



# Journal of the Senate

State of Indiana

122nd General Assembly

Second Regular Session

First Meeting Day

Tuesday Afternoon

November 16, 2021

The members of the Senate of the One Hundred and Twenty-Second General Assembly of the State of Indiana assembled in the Senate Chambers in the State House in the City of Indianapolis on Tuesday, the sixteenth day of November, 2021, 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 1:36 p.m., with the President of the Senate, Suzanne Crouch, in the Chair.

Prayer was offered by Senator Michael R. Gaskill.

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

## REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that in a letter dated September 30, 2021, Senator Karen Tallian resigned her seat at the Indiana State Senate effective November 1, 2021.

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

1. The President Pro Tempore's Notification to the Indiana Democratic Party State Chairman of Senator Tallian's resignation.
2. Indiana Democratic Party State Chairman's Certification of Selection of Rodney Pol, Jr. to fill the vacancy in the office of the Indiana Senate, District 4, the President Pro Tempore's acknowledgment of receipt of the Certificate of Selection to State Legislative Office, and the President Pro Tempore's Notice to the Indiana Secretary of State acknowledging receipt of the Indiana Democratic Party State Chairman's Certification of Selection of Rodney Pol, Jr.
3. Indiana Secretary of State's Certificate of Selection to State Legislative Office certifying the selection of Rodney Pol, Jr. to fill the vacancy in the office of the Indiana Senate, District 4.

BRAY

September 30, 2021

Mr. Michael Schmuhl  
Democratic State Chairman  
Indiana Democratic State Party  
101 W. Washington St. #1110E  
Indianapolis, IN 46204

Dear Mr. Chairman:

Pursuant to IC 5-8-3.5-1(b), I hereby officially notify you of Senator Karen Tallian's resignation from the Indiana State Senate effective as of noon on November 1, 2021. A copy of her letter is enclosed.

Best regards,  
Rodric Bray  
President Pro Tempore

Enclosure

October 25, 2021

Senate President Pro Tempore Rodric Bray  
Indiana State Senate  
200 W. Washington St.  
Indianapolis, IN 46204

President Bray,

In accordance with IC 3-13-5-6, I hereby certify that at a caucus called to fill the vacancy for State Senator in Senate District 4 was held on October 21, 2021 in Porter County. I served as chair of the caucus, and Mr. Rodney Pol, Jr. of Chesterton was selected by members of that caucus to fill the vacancy for State Senator in Senate District 4.

Please let me know if you have any questions or need more information.

Sincerely,  
Mike Schmuhl  
Chairman

## ACKNOWLEDGMENT OF RECEIPT BY THE PRESIDENT PRO TEMPORE OF THE SENATE

I hereby acknowledge receipt of the Certification of Appointment to a Vacant State Legislative Office from Mike Schmuhl,

Chairman of the Indiana Democratic Party on this 27th day of October 2021 for: Senate District 4, Senator-elect Rodney Pol, Jr.

Rodric Bray  
President Pro Tempore of the Senate

### **CERTIFICATE OF SELECTION TO STATE LEGISLATIVE OFFICE**

TO THE HONORABLE RODRIC BRAY  
SENATE PRESIDENT PRO TEMPORE

WHEREAS, A vacancy occurred in the office of Indiana Senate District 4, due to the resignation of the Honorable Karen Tallian, who was elected to that office as a candidate of the Indiana Democratic Party;

WHEREAS, On October 21, 2021, a caucus composed of Democratic Party precinct committeemen from Indiana Senate District 4 selected Rodney Pol, Jr. to fill the vacancy in Indiana Senate District 4;

WHEREAS, Mike Schmuhl, Chairman of the Indiana Democratic Party, certified the selection of Rodney Pol, Jr. to fill the vacancy in office of Indiana Senate District 4, to the President Pro Tempore of the Indiana Senate and the President Pro Tempore 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 DULY ELECTED AND ACTING INDIANA SECRETARY OF STATE, I certify that Rodney Pol, Jr. has been selected to fill the vacancy existing in the office of Indiana Senate District 4.

Given under my hand and the Seal of the State of Indiana, at the City of Indianapolis, this twenty-seventh day of October, 2021, being the 245th year of the Independence of the United States, and the 204th year of the Statehood of Indiana.

Holli Sullivan  
Indiana Secretary of State

### **REPORT OF THE PRESIDENT PRO TEMPORE**

Madam President: I hereby report that in a letter dated October 27, 2021, Senator Grooms resigned his seat at the Indiana State Senate effective November 2, 2021.

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

1. The President Pro Tempore's Notification to the Indiana Republican Party State Chairman of Senator Grooms' resignation.
2. Indiana Republican Party State Chairman's Certification of Selection of Kevin Boehnlein to fill the vacancy in the office of the Indiana Senate, District 46, the President Pro Tempore's acknowledgment of receipt of the Certificate of Selection to State Legislative Office, and 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 Kevin Boehnlein.
3. Indiana Secretary of State's Certificate of Selection to State Legislative Office certifying the selection of Kevin Boehnlein to fill the vacancy in the office of the Indiana Senate, District 46.

BRAY

October 27, 2021

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 Ronald Grooms' resignation from the Indiana State Senate effective on November 2, 2021. A copy of his letter is enclosed.

Best regards,  
Rodric Bray  
President Pro Tempore

Enclosure

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

TO THE HONORABLE RODRIC BRAY  
PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

WHEREAS, a vacancy occurred in the office of Indiana State Senate District 46, on November 2, 2021, due to the resignation of the Senator Ron Grooms, who was elected to office as a candidate of the Indiana Republican Party;

WHEREAS, the duly elected 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 46 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 presided over the aforesaid caucus, which was conducted on November 15, 2021;

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 46 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 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 State Senate; and

WHEREAS, under Indiana Code 3-13-5-6, the President Pro Tempore of the Indiana State Senate is required to acknowledge receipt of this certification, submit a copy of the certificate to be included in the Journal of the Indiana State 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 State 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 Kevin Boehnlein was selected by the aforesaid caucus to fill the vacancy existing in the Office of the Indiana Senate District 46.
- (2) I request that the President Pro Tempore 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 3-13-5-6.
- (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 15th DAY OF NOVEMBER, 2021.

Kyle Hupfer  
Indiana Republican State Chairman

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

I hereby acknowledge receipt of this Certificate by my signature below this 16th day of November, 2021.

Rodric Bray  
President Pro Tempore of the Indiana State Senate

**CERTIFICATE OF SELECTION  
TO STATE LEGISLATIVE OFFICE**

TO THE HONORABLE RODRIC BRAY  
SENATE PRESIDENT PRO TEMPORE

WHEREAS, A vacancy occurred in the office of Indiana Senate District 46, due to the resignation of the Honorable Ron Grooms, who was elected to that office as a candidate of the Indiana Republican Party;

WHEREAS, On November 15, 2021, a caucus composed of Republican Party precinct committeemen from Indiana Senate District 46 selected Kevin Boehnlein to fill the vacancy in Indiana Senate District 46;

WHEREAS, Kyle Hupfer, Chairman of the Indiana Republican Party, certified the selection of Kevin Boehnlein to fill the vacancy in office of Indiana Senate District 46, to the President Pro Tempore of the Indiana Senate and the President Pro Tempore 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 DULY ELECTED AND ACTING INDIANA SECRETARY OF STATE, I certify that Kevin Boehnlein has been selected to fill the vacancy existing in the office of Indiana Senate District 46.

Given under my hand and the Seal of the State of Indiana, at the City of Indianapolis, this sixteenth day of November, 2021, being the 245th year of the Independence of the United States, and the 204th year of the Statehood of Indiana.

Holli Sullivan  
Indiana Secretary of State

The Chair requested the Senators selected in 2021 to come forward to receive the oath of office. The following Senators came forward:

Pol, Rodney Jr., District 4, LaPorte and Porter Counties

Boehnlein, Kevin M., District 46, Clark and Floyd Counties

The oath of office was administered by the Honorable Loretta H. Rush, Chief Justice of the Supreme Court of the State of Indiana, which oath reads as follows:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Indiana, and that I will faithfully and impartially discharge my duties as a member of the Senate of the General Assembly of the State of Indiana to the best of my skill and ability, so help me God."

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

Alting	Houchin
Baldwin	Koch
Bassler	Kruse
Becker	Lanane
Boehnlein	Leising
Bohacek	Melton
Boots	Messmer
Bray	Mishler
Breaux	Mrvan
Brown, L.	Niemeyer
Buchanan	Niezgodski
Buck	Perfect
Busch <input checked="" type="checkbox"/>	Pol
Charbonneau	Qaddoura
Crane	Raatz
Crider	Randolph, Lonnie M.
Donato	Rogers
Doriot	Sandlin
Ford, J.D.	Taylor, G.
Ford, Jon	Tomes
Freeman	Walker, G.
Garten	Walker, K.
Gaskill	Yoder
Glick	Young, M.
Holdman	Zay

Roll Call 1: 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.

#### SENATE MOTION

Madam President: I move that Senators L. Brown, Baldwin, J.D. Ford, and Breaux 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 L. Brown shall serve as Chair of the Committee.

BRAY

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.

L. BROWN, Chair  
BALDWIN  
J.D. FORD  
BREAUX

Report adopted.

### SENATE MOTION

Madam President: I move that Senators Perfect, Donato, Melton, and Qaddoura 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 Perfect shall serve as Chair of the Committee.

BRAY

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.

PERFECT, Chair  
DONATO  
MELTON  
QADDOURA

Report adopted.

## RESOLUTIONS ON FIRST READING

### Senate Resolution 2

Senate Resolution 2, introduced by Senator Bray:

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 Senators Bray and G. Taylor:

A CONCURRENT RESOLUTION to allow the House of Representatives and the Senate of the 122nd General Assembly to adjourn and recess separately throughout the Second Regular Session for periods in excess of three (3) 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, 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 122nd General Assembly; and*

*Whereas, The House of Representatives and the Senate intend to recess after November 16, 2021, and meet again at the fall of the gavel 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 122nd Indiana General Assembly hereby consents to any adjournment or recess of the other House during the Second Regular Session of the 122nd General Assembly for a period in excess of three (3) days, where such recess or adjournment is approved, in the case of the Senate, by the President Pro Tempore of the Senate, or, in the case of the House of Representatives, by the Speaker of the House of Representatives.

SECTION 2. That the Principal Clerk of the House of Representatives is directed to inform the Senate of the passage of the Resolution.

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.

### **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 the Senate do now adjourn until the fall of the gavel.

BRAY

Motion prevailed.

The Senate adjourned at 2:02 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUZANNE CROUCH  
President of the Senate