Tallian, and Broden be appointed to act with a like committee of the House of Representatives to wait upon the Governor and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly on January 13. Senator Eckerty shall serve as chairman of the committee.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Glick, Zakas, Taylor and Rogers be appointed to act with a like committee of the House of Representatives to wait upon the Chief Justice and to escort her to the Chambers of the House of Representatives to deliver her message to the General Assembly on January 14.

LONG

Motion prevailed.

SENATE MOTION

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

SR 10 Senator Eckerty
Honoring Dr. Jennifer McCormick, Superintendent of Yorktown Community Schools.

HCR 2 Senator Walker
Honoring Robert Hyatt for his years of dedicated service to his country and his state.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 10

Senate Resolution 10, introduced by Senator Eckerty:

A SENATE RESOLUTION honoring Dr. Jennifer McCormick, Superintendent of Yorktown Community Schools, for her receipt of the Outstanding Contribution to Education Award from the Muncie-Delaware County Chamber of Commerce.

Whereas, The Muncie-Delaware County Chamber of Commerce awarded Dr. McCormick the Outstanding Contribution to Education Award during the Chamber's 120th annual meeting on October 30, 2014;

Whereas, Upon bestowing this honor, the Chamber emphasized that Dr. McCormick led Yorktown Community Schools to recognition at the state and national level, where the school system remains highly ranked;

Whereas, Dr. McCormick has proudly served Yorktown for eleven years as a teacher, principal, assistant superintendent, and since 2010, as Superintendent;

Whereas, Dr. McCormick earned her undergraduate degree in Elementary Education from Purdue University, her Masters in Special Education from Ball State University, and her Ph.D. in Education Leadership and Administration from Indiana State University; and

Whereas, Dr. McCormick and her husband Trent McCormick, a teacher and veteran coach for Yorktown High School, are the proud parents of their son Cael, a student in the Yorktown Community School system, and are dedicated members of the Yorktown Community: Therefore,

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

SECTION 1. That the Indiana Senate honors Dr. Jennifer McCormick for her years of service and exceptional work with Yorktown Community Schools, as formally recognized by her receipt of the Outstanding Contribution to Education Award from the Muncie-Delaware County Chamber of Commerce.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Dr. Jennifer McCormick. The resolution was read in full and adopted by voice vote.

House Concurrent Resolution 2

House Concurrent Resolution 2, sponsored by Senator Walker:

A CONCURRENT RESOLUTION honoring Robert Hyatt for his years of dedicated service to his country and his state.

Whereas, Born on February 17, 1925, in Morgan County, Robert Hyatt served his country in the United States Army during World War II and the Korean War and in the United States Marines during Vietnam;

Whereas, Robert Hyatt is one of an estimated 33,890 three-war veterans alive today;

Whereas, All Three Wars, a veterans' organization, lists only one other Indiana resident as a member;

Whereas, Because of his great and undying love for his country, Robert Hyatt spent a large portion of his life away from his beloved family serving his country during three wars and in two different branches of the military;

Whereas, Robert Hyatt's military career began as a field medic under the command of General George S. Patton in the United States Army, deployed from 1943 to 1945;

Whereas, During World War II and the Korean War, field medics were not issued rifles but were given a medical bag and a side arm;

Whereas, During his service as a World War II medic, Robert Hyatt was shot in the leg;

Whereas, Robert Hyatt was honorably discharged from the Army on November 20, 1945;

Whereas, Robert Hyatt reenlisted in the Army's 8055 MASH Unit as a front line field medic and served in Korea from July 4, 1950 until July 14, 1951;

Whereas, During this time, Robert Hyatt was stabbed by the enemy with a bayonet while providing medical aid to a dying soldier;

Whereas, After recovering from his injury, Robert Hyatt served two tours of duty in Okinawa from 1950 until 1952 and finished out his tour of duty stationed at Fort Bragg, North Carolina, where he worked in the military hospital as an anesthesiologist until his honorable discharge on March 20, 1953;

Whereas, Upon his discharge from the Army in 1953, Robert immediately enlisted in the United States Marine Corps;

Whereas, Robert Hyatt's last tour of duty was in Vietnam where he worked directly on the expansion of the Da Nang Air Base by 2,350 acres with two 10,000 foot asphalt runways with concrete touchdown pads, parallel taxiways, and a heliport;

Whereas, After 20 years of active duty in the United States Military that spanned four continents, included two significant combat injuries, and several commendations including five Bronze Service Stars, Sergeant Robert Hyatt was transferred from the United States Marine Corps to the Fleet Marine Corps Reserve on July 15, 1966;

Whereas, Robert Hyatt traveled the world before returning home to Indiana to start his own family;

Whereas, Robert worked as a security guard for several businesses in Indiana and Illinois until his health deteriorated; and

Whereas, Robert Hyatt's selfless acts of courage through three wars earns him the title of hero: 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 great love of country and dedication to service that was displayed by Robert Hyatt in the United States Army and Marine Corps. Robert dedicated more than 20 years of his life to serving and defending his country to the best of his ability. Robert is a true Hoosier Hero.

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

SENATE BILLS ON SECOND READING

Senate Bill 12

Senator Buck called up Senate Bill 12 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 4

Senator Bray called up Engrossed Senate Bill 4 for third reading:

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

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 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 Washburne.

Engrossed Senate Bill 57

Senator Steele called up Engrossed Senate Bill 57 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning accounts under a power of attorney.

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 48, 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. House sponsors: Representatives Cox and Steuerwald.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution

2 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Becker, Breaux, Brown, Buck, Eckerty, Head, Hershman, Messmer, Mishler, Niemeyer, Randolph, Rogers, Taylor, M. Young, and Zakas be added as cosponsors of House Concurrent Resolution 2.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Grooms be added as second author, Senator Houchin be added as third author, and Senator Leising be added as coauthor of Senate Concurrent Resolution 2.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Senate Bill 311.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Senate Bill 312.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 307.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 408.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Engrossed Senate Bill 4.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author and Senators Delph, Broden, and Randolph be added as coauthors of Senate Bill 291.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Bill 207.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Bill 208.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Bill 209.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Pete Miller be added as second author of Senate Bill 169.

HOUCHIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 12.

BUCK

Motion prevailed.

RESOLUTIONS ON FIRST READING**House Concurrent Resolution 6**

House Concurrent Resolution 6, sponsored by Senator Long:

A CONCURRENT RESOLUTION to convene a Joint Session of the One Hundred Nineteenth 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 14, 2015, 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.

House Concurrent Resolution 7

House Concurrent Resolution 7, sponsored by Senator Long:

A CONCURRENT RESOLUTION to convene a Joint Session of the One Hundred Nineteenth 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 13, 2015, 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.

SENATE MOTION

Madam President: I move that Senator Bray be added as second author of Engrossed Senate Bill 57.

STEELE

Motion prevailed.

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.

1:54 p.m.

RECESS

The Senate recessed until 7:00 p.m. for the purpose of reconvening in the Chamber of the House of Representatives to meet in Joint Convention.

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

Following the Joint Convention in the House of Representatives, the Senate reconvened in the Senate Chamber at 7:44 p.m., with Senator Long in the Chair.

SENATE MOTION

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

HERSHMAN

Motion prevailed.

The Senate adjourned at 7:44 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate