



# Journal of the Senate

State of Indiana

120th General Assembly

Second Regular Session

First Meeting Day

Tuesday Afternoon

November 21, 2017

The members of the Senate of the One Hundred and Twentieth General Assembly of the State of Indiana assembled in the Senate Chambers in the State House in the City of Indianapolis on Tuesday, the twenty-first day of November, 2017, A.D., at 1:30 p.m., being the day fixed by law for the convening of the Second Regular Session of the General Assembly, viz:

"...the second regular session of each term of the General Assembly shall convene on the third Tuesday after the first Monday of November of each odd-numbered year for the purpose of establishing the first day of the second regular session."

The Senate convened at 1:31 p.m., with the President of the Senate, Suzanne Crouch, in the Chair.

Prayer was offered by Senator Travis L. Holdman.

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

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Lanane
Bassler	Leising
Becker	Long
Bohacek	Melton
Boots	Merritt
Bray	Messmer
Breaux	Mishler
Brown, L.	Mrvan
Buck	Niemeyer
Charbonneau	Niezdowski
Crane	Perfect
Cridler	Raatz
Delph	Randolph, Lonnie M.
Doriot	Ruckelshaus
Eckerty	Sandlin
Ford	Smith, J.
Freeman	Spartz
Glick	Stoops
Grooms	Tallian <input checked="" type="checkbox"/>
Head	Taylor, G.
Hershman	Tomes
Holdman	Walker
Houchin	Young, M.
Koch	Zakas
Kruse	Zay

Roll Call 1: present 49; excused 1. [Note: A  indicates those who were excused.] The Chair announced a quorum present.

## REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that in a letter dated July 7, 2017, Senator Luke Kenley notified me of his intent to resign his Indiana State Senate District 20 seat effective at midnight on September 30, 2017.

Pursuant to the provisions of IC 3-13-5, the attached documents are submitted for inclusion in the Journal of the Senate:

1. President Pro Tempore's Notification to the Indiana Republican Party State Chairman of Senator Kenley's resignation.
2. Indiana Republican Party State Chairman's Certification of Selection of Victoria Spartz to fill the vacancy in the office of the Indiana Senate, District 20.
3. The President Pro Tempore's Notice to the Indiana Secretary of State acknowledging receipt of the Indiana Republican Party State Chairman's Certification of Selection of Victoria Spartz.
4. Indiana Secretary of State's Certificate of Selection to State Legislative Office certifying the selection of Victoria Spartz to fill the vacancy in the office of the Indiana Senate, District 20.
5. Report of the President Pro Tempore on administration of the oath of office by Chief Justice Loretta H. Rush on October 12, 2017.

LONG

Report adopted.

July 12, 2017  
Mr. Kyle Hupfer  
Republican State Chairman  
Indiana Republican State Committee  
101 W Ohio St #2200  
Indianapolis, IN 46204

Dear Mr. Chairman:

Pursuant to IC 5-8-3.5-1(b), I hereby officially notify you of Senator Howard "Luke" Kenley's resignation from the Indiana State Senate effective at 12 Midnight on Saturday, September 30, 2017. A copy of his letter is enclosed.

Best regards,  
David C. Long  
President Pro Tempore  
DCL/tm  
Enclosure

**CERTIFICATION OF APPOINTMENT TO A  
VACANT STATE LEGISLATIVE OFFICE**

TO THE HONORABLE DAVID LONG  
PRESIDENT PRO TEMPORE OF THE INDIANA SENATE

WHEREAS, a vacancy occurred in the office of Indiana State Senator District 20, on September 30, 2017, due to the resignation of the Senator Luke Kenley, who was elected to office as a candidate of the Indiana Republican Party;

WHEREAS, the duly elected and acting state chairman of the Indiana Republican Party set the place, date, and time of a caucus comprised of the eligible precinct committeemen from Indiana Senate District 20 and sent a notice by first class mail to all precinct committeemen in the caucus at least ten (10) days before the date of the meeting, setting forth the purpose, place, date and time of the meeting;

WHEREAS, the state chairman or his duly appointed designee presided over the aforesaid caucus, which was conducted on September 6, 2017;

WHEREAS, the caucus, voting by secret ballot, and a majority vote of those casting a vote for the candidate, selected an individual who resides within Indiana Senate District 20 to fill this vacancy;

WHEREAS, the individual selected to fill the aforesaid vacancy had filed a declaration of candidacy with the chairman of the caucus, and had previously filed a statement of economic interests under Indiana Code 2-2.1-3-2 with the Principal Secretary of the Senate, at least seventy-two (72) hours before the time fixed for the caucus, all as required by Indiana Code 3-13-5-3;

WHEREAS, under Indiana Code 3-13-5-6, the state chairman is required to certify the name of the individual selected under Indiana Code 3-13-5-1 to fill this vacancy to the President Pro Tempore of the Indiana Senate; and

WHEREAS, under Indiana Code 3-13-5-6, the President Pro Tempore of the Senate is required to acknowledge receipt of this certification, submit a copy of the certificate to be included in the Journal of the Indiana Senate on the day when the individual is seated, (or if this certificate is received after the adjournment sine die of the General Assembly, on the first day that the Indiana Senate is in session following receipt of this certificate), and immediately forward the certificate to the Secretary of the State of Indiana;

NOW, THEREFORE, AS THE DULY ELECTED AND ACTING CHAIRMAN OF THE INDIANA REPUBLICAN STATE COMMITTEE,

- (1) I certify Victoria Spartz was selected by the aforesaid caucus to fill the vacancy existing in the Office of the Indiana Senate, District 20.

- (2) I request that the President Pro Tempore of the Senate acknowledge receipt of the Certificate by his signature below as provided for by Indiana Code 3-13-5-6.
- (3) I request that the President Pro Tempore include a copy of this Certificate in the Journal of the Indiana Senate as provided by Indiana Code 1-3-5-6.
- (4) I request that this Certificate be immediately forwarded to the Secretary of State, as provided by Indiana Code 3-13-5-6.

CERTIFIED, THIS THE 6th DAY OF SEPTEMBER, 2017.

Kyle Hupfer  
Indiana Republican State Chairman

**ACKNOWLEDGMENT OF RECEIPT  
BY THE PRESIDENT PRO TEMPORE  
OF THE INDIANA SENATE**

I hereby acknowledge receipt of this Certificate by my signature below this 11th day of September, 2017.

David Long  
President Pro Tempore of the Indiana Senate

**CERTIFICATE OF SELECTION  
TO STATE LEGISLATIVE OFFICE**

TO THE HONORABLE DAVID LONG  
PRESIDENT PRO TEMPORE OF THE INDIANA SENATE

WHEREAS, A vacancy occurred in the office of Indiana State Senator, District 20, on September 30, 2017 due to the resignation of the Honorable Luke Kenley, who was elected to that office as a candidate of the Indiana Republican Party;

WHEREAS, On September 6, 2017, a caucus composed of Republican Party precinct committeemen from Indiana Senate District 20 selected Victoria Spartz to fill the vacancy in Indiana Senate District 20;

WHEREAS, The State Chairman of the Indiana Republican Party certified the selection of Victoria Spartz to fill the vacancy in the office of Indiana State Senator, District 20, to the President Pro Tempore of the Indiana Senate and the President Pro Tempore of the Indiana Senate acknowledged receipt of the certification;

WHEREAS, The President Pro Tempore of the Indiana Senate forwarded the aforesaid certification to the Secretary of State, in accordance with Indiana Code 3-13-5-6; and

WHEREAS, Pursuant to Indiana Code 3-13-5-7, the Secretary of State is required to certify the individual selected to fill a vacant legislative office;

NOW, THEREFORE, AS THE INDIANA SECRETARY OF STATE, I certify that the Honorable Victoria Spartz has been selected to fill the vacancy existing in the office of Indiana State Senate, District 20.

Given under my hand and the Seal of the State of Indiana, at the City of Indianapolis, this 21st day of September, 2017, being the 242nd year of the Independence of the United States, and the 201st year of the Statehood of Indiana:

Connie Lawson  
Indiana Secretary of State

**REPORT OF THE PRESIDENT  
PRO TEMPORE**

Madam President: I hereby report that on October 12, 2017 Senator Victoria Spartz was sworn-in to office to represent District 20. Chief Justice Loretta H. Rush administered the oath of office in the Senate Chamber.

LONG

Report adopted.

**SENATE MOTION**

Madam President: I move that, pursuant to Rules 32 and 35, the Standing Rules and Orders of the Senate for the 120<sup>th</sup> Indiana General Assembly be amended as follows:

31. (a) The following shall comprise the standing Senate committees and subcommittees thereto:

- (1) Agriculture.  
Ten (10) Members.
- (2) Appropriations.  
Thirteen (13) Members.  
a. School Funding Subcommittee.
- (3) Civil Law.  
Nine (9) Members.
- (4) Commerce and Technology.  
Ten (10) Members.
- (5) Corrections and Criminal Law.  
Nine (9) Members.
- (6) Education and Career Development.  
Eleven (11) Members.
- (7) Elections.  
Nine (9) Members.
- (8) Environmental Affairs.  
~~Ten (10)~~ **Eleven (11)** Members.
- (9) Ethics.  
Six (6) Members.
- (10) Family and Children Services.  
Nine (9) Members.
- (11) Health and Provider Services.  
Eleven (11) Members.

- (12) Homeland Security and Transportation.  
Ten (10) Members.
  - (13) Insurance and Financial Institutions.  
Nine (9) Members.
  - (14) Judiciary.  
Ten (10) Members.
  - (15) Local Government.  
Ten (10) Members.
  - (16) Natural Resources.  
Ten (10) Members.
  - (17) Pensions and Labor.  
~~Eleven (11)~~ **Twelve (12)** Members.
  - (18) Public Policy.  
Ten (10) Members.
  - (19) Tax and Fiscal Policy.  
~~Fourteen (14)~~ **Thirteen (13)** Members.
  - (20) Utilities.  
Ten (10) Members.
  - (21) Veterans Affairs and the Military.  
Ten (10) Members.
  - (22) Joint Rules.  
Four (4) Members and President Pro Tempore as Ex Officio Member.
  - (23) Rules and Legislative Procedure.  
Twelve (12) Members.
- (b) Additional subcommittees may be created with the approval of the Committee on Rules and Legislative Procedure. (Reference is to the Standing Rules and Orders of the Senate adopted on November 22, 2016.)

LONG

Motion prevailed.

**REPORTS FROM COMMITTEES**

**COMMITTEE REPORT**

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred the Motion to Amend the Standing Rules and Orders of the Senate for the 120<sup>th</sup> Indiana General Assembly, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said Motion be adopted.

LONG, Chair

Report adopted.

**PRESIDENT PRO TEMPORE REPORT OF  
AMENDED COMMITTEE AND SUBCOMMITTEE  
APPOINTMENTS**

Madam President: President Pro Tempore David Long hereby announces and reports the following amended committee, subcommittee and chairperson appointments, pursuant to Rule 32 of the Standing Rules and Orders of the Senate of the 120<sup>th</sup> General Assembly.

**Appropriations**

Sen. Ryan Mishler (Chair)	Sen. Karen Tallian (RMM)
Sen. Liz Brown (RM)	Sen. Jean Breaux
Sen. Eric Bassler	Sen. David Niezgodski
Sen. Philip Boots	Sen. Greg Taylor
Sen. Rodric Bray	
Sen. Ed Charbonneau	
Sen. Douglas Eckerty	
Sen. Brandt Hershman	
Sen. Chip Perfect	

**School Funding Subcommittee**

Sen. Eric Bassler (Chair)	Sen. Karen Tallian
Sen. Liz Brown	Sen. Greg Taylor
Sen. Ed Charbonneau	
Sen. Jeff Raatz	

**Education**

Sen. Dennis Kruse (Chair)	Sen. Eddie Melton (RMM)
Sen. Jeff Raatz (RM)	Sen. Frank Mrvan
Sen. Eric Bassler	Sen. Mark Stoops
Sen. John Crane	
Sen. Aaron Freeman	
Sen. Jean Leising	
Sen. Victoria Spartz	
Sen. Andy Zay	

**Environmental Affairs**

Sen. Douglas Eckerty (Chair)	Sen. Mark Stoops (RMM)
Sen. Eric Bassler (RM)	Sen. David Niezgodski
Sen. Vaneta Becker	Sen. Karen Tallian
Sen. Liz Brown	
Sen. Rick Niemeyer	
Sen. John Ruckelshaus	
Sen. Jack Sandlin	
Sen. Victoria Spartz	

**Insurance and Financial Institutions**

Sen. Travis Holdman (Chair)	Sen. Frank Mrvan (RMM)
Sen. Greg Walker (RM)	Sen. Eddie Melton
Sen. Jeff Raatz	
Sen. John Ruckelshaus	
Sen. Victoria Spartz	
Sen. Joseph Zakas	
Sen. Andy Zay	

**Pensions and Labor**

Sen. Philip Boots (Chair)	Sen. David Niezgodski (RMM)
Sen. Chip Perfect (RM)	Sen. Eddie Melton
Sen. John Crane	Sen. Karen Tallian
Sen. Blake Doriot	
Sen. Douglas Eckerty	

Sen. Dennis Kruse  
 Sen. James Smith  
 Sen. Victoria Spartz  
 Sen. Greg Walker

**Tax and Fiscal Policy**

Sen. Brandt Hershman (Chair)	Sen. Mark Stoops (RMM)
Sen. Travis Holdman (RM)	Sen. Jean Breaux
Sen. James Buck	Sen. Lonnie Randolph
Sen. Ed Charbonneau	Sen. Karen Tallian
Sen. Erin Houchin	
Sen. Ryan Mishler	
Sen. Jeff Raatz	
Sen. James Smith	
Sen. Greg Walker	

**REPORT OF AMENDED LEADERSHIP AND OTHER APPOINTMENTS**

Pursuant to Senate Rule 23 of the Standing Rules and Orders of the Senate of the 120<sup>th</sup> General Assembly, Second Regular Session, President Pro Tempore David C. Long hereby announces the following amended appointments:

**APPOINTMENTS TO LEADERSHIP  
BY PRESIDENT PRO TEMPORE**

Majority Whip  
 SENATOR MARK MESSMER

**OTHER APPOINTMENTS  
BY PRESIDENT PRO TEMPORE**

Chief Legal Counsel  
 JENNIFER L. MERTZ  
 Majority Attorney  
 MITCHELL OSTERDAY  
 Deputy Secretary of Operations  
 ATLANTIS D. RICHTER

**SENATE MOTION**

Madam President: I move that Senators Ruckelshaus, Zay, G. Taylor and Niezgodski be appointed as a committee of four members of the Senate to notify the House of Representatives that the Senate has met, has formed a quorum, and is now prepared to proceed with legislative business and to receive any communications which the House of Representatives may transmit. Senator Ruckelshaus shall serve as Chair of the Committee.

LONG

Motion prevailed.

**REPORTS FROM COMMITTEES****COMMITTEE REPORT**

Madam President: The committee appointed to notify the House of Representatives that the Senate has met, has formed a

quorum and is organized and ready for the transaction of legislative business respectfully reports that it has so informed the House of Representatives.

RUCKELSHAUS, Chair  
ZAY  
G. TAYLOR  
NIEZGODSKI

Report adopted.

#### SENATE MOTION

Madam President: I move that Senators Zay, Ruckelshaus, G. Taylor and Niezgodski be appointed as a committee of four members of the Senate to act with a like committee of the House of Representatives to wait upon the Governor and to notify him of the convening of both Houses of the General Assembly and to inform him that they are ready for the transaction of legislative business and to learn from him when it will suit his convenience to submit whatever communication he may have to offer to the General Assembly. Senator Zay shall serve as Chair of the Committee.

LONG

Motion prevailed.

### REPORTS FROM COMMITTEES

#### COMMITTEE REPORT

Madam President: The committee appointed to act with a like committee of the House of Representatives to wait upon the Governor to notify him of the convening of both Houses of the General Assembly, to inform him that they are ready to transact legislative business, and to learn from him when it will suit his convenience to submit whatever communication he may have to offer to the General Assembly has performed the duties assigned to it. The committee begs leave to report that it has learned that the Governor will communicate with the General Assembly on a date and at a time to be fixed at a later date.

ZAY, Chair  
RUCKELSHAUS  
G. TAYLOR  
NIEZGODSKI

Report adopted.

#### SENATE MOTION

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

SR 2 Senator Long

Authorizing the Postmaster of the Indiana Senate to receive from the Postmaster of the City of Indianapolis all mail belonging to the Senate.

LONG

Motion prevailed.

### RESOLUTIONS ON FIRST READING

#### Senate Resolution 2

Senate Resolution 2, introduced by Senator Long:

A SENATE RESOLUTION authorizing the Postmaster of the Indiana Senate to receive from the Postmaster of the City of Indianapolis all mail belonging to the Senate.

*Whereas, the Postmaster of the Indiana Senate is hereby authorized to receive from the Postmaster of the City of Indianapolis all mail which may belong to the Indiana Senate and to the several members and employees thereof and which may be directed to the general delivery or care of the Senate: Therefore,*

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

SECTION 1. That the Secretary of the Senate be directed to send a certified copy of this Resolution to the Postmaster of the City of Indianapolis.

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

#### House Concurrent Resolution 1

House Concurrent Resolution 1, sponsored by Senator Long:

A CONCURRENT RESOLUTION to allow the House of Representatives and the Senate of the 120th General Assembly to adjourn and recess separately throughout the Second Regular Session for periods in excess of three consecutive days as the need, in the judgment of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, respectively, may arise.

*Whereas, The Indiana House of Representatives and the Senate met for the purpose of organization of each House to conduct the public business of the people of the State of Indiana;*

*Whereas, The House of Representatives and the Senate operate on their own respective schedules, having been separated from each other under IC 2-2.1-1-3(a)(2);*

*Whereas, During the consideration of legislative business, each House may, in the respective judgment of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, deem it necessary to adjourn and recess for periods in excess of three (3) consecutive days and to operate on a schedule different from the other House;*

*Whereas, Article 4, Section 10 of the Constitution of the State of Indiana states that neither House shall, without the consent of the other, adjourn for more than three (3) consecutive days;*

*Whereas, Each House desires to consent to any adjournment or recess by the other House that might last more than three (3) days during the Second Regular Session of the 120th Indiana General Assembly; and*

*Whereas, The House of Representatives and the Senate intend to recess after November 21, 2017, to conduct legislative business: Therefore,*

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

SECTION 1. That each House of the 120th Indiana General Assembly hereby consents to any adjournment or recess of the other House during the Second Regular Session of the 120th Indiana General Assembly for a period in excess of three (3) days, if such recess or adjournment is approved, in the case of the House of Representatives, by the Speaker of the House of Representatives or, in the case of the Senate, by the President Pro Tempore of the Senate.

The resolution was read in full and placed upon its passage. The question was, Shall the resolution pass? Roll Call 2: yeas 48, nays 1. The resolution was declared passed. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the following motion:

"I move that a committee of four members of this House be appointed by the Speaker to notify the Senate that the House of Representatives has met, has formed a quorum, and is now prepared to proceed with legislative business and to receive any communications which the Senate may transmit."

The Speaker has appointed Representatives Lindauer, Bartels, Hamilton and Hatfield.

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the following motion:

"I move that a committee of four members of this House be appointed by the Speaker to act with a like committee of the Senate to wait upon the Governor and to notify him of the organization of both Houses of the General Assembly and to inform him that they are ready for the transaction of legislative business."

The Speaker has appointed Representatives Gutwein, Baird, Errington and Taylor.

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 1 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Wednesday, January 3, 2018.

LONG

Motion prevailed.

The Senate adjourned at 1:58 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUZANNE CROUCH  
President of the Senate