



# Journal of the Senate

State of Indiana

118th General Assembly

Second Regular Session

First Meeting Day

Tuesday Afternoon

November 19, 2013

The members of the Senate of the One Hundred and Eighteenth General Assembly of the State of Indiana assembled in the Senate Chambers in the State House in the City of Indianapolis on Tuesday, the nineteenth day of November, 2013, A.D., at 1:30 p.m., being the day fixed by law for the convening of the Second Regular Session of the General Assembly, viz:

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

The Senate convened at 1:34 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Senator Patricia L. Miller.

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

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

Alting	Merritt
Arnold	Miller, Patricia
Banks	Miller, Pete
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Crider	Skinner
Delph	Smith
Eckerty	Steele
Glick	Stoops
Grooms	Tallian
Head <input type="checkbox"/>	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske <input type="checkbox"/>	Young, M.
Leising	Young, R.
Long	Zakas

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

## SENATE MOTION

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

LONG

Motion prevailed.

## COMMITTEE REPORT

Madam President: The Committee appointed to notify the House of Representatives that the Senate has met, has formed a quorum and is organized and ready for the transaction of legislative business respectfully reports that it has so informed the House of Representatives.

BANKS, Chair  
WALTZ  
RANDOLPH  
BRODEN

Report adopted.

## SENATE MOTION

Madam President: I move that Senators Tomes, Glick, Tallian, and Breaux 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 Tomes shall serve as Chair of the Committee.

LONG

Motion prevailed.

## COMMITTEE REPORT

Madam President: The Senate 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.

TOMES, Chair  
GLICK  
TALLIAN  
BREAUX

Report adopted.

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

Madam President: President Pro Tempore David Long hereby announces and reports the following amended committee, subcommittee and chairperson appointments, pursuant to Rule 32(b) of the Standing Rules and Orders of the Senate of the 118<sup>th</sup> General Assembly.

**Tax and Fiscal Policy**

Senator Hershman, Chair	Senator Skinner, RMM
Senator Holdman, RM	Senator Broden
Senator Buck	Senator Hume
Senator Delph	Senator Tallian
Senator Kenley	
Senator Landske	
Senator Pete Miller	
Senator Mishler	
Senator Walker	

**Corrections and Criminal Law**

Senator M. Young, Chair	Senator Randolph, RMM
Senator Glick, RM	Senator Stoops
Senator Bray	Senator Taylor
Senator Steele	
Senator Tomes	
Senator Waterman	
Senator Zakas	

Criminal Law Subcommittee

Senator Glick, Chair	Senator Randolph
Senator Bray	Senator Taylor
Senator Waterman	

Corrections Subcommittee

Senator Tomes, Chair	Senator Randolph
Senator M. Young	Senator Stoops
Senator Zakas	

**REPORT OF AMENDED LEADERSHIP  
AND  
OTHER APPOINTMENTS**

Pursuant to Senate Rule 23 of the Standing Rules and Orders of the Senate of the 118<sup>th</sup> General Assembly, Second Regular Session, President Pro Tempore David C. Long hereby announces the following amended appointments:

**OTHER APPOINTMENTS BY  
PRESIDENT PRO TEMPORE**

Assistant Majority Secretary of the Senate  
Candace K. Hall

SENATE MOTION

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

- SR 2 Senator Long  
Authorizing the Postmaster of the Senate to receive mail.
- SR 4 Senator Buck  
Recognizing the Omega Christian Church on its 150<sup>th</sup> anniversary.

LONG

Motion prevailed.

**RESOLUTIONS ON FIRST READING**

**Senate Resolution 2**

Senate Resolution 2, introduced by Senator Long:

A SENATE RESOLUTION to authorize 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 authorized to receive from the Postmaster of the City of Indianapolis all mail that may belong to the Indiana Senate and to the several members and employees thereof and that may be directed to the general delivery or care of the Senate: Therefore,*

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

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

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

**Senate Resolution 4**

Senate Resolution 4, introduced by Senator Buck:

*A SENATE RESOLUTION recognizing the 150th anniversary of the Omega Christian Church.*

*Whereas, The Omega Christian Church marked its historical beginnings in 1863, during the midst of the Civil War;*

*Whereas, The Omega area, previously known as Bethany, in this time of struggle decided there was a need for a church in their community;*

*Whereas, The church was constructed with timber from the surrounding area under the direction of Joseph Lacy, with Dr.*

*Silas Blount preaching the dedication service in November 1863;*

*Whereas, The town began to grow around the Omega Christian Church thereafter with a sawmill, general store, resident doctor, blacksmith, and post office;*

*Whereas, The church moved and expanded in 1926 northeast of the old location. During the expansion, the church used the 1863 structure and is now the oldest building in White River Township; and*

*Whereas, Through the church's further expansions in 1947, and improvements since, the Omega Christian Church has maintained its same purpose, to serve God and the community. We wish them continued success over the next 150 years: Therefore,*

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

SECTION 1. That the Indiana Senate recognizes the 150th anniversary of the Omega Christian Church.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this Resolution to the Omega Christian Church.

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

### **House Concurrent Resolution 2**

House Concurrent Resolution 2, sponsored by Senators Long and Lanane:

A CONCURRENT RESOLUTION to allow the House of Representatives and the Senate of the 118th General Assembly to adjourn and recess separately throughout the Second Regular Session for periods in excess of three (3) consecutive days as the need, in the judgment of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, respectively, may arise.

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

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

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

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

*Whereas, Each House desires to consent to any adjournment or recess by the other House that might last more than three (3) days during the Second Regular Session of the 118th Indiana General Assembly; and*

*Whereas, The House of Representatives and the Senate intend to recess after November 19, 2013, 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 118th Indiana General Assembly hereby consents to any adjournment or recess of the other House during the Second Regular Session of the 118th Indiana General Assembly for a period in excess of three (3) days, if such recess or adjournment is approved, in the case of the House of Representatives, by the Speaker of the House of Representatives or, in the case of the Senate, by the President Pro Tempore of the Senate.

The resolution was read in full and placed upon its passage. The question was, Shall the resolution pass? Roll Call 2: yeas 44, nays 0. The resolution was declared passed. The Chair instructed the Secretary to inform the House of the passage of the resolution.

### **Senate Resolution 5**

Senate Resolution 5, introduced by Senators Long, Merritt, and Patricia Miller:

A SENATE RESOLUTION recognizing Mary Beth Schneider for a job well done.

*Whereas, Mary Beth Schneider served the Indianapolis Star for more than three decades in numerous roles, including stints as the Star's police reporter, court reporter, and assistant city editor;*

*Whereas, Mary Beth, since 1991, has defined her career as the Star's statehouse and political reporter covering five governors, 23 regular sessions of the General Assembly, six special sessions, and multiple presidential campaigns and national conventions;*

*Whereas, The Washington Post repeatedly has named Mary Beth one of Indiana's best political reporters;*

*Whereas, In recent years, Mary Beth became a twitter savant and has been named the "twitter lady" by tweeting more than 300 times per month on Indiana politics, government affairs, and seemingly anything else that crossed her mind; and*

*Whereas, Over the years, above all else, it's evident Mary Beth served as a trusted pillar of Indiana's media. Mary Beth's deep knowledge of the political process and wit simultaneously informed and entertained her readers for decades: Therefore,*

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

SECTION 1. That the Indiana Senate wholeheartedly thanks Mary Beth Schneider for a job well done.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this Resolution to Mary Beth Schneider and the Editor of the Indianapolis Star.

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

#### **Senate Concurrent Resolution 2**

Senate Concurrent Resolution 2, introduced by Senators Arnold and Tallian:

A CONCURRENT RESOLUTION honoring the personnel involved in the successful Miracle on Mount Baldy rescue.

*Whereas, Mount Baldy is the tallest moving sand dune in the Indiana Dunes National Lakeshore;*

*Whereas, On July 12, 2013, six-year-old Nathan Woessner fell into a sinkhole on Mount Baldy and was buried alive for four hours;*

*Whereas, 135 first responders, two excavator machines, and a tremendous amount of manpower dug through the sand to rescue Woessner;*

*Whereas, A number of agencies provided invaluable assistance in saving Woessner's life, including E911 Dispatch Center, Michigan City Fire Department, Michigan City Police Department, National Park Service, Police and Fire Chaplains, Emergency Medical Volunteers, LaPorte County Emergency Medical Services, LaPorte County Sheriff reserves, Long Beach Police Department, Red Cross of LaPorte County, NIPSCO, Michigan City-City Hall, LaPorte County Coroner's Office, The News Dispatch, Woodruff & Sons, D&M Excavating, Trail Creek Police Department, LaPorte County EMA, Franciscan St. Anthony's Hospital, University of Chicago Hospital, and UCAN/Lifestar Medical Helicopter;*

*Whereas, Michigan City Mayor Ron Meen, Michigan City Chief of Police Mark Swistek, Michigan City Fire Chief Ronnie Martin, and LaPorte County Emergency Medical Services Director Pat Pease showed exceptional leadership ability while directing their staffs in the successful rescue of Woessner, now known as the Miracle on Mount Baldy;*

*Whereas, The heroic and quick-thinking efforts exhibited by the men and women involved transformed this incident from a tragedy into a triumph, and serves as an example of professional*

*excellence, dedication, and commitment; and*

*Whereas, The actions of those involved reflect great credit upon themselves, their community, and the great state of Indiana: Therefore,*

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

SECTION 1. The Indiana General Assembly honors the personnel involved in the successful Miracle on Mount Baldy rescue.

SECTION 2. The Secretary of the Senate is directed to transmit copies of this resolution to the City of Michigan City, the Michigan City Police Department, the Michigan City Fire Department, and LaPorte County Emergency Medical Services.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Pelath and Dermody.

#### **House Concurrent Resolution 1**

House Concurrent Resolution 1, sponsored by Senator Kruse:

A CONCURRENT RESOLUTION memorializing and honoring Representative Phyllis Pond.

*Whereas, Phyllis Pond was born on October 25, 1930, to the late Clifford and Rosa Ruble;*

*Whereas, Phyllis grew up on a farm northeast of Warren, Indiana;*

*Whereas, Phyllis graduated from Warren High School in 1948, Ball State University in 1951, and Indiana University School of Education in 1963;*

*Whereas, Before teaching kindergarten for 37 years at New Haven Elementary School, Phyllis also taught school in Eaton, Raleigh, and Plymouth;*

*Whereas, Phyllis was elected to the Indiana House of Representatives in 1978 and was the longest serving female state representative in the history of Indiana;*

*Whereas, Phyllis was also the first female lawmaker to earn a seat in the front row of the House Chamber, which is reserved for House leaders or representatives with the most seniority;*

*Whereas, Among her many achievements during her 35 year career in the House of Representatives, Phyllis authored the Primetime Education Bill, which capped kindergarten through third grade classroom sizes at 18. She also authored a bill that established a program for mediation in marriage dissolution actions as well as a bill that established the Indiana Conference for Legal Education Opportunity ("CLEO") program, which*

*assists Indiana minority, low income, or educationally disadvantaged college graduates in pursuing a law degree and a career in the Indiana legal community;*

*Whereas, Phyllis took great pride in being one of the few non-attorney members of the Committee on Judiciary, which she served on for many years;*

*Whereas, During her 35 years of service in the House of Representatives, Phyllis was a member of the Committee on Ways and Means for 23 years;*

*Whereas, As a retired teacher, Phyllis understood the obstacles teachers face daily in the classroom and was passionate in her efforts to combat those obstacles through legislative initiatives;*

*Whereas, Phyllis was awarded the state's highest award, The Sagamore of the Wabash, on November 2, 1984, by Governor Robert Orr;*

*Whereas, Phyllis was very active in service to her community by serving as a Girl Scout leader, 4-H leader, and Cub Scout den mother;*

*Whereas, Phyllis was a longtime member of Emanuel Lutheran Church in New Haven;*

*Whereas, Phyllis loved her family: George, her husband of 62 years; children Douglas, William, and Jean; daughter-in-law Cami; grandchildren Greg and Scott Pond, Joel Aiken, and Jennifer Knepp, and Jennifer's husband, Jon; and great-grandchildren Beatrice, Walker, and Eleanore;*

*Whereas, Phyllis passed away on September 22, 2013, after losing a battle with pulmonary fibrosis; and*

*Whereas, Phyllis will be missed by all of her colleagues in the Indiana General Assembly, and her dedication and service to her district and all Hoosiers will continue to be fondly remembered by all: Therefore,*

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

SECTION 1. That the members of the Indiana General Assembly memorialize and honor the life of Representative Phyllis Pond.

SECTION 2. The Principal Clerk of the House of Representatives is hereby directed to transmit a copy of this resolution to George Pond, Douglas Pond and his family, Dr. William Pond and his family, and Jean Grasmick and her family.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

#### SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Banks, Becker, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Crider, Delph, Eckerty, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Leising, Pete Miller, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Schneider, Skinner, Smith, Steele, Stoops, Tallian, Taylor, Tomes, Walker, Waltz, Waterman, Wyss, Yoder, M. Young, R. Young, and Zakas be added as coauthors of Senate Resolution 5.

LONG

Motion prevailed.

#### MESSAGE FROM THE HOUSE

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

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

The Speaker has appointed Representatives Torr, Cox, Hale, and Macer.

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 Richardson, Beumer, Battles, and Shackelford.

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 Resolutions 1 and 2 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

#### SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Banks, Becker, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Crider, Delph, Eckerty, Glick, Grooms, Head, Hershman, Holdman, Hume, Kenley, Lanane, Landske, Leising,

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**November 19, 2013**

Long, Merritt, Patricia Miller, Pete Miller, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Schneider, Skinner, Smith, Steele, Stoops, Tallian, Taylor, Tomes, Walker, Waltz, Waterman, Wyss, Yoder, M. Young, R. Young, and Zakas be added as coauthors of House Concurrent Resolution 1.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, January 6, 2014.

LONG

Motion prevailed.

The Senate adjourned at 2:43 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUE ELLSPERMANN  
President of the Senate