



Journal of the Senate

State of Indiana

120th General Assembly

First Special Session

First Meeting Day

Monday Afternoon

May 14, 2018

The members of the Senate of the State of Indiana met in obedience to a call of the Governor, in a Special Session of the One Hundred and Twentieth General Assembly.

The Senate convened at 1:00 p.m., with the President of the Senate, Suzanne Crouch, 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	Lanane
Bassler	Leising
Becker	Long
Bohacek	Melton
Boots	Merritt
Bray	Messmer
Breaux <input checked="" type="checkbox"/>	Mishler
Brown, L.	Mrvan
Buchanan	Niemeyer
Buck	Niezgodski
Charbonneau <input checked="" type="checkbox"/>	Perfect
Crane	Raatz
Crider	Randolph, Lonnie M.
Delph	Ruckelshaus
Doriot	Sandlin
Eckerty	Smith, J.
Ford	Spartz
Freeman	Stoops
Glick	Tallian
Grooms	Taylor, G.
Head	Tomes
Holdman	Walker
Houchin	Young, M.
Koch	Zakas
Kruse	Zay

Roll Call 1: present 48; excused 2. [Note: A indicates those who were excused.] The Chair announced a quorum present.

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS
PROCLAMATION

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, The Constitution of the State of Indiana provides, in Article IV, Section 9, that the Governor may call a

special session of the Indiana General Assembly by proclamation at any time, "if, in the opinion of the Governor, the public welfare shall require it"; and

WHEREAS, In my opinion, the public welfare requires a special session of the 120th General Assembly, in order to address and resolve important issues of school safety and funding, as well as federal and state tax compliance, for the protection and benefit of our State and its people;

NOW, THEREFORE, I, Eric J. Holcomb, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby proclaim and call a special session of the 120th Indiana General Assembly, to convene on May 14, 2018.

IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 20th day of April, 2018.

Eric J. Holcomb
Governor of Indiana

ATTEST: Connie Lawson SEAL
Secretary of State

The Proclamation was read in full.

SENATE MOTION

Madam President: I move that Senators Ruckelshaus, Sandlin, Bray and L. Brown 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.

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
SANDLIN
BRAY
L. BROWN

Report adopted.

SENATE MOTION

Madam President: I move that Senators Eckerty, J. Smith, Bray and L. Brown 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. Senator Eckerty shall serve as Chair of the Committee.

LONG

Motion prevailed.

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, and to inform him that they are ready to transact legislative business, begs leave to report that it has performed the duties assigned.

ECKERTY, Chair
J. SMITH
BRAY
L. BROWN

Report adopted.

SENATE MOTION

Madam President: I move that in accordance with Indiana Constitution Article 4, Section 18, finding that an emergency exists, the Constitutional provision requiring all bills be read on three separate days, be dispensed with so that House Bill 1230(ss), House Bill 1242(ss), House Bill 1315(ss), House Bill 1316(ss), and House Bill 1457(ss), may be introduced, considered read the second time by title and engrossed, read the third time, and placed upon its passage.

LONG

Roll Call 2: yeas 39, nays 9.

Motion prevailed.

SENATE MOTION

Madam President: I move that the following Senate Rules be suspended so that House Bill 1230(ss), House Bill 1242(ss), House Bill 1315(ss), House Bill 1316(ss), and House Bill 1457(ss) need not be printed, need not be assigned to committee, may be considered read the second time by title and engrossed, read the third time, and placed upon its passage:

Senate Rule 5: Order of Business, Senate Rule 25(b): Requirement to Prepare Calendar, Senate Rule 49(a): Committee Assignment, Senate Rule 50(a): Requirement that Bills be Introduced after Assignment to Committee, Senate Rule 50(c): First Reading, Including Assignment to Committee, Senate Rule 71: Requirement to lay calendar on desks at beginning of Session Day, Senate Rule 72(b): Eligibility, Senate Rule 74: Requirement to Engross Bill, Senate Rule 79: Deadline to Receive Bills from House.

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 suspend Senate Rules 5, 25(b), 49(a), 50(a), 50(c), 71, 72(b), 74, and 79 so that House Bill 1230(ss), House Bill 1242(ss), House Bill 1315(ss), House Bill 1316(ss), and House Bill 1457(ss) need not be printed, need not be assigned to committee, may be considered read the second time by title and engrossed, read the third time, and placed upon its passage, 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.

INTRODUCTION OF BILLS

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

HB 1230(ss) — Raatz

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

HB 1242(ss) — Holdman

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

HB 1315(ss) — Mishler

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

HB 1316(ss) — Holdman

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

HB 1457(ss) — Head

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

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1457(ss)

Senator Head called up Engrossed House Bill 1457(ss) for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 3: yeas 46, nays 2. 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.

Engrossed House Bill 1316(ss)

Senator Holdman called up Engrossed House Bill 1316(ss) for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 4: yeas 40, nays 8. 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.

Engrossed House Bill 1230(ss)

Senator Raatz called up Engrossed House Bill 1230(ss) for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 5: yeas 47, 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.

Engrossed House Bill 1242(ss)

Senator Holdman called up Engrossed House Bill 1242(ss) for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 6: yeas 41, nays 7. 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.

Engrossed House Bill 1315(ss)

Senator Mishler called up Engrossed House Bill 1315(ss) for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 7: yeas 34, nays 14. 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.

RESOLUTIONS ON FIRST READING**Senate Resolution 1(ss)**

Senate Resolution 1(ss), introduced by Senator Mishler:

A SENATE RESOLUTION honoring Senator Joe Zakas upon his retirement from the Indiana State Senate.

Whereas, Senator Joe Zakas has faithfully and honorably served the constituents of Senate District 11, encompassing parts of St. Joseph and Elkhart counties, since his election in 1982;

Whereas, Senator Zakas has been a pillar of leadership under multiple facets within the Senate Majority Caucus, holding the positions of Assistant Majority Whip, Majority Whip, and his current position of Majority Floor Leader Emeritus;

Whereas, Senator Zakas' leadership extended to his work as the Chair of numerous committees, including Civil Law, Appointments and Claims, Ethics, Judiciary, Code Revision Commission, Governmental and Regulatory Affairs, and Governmental Affairs and Transportation, and subcommittees including Probate Code and Trust, Civil Matters, Corrections and Criminal, Governmental Affairs, Civil Law, Regulatory Affairs, and Public Safety;

Whereas, Senator Zakas was instrumental in establishing Indiana's Amber Alert Program to help transmit information about recently abducted children from local authorities to broadcasters who immediately and repeatedly broadcast information to galvanize the community to assist in the search for and the safe recovery of the child;

Whereas, Senator Zakas contributed to legislation increasing oversight of violent sex offenders through GPS monitoring, requiring DNA samples upon felony arrests to solve crimes and exonerate the innocent, and establishing the Crime Victims Bill of Rights under the Indiana Constitution. He has also been a leader in updating Indiana's trust and probate law and policy, guardianship requirements and adoption laws;

Whereas, Senator Zakas supported legislation to ensure balanced budgets, cut income taxes, eliminate death and business inventory taxes, and support property tax caps to spur economic growth and job creation and establish Indiana as the best state tax climate in the Midwest;

Whereas, Senator Zakas remained active in his community by attending events at the University of Notre Dame, lecturing at continuing legal education seminars, and serving on the Board of Directors for REAL Services, the Advisory Board of Indiana University South Bend and the Executive Committee of the LaSalle Council of the Boy Scouts of America;

Whereas, Senator Zakas participated in organizations, including the Indiana and St. Joseph County Bar Associations, the National Conference of State Legislators and the Council of State Governments. He was also an original member of the

Great Lakes Legislative Caucus;

Whereas, Senator Zakas is married to his loving wife, Anne, with whom he has four children and two grandchildren; and

Whereas, Senator Zakas' expertise in his field, support for local community, and decades of service and leadership will be greatly missed within the Indiana State Senate and throughout the Statehouse: Therefore,

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

SECTION 1. That the Indiana State Senate honors Senator Joe Zakas upon his retirement and thanks him for his decades of service to the Indiana State Senate.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Senator Joe Zakas and his family.

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

SENATE MOTION

Madam President: I move that Senators Alting, Bassler, Becker, L. Brown, Crane, Ford, Houchin, Koch, Merritt, Ruckelshaus, M. Young and Zakas be added as cosponsors of House Bill 1230(ss).

RAATZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Ford and Raatz be added as cosponsors of House Bill 1242(ss).

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Raatz be added as cosponsor of House Bill 1316(ss).

HOLDMAN

Motion prevailed.

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 First Special Session of the 120th General Assembly and to inform him that they are ready for the transaction of legislative business.”

The Speaker has appointed Representatives Steuerwald, Karickhoff, GiaQuinta and Klinker.

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 notify the Senate that the House of Representatives has met, had formed a quorum, and is now prepared to proceed with legislative business of the First Special Session of the 120th General Assembly and to receive any communications which the Senate may transmit.”

The Speaker has appointed Representatives Richardson, Sullivan, Goodin and Bartlett.

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 Bills 1230(ss), 1242(ss), 1316(ss) and 1457(ss) and the same are herewith transmitted to the Senate for further action.

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 Bill 1315(ss) and the same is herewith transmitted to the Senate for further action.

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 the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to inform the Governor that the House of Representatives has completed its business and is ready to adjourn.”

The Speaker has appointed Representatives Friend, M. Smith, Lawson and Bauer.

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 the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to inform the Senate that the House of Representatives has completed its business and is ready to adjourn.”

The Speaker has appointed Representatives Gutwein, Baird, Wright and J. 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 adopted the following motion:

“I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to confer with the Senate for the purpose of ascertaining if the Senate has any further legislative business to transact with the House of Representatives.”

The Speaker has appointed Representatives Washburne, Hamm, Shackleford and Pierce.

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 adopted the following motion:

“I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to confer with the Governor for the purpose of ascertaining if the Governor has any further communication to make to the House of Representatives.”

The Speaker has appointed Representatives Abbott, Beumer, Porter and Candelaria Reardon.

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 of Representatives has adjourned for the First Regular Special Session of the 120th General Assembly *sine die* at 12:32 p.m. on May 14, 2018.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senators Alting, Bassler, Becker, Bohacek, Boots, Bray, Breaux, L. Brown, Buchanan, Buck, Charbonneau, Crane, Crider, Delph, Doriot, Eckerty, Ford, Freeman, Glick, Grooms, Head, Holdman, Houchin, Koch,

Kruse, Lanane, Leising, Long, Melton, Merritt, Messmer, Mrvan, Niemeyer, Niezgodski, Perfect, Raatz, Lonnie M. Randolph, Ruckelshaus, Sandlin, J. Smith, Spartz, Stoops, Tallian, G. Taylor, Tomes, Walker, M. Young and Zay be added as coauthors of Senate Resolution 1(ss).

MISHLER

Motion prevailed.

MESSAGE FROM THE PRESIDENT
OF THE SENATE

Members of the Senate: I have on the 14th day of May, 2018, signed House Enrolled Acts: 1230(ss), 1242(ss), 1316(ss), and 1457(ss).

SUZANNE CROUCH
Lieutenant Governor

SENATE MOTION

Madam President: I move that Senators Eckerty, J. Smith, Raatz and L. Brown be appointed as a committee of two members of the Senate to confer with the House of Representatives for the purpose of ascertaining if the House of Representatives has any further legislative business to transact with the Senate.

LONG

Motion prevailed.

COMMITTEE REPORT

Madam President: Your Committee appointed to ascertain whether the House of Representatives has any further legislative business to transact hereby reports that your Committee has conferred with the House of Representatives and the House of Representatives has no further business to transact with the Senate.

ECKERTY, Chair
J. SMITH
RAATZ
L. BROWN

Report adopted.

SENATE MOTION

Madam President: I move that Senators Ruckelshaus, Sandlin, Raatz and L. Brown be appointed as a committee of two members of the Senate to confer with the Governor for the purpose of ascertaining if the Governor has any further communications to make to the Senate.

LONG

Motion prevailed.

COMMITTEE REPORT

Madam President: Your committee appointed to confer with the Governor to ascertain whether or not he has any further communications to make to the Senate hereby reports that your committee has waited upon the Governor and that the Governor has no further communications to make to the Senate.

RUCKELSHAUS, Chair
SANDLIN
RAATZ
L. BROWN

Report adopted.

SENATE MOTION

Madam President: I move that at 3:31 p.m., May 14, 2018, the Senate do now adjourn *sine die*.

LONG

Motion prevailed.