



Journal of the Senate

State of Indiana

119th General Assembly

Second Regular Session

Third Meeting Day

Wednesday Morning

January 6, 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 Patricia L. Miller.

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

Roll Call 4: present 47; excused 3. [Note: A indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

SB 139 — Leising (Rules & Legislative Procedure)

A BILL FOR AN ACT concerning education.

SB 170 — Alting (Rules & Legislative Procedure)

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

SB 177 — Messmer, Arnold, Alting (Public Policy)

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

SB 178 — Messmer (Corrections & Criminal Law)

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

SB 179 — Messmer (Rules & Legislative Procedure)

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

SB 180 — Pete Miller (Commerce & Technology)

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

SB 181 — Charbonneau (Rules & Legislative Procedure)

A BILL FOR AN ACT concerning education.

SB 182 — Bray (Civil Law)

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

SB 183 — Bray (Corrections & Criminal Law)

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

SB 184 — Houchin (Appropriations)

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

SB 185 — Houchin (Corrections & Criminal Law)

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

SB 186 — Merritt (Health & Provider Services)

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

SB 187 — Merritt (Health & Provider Services)

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

SB 188 — Merritt (Public Policy)

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

SB 189 — Kruse (Education & Career Development)

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

SB 190 — Kruse (Family & Children Services)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

- SB 191** — Zakas (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 192** — Crider (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning probate.
- SB 193** — Crider (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- SB 194** — Crider (Civil Law)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.
- SB 195** — Crider (Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- SB 196** — Crider (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning probate.
- SB 197** — Crider (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure and to make an appropriation.
- SB 198** — Crider (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 199** — Rogers (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 201** — Rogers (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 203** — Rogers (Education & Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.
- SB 205** — Merritt (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 206** — Patricia Miller (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- SB 207** — Patricia Miller (Corrections & Criminal Law)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 208** — Tallian (Environmental Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- SB 209** — Tallian (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 210** — Tallian (Pensions & Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety and to make an appropriation.
- SB 211** — Tallian (Pensions & Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- SB 212** — Tallian (Pensions & Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- SB 213** — Hershman (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 214** — Hershman (Health & Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- SB 215** — Hershman (Utilities)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities.
- SB 217** — Hershman (Local Government)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- SB 218** — Glick (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 219** — Glick (Commerce & Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- SB 221** — Eckerty (Civil Law)
A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.
- SB 222** — Eckerty (Civil Law)
A BILL FOR AN ACT to amend the Indiana Code concerning property.
- SB 223** — Eckerty (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 301** — Kenley (Pensions & Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 302** — Kenley (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.
- SB 303** — Kenley (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 304** — Kenley (Tax & Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 305 — Head (Family & Children Services)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 306 — Head (Local Government)

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

SB 307 — Kenley (Education & Career Development)

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

(D) physically or verbally resists participating in the sexual conduct, matter, performance, or incident;
(E) receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or
(F) is less than twelve (12) years of age; or
(2) the child whose sexual conduct is depicted or described in an item described in subsection (d)(1) through (d)(9):
(A) engages in bestiality (as described in IC 35-46-3-14);
(B) is mentally disabled or deficient;
(C) participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force;
(D) physically or verbally resists participating in the sexual conduct, matter, performance, or incident;
(E) receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or
(F) is less than twelve (12) years of age."

(Reference is to SB 14 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 142, 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.

M. YOUNG, Chair

Report adopted.

SENATE MOTION

Madam President: I move that Senator Boots be added as second author of Senate Bill 143.

BUCK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author and Senator Mishler be added as third author of Senate Bill 200.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Hershman and Holdman be added as coauthors of Senate Bill 80.

HEAD

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 14, 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 16, line 40, after "if" insert "

(1)".

Page 17, delete lines 1 through 8, begin a new line double block indented and insert:

"(A) engages in bestiality (as described in IC 35-46-3-14);

(B) is mentally disabled or deficient;

(C) participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force;

(D) physically or verbally resists participating in the sexual conduct, matter, performance, or incident;

(E) receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or
(F) is less than twelve (12) years of age; or

(2) the child less than eighteen (18) years of age:

(A) engages in bestiality (as described in IC 35-46-3-14);

(B) is mentally disabled or deficient;

(C) participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force;

(D) physically or verbally resists participating in the sexual conduct, matter, performance, or incident;

(E) receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or
(F) is less than twelve (12) years of age."

Page 17, line 25, after "if" insert "

(1)".

Page 17, delete lines 30 through 37, begin a new line double block indented and insert:

"(A) engages in bestiality (as described in IC 35-46-3-14);

(B) is mentally disabled or deficient;

(C) participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force;

SENATE MOTION

Madam President: I move we adjourn until 9:00 a.m.,
Thursday, January 7, 2016.

LONG

Motion prevailed.

The Senate adjourned at 9:11 a.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate