



# Journal of the Senate

State of Indiana

119th General Assembly

First Regular Session

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First Meeting Day

Tuesday Afternoon

November 18, 2015

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The members-elect of the Senate of the General Assembly of the State of Indiana assembled in the Senate Chambers in the State House in the City of Indianapolis on Tuesday, the eighteenth day of November, 2014, A.D., at 1:33 p.m., being the day fixed by law for the convening of the First Regular Session of the General Assembly, viz:

"...the first regular session of each term of the General Assembly shall convene on the third Tuesday after the first Monday of November of each even-numbered year to organize itself and to elect its officers and receive the oath of office..."

The Senate was called to order by the President of the Senate, Lieutenant Governor Sue Ellspermann.

Prayer was offered by Senator Scott M. Schneider.

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

The Chair requested the Senators re-elected in 2014 to come forward to receive the oath of office. The following Senators came forward:

Boots, Philip L., District 23, Boone, Fountain, Montgomery, Parke, Vermillion, and Warren Counties

Buck, James R., District 21, Clinton, Grant, Hamilton, Howard, and Tipton Counties

Eckerty, Gene D. "Doug", District 26, Delaware, Henry, and Madison Counties

Grooms, Ronald T., District 46, Clark and Floyd Counties

Holdman, Travis L., District 19, Adams, Blackford, Grant, Huntington, Jay, and Wells Counties

Kruse, Dennis K., District 14, Allen and DeKalb Counties

Lanane, Timothy S., District 25, Delaware and Madison Counties

Merritt, James W., Jr., District 31, Hamilton and Marion Counties

Mrvan, Frank, Jr., District 1, Lake County

Smith, James C., Jr., District 45, Clark, Jackson, Jefferson, Scott, and Switzerland Counties

Tomes, James A., District 49, Gibson, Posey, and Vanderburgh Counties

Walker, Gregory F., District 41, Bartholomew and Johnson Counties

Zakas, Joseph C., District 11, Elkhart and St. Joseph 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 requested the Senators newly elected in 2014 to come forward to receive the oath of office. The following Senators came forward:

Bassler, Eric S., District 39, Clay, Daviess, Greene, Knox, Martin, Owen, and Sullivan Counties

Brown, Elizabeth M., District 15, Allen County

Ford, Jonathan, District 38, Clay and Vigo Counties

Houchin, Erin M., District 47, Crawford, Dubois, Harrison, Orange, Perry, and Washington Counties

Messmer, Mark B., District 48, Dubois, Gibson, Knox, Pike, Spencer, and Warrick Counties

Niemeyer, Ricky N., District 6, Benton, Lake, and Newton Counties

Perfect, Clyde A. "Chip" Jr., District 43, Bartholomew, Dearborn, Decatur, Jackson, Jennings, Ohio, and Ripley Counties

Raatz, Jeffery S., District 27, Dearborn, Fayette, Franklin, Randolph, Union, and Wayne 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."

Roll Call 1: present 46; excused 4. The following incumbent senators were excused pursuant to Senate Rule 3: Senator James E. Banks, District 17, Grant, Huntington, Wabash, and Whitley Counties, Senator Michael A. Delph, District 29, Boone, Hamilton, and Marion Counties, Senator Brandt E. Hershman, District 7, Boone, Carroll, Clinton, Jasper, Tippecanoe, and White Counties, and Senator Karen R. Tallian, District 4, LaPorte and Porter Counties.

The Chair declared a quorum present and the Senate ready to organize.

Nominations for President Pro Tempore of the Senate were declared in order. Senator Gregory F. Walker nominated Senator David C. Long and was seconded by Senator Doug Eckerty. The Chair called for further nominations, and, there being none, declared the nominations closed. Senator David C. Long was elected by acclamation.

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

"I, David C. Long, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Indiana, and that I will faithfully and impartially discharge my duties as President Pro Tempore of the Senate of the State of Indiana to the best of my skill and ability, so help me God."

Nominations for Principal Secretary of the Senate were declared in order. Senator Randall C. Head nominated Jennifer L. Mertz and was seconded by Senator Edward E. Charbonneau. The Chair called for further nominations and, there being none, declared the nominations closed. Jennifer L. Mertz was elected by acclamation.

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

"I, Jennifer L. Mertz, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Indiana, and that I will faithfully and impartially discharge the duties as an Officer of the Senate of the State of Indiana to the best of my skill and ability, so help me God."

#### SENATE MOTION

Madam President: I move that a Committee on Rules and Legislative Procedure be appointed to be composed of Senators Long, Holdman, Charbonneau, Eckerty, Hershman, Kruse, Merritt, Steele, Lanane, Arnold, Breaux, and Tallian whose duty it shall be to report back to the Senate any rules which in its discretion, it deems necessary or desirable, to constitute the Standing Rules and Orders governing the Senate during the 119th Indiana General Assembly, until otherwise ordered.

LONG

Motion prevailed

#### RESOLUTIONS ON FIRST READING

##### Senate Resolution 4

Senate Resolution 4, introduced by Senator Long:

A SENATE RESOLUTION memorializing Richard "Dick" L. Smith, former United States Armed Forces member, distinguished businessman, and honored friend of the Indiana State Senate.

*Whereas, Richard "Dick" L. Smith was born in Akron, Ohio, on July 28, 1927;*

*Whereas, Dick served his country honorably in the United States Army where he was trained as a paratrooper before commencing his business career, which lasted for over five decades;*

*Whereas, With his entrepreneurial spirit, Dick worked in areas spanning the automotive, energy, and insurance industries and held key roles such as President and CEO of Dick Smith Cross Country American Motors and Eastgate Chrysler Plymouth and owner and President of National Coal Company;*

*Whereas, Following "retirement," Dick continued to work alongside his son in the medical field and as a doorkeeper in the Indiana State Senate during the time his daughter, former Senator Teresa Smith Lubbers, served in the chamber;*

*Whereas, Dick was also an active member of the Franklin Road Baptist Church where he served on the Board of Deacons and was a Moderator of the Indiana Chapter of the American Baptist Convention as well;*

*Whereas, Dick passed away on November 7, 2014, and is survived by his devoted wife, Evelyn Smith; his son Dr. Steven Smith and his wife Kathy; his daughter Teresa Smith Lubbers and her husband Mark; five grandchildren; and ten great grandchildren; and*

*Whereas, Richard "Dick" L. Smith was highly regarded throughout his life for his faith, hard work, and optimism and will be remembered and missed by many: Therefore,*

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

SECTION 1. That the Indiana Senate memorializes the full and honorable life of its friend, Richard "Dick" L. Smith.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Evelyn Smith, Dr. Steven Smith, and Teresa Smith Lubbers.

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

#### SENATE MOTION

Madam President: I move that Senator Hershman be added as second author, Senator Merritt be added as third author and Senators Alting, Arnold, Banks, Bassler, Becker, Boots, Bray, Breaux, Broden, Brown, Buck, Charbonneau, Crider, Delph, Eckerty, Ford, Glick, Grooms, Head, Holdman, Houchin, Kenley, Kruse, Lanane, Leising, Messmer, Patricia Miller, Pete Miller, Mishler, Mrvan, Niemeyer, Perfect, Raatz, Randolph, Rogers, Schneider, Smith, Steele, Stoops, Tallian, Taylor, Tomes, Walker, Waltz, Yoder, M. Young, and Zakas be added as coauthors of Senate Resolution 4.

LONG

Motion prevailed.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure has met to consider the Rules of the Senate for the 119th Indiana General Assembly and begs leave to report the same back to the Senate with the recommendation that said Rules be adopted as follows:

## STANDING RULES AND ORDERS OF THE SENATE

### I. GENERAL PROVISIONS

1. (a) The Senate shall be convened every legislative day at 1:30 P.M. unless the Senate by motion adopted by a majority vote shall have agreed to convene at some other hour. In the event of a discrepancy in the convening time posted, the time announced from the floor at the close of the preceding session day shall control.

(b) The announced convening time of the Senate may be changed after the Senate has adjourned with the agreement of the President Pro Tempore and the Minority Floor Leader.

2. (a) Except as specified in subsection (b), a quorum consisting of two-thirds of the Senators elected must be present to do business.

(b) Twenty-five Senators with the President, or Twenty-six Senators in the absence of the President with the President Pro Tempore presiding or having chosen a Senator to preside if the President Pro Tempore is absent shall be authorized to do the following:

Call a Senator.

Compel the attendance of absent Senators.

Make an order for censure.

Adjourn.

3. Every Senator shall be present at all meetings of the Senate unless excused by the President Pro Tempore.

4. (a) Every Senator shall vote on each question put except as provided by this Rule.

(b) A Senator may request to be excused from voting on a question because of a direct personal or pecuniary interest, pursuant to Senate Rules 94 and 95. Whether a Senator has a direct personal or pecuniary interest so as to be excused from voting on a question shall be decided without debate.

(c) When presiding over the Senate, the President Pro Tempore or other Senator designated to preside shall not be required to vote unless necessary to break a tie or to provide a constitutional majority.

(d) This Rule shall not be construed as denying or abridging the right of a Senator to vote on any question.

5. (a) The regular order of transacting business shall be as follows:

- (1) The President takes the chair.
- (2) Senate called to order.
- (3) Prayer.
- (4) Pledge of Allegiance.

(5) Roll call.

(6) Introduction of bills.

(7) Reports of standing committees.

(8) Introduction of petitions, memorials and remonstrances.

(9) Reports of select committees.

(10) Senate Resolutions.

(11) Concurrent Resolutions.

(12) Joint Resolutions.

(13) Messages from the House.

(14) Senate bills on second reading.

(15) Senate bills on third reading.

(16) House bills on first reading.

(17) House bills on second reading.

(18) House bills on third reading.

(19) Senate bills from conference committees.

(20) House bills from conference committees.

(b) The regular order of business may be suspended upon a majority vote of the Senators present and voting.

(c) If the regular order of business is suspended by reason of adjournment or otherwise, upon reassembling or upon completion of the business which caused the suspension, the business of the Senate shall be resumed at the place where the regular order of business was suspended.

(d) The Journal of the previous days shall not be read to the Senate except upon a motion signed by five (5) Senators, concurred in by a constitutional majority of the Senate.

6. Every bill, resolution or other matter before the Senate on the Calendar or otherwise capable of being acted upon by the Senate shall at the adjournment sine die of any session of the General Assembly be deemed to have failed.

7. The standing rules and orders of the Senate shall be an item of business in the first regular session of a term of the General Assembly. The Committee on Rules and Legislative Procedure shall develop the standing rules and orders to be presented to the Senate for adoption. The standing rules and orders, upon adoption, shall govern the Senate for the term of the General Assembly, unless amended or suspended.

8. Mason's Manual and Jefferson's Manual shall apply to all points not covered by these Rules and, whenever there is a conflict between said Manuals, Mason's Manual shall govern. The Principal Secretary shall at all times maintain a copy of said Manuals in the Office of the Principal Secretary, the Office of the Majority Attorney, and the Office of the Minority Attorney.

## II. DECORUM, DEBATE AND MOTIONS

### A. Decorum and Debate

9. (a) The President Pro Tempore shall preside over the Senate when the President is absent or steps down from the Chair. Whenever presiding over the Senate, the President Pro Tempore shall at any time have the right to designate a member of the Senate to preside in place of the President Pro Tempore. In the absence of the President and the President Pro Tempore, the Majority Leader shall preside over the Senate.

(b) In the case of death or resignation of the President Pro Tempore, the Majority Caucus Chair shall serve as Temporary President Pro Tempore until the election of a President Pro Tempore by the members of the Senate pursuant to subsection (d) of this rule. If the Majority Caucus Chair is unable to serve as Temporary President Pro Tempore, the individuals holding the following positions shall serve as Temporary President Pro Tempore in the order listed:

- (1) Majority Floor Leader.
- (2) Majority Whip.
- (3) Assistant President Pro Tempore.
- (4) Assistant Majority Floor Leader. If two (2) individuals

hold the position of Assistant Majority Floor Leader, the individual having served in that position the longest shall serve as Temporary President Pro Tempore.

(5) Assistant Caucus Chair. If two (2) individuals hold the position of Assistant Caucus Chair, the individual having served in that position the longest shall serve as Temporary President Pro Tempore.

- (6) Assistant Majority Whip.

(c) Whenever the Majority Caucus Chair, or any member listed in the order of succession, files with the Ranking Member of the Committee on Rules and Legislative Procedure a written statement suggesting that the President Pro Tempore is unable to perform the duties of the office because of incapacity, the Ranking Member shall convene the Committee within twenty-four (24) hours to decide the question. The President Pro Tempore, who serves as Chair of the Committee, shall not preside over the meeting of the Committee under this rule. However, the President Pro Tempore shall be permitted to vote on the question as a member of the committee. If the Committee finds that the President Pro Tempore is unable to perform the duties of the office, the Majority Caucus Chair shall serve as Temporary President Pro Tempore until the election of an Acting President Pro Tempore by the caucus of the President Pro Tempore pursuant to subsection (e) of this rule. If the Majority Caucus Chair is unable to serve as Temporary President Pro Tempore, the individuals holding the following positions shall serve as Temporary President Pro Tempore, in the order listed:

- (1) Majority Floor Leader.
- (2) Majority Whip.
- (3) Assistant President Pro Tempore.
- (4) Assistant Majority Floor Leader.

If two (2) individuals hold the position of Assistant Majority Floor Leader, the individual having served in that position the longest shall serve as Temporary President Pro Tempore.

(5) Assistant Caucus Chair. If two (2) individuals hold the position of Assistant Caucus Chair, the individual having served in that position the longest shall serve as Temporary President Pro Tempore.

- (6) Assistant Majority Whip.

(d) If the President Pro Tempore dies or resigns when the Senate is in session, the full Senate shall meet within forty-eight (48) hours to elect a new President Pro Tempore. If the President Pro Tempore dies or resigns when the Senate is not in session, the full Senate shall meet within five (5) calendar days to elect a

new President Pro Tempore.

(e) If the President Pro Tempore is found unable to perform the duties of the office under subsection (c) when the Senate is in session, the caucus of the President Pro Tempore shall meet within forty-eight (48) hours to elect an Acting President Pro Tempore. If the President Pro Tempore is found unable to perform the duties of the office under subsection (c) when the Senate is not in session, the caucus of the President Pro Tempore shall meet within five (5) calendar days to elect an Acting President Pro Tempore. The full Senate is not required to meet to approve the election of an Acting President Pro Tempore by the caucus.

(f) The Temporary President Pro Tempore and the Acting President Pro Tempore shall exercise all of the duties and powers granted to the President Pro Tempore under the Standing Rules and Orders of the Senate.

(g) The Acting President Pro Tempore shall serve until the Committee on Rules and Legislative Procedure determines that the President Pro Tempore is able to resume the duties of the office. The Committee shall meet within twenty-four (24) hours to determine the question upon receipt of a written statement from the President Pro Tempore that the President Pro Tempore is able to resume the duties of the office. The President Pro Tempore, who serves as Chair of the Committee, shall not preside over the meeting of the Committee under this Rule. However, the President Pro Tempore shall be permitted to vote on the question as a member of the committee.

10. The President or Chair shall preserve order and decorum; may speak to points of order in preference to Senators rising for that purpose; and shall decide questions of order.

11. (a) Decisions of the President or Chair are subject to an appeal to the Senate by any Senator.

(b) No Senator shall speak more than once on an appeal, unless the Senate grants a Senator leave to speak twice.

(c) The President or Chair who made the challenged ruling shall not preside over the Senate on the appeal, including putting the question and announcing the vote.

(d) The question on any appeal from a decision of the President or Chair shall be stated as follows:

"Shall the ruling of the Chair be sustained?"

(e) Upon any appeal from a decision of the President or Chair, a record vote shall be taken upon the question.

12. (a) When any Senator desires to speak or deliver any matter to the Senate, the Senator shall rise and respectfully address the President or Chair.

(b) When two or more Senators rise at once, the President or Chair shall name the Senator who is to speak first.

(c) Being recognized by the President or Chair, a Senator may address the Senate, but during debate shall confine comments to the question under debate, and shall not make any motion at the close of the Senator's own speech or prefacing remarks.

(d) No Senator shall speak more than once to the same question without leave of the Senate, unless the Senator moved, proposed, or introduced the matter pending and is speaking in reply to a question or after every Senator has had an opportunity to speak on the matter pending.

(e) Once recognized by the President or chair and before making any comments on the matter, a Senator may withdraw their request to speak by stating: "Permission to withdraw my request to speak." If permission is granted, the Senator may be recognized to speak again at a later time during debate.

(f) A Senator shall not occupy more than one-half hour to speak on any question in the Senate or in committee; provided, however, that the Senate at any time, by motion adopted by a majority of the Senators present and voting, may further limit the time for speaking.

(g) A Senator may have one minute to explain the Senator's vote on a bill or joint resolution if the Senator did not speak during debate on such bill or joint resolution.

(h) No Senator shall impugn the motives of any other Senator.

(i) A Senator may request the President or Chair to place the Senate in recess to allow a person who is not a member of the Senate to address the Senate only if the request has been approved by the Committee on Rules and Legislative Procedure.

13. (a) Any Senator shall have the right to speak on a point of personal privilege, when recognized by the President or Chair.

(b) No Senator shall request a point of personal privilege during discussion of a bill.

(c) No Senator shall use the point of personal privilege to impugn the motives of any other Senator.

(d) No Senator shall have the right to propound any question to a Senator exercising a point of personal privilege.

14. (a) If any Senator in speaking, or otherwise, transgresses the rules of the Senate, the President or Chair shall, or any Senator may, call the Senator to order.

(b) The Senator called to order shall immediately be seated, unless another Senator moves that the Senator called to order be allowed to explain the challenged remarks and the motion is adopted by a majority of the Senators present and voting.

(c) The Senator called to order may appeal if seconded by another Senator.

(d) The Senate shall vote on the appeal of the call to order without debate.

(e) If the decision on the appeal is in favor of the Senator called to order, the Senator shall be at liberty to proceed, but not otherwise; and if the decision on the appeal is against the Senator called to order, the Senator shall be liable as to censure or such punishment as the Senate may deem proper.

(f) If a Senator is called to order for words spoken in debate, the Senator calling a Senator to order shall indicate the words to which there is an objection, but the Senator called to order shall not be censured for those words if further debate or other business has intervened.

**(g) Any motion offered pursuant to this rule is not subject to Rule 17(a) and is not required to be in writing.**

15. (a) Special Resolutions. All special resolutions must be scheduled with the Secretary's Office before presentation on the Senate floor. Requests for presentation dates will be granted in the order received subject to the limitations in Senate Rule 45(b).

(b) General Resolutions. All general resolutions to be presented in person to the constituent at the State House must be scheduled with the Secretary's Office before presentation.

16. (a) Special Resolutions.

(1) On the day the special resolution is scheduled for presentation, the author must call the resolution down for action on the Senate floor.

(2) Presentation of the resolution will be limited to a maximum of five minutes.

(3) The resolution will be subject to a voice vote on the floor upon conclusion of the presentation unless a roll call vote is requested or a standing vote is taken for a memorial resolution.

(b) General Resolutions.

(1) Once approved by the President Pro Tempore, general resolutions will be read across the desk en masse by motion on the next session day. The motion will then be subject to a vote on the floor.

(2) Memorial resolutions will be read across the desk en masse by separate motion to allow for adoption by standing vote.

(c) Substantive Resolutions.

(1) Once assigned to committee by the President Pro Tempore, substantive resolutions will be released on a file list and read for the first time.

(2) If the substantive resolution is heard and adopted in committee, a committee report will be filed.

(3) Once the committee report is adopted, the substantive resolution will appear on the calendar and must be called down by the author for final adoption.

(d) Once a simple or concurrent resolution is called for action on the Senate floor, no motion to amend will be in order; however, a technical correction pursuant to Rule 35(c) shall be in order at any time a resolution is in the possession of the Senate.

## **B. Priority of Motions and Debate**

17. (a) Each motion shall be in writing, signed by the maker, and, if demand is made, seconded, except the following motions:

Motion to adjourn.

Motion to fix the time which to adjourn.

Motion to lay on the table.

Motion for the previous question.

Motion to postpone indefinitely.

Motion to commit.

Motion to call the absentees.

Motion to excuse the absentees.

**If approved by the President Pro Tempore, an electronic signature PIN may be accepted on written motions.**

(b) Each written motion shall be ~~handed~~ **delivered** to the Reading Clerk and read aloud before debate.

(c) After being read and stated by the President or Chair, a motion shall be in the possession of the Senate, but by consent of the Senate may be withdrawn at any time before being decided upon or amended.

(d) A motion to adjourn may be made only by the President Pro Tempore or Senator designated by the President Pro Tempore.

18. (a) When a question is under debate, no motion shall be in order except the following motions which take precedence in the order listed:

- 1st. To adjourn.
- 2nd. To lay on the table.
- 3rd. For the previous question.
- 4th. To postpone to a certain time or day.
- 5th. To commit.
- 6th. To amend.
- 7th. To postpone indefinitely.

(b) A motion to adjourn shall always be in order, except when the previous question or a motion to take up or receive the report of the Committee on Elections concerning right of membership is pending. The motion to adjourn shall be decided without debate.

(c) The question pending on adjournment shall be resumed on the reassembling of the Senate, unless otherwise ordered by the Senate.

19. (a) When moved, the previous question shall be put in this form: "Shall the question be now put?"

(b) Until it is decided, the previous question shall preclude all debate and the introduction of all further amendments.

(c) The previous question having been ordered, its effect shall be to put an end to all debate and bring the Senate to a direct vote on the question then pending.

(d) When operating under the previous question, there shall be no debate or explanation of votes; provided, however, that the author or sponsor of the question then pending will have two (2) minutes to speak prior to the vote.

20. All questions relating to the priority of business and motions to table or take from the table shall be decided without debate.

### III. OFFICERS AND EMPLOYEES

#### A. Selection and Appointment

21. The first item of business at the first regular session of a term of the General Assembly shall be the election of the following:

- The President Pro Tempore
- The Principal Secretary

22. Each officer of the Senate shall take an oath for the true and faithful discharge of the duties of the office and shall be deemed to continue in office for the term of the General Assembly unless the officer resigns, is removed, suspended, or unable to serve, or until a successor is chosen.

23. (a) The President Pro Tempore shall appoint the following:

- (1) Majority Floor Leader.
- (2) Majority Whip.
- (3) Assistant President Pro Tempore.
- (4) Assistant Majority Floor Leader(s).
- (5) Assistant Majority Whip.
- (6) Assistant Majority Caucus Chair(s).
- (7) Assistant Majority Secretary of the Senate.
- (8) Postmaster of the Senate.
- (9) Principal Doorkeeper of the Senate.
- (10) Majority Attorney of the Senate.
- (11) Deputy Secretary of Operations.

(12) Acting Principal Secretary of the Senate, if the Principal Secretary is removed, suspended, unable to serve, or resigns.

(13) Chief Legal Counsel.

(b) The Majority Caucus shall elect the Majority Caucus Chair.

(c) The Minority Caucus shall elect the following:

- (1) Minority Floor Leader.
- (2) Assistant Minority Floor Leader.
- (3) Minority Caucus Chair.

(d) The Minority Floor Leader shall appoint the following:

- (1) Minority Whip(s).
- (2) Assistant Minority Caucus Chairs(s).
- (3) Deputy Minority Secretary of the Senate.
- (4) Minority Attorney of the Senate.

24. The officers and employees of the Senate shall be responsible to and under the direction of the President Pro Tempore or President Pro Tempore-elect.

#### B. Duties of Officers and Employees

25. (a) The Principal Secretary shall keep the Journal of the Senate in due form and by signature shall attest the same.

(b) The Principal Secretary shall each day the Senate convenes prepare a calendar, listing by number and author or sponsor, each bill and joint resolution eligible for call on second reading and each bill and joint resolution eligible for call on third reading on that day, together with any special order of business.

(c) At the end of the Principal Secretary's term of office, unless re-elected to that office, the Principal Secretary shall transmit to the Legislative Services Agency all official receipt books and official records from each session during the Principal Secretary's term of office.

26. The Legislative Services Agency shall preserve all official records and books received from the Principal Secretary for future use.

27. (a) The Doorkeeper shall attend the Senate at all times during a session unless directed otherwise by the President Pro Tempore and execute all commands duly given.

(b) When requested to call a Senator, the Doorkeeper shall do so by name.

(c) The Doorkeeper shall whenever the Senate is convened exclude from the Senate Chamber all persons except the President, Senators, officers and employees of the Senate, the Parliamentarian, members of the House, representatives of the press assigned to places on the floor of the Senate, employees of the Legislative Services Agency, persons authorized by the President Pro Tempore, former Senators, and former members of the House; provided, however, that any person, including former Senators and former members of the House, who is registered as a lobbyist shall not have access to the Senate Chamber.

#### C. Duties of Officers and Employees Pertaining to Bills

28. (a) The Principal Secretary, or designee, shall number consecutively the bills, the joint resolutions, and the concurrent resolutions received.

(b) Upon receiving a bill or joint resolution from a Senator, the Principal Secretary, or designee, shall prepare a receipt showing the number of the bill or joint resolution and the date when received.

(c) The Principal Secretary, or designee, shall prepare and distribute to each member of the Senate, ~~a list~~ **lists** of all bills and joint resolutions to be introduced ~~each day the Senate is convened, commencing with the first day of each regular or special session.~~

(d) The Principal Secretary shall keep all bills and joint resolutions on file in regular order.

29. When a bill has passed, it shall be certified by the Principal Secretary, noting at the foot thereof the day of its passage.

30. When an enrolled act or bill is transferred from one party to another within or without the Senate Chambers, a receipt shall be generated to record that transaction.

#### IV. STANDING COMMITTEES AND SUBCOMMITTEES

##### A. Committees of the Senate and Committee Appointments

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

(1) Agriculture ~~and Natural Resources.~~

~~Ten (10)~~ **Nine (9)** Members.

(2) Appropriations.

Thirteen (13) Members.

**a. School Funding Subcommittee.**

(3) Civil Law.

Ten (10) Members.

(4) Commerce, ~~Economic Development,~~ and Technology.

Ten (10) Members.

(5) Corrections and Criminal Law.

Ten (10) Members.

**a. Criminal Law Subcommittee.**

**b. Corrections Subcommittee.**

(6) Education and Career Development.

~~Twelve (12)~~ **Eleven (11)** Members.

(7) Elections.

Ten (10) Members.

(8) Environmental Affairs.

Ten (10) Members.

(9) Ethics.

Six (6) Members.

**(10) Family and Children Services.**

**Nine (9) Members.**

~~(10) Financial Institutions.~~

~~Ten (10) Members.~~

(11) Health and Provider Services.

~~Twelve (12)~~ **Eleven (11)** Members.

a. Public Health Subcommittee.

b. Provider Services Subcommittee.

(12) Homeland Security; ~~and Transportation and Veterans Affairs.~~

Ten (10) Members.

~~a. Public Safety Subcommittee.~~

~~b. Transportation Subcommittee.~~

(13) Insurance ~~and Financial Institutions.~~

Ten (10) Members.

(14) Judiciary.

Ten (10) Members.

a. Courts and Juvenile Justice Subcommittee.

b. Probate Code and Trusts Subcommittee.

(15) Local Government.

Ten (10) Members.

**(16) Natural Resources.**

**Nine (9) Members.**

~~(16)~~ **(17)** Pensions and Labor.

~~Ten (10)~~ **Eleven (11)** Members.

~~(17)~~ **(18)** Public Policy.

Ten (10) Members.

~~(18)~~ **(19)** Tax and Fiscal Policy.

Thirteen (13) Members.

~~(19)~~ **(20)** Utilities.

Ten (10) Members.

**(21) Veterans Affairs and the Military.**

**Ten (10) Members.**

~~(20)~~ **(22)** Joint Rules.

Four (4) Members and President Pro Tempore as Ex Officio Member.

~~(21)~~ **(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.

32. (a) The President Pro Tempore or President Pro Tempore-elect shall appoint the chairperson and members of each of the standing committees and subcommittees thereto. The appointments to standing committees and subcommittees shall be reported to the Senate by the President Pro Tempore and recorded in the Journal.

(b) The chairpersons and members of the standing committees and subcommittees thereof shall continue for the term of the General Assembly unless removed by the President Pro Tempore or unable to serve.

(c) All vacancies on any committee or subcommittee shall be filled by appointment by the President Pro Tempore or President Pro Tempore-elect of the Senate.

33. The standing committees and subcommittees thereof shall be the only committees or subcommittees authorized to represent the Senate during the interim periods of the General Assembly.

##### B. Specific Committees: Rights, Duties and Procedures

34. The Committee on Elections shall have leave to report at any time on the right of a Senator to a seat by presenting its report to the Senate or by filing its report with the Principal

Secretary. A report concerning right of membership shall be a question of the highest privilege and may be called up at any time by the Chairperson of the Committee on Elections or by any member of the Senate.

35. (a) A report of the Committee on Rules and Legislative Procedure shall be in order at any time when no question is before the Senate.

(b) All proposed amendments to or motions to suspend the Rules shall be referred to the Committee on Rules and Legislative Procedure without debate. The Committee shall have the right to report at any time on any proposed change in the Rules or the order of business. A report on a proposed change in the Rules or order of business shall be immediately disposed of by a majority vote of the Senators present and voting.

(c) The Rules and Legislative Procedure Committee may correct spelling, grammatical, numbering, lettering, or technical errors in a bill or resolution when it is in the possession of the Senate. The Committee shall report to the Senate the number of each bill corrected and the correction which was made under its direction. The report of a correction shall be maintained under the supervision of the Principal Secretary and be available for inspection by a legislator upon request and entered in the Journal of the Senate.

## V. VOTING PROCEDURES

36. (a) The President or Chair may state a question while sitting but shall rise to put the question as follows:

"As many as are in favor (as the question may be) vote yea"; (and, except in case of a record vote, after the affirmative vote is expressed) "As many as are opposed vote nay."

(b) In any case in which a voice vote is taken and there is a reasonable doubt as to the result thereof, a division on the question shall be granted upon demand of any Senator, if the demand is made prior to a ruling by the Chair upon the vote by voice.

(c) If there is a doubt as to the prevailing vote or a division is called for, the Senate shall divide and those Senators voting in the affirmative of the question shall first rise from their seats and be counted, and afterward those Senators voting in the negative of the question shall rise from their seats and be counted.

(d) Upon a division and count of the Senate, on any question, a Senator who is not in the Chamber shall not be counted.

37. (a) A record vote is a vote taken and recorded through the use of electronic equipment.

(b) In all cases in which the vote of the members of the Senate is taken and recorded through the use of electronic equipment, a period of time immediately following the putting of the question shall be allowed for the casting of the vote. At the discretion of the President or Chair, the voting period shall be declared closed and the result of the vote shall be recorded and announced as recorded, and the official voting roll call sheet shall never in any way be altered or the vote recorded changed thereon.

(c) In the event of failure of the electronic equipment, a record vote shall consist of a calling of the roll and a recording of the yeas and nays.

(d) Notwithstanding subsection (b), if there is a discrepancy

in taking or announcing a vote recorded through the use of electronic equipment and the vote is questioned prior to the call of the next bill for action, the President or Chair may make a ruling to treat the vote as irregular and void and the vote may be retaken or it may be corrected.

38. (a) If the Senate is equally divided and the President is presiding, then the President shall give the deciding vote.

(b) If the Senate is equally divided and the President is not presiding, then:

(1) for matters requiring a constitutional majority, Rule 81(c) shall apply; and

(2) for matters not requiring a constitutional majority, the matter shall fail to pass.

39. (a) No member shall vote for another member, nor shall any person not a member cast a vote for a member; provided, however, that the President Pro Tempore or other Senator may, when presiding, designate another Senator to cast a vote for the chair as directed.

(b) In addition to such penalties as may be prescribed by law, any member who shall vote or attempt to vote for another member may be punished in such manner as the Senate may determine.

(c) If a person not a member shall vote or attempt to vote for any member, the person shall be barred from the floor of the Senate for the remainder of the session and may be further punished in such manner as the Senate may deem proper, in addition to such punishment as may be prescribed by law.

## VI. LEGISLATIVE PROCEDURE

### A. Form of Bills

40. To be filed, a bill must have been reviewed by the Legislative Services Agency as to technical correctness, have attached a fiscal note prepared by the Legislative Services Agency, include a brief digest of the bill, and be accompanied by a card addressed to the President Pro Tempore of the Senate, stating the subject matter of the bill and the committee assignment requested.

41. (a) Every bill and resolution filed shall be in a typewritten or printed form having no handwritten interlining or defacements of any kind, and drafted in a form prescribed by the Legislative Council.

(b) There shall be sufficient copies of the bill prepared for filing or pre-filing, one (1) of which shall be backed. The backed copy shall be the original bill.

(c) Every bill shall contain a title which shall express in concise terms the subject matter of the bill, but be in sufficient detail to acquaint the Senators with the general subject matter under consideration in the bill.

(d) Every amendatory bill shall cite the original act or code as last amended, and the sections of an act or code being amended shall be set forth and published in full length. The identification required by this Rule shall be made by citation reference.

(e) Every bill and resolution shall have one Senator designated as author or sponsor. In addition, every bill and resolution may have one Senator designated as second author or sponsor, one

Senator designated as third author or sponsor, and any number of Senators designated as coauthors or cosponsors.

(f) Every bill and resolution shall be endorsed on the backing thereof with the name of the Senator offering the same.

**(g) Prior to filing a Senate bill, the author of the bill shall obtain the verbal authorization of any Senator that is included on the bill as a second author, third author or coauthor when the bill is filed.**

**(h) Prior to announcing House sponsors, a Senator shall obtain the verbal authorization of any House member that is added as a sponsor or cosponsor of a Senate bill.**

42. (a) Petitions, memorials and other papers, including congratulatory and other resolutions, addressed to the Senate may be presented by the President or any Senator.

(b) A petition, memorial, resolution or other paper shall be reported on by the committee to which it is assigned before it may be called for action, unless the President Pro Tempore designates it as eligible for immediate action.

43. Neither the printing contractor nor any subcontractor shall release information concerning bills or resolutions, their progress or work thereon, to any person not authorized by the President Pro Tempore of the Senate to receive such information.

#### **B. Pre-Filing, Filing, Introduction, First Reading and Committee Assignment**

44. Any member or member-elect of the Senate may on or after thirty (30) days prior to the convening of any regular or special session pre-file a bill, joint resolution, concurrent resolution, or simple resolution with the Principal Secretary for introduction.

45. (a) When filed with the Secretary of the Senate, simple and concurrent resolutions will be divided into one of the following three categories:

- (1) Special Resolutions.
- (2) General Resolutions.
- (3) Substantive Resolutions.

(b) Special Resolutions. Special resolutions are designated by the author for presentation on the Senate floor subject to the following limitations:

- (1) A maximum of four special resolutions will be allowed to be presented during the first two weeks of session and during the first week after the midterm break each year.
- (2) A maximum of two special resolutions will be allowed to be presented each day the Senate is convened at all other times during session.
- (3) Each presentation shall be limited to a maximum of five minutes per resolution.
- (4) No Senator will be permitted to present more than one resolution per session day.
- (5) Additional limitations may apply during second and third reading deadlines and conference committees at the discretion of the President Pro Tempore.
- (6) Exceptions to the limitations set out in Rule 45(b) are subject to approval by the President Pro Tempore.

(c) General Resolutions. General resolutions may be designated by the author for presentation in one of the following

ways:

(1) Author to present the resolution in person to the constituent at the State House, but not on the Senate floor; or

(2) Author to deliver the resolution to the constituent in person at some location outside the State House; or

(3) Resolution to be mailed directly to the constituent on behalf of the author. There is no limitation on the number of general resolutions that a Senator may file each session.

(d) Substantive Resolutions. Substantive resolutions are assigned to committee by the President Pro Tempore and are released on a file list. There is no limitation on the number of substantive resolutions that a Senator may file each session.

(e) When a House Concurrent Resolution is received by the Secretary of the Senate, it will be treated as a general resolution without presentation unless:

(1) The Senate sponsor has notified the Secretary's Office that the resolution is to be designated as a special resolution or a general resolution to be presented to the constituent in person at the State House and the Senate sponsor has scheduled the presentation; or

(2) The President Pro Tempore designates the resolution to be substantive and assigns the resolution to committee.

46. A Senator must sign and deliver in person to the Principal Secretary's Office every bill or joint resolution to be filed or pre-filed by that Senator.

47. (a) Any bill or resolution may be withdrawn by the author as follows:

- (1) prior to the bill's release on a bill filing list, by written request to the Principal Secretary; or
- (2) after the bill's release on a bill filing list, by written request to the Majority Attorney's Office.

The records shall show such bill or resolution as having been withdrawn.

(b) In the event that the office of any member or member-elect who has pre-filed a bill or resolution shall become vacant for any reason prior to the first reading thereof, the bill or resolution shall be introduced in the names of the remaining second author and/or coauthors, if any. If a bill or resolution was pre-filed only by the member or member-elect whose office is vacant, the bill or resolution shall be withheld from introduction and the records shall show the same as withdrawn prior to introduction.

48. (a) First regular session. During the first regular session, there shall be no limitation on the total number of bills or joint resolutions each Senator shall be permitted to file for introduction. Before January 8, each Senator may present an unlimited number of bills and joint resolutions to the Secretary's Office for filing; however, beginning January 8 and continuing until the filing deadline at 4:00 p.m. January ~~11~~ **14**, no Senator shall file more than two (2) bills or joint resolutions per business day. **During the two (2) per day limited filing period, each Senator shall be allowed to yield, in writing, the Senator's right of bill or joint resolution filing to another Senator.**

(b) Second regular session. During the second regular session, each Senator shall be permitted to file for introduction no more than a total of ten (10) bills or joint resolutions, none of which

may be vehicle bills. In addition, each Senator shall also be permitted to file two (2) bills recommended by interim study committees or statutory commissions and committees that shall not be counted toward the Senator's ten (10) bill filing limit. The President Pro Tempore shall be permitted to file twenty-five (25) vehicle bills and seven (7) vehicle joint resolutions. The Minority Leader shall be permitted to file fifteen (15) vehicle bills and three (3) vehicle joint resolutions. When reassigned, vehicle bills and vehicle joint resolutions shall not be counted toward a Senator's ten (10) bill filing limit. Beginning January 6 5 and continuing until the filing deadline at 4:00 p.m. January 10; 8, no Senator shall file more than two (2) bills or joint resolutions per business day. **During the two (2) per day limited filing period, each Senator shall be allowed to yield, in writing, the Senator's right of bill or joint resolution filing to another Senator. However, yields may not be used to increase the maximum aggregate number of bills an individual Senator may file.**

~~(c) Each Senator shall be allowed to assign, in writing, the Senator's right of bill or joint resolution filing to another Senator.~~

49. (a) Whenever the President Pro Tempore of the Senate shall assign a filed Senate bill or joint resolution to a standing committee, the assignment shall be made within seven (7) calendar days following the last day for filing Senate bills and joint resolutions and shall cause the bill or joint resolution with the committee assignment to be set forth on a bill filing list.

(b) All vehicle bills shall be referred to the Committee on Rules and Legislative Procedure.

50. (a) Bills and joint resolutions will be introduced after assignment to a committee.

(b) Bills and resolutions are introduced when read for the first time.

(c) The first reading of a bill shall be for information, including the assignment to a committee by the President Pro Tempore.

51. Bills and resolutions pre-filed prior to a session or during recess after organization day may be assigned and released by the President Pro Tempore or President Pro Tempore-elect of the Senate to a standing committee for consideration and will be introduced the first or a subsequent day on which the Senate is convened.

52. Upon the assignment of a bill or resolution for committee consideration or the day of first reading, whichever occurs first, the filed unbacked copies of a bill or resolution shall be distributed by the Principal Secretary as follows: one to the printer for bill reading room copies; one to the Majority Attorney; one to the Head Senate Proofreader; one to the author; one to the committee chairperson of the committee to which the bill is assigned; and one to the Minority Attorney.

### C. Subject Matter

53. No motion to amend, committee action, concurrence or conference committee action which seeks under color of amendment to substitute or insert subject matter not germane to that of the bill or resolution under consideration shall be in order. However, this Rule does not apply to House bills raising revenue

and relating to other taxation matters. Substitution of new subject matter in accordance with Rule 66(b) is not a violation of this rule.

54. Any conference committee report not in accordance with Article 4, Section 19 of the Constitution shall be not in order.

### D. Committee Meetings, Considerations and Reports

55. The committees of the Senate shall perform such services and take into consideration all subjects and matters required of them by the Senate.

56. (a) No standing committee or subcommittee, except the Committee on Rules and Legislative Procedure and the Committee on Ethics, shall meet, hear evidence, or take a vote on a bill or resolution assigned to the committee or subcommittee without at least forty-eight (48) hours notice to the public. The notice shall include the following:

(1) Committee or subcommittee name.

(2) Chairperson.

(3) Time, day, date and place of meeting.

(4) Number and subject matter of all bills and resolutions to be considered.

(b) The Chairperson or Subcommittee Chairperson, with the approval of the Committee Chairperson, is responsible for informing the Principal Secretary, in writing, of the intent to hold a hearing including all information required in the notice by Rule 56(a). The notice of the intent to hold a hearing may be submitted to the Principal Secretary by facsimile ("fax") or other electronic means containing the handwritten signature of the Chairperson. **If approved by the President Pro Tempore, an electronic signature PIN may be accepted.**

(c) Senate committee and subcommittee schedules shall be posted ~~prominently in the information center for the Senate committee hearings and on the Senate bulletin boards outside the Senate and House Chambers~~ **prominently outside the Senate Chamber and may be posted publicly in electronic format** for no less than forty-eight (48) hours before the meeting or hearing; provided, however, that the forty-eight (48) hour posting requirement shall not apply to the Committee on Rules and Legislative Procedure and the Committee on Ethics. Senate committee or subcommittee meetings to be scheduled for a Monday or Tuesday shall be posted before noon or prior to adjournment, whichever is later, on the preceding Friday; provided, however, that this posting requirement shall not apply to the Committee on Rules and Legislative Procedure and the Committee on Ethics.

57. (a) Except as provided in Rule 57(b), all standing committee and subcommittee meetings shall be open to the public. The Senate's intent with this Rule is to provide public access to the legislative process without hindering, intimidating, or disrupting that process.

(b) The Committee on Ethics may meet in executive session:

(1) as provided in IC 2-2.1-3-7; or

(2) under Rule 96 or 97 to consider the request of a Senator made under Rule 94.

58. No action shall be taken without a quorum of the committee. A quorum shall consist of a majority of the appointed

members. Provided, however, that the Chairperson of the Committee on Rules and Legislative Procedure may offer a committee report on behalf of said committee on only the Chairperson's signature.

59. When reporting on vehicle bills, the Rules and Legislative Procedure Committee shall not reassign a vehicle bill to another committee until the substance of the bill which is to be heard by a standing committee is amended into such vehicle bill.

60. When a bill or resolution is assigned to a standing committee the Senator introducing the same shall be a member of the standing committee during such committee's deliberations thereon, but shall have no power to act or vote on the bill or resolution unless the Senator is an appointed member of the standing committee.

61. Before being reported to the body of the Senate by the committee chairperson, all bills and resolutions must receive consideration by the standing committee, except bills and resolutions in possession of the Committee on Rules and Legislative Procedure.

62. (a) When a final vote is taken on a:

(1) bill or joint resolution under consideration by a standing committee or subcommittee, the vote of each member of said standing committee or subcommittee shall be recorded and retained as a part of the record of the meeting; or

(2) simple or concurrent resolution under consideration by standing committee or subcommittee, it shall be a voice vote unless a roll call vote is requested. If a roll call vote is taken, the vote of each member of said standing committee or subcommittee shall be recorded and retained as a part of the record of the meeting.

Prior to announcement of the final vote, a member may change the member's vote subject to the discretion of the Committee Chair. However, no vote may be changed after the final vote is announced.

(b) Records of committee votes shall be made available for the purpose of examination by other legislators, the news media, and the public in general as prescribed by the Rules and Legislative Procedure Committee.

(c) Voting by secret ballot is prohibited.

(d) The vote record shall be signed by the committee chairperson or ranking member if the ranking member presides. ~~If approved by the President Pro Tempore, an~~ **An** electronic signature **PIN** may be accepted. ~~for the Tax and Fiscal Policy Committee and the Education and Career Development Committee.~~

63. (a) Except as provided in subsections (d) and (e), each member of the committee who is present, including the chairperson, shall cast a vote.

(b) No member of the committee shall cast a vote for another member; nor shall any person not a member of the committee cast a vote for a member.

(c) No proxy votes are ever in order.

(d) A member of the committee, by motion, may request to be excused from voting on an amendment or a bill because of a direct personal or pecuniary interest in the subject of the

amendment or bill that becomes evident during the committee hearing. Whether a Senator has a direct personal or pecuniary interest so as to be excused from voting on an amendment or bill shall be decided by the committee chairperson, or in the chairperson's absence the ranking majority member.

(e) A member of the Senate Ethics Committee who has requested an advisory opinion from that committee is not required to vote on the matter which is the subject of the request.

64. (a) In the event of a tie vote on a vote for final committee recommendation, the chairperson may call for a vote at a later time. If the chairperson fails to call the bill or joint resolution down for a second vote by the committee report deadline, that exact language or substantially similar language shall be considered decisively defeated and shall not be considered again during the session.

(b) Whenever, on a vote for final committee recommendation, a particular bill or joint resolution receives a majority of votes against its passage, that exact language or substantially similar language shall be considered decisively defeated and shall not be considered again during the session.

65. After a committee, other than the Committee on Rules and Legislative Procedure, has had a bill under consideration for six (6) days (Sunday and the day of its introduction not included) the author of such bill or any member of the Senate shall have the right to call the attention of the Senate to such fact. A bill or resolution shall remain in the possession of the committee to which it was assigned unless two-thirds of the Senators elected shall vote to bring the bill or resolution to the floor. A bill or resolution brought to the floor by a vote under this Rule shall be considered by the Senate as if such bill or resolution had been reported without recommendation.

66. (a) The committee to which a bill shall have been assigned may report thereon with or without amendments, subject to the provisions of Rule 53.

(b) If the committee to which a bill is assigned reports thereon by substituting new subject matter, the bill must be accompanied by written consent, describing the change in subject matter, signed by the Senate first and second authors or Senate first and second sponsors of a House bill. **If approved by the President Pro Tempore, an electronic signature PIN may be accepted.** Upon adoption of the committee report, the bill shall be immediately referred to the Committee on Rules and Legislative Procedure, and if approved, placed on a separate calendar under the separate heading "Rule 66(b) Bills". The new subject matter must comply with Article 4, Section 19 of the Indiana Constitution, but is not required to be germane to the original bill; however, Rule 53 will apply to the bill as amended.

(c) The committee to which a simple or concurrent resolution shall have been assigned may report thereon with or without amendment at any time prior to adjournment sine die.

(d) The committee report shall be prepared by the Office of the Majority Attorney on prescribed forms and shall be signed by the committee chairperson, or in the chairperson's absence the ranking member, filed with the Principal Secretary not less than one (1) hour prior to the convening of the session day on which it is to be offered, and reproduced, with copies furnished to the

President Pro Tempore, the Minority Leader, and the Chairperson and Ranking Minority Member of the committee which reported the bill; provided, however, that this subsection shall not apply to reports of the Committee on Rules and Legislative Procedure or the Committee on Ethics. If approved by the President Pro Tempore, an electronic signature **PIN** and **electronic filing and distribution** of a committee report ~~for the Tax and Fiscal Policy Committee and the Education and Career Development Committee~~ may be accepted.

67. (a) A minority report may be filed on a bill or resolution if the committee to which the bill or resolution was assigned adopted a majority report on said bill or resolution.

(b) To be eligible for consideration, a minority report must be on prescribed forms and shall be signed by a member of the committee who voted against the majority report, filed with the Secretary not less than one (1) hour prior to the convening of the session day on which it is to be offered, and reproduced with copies furnished to the President Pro Tempore, the Minority Leader, and the Chairperson and Ranking Minority Member of the committee which reported the bill. If approved by the President Pro Tempore, an electronic signature **PIN** and filing of a minority report ~~for the Tax and Fiscal Policy Committee and the Education and Career Development Committee~~ may be accepted.

(c) A minority report may be made only if a majority report on the same bill or resolution is before the Senate.

(d) If a minority report be made, the question shall be upon concurring in the minority report, and if not concurred in, the question shall then recur upon the majority report.

68. (a) After the assignment of, but prior to the filing of a committee report on, a bill or resolution, a committee which has the bill or resolution under consideration may include in the report a recommendation for reassignment of the bill or resolution to another committee.

(b) A bill or resolution may be reassigned at any time by the President Pro Tempore.

69. The Chairperson of a committee reporting on a bill or resolution may open and close the general debate thereon, if any, except when operating under the previous question.

70. (a) Every bill or joint resolution which a committee shall report with a recommendation for passage or shall report without recommendation, shall be printed at once unless already printed. Every bill or joint resolution upon which a divided committee report is made and the report recommending passage is adopted, shall likewise be printed at once unless already printed.

(b) The bill or joint resolution shall be printed in accordance with the style specified in Rule 41 and shall implement the committee report. The committee report shall be appended, except for bills in which the committee report substitutes entirely new language as allowed by Rules 53, 54, or 82(e), in which case reference may be made to the printing.

(c) Whenever a bill or joint resolution shall be reported so as to require a printing of the bill or joint resolution, the number of copies to be printed will be determined by the President Pro Tempore and no more than have been so directed shall be printed at once. One (1) copy of each bill or joint resolution so printed

shall be distributed **or made available** to each Senator **electronically** and sufficient copies shall be deposited with **and made available electronically** to the Legislative Services Agency for distribution to the public. ~~No more than one (1) copy of any such bill or joint resolution shall be delivered to any one person.~~ Any remaining copies shall be deposited with the Office of the Principal Secretary for the use of the Senate.

#### **E. Second and Third Reading of Bills**

71. The calendar prepared by the Office of the Principal Secretary in accordance with Rule 25(b) shall be laid upon the desk of each Senator **or made available electronically to each Senator** at the beginning of each day on which the Senate convenes and be made available to the public.

72. (a) Whenever a printed copy of a bill or joint resolution is laid on the desks of the Senators, said bill or joint resolution shall be deemed distributed. The date of such distribution shall be printed on the bill or joint resolution.

(b) No bill shall be read a second time until one (1) calendar day after such distribution.

**(c) A motion to place a bill back on second reading for purposes of amendment may be offered only by Senators whose name appears first on the backed original bill. However, if the first author or sponsor of a bill or resolution is absent from the floor, the second author or second sponsor may make the motion if permission of the first author or sponsor has been granted, either in writing or by oral communication verified by the President Pro Tempore or a member designated by the President Pro Tempore.**

**(d)** Following the adoption of a motion to place a bill back on second reading for purposes of amendment, the Office of the Principal Secretary shall list the bill on the calendar as eligible for second reading the next day the Senate is convened. Amendments to be offered to the bill when placed back on second reading may be filed on any day the bill is listed on the calendar under this subsection.

73. (a) A motion to amend a bill or joint resolution on second reading is in order only if the motion is reduced to writing, contains the original signature of the author of the motion, is filed with the office of the Principal Secretary not less than two and one-half (2 ½) hours before the convening time of the session on the day on which the bill or joint resolution is called for second reading. **If approved by the President Pro Tempore, an electronic signature PIN may be accepted.**

(b) If a motion to amend has been timely filed for a bill or joint resolution eligible for call on a day the Senate is convened, but not distributed prior to convening that day, then the bill or joint resolution may not be called that day.

(c) This subsection applies to motions to amend that have been timely filed in correct form and distributed. When a duplicating error in a motion to amend is discovered after the bill is called, action on the bill may be suspended for not more than two (2) hours to allow for correction of the error and for distribution of corrected copies.

74. (a) If no amendments are made to a bill or joint resolution on second reading, the printed bill or joint resolution shall be

used for the engrossed bill or joint resolution after each page thereof is duly authenticated by the engrossing clerk as to the correctness and genuineness of such page, and such printing so authenticated shall be the engrossed bill or joint resolution.

(b) If a bill or joint resolution is amended on second reading, the President Pro Tempore may order the entire bill or joint resolution to be reprinted as amended. If a bill or joint resolution is reprinted, such reprinted bill or joint resolution shall be used for the engrossed bill or joint resolution after each page thereof is duly authenticated by the engrossing clerk as to the correctness and genuineness of such page, and such reprinting so authenticated shall be the engrossed bill or joint resolution.

(c) If a bill or joint resolution is amended on second reading but is not ordered reprinted, the printed bill or joint resolution shall be used for the engrossed bill or joint resolution after each page thereof and each page of all amendments made thereto on second reading is duly authenticated by the engrossing clerk as to the correctness and genuineness of such page, and such printing and amendments thereto so authenticated shall be the engrossed bill or joint resolution.

75. (a) On the call of bills on second and third reading, no name of any Senator shall be called a second time until the entire roll has been called.

(b) A Senator may yield the right to call a bill on second or third reading when the Senator's name is called by stating the name of the Senator to whom the yield is given.

(c) No Senator shall call down more than one (1) bill on each roll call unless a yield has been first obtained for each additional bill called.

(d) Upon request of the President Pro Tempore and with the consent of the body, bills on second and third reading may be called by numerical order.

76. Bills and resolutions shall be called for action only by Senators whose names appear first and second respectively on the backed original bill or resolution. If the first author or sponsor of a bill or resolution is absent from the floor, the second author may make the call if permission of the first author has been granted, either in writing or by oral communication verified by the President Pro Tempore **or a member designated by the President Pro Tempore.**

77. When any bill has been ordered reprinted under Rule 74(b), such bill shall not be eligible for call on third reading until such reprinted copies shall have been distributed to the Senators.

78. Unless the constitutional rule be suspended, no bill shall be called for third reading on the same day it shall have passed to engrossment.

79. (a) No Senate bill or joint resolution amending the Constitution shall be called for third reading after February ~~20~~ **25** in the first session or February ~~5~~ **3** in the second session.

(b) No House bill or joint resolution amending the Constitution shall be called for third reading in the Senate after April ~~10~~ **15** in the first session or March ~~4~~ **2** in the second session.

(c) No House bill or joint resolution amending the Constitution shall be received by the Senate after noon on the next business day following the House's third reading deadline

established by the Rules for the Government of the House.

(d) The limitations set forth in this Rule shall not apply to bills concerning reapportionment and redistricting only.

80. (a) No motion shall be received to amend a bill on its third reading, unless it is signed by two-thirds of the Senators elected. **If approved by the President Pro Tempore, electronic signature PINs may be accepted.**

(b) This Rule shall not apply to any motion to amend which corrects technical or printing errors. A motion to amend a bill or joint resolution on third reading shall be specifically designated "Technical Amendments". All technical amendments shall be referred to the Committee on Rules and Legislative Procedure without debate and said Committee shall have the right to report thereon at any time, and any such report shall be immediately disposed of by a majority vote of the Senators present and voting.

(c) This Rule shall not apply to any motion to commit the bill to a committee of one, consisting of the first or second author or sponsor, with specific directions to amend. A motion to commit to a committee of one must be made at the time a bill or joint resolution is called on third reading but prior to being placed on its passage. A motion to commit to a committee of one shall be referred to the Committee on Rules and Legislative Procedure without debate, which may report on the motion at any time, and any such report shall be immediately disposed of by a majority vote of the Senators present and voting. If the Rules and Legislative Procedure Committee Report is adopted, then the committee of one shall report that it has amended the bill as directed and such report shall be disposed of by a majority vote of the Senators present and voting. The bill or joint resolution shall then be open for debate and placed upon its passage.

81. (a) When a bill or joint resolution shall have failed for want of a constitutional majority, but shall have received the affirmative vote of a majority of the Senators present (more yeas than nays, but less than 26 yeas), such bill or joint resolution may be called down by the author or sponsor for a second and final vote, without debate, ~~during the call of bills on third reading~~ on a subsequent day but within three (3) days that the Senate is convened following the initial vote. The call down of such a bill or joint resolution shall not be counted as a third reading call of the author or sponsor. The daily calendar shall list such bill or joint resolution at the beginning of the calendar, **ahead of all other business**, under the separate heading "Rule 81(a) Bills and Joint Resolutions" and shall note the session days remaining for action.

(b) When a bill or joint resolution shall have failed for want of a constitutional majority, but shall have received an equal number of affirmative votes and negative votes of the Senators present (the same number but less than 25 of each the yeas and nays), such bill or joint resolution may be called down by the author or sponsor for a second and final vote, without debate, ~~during the call of bills on third reading~~ on a subsequent day but within three (3) days that the Senate is convened following the initial vote. The call down of such a bill or joint resolution shall not be counted as a third reading call of the author or sponsor. The daily calendar shall list such bill or joint resolution at the beginning of the calendar, **ahead of all other business**, under the

separate heading "Rule 81(b) Bills and Joint Resolutions" and shall note the days remaining for action.

(c) When a bill or joint resolution shall have failed for want of a constitutional majority, but has received 25 affirmative votes and 25 negative votes of the Senators present, and the President of the Senate is not present to give the deciding vote, such bill or joint resolution may be called down by the author or sponsor for a second and final vote, without debate, ~~during the call of bills on third reading~~ on a subsequent day that the Senate is convened when the President of the Senate is present. The call down of such a bill or joint resolution shall not be counted as a third reading call of the author or sponsor. The daily calendar shall list such bill or joint resolution at the beginning of the calendar, **ahead of all other business**, under the separate heading "Rule 81(c) Bills and Joint Resolutions". If the author fails to call the bill or joint resolution down for a second and final vote by the deadline for third reading of bills under Rule 79, that exact language or substantially similar language shall be considered decisively defeated and shall not be considered again during the session.

(d) When a bill or joint resolution shall have failed for want of a constitutional majority (the initial vote), but shall have received the negative vote of a majority of the Senators present (more nays than yeas but less than 26 nays), such bill or joint resolution shall be in order for reconsideration on a subsequent day but within three (3) days that the Senate is convened following the initial vote. Once the bill is in order for reconsideration, any Senator of the prevailing (nays) side may, ~~during the call of bills on third reading~~ make a motion to reconsider the bill. The vote on such motion shall be without debate. If the motion to reconsider passes, the bill or joint resolution may be called down by the author or sponsor for a second and final vote ~~during the call of bills on third reading~~ at any time within the three (3) day period that the Senate is convened following the initial vote. This second and final vote on the bill shall be without debate. Only one motion to reconsider a bill or joint resolution shall be in order during the session. The call down of such a bill or joint resolution shall not be counted as a third reading call of the author or sponsor. The daily calendar shall list such bill or joint resolution at the beginning of the calendar, **ahead of all other business**, under the separate heading "Rule 81(d) Bills and Joint Resolutions" and shall note the days remaining for action.

(e) Notwithstanding subsection (d), whenever a particular bill or joint resolution receives a constitutional majority of votes against its passage (26 or more nays), that exact language or substantially similar language shall be considered decisively defeated and shall not be considered again during the session.

(f) If the author fails to call the bill or joint resolution down for a second and final vote within the three (3) day period provided in subsections (a), (b) and (d) of this Rule, that exact language or substantially similar language shall be considered decisively defeated and shall not be considered again during the session.

(g) Decisive defeat does not apply to the operating or construction budgets or to state revenue raising measures which

may be brought before the Senate in the same or different bills until adopted.

(h) When a bill or joint resolution shall have failed for want of a constitutional majority, no motion to place the bill or joint resolution back on second reading for purposes of amendment shall be in order at any time **unless:**

**(1) It is a House bill or House joint resolution that has not been amended in the Senate in committee or on the floor; and**

**(2) A motion requesting permission of the Senate to offer a motion to place the bill back on second reading for purposes of amendment is adopted by a majority of the Senators present and voting.**

#### F. Concurrences, Dissents, and Conference Committees

82. (a) In every case in which a Senate bill or joint resolution is returned from the House with House amendments, a motion to concur or a motion to dissent and appoint conferees may be filed by the first author or by the second author with the first author's approval by written or oral communication and verified by the President Pro Tempore or member designated by the President Pro Tempore.

(b) A motion to concur or dissent shall be prepared by the Senate Attorneys' Offices, filed with the Office of the Principal Secretary, reproduced and distributed to the Senators.

(c) A motion to concur shall not be acted upon until such motion has been filed with the Secretary of the Senate and distributed to the Senators at least four (4) hours before action is taken thereon.

(d) A motion to dissent is eligible for action immediately after being filed. A motion to dissent may be filed by the second author with the first author's approval by written or oral communication and verified by the President Pro Tempore or member designated by the President Pro Tempore.

(e) No Senate bill or joint resolution returned from the House with an amendment substituting therein new subject matter shall be acted upon by the Senate unless a written consent, describing the change in the subject matter, is signed by the first and second authors and is attached to the bill or joint resolution upon its return. **If approved by the President Pro Tempore, an electronic signature PIN may be accepted.** A bill or joint resolution containing a new subject matter and accompanied by the written consent of the first and second authors shall be referred to the Committee on Rules and Legislative Procedure and, if approved in the form it returned from the House, placed on a separate calendar subject to the procedures in Rule 82(c).

83. Motions to concur in House amendments shall be rejected unless approved by a majority of the members elected and such majority shall be established by a roll call vote.

84. (a) If the Senate dissents in House amendments, the President Pro Tempore may appoint a conference committee, and if the House dissents in Senate amendments, the Speaker may request by the appointment of House conferees, that the President Pro Tempore appoint a conference committee.

(b) The Senate conference committee consists of two Senators, with the first listed Senator being the Senate

Chairperson. Advisors may be appointed at any time by the President Pro Tempore.

(c) Senate conferees may be changed or removed at any time by the President Pro Tempore, who shall give written notice to the Office of the Minority Leader of the change.

(d) The appointment of a conference committee and any change of conferees shall be reported by the President Pro Tempore to the Senate and posted ~~in the information center for the Senate committee meetings and on the Senate bulletin boards~~ **prominently outside the Senate Chamber and may be posted publicly in electronic format.**

85. (a) The Senate conference committee shall meet with a like committee of the House of Representatives to adjust the differences. At least three (3) conferees, including the chair, are required to establish a quorum.

(b) Conference committee meetings shall be open to the public, shall be held in the State House, and shall convene only after one (1) hour public notice which shall include:

- (1) Members of the conference committee
- (2) Chairperson of the conference committee
- (3) Time, day, date and place of meeting
- (4) Number and subject matter of the bills or joint resolutions to be considered.

(c) It shall be the responsibility of the chairperson of the conference committee on a Senate bill or joint resolution to advise the Office of the Majority Caucus Chair of the intent to hold a conference committee meeting and to provide said office with the information set forth in Rule 85(b).

(d) Notice of a conference committee meeting including all the information set forth in Rule 85(b) shall be posted ~~in the information center for the Senate committee meetings and on the bulletin boards outside the Senate~~ **prominently outside the Senate Chamber and may be posted publicly in electronic format** and House Chambers for no less than one (1) hour prior to said meeting.

86. (a) Each report of a conference committee for the adjustment of differences between the Senate and House, together with a digest of the bill and the changes made, shall be reduced to writing, signed by the appointed conferees, reviewed by the Majority Attorney and Minority Attorney, filed with the Office of the Principal Secretary at least eight (8) hours before action is taken thereon, and distributed to the Senators at least four (4) hours before action is taken thereon. **If approved by the President Pro Tempore, electronic signature PINs may be accepted.**

(b) The four (4) appointed conferees must sign the conference committee report before said report will be accepted for filing. The conference committee report may only be carried for signature by members of the legislature or authorized staff of the Senate or House.

(c) All conference committee reports requiring title amendments shall be stamped "Title Amendment."

(d) No conference committee report shall be referred to the Senate until such time as it has been drawn or approved as to form by both the Majority Attorney and the Minority Attorney.

(e) Any conference committee report which contains subject

matter not previously passed by at least one House shall be referred to the Committee on Rules and Legislative Procedure; provided, however, this Rule does not apply to conference committee reports on the appropriation bills. If a conference committee report containing a subject matter not previously passed by at least one House is approved by the Committee on Rules and Legislative Procedure, such report shall be placed on a separate calendar with the heading "Rule 86(e) Conference Committee Reports".

(f) No more than one (1) conference committee report on a bill or joint resolution shall be eligible for consideration by the Senate.

(g) A conference committee report shall be called for action only by the first Senate conferee. If the first Senate conferee is absent from the floor, the second Senate conferee may make the call if permission of the first Senate conferee has been granted, either in writing or by oral communication verified by the President Pro Tempore **or member designated by the President Pro Tempore.**

(h) A conference committee report which is eligible for consideration may be withdrawn only with the approval of the Senate upon a written motion made by the first Senate conferee.

(i) In order to pass, a conference committee report must be approved by a majority of the members elected. Such majority shall be established by roll call vote. A conference committee report that has not received a constitutional majority of votes against its passage (26 or more nays) may be called down at any time by the first Senate conferee for a second and final vote.

(j) In the first regular session, no conference committee report is eligible for consideration after April ~~10~~, **15**, unless approved by the Committee on Rules and Legislative Procedure.

(k) In the second regular session, no conference committee report is eligible for consideration after March ~~4~~, **2**, unless approved by the Committee on Rules and Legislative Procedure.

(l) Upon recommendation of the Committee on Rules and Legislative Procedure subsections (j) and (k) of this rule may be suspended as to a specific bill by the approval of a constitutional majority.

#### G. Enrollments

87. (a) All bills passed by both Houses shall be printed in enrolled form and shall be certified as accurate by the first author of the bill, the President of the Senate, the President Pro Tempore, and the Principal Secretary. One copy of each enrollment shall be furnished to the author at the time of that certification.

(b) In the case of death or incapacity of the first author, the second author of the bill shall certify the bill as accurate, and sign on behalf of the first author.

#### H. Veto Overrides

88. (a) This rule applies whenever a bill vetoed by the Governor is returned to the House in which the bill originated under Article 5, Section 14 of the Constitution of the State of Indiana.

(b) When a bill is returned under subsection (a) for

reconsideration by the General Assembly as required by Article 5, Section 14 of the Constitution of the State of Indiana, the bill shall be placed on a separate calendar with the heading "Rule 88(b) Governor's Veto" and called for action in the Senate by the President Pro Tempore of the Senate.

(c) During reconsideration of the bill, debate shall be allowed to the same extent as permitted for bills on second or third reading.

### **I. Construction of Rules: Definitions, Deadlines, Filing with Principal Secretary**

89. (a) In computing any period of time under these Rules, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included.

(b) Whenever a deadline date is specified in these rules, and that date falls on a Saturday, Sunday, or legal holiday, that deadline is extended to the next day that is not a Saturday, Sunday, or legal holiday.

(c) "Business day" means Monday through Friday except for legal holidays. Whenever a deadline is specified in these rules to require filing by a certain business day, the deadline shall be 5:00 P.M. on the business day unless otherwise specified by these rules.

(d) Whenever a deadline date is specified in these rules requiring action by the Senate on or before a certain date or prohibiting action after a certain date, the action shall be completed before midnight on the date specified.

(e) Whenever a document is required by these rules to be filed with the Principal Secretary, the document, to be timely filed, must be presented to and scanned or file stamped by the Principal Secretary before the deadline established by these rules. Filing of documents with the Principal Secretary by ~~facsimile ("fax") or other~~ electronic means is not allowed unless expressly permitted by a Senate rule.

**(f) Whenever a signature is required by these rules, if an electronic signature PIN is not expressly authorized by the rule, then acceptance of an electronic signature PIN is subject to the approval of the President Pro Tempore.**

**(g) Whenever the term "electronic signature PIN" is used in these rules, it is defined as a specialized four digit PIN code which represents a member's authorized signature.**

**(h) The Senate does not use the committee of the whole process on the Senate floor.**

## **VII. ETHICS**

90. It is declared that high moral and ethical standards among State Senators are essential to the conduct of free government; that the Senate believes that a code of ethics for the guidance of State Senators will help them avoid conflicts of interest in public office, will improve standards of public service, and will promote and strengthen the faith and confidence of the people of Indiana. The code is intended to protect the individual Senators while providing guidelines for all members of the Senate.

Recognizing that service in the Indiana General Assembly is a part-time endeavor and that members of the General Assembly

are individuals who are active in the affairs of their localities and elsewhere and that it is necessary that they maintain a livelihood and source of income apart from their legislative compensation, the following guidelines are adopted to assist the members in the conduct of their legislative duties.

91. A Senator who is offered:

(1) an economic or investment opportunity; or

(2) a loan, gratuity, discount, favor, hospitality, or other goods or services; by a person, shall consider, in determining whether or not to accept the offer, whether the Senator's acceptance of the offer may affect the Senator's independent legislative judgment. In so considering, the Senator shall take into account the following:

(A) whether the opportunity is being offered with the intent to influence the Senator's conduct in the performance of legislative duties; or

(B) whether acceptance of the offer would have a unique, direct, and material effect on the nonlegislative income of the Senator, a member of the Senator's immediate family or those of a partnership, corporation or business in which the Senator holds a legal or equitable interest.

Should the Senator determine that, by acceptance of the offer, the Senator's independent legislative judgment may be affected, the Senator shall refuse the offer.

92. A Senator who has a direct personal or pecuniary interest in a piece of legislation which is so substantial as to affect the Senator's independent legislative judgment is not precluded from participating in committee and floor debate on the legislation, if the Senator publicly proclaims that interest.

93. During the course of a legislative session, a Senator may be placed in a position where the Senator has the obligation to vote on legislation in which the Senator has a direct personal or pecuniary interest. In making this decision the Senator shall consider the following:

(1) Whether the Senator's interest in the legislation is so substantial as to affect the Senator's independence of judgment with respect to the legislation.

(2) To what extent the Senator's interest in the legislation mirrors the interest of the citizenry to which the Senator is directly responsible.

(3) The effect of the Senator's participation in the voting on the legislation on public confidence in the integrity of the legislature.

(4) The need of the Senator's particular contribution, such as special knowledge of the subject matter, to the effective functioning of the legislature.

(5) Whether the legislation would have a unique, direct, and material effect on the nonlegislative income of the Senator, a member of the Senator's immediate family or those of a partnership, corporation, or business in which the Senator holds a legal or equitable interest.

94. A Senator may request the assistance of the Senate Legislative Ethics Committee (established pursuant to IC 2-2.1-3-5) in determining the propriety of the Senator's:

(1) proposed acceptance of an offer;

- (2) participation in upcoming debate; or  
 (3) participation in an upcoming vote.

95. Under Rule 94, the Senator shall:

(1) Prepare a written statement describing the matter requiring action or decision by the Senator and the nature of the Senator's potential conflict of interest; and

(2) Deliver a copy of the statement to the Chairman of the Senate Legislative Ethics Committee. If the Chairman is unavailable, a copy of the statement may be delivered to the President Pro Tempore.

96. If a Senator requests the assistance of the Senate Legislative Ethics Committee under Rule 94, and there is insufficient time to comply with Rule 95, the Senator shall orally inform the Chairman of the Senate Legislative Ethics Committee of the potential conflict. The matter shall then be immediately referred to the Legislative Ethics Committee for its recommendation. The Committee shall issue an oral recommendation to the Senator making the request as soon as possible after considering the request. The Committee shall follow the oral recommendation with a written report as required by Senate Rule 98.

97. The Legislative Ethics Committee shall meet as soon as possible and render an advisory opinion on the question raised. Should the committee vote result in a tie, the effect will be to make no recommendation.

98. The written report of the Legislative Ethics Committee shall be forwarded to the President Pro Tempore of the Senate and the Senate Minority Leader. Copies of the report and the written statement of the Senator making the request shall be maintained in the offices of the Secretary of the Senate and the Minority Attorney. The committee's written report and the written statement of the Senator making the request under Rule 95 shall remain confidential unless the Senator making the request consents to their disclosure.

99. In addition to any meetings held under Rule 97, the Senate Legislative Ethics Committee shall meet and may recommend amendments to the code of ethics for the Senate not later than thirty (30) days after the first session day of each legislative session, pursuant to IC 2-2.1-3-6.

LONG, Chair  
 HOLDMAN  
 CHARBONNEAU  
 ECKERTY  
 KRUSE  
 MERRITT  
 STEELE

LANANE, R.M.M.  
 ARNOLD  
 BREAUX

Note: Senators Hershman and Tallian were excused from Session on November 18, 2014.

Report adopted.

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

Madam President: I hereby report that I have appointed Senator

Merritt to serve as Acting Chair of the Senate Committee on Joint Rules during the excused absence of Senator Hershman on November 19, 2014, the first session day of the first regular session of the 119th General Assembly. As Acting Chair Senator Merritt shall have all authority granted to Committee Chairpersons pursuant to the Standing Rules and Orders of the Senate.

LONG

Report Adopted

### **SENATE MOTION**

Madam President: I move that Senators Hershman, Merritt, Lanane, and BreauX be appointed as a Committee of the Senate who, together with the President Pro Tempore as ex officio member, shall constitute a committee on Joint Rules, and who shall confer with a like Committee of the House of Representatives to formulate any additions to or changes in the Joint Rules of the two Houses which, in their discretion, may be necessary or desirable. The Secretary of the Senate is hereby instructed to inform the House of Representatives of this action.

LONG

Motion prevailed.

### **REPORTS FROM COMMITTEES**

#### **COMMITTEE REPORT**

Madam President: The Senate Committee on Joint Rules has met to consider the Joint Rules of both Houses for the 119th General Assembly of the State of Indiana and begs leave to report the same back to the Senate with the recommendation that the Joint Rules of both Houses for the 119th General Assembly for the State of Indiana, be adopted as the Joint Rules of both Houses for the 119th General Assembly of the State of Indiana as follows:

### **JOINT RULES FOR CONDUCTING BUSINESS IN THE TWO HOUSES OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA**

1. After a bill or resolution has passed one house and before it shall be transmitted to the other house for further action, it shall be the duty of the author to furnish to the clerk of the house of origin a card bearing the name of the party selected as sponsor in the other house, which card shall be attached to the bill and transmitted therewith.

2. (a) After a bill or joint resolution shall have passed both houses it shall be duly enrolled on paper, and the clerk of the house where it originated shall certify over his or her signature upon the back thereof the house in which it originated, the dates upon which it passed the House and Senate, respectively, and the number of votes cast for and against it in each house.

(b) Every enrolled bill or joint resolution shall be printed in enrolled act form. The session of the General Assembly shall be indicated on the face of such printed enrollment. In the case of enrolled bills proposing to amend any then existing Indiana statute, the text shall reflect any change from the text of the then existing statute. This shall be accomplished by the use of bold face type to indicate the addition of new material to the text of the then existing statute, and canceled type to indicate the deletion of existing material.

3. Every bill or joint resolution, after having been enrolled, shall be examined by the Committee on Rules and Legislative Procedures of the house in which it originated, which shall compare the enrolled copy with the engrossed copy, or cause the author thereof to do so, taking special care that the engrossed amendments adopted by either house, if any there be, shall have been properly incorporated in said enrolled copy and shall report in writing to said house any errors therein.

4. (a) Every bill or joint resolution reported to have been duly enrolled shall be signed first by the Speaker of the House of Representatives, who shall send the same to the Senate; then by the President and President Pro Tempore of the Senate, after which it shall be presented by the Secretary of the Senate or the Clerk of the House of Representatives to the Governor for his signature.

(b) Except as provided in this rule, all bills and joint resolutions shall be signed by the Speaker of the House of Representatives and the President of the Senate, in their houses respectively, when in session.

(c) During a recess period, the Speaker and the President of the Senate may sign bills and resolutions in their respective offices. A list of the bills and resolutions signed during any recess shall be read immediately upon the reconvening of each house.

5. A record of all bills and resolutions signed, whether in session or during a recess, shall be kept in the Journals of each house.

6. When any paper or papers, proper to be acted upon by both houses, shall come before either, the house before which such paper or papers are laid shall, after acting thereupon, lay it or them before the other house.

7. (a) In every case of an amendment of a bill agreed to in one house, and dissented to in the other, either house may request a conference and appoint a committee for that purpose; the other house may also appoint a committee. A conference committee shall consist of two members from each house; one member from the house in which the bill or resolution originated shall be named as chairman by the appointing authority of the house of origination.

(b) Conferees shall state to each other verbally or in writing, as either shall choose, the reason of their respective houses for and against the amendment, and confer freely thereon and report to each house their proceedings thereon. Meetings of conference committees shall be held at a convenient hour agreed upon by the conferees and shall be open to the public, whenever feasible, in which event, notice shall be posted before such meeting in accordance with the rules of the house in which the bill

originated. It is the intent of this joint rule to provide public access to the legislative process without hindering, intimidating or disrupting that process.

8. In all cases where the Doorkeeper of one house shall, by reason of official engagement, or other causes, be unable to execute the commands or process of the house of which he is an officer, it shall be the duty of the Doorkeeper of the other house to execute such commands, together with such process as may be directed to him by the presiding officer thereof.

9. A joint standing committee to be called the Committee on Joint Rules shall be appointed, to consist of four Senators, not more than two of whom shall be from the same political party, four Representatives, not more than two of whom shall be from the same political party, and the Speaker of the House of Representatives and the President Pro Tempore of the Senate, which last two officers shall be ex officio members of the Committee.

10. All joint conventions shall be held in the hall of the House of Representatives unless a different place shall be designated in the resolution by which such joint convention is convened. All such joint conventions shall be presided over by the President of the Senate, or if for any reason the President of the Senate be absent or decline to preside, then the President Pro Tempore of the Senate shall preside.

11. In all joint conventions and joint meetings of the two houses no business shall be transacted other than that for which they were assembled.

12. When a message is sent to the Senate or to the House of Representatives, it shall be delivered in written or electronic form to the Secretary of the Senate or the Clerk of the House, who shall deliver such message to the Chair.

13. Messages shall be sent by such persons as the President Pro Tempore of the Senate or Speaker of the House may designate for that purpose.

14. When bills which have passed one house are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the house making the order.

15. When the Governor has informed either house of the General Assembly that he has signed a bill or joint resolution, or taken any other action affecting both houses of the General Assembly, the house to which his action is reported shall inform the other house of the General Assembly of the Governor's report.

16. Any proposed amendments to these rules shall be referred to the Committee on Joint Rules.

17. The Secretary of the Senate and the Clerk of the House of Representatives shall at the time of delivery of the enrolled acts and resolutions for the signature of the presiding officer leave with the minute clerk a copy of a written message setting out the numbers of the enrolled acts or resolutions so submitted.

18. A motion to recess for more than three days shall be deemed to have failed unless approved by a majority of the members elected in each house. Such majority shall be established by roll call vote.

19. The joint rules, upon adoption, shall govern the General Assembly for the term of that General Assembly unless suspended or amended.

20. If:

(1) two bills amending the same section of the Indiana Code are approved in the same session of the General Assembly, and neither bill recognizes the existence of the other;

(2) one bill amends a section of the Indiana Code and another bill repeals that section with an effective date preceding the effective date of the amendment; or

(3) two bills each add a new provision to the Indiana Code at the same code citation without either bill recognizing the addition made by the other and both bills are approved in the same session of the General Assembly; one of the two bills may be corrected at enrollment to recognize the existence of the other by the Committee on Rules and Legislative Procedures of the House of Representatives and the Committee on Rules and Legislative Procedure of the Senate. However, a correction under this rule is limited to the extent necessary to resolve the technical conflict and may not be made unless the report of each of the two committees includes the written consent of the respective committee's ranking minority member. In addition, the committee report in each house must include the written consent of the corrected bill's author or sponsor, as the case may be, in that house. A technical conflict is one that does not change the substance of either bill. It is at the discretion of both the Committee on Rules and Legislative Procedures of the House of Representatives and the Committee on Rules and Legislative Procedure of the Senate as to whether a conflict is technical.

21. If a bill is passed which clearly expresses the intent that a SECTION thereof becomes effective on a date other than the standard statutory effective date set forth in the Indiana Code, but does not use the technical emergency provision for such effective date, then the Rules and Legislative Procedures Committee of the House of Representatives and the Rules and Legislative Procedure Committee of the Senate may correct the bill at enrollment to include the technical emergency provision for the expressed effective date. For the correction to be made, each House must adopt a committee report setting forth the correction and containing the written consent of the Chairperson and ranking minority member of the Rules Committee of that House and the author or sponsor of the bill in that House.

MERRITT, Acting Chair  
LANANE  
BREAUX

Note: Senator Hershman, Chair of the Senate Committee on Joint Rules was excused from Session on November 18, 2014.

Report adopted.

#### REPORT OF LEADERSHIP AND OTHER APPOINTMENTS

Pursuant to the Standing Rules and Orders of the Senate of the 119th General Assembly, First Regular Session, President Pro Tempore David C. Long hereby announces the following:

#### ELECTIONS TO LEADERSHIP BY THE SENATE

President Pro Tempore  
SENATOR DAVID C. LONG  
Principal Secretary of the Senate  
JENNIFER L. MERTZ

#### ELECTIONS TO LEADERSHIP BY THE SENATE MAJORITY AND MINORITY CAUCUSES

Majority Caucus Chair  
SENATOR JAMES MERRITT, JR.  
Minority Floor Leader  
SENATOR TIM LANANE  
Assistant Minority Floor Leader  
SENATOR JEAN BREAUX  
Minority Caucus Chair  
SENATOR JAMES ARNOLD

#### APPOINTMENTS TO LEADERSHIP BY PRESIDENT PRO TEMPORE

Majority Floor Leader  
SENATOR BRANDT HERSHMAN  
Majority Whip  
SENATOR RYAN MISHLER  
Assistant President Pro Tempore  
SENATOR PATRICIA MILLER  
Majority Floor Leader Emeritus  
SENATOR JOE ZAKAS  
Assistant Majority Floor Leaders  
SENATOR RANDY HEAD - Communications  
SENATOR BRENT STEELE - Parliamentary Affairs  
Assistant Majority Caucus Chairs  
SENATOR JIM TOMES  
SENATOR ROD BRAY

#### APPOINTMENTS TO LEADERSHIP BY MINORITY FLOOR LEADER

Minority Whips  
SENATOR FRANK MRVAN  
SENATOR EARLINE ROGERS  
Assistant Minority Caucus Chair  
SENATOR LONNIE RANDOLPH

#### OTHER APPOINTMENTS BY PRESIDENT PRO TEMPORE

Assistant Majority Secretary of the Senate  
CANDACE K. HALL

Postmaster of the Senate  
BRETT JAMES  
Principal Doorkeeper of the Senate  
WILLIAM HART  
Chief Legal Counsel  
JEFF PAPA

OTHER APPOINTMENTS  
BY MINORITY FLOOR LEADER

Deputy Minority Secretary of the Senate  
EMMA KEYS  
Minority Attorney of the Senate  
JORDAN SEEDER

Report adopted.

**REPORT OF THE PRESIDENT PRO TEMPORE  
AND MINORITY LEADER OF THE  
APPOINTMENT OF MEMBERS OF THE SENATE  
ETHICS COMMITTEE**

Pursuant to IC 2-2.1-3-5, the President Pro Tempore hereby appoints the following members of the Majority to serve on the Senate Ethics Committee:

Senator Eckerty  
Senator Walker  
Senator Steele

Pursuant to IC 2-2.1-3-5, the President Pro Tempore hereby designates Senator Eckerty Chairman of the Senate Ethics Committee.

Pursuant to IC 2-2.1-3-5, the Minority Leader hereby appoints the following members of the Minority to serve on the Senate Ethics Committee:

Senator Arnold  
Senator Breaux  
Senator Lanane

LONG  
President Pro Tempore

Report adopted.

SENATE MOTION

Madam President: I move that Senators Smith, Grooms, Mrvan, and Taylor 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 has organized by the election of the following named officers:.

President Pro Tempore: David C. Long  
Principal Secretary: Jennifer L. Mertz

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.

SMITH, Chair  
GROOMS  
MRVAN  
TAYLOR

Report adopted.

SENATE MOTION

Madam President: I move that Senators Bray, Crider, Arnold, and Rogers 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 Bray 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, 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.

BRAY, Chair  
CRIDER  
ARNOLD  
ROGERS  
Committee of the Senate

Report adopted.

**REPORT OF THE PRESIDENT  
PRO TEMPORE**

Madam President: I hereby report that on November 18, 2014, at 9:35 a.m. Senator Jim Banks was sworn-in to office to represent District 17. Justice Robert D. Rucker administered the oath of office via skype.

LONG

Report adopted.

**REPORT OF THE PRESIDENT  
PRO TEMPORE**

Madam President: I hereby report that subsequent to being sworn into office to represent Senate District 17, in a letter dated November 18, 2014, Senator Jim Banks requested a military leave of absence from his duties as Senator, effective November 18, 2014 and continuing during the period he is unable to perform his Senate duties while on active military duty.

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

1. President Pro Tempore's Notification to the Indiana Republican Party State Chairman of Senator Banks' request for military leave of absence.

LONG

Report adopted.

November 18, 2014

Senator David Long  
President Pro Tempore  
Senate 3A  
200 West Washington Street  
Indianapolis, IN 46204

Senator Long,

Please accept this as my formal request for military leave of absence as authorized by IC 5-9-4 effective November 18, 2014 and continuing during the period where I am unable to perform my Senate duties and for the appointment of a temporary replacement until my return. I am currently on active duty and my orders state that my estimated detachment date is April 30, 2015. If my orders are adjusted, I will notify you immediately. Thank you for your consideration of this matter.

Sincerely,  
James E. Banks  
State Senator

November 18, 2014

Mr. Tim Berry  
Republican State Chairman  
Indiana Republican State Committee  
47 South Meridian Street, Suite 200  
Indianapolis, IN 46204

Dear Mr. Chairman:

Pursuant to IC 5-9-4, I hereby officially notify you of Senator Jim Banks' request for military leave of absence from the Indiana State Senate effective upon receipt on Tuesday, November 18, 2014, 10:40 AM. A copy of his letter is enclosed.

Best Regards,

David C. Long  
President Pro Tempore  
DCL/tm  
Enclosure

**REPORT OF THE PRESIDENT  
PRO TEMPORE**

Madam President: Pursuant to Senate Rule 32 of the Standing Rules and Orders of the Senate of the 119th General Assembly, President Pro Tempore David C. Long hereby announces and reports that effective November 18, 2014, Senator Crider is appointed to serve as Chair of the Committee on Veterans Affairs and the Military on an interim basis while Senator Banks is on military leave of absence.

LONG

Report adopted.

**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 is hereby directed to transmit a copy of this Resolution to the Postmaster of the City of Indianapolis.

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

**Senate Resolution 7**

Senate Resolution 7, introduced by Senator Randolph:

A SENATE RESOLUTION honoring Ulysses Lee "Junior" Bridgeman on his professional basketball career and his successful business ventures.

*Whereas, Bridgeman was born in East Chicago, Indiana. He was a member of the 1971 East Chicago Washington High School Senators basketball team, which went undefeated (29-0) and won the Indiana State High School Championship;*

*Whereas, Bridgeman attended the University of Louisville*

where he played guard/forward and earned a Bachelor of Arts Degree in Psychology;

Whereas, In 1975, Bridgeman became a 1<sup>st</sup> round draft pick for the Los Angeles Lakers and was immediately traded to the Milwaukee Bucks for Kareem Abdul-Jabbar. Bridgeman went on to have a successful 12-year NBA career, scoring a total of 11,517 points. His #2 jersey was retired in 1988 by the Milwaukee Bucks franchise;

Whereas, In 1988, Bridgeman, along with Paul Thompson and Donna Schulhof, began Bridgeman Foods. This company has continued a steady pace of growth, becoming the largest multi-brand franchise in the country and one of the largest minority business enterprises in the food service industry today. His businesses include: Wendy's, Chili's, Fazoli's, Perkins and Mark Feed Stores;

Whereas, Bridgeman is a member of the Alpha Phi Alpha fraternity and has received numerous awards including the Volunteers of America Tribute Award, John Thompson Foundation Outstanding Achievement Award, and the Coach Wooden Key to Life Award;

Whereas, In recognition of his many accomplishments, Bridgeman has been inducted into the Wisconsin Athletic Hall of Fame and the Junior Achievement Business Hall of Fame; and

Whereas, Bridgeman has been married to Doris for 34 years and they have three adult children: Justin, Ryan, and Eden. All three children are currently working in the family business: Therefore,

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

SECTION 1. That the Indiana Senate recognizes and honors Ulysses Lee "Junior" Bridgeman for his athletic ability, professionalism and contributions to the business community.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Ulysses Lee "Junior" Bridgeman.

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

### **Senate Resolution 5**

Senate Resolution 5, introduced by Senator Breaux:

A SENATE RESOLUTION to honor Elliott Davis for his years of service as a doorkeeper for the Indiana Senate.

Whereas, Elliott Davis served the Indiana Senate as a doorkeeper for five years, retiring after the 2014 legislative session;

Whereas, Elliott Davis has been married to his wife, Grace Davis, for nearly 50 years, and they have five children, seven grandchildren and three great-grandchildren;

Whereas, An Indianapolis native, Elliott Davis graduated from Crispus Attucks High School, Class of 1949;

Whereas, After graduating from Crispus Attucks High School, Elliott Davis served his country as a member of the United States Navy for eight years;

Whereas, Following his military service, Elliott Davis embarked upon a career with Western Electric where he retired as a Supervisor in the Molding Department after 35 years;

Whereas, Before working as a doorkeeper for the Senate, Elliott Davis was also employed by Gen Corporation (a General Motors affiliate), Eli Lilly, and as a Sky Cap at Indianapolis Weir Cook Airport; and

Whereas, Mr. and Mrs. Davis are faithful members of Light of the World Christian Church: Therefore,

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

SECTION 1. That the Indiana Senate hereby recognizes Elliott Davis for his service as a doorkeeper.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Elliott Davis.

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

### **House Concurrent Resolution 1**

House Concurrent Resolution 1, sponsored by Senators Long and Lanane:

A CONCURRENT RESOLUTION to allow the House of Representatives and the Senate of the 119th Indiana General Assembly to adjourn and recess separately throughout the First 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 and to conduct the public business of the people of the State of Indiana;

Whereas, The Indiana House of Representatives and the Senate shall operate on their own respective schedules, having been separated from each other pursuant to IC 2-2.1-1-2;

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 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 which might last more than three (3) days during the First Regular Session of the 119th General Assembly; and*

*Whereas, The House of Representatives and the Senate intend to recess after November 18, 2014, and meet again on January 6, 2015, 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 119th Indiana General Assembly hereby consents to any adjournment or recess of the other House during the First Regular Session of the 119th Indiana 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 placed upon its passage. The question was, Shall the resolution pass? Roll Call 2: yeas 44, nays 0. 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 Representative Aylesworth, Nisly, Kersey, and Pryor.

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

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 Miller, Judy, Bartlett and Macer.

M. CAROLINE SPOTTS  
Principal Clerk of the House

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, January 6, 2015.

LONG

Motion prevailed.

The Senate adjourned at 2:18 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUE ELLSPERMANN  
President of the Senate