



# Journal of the Senate

State of Indiana

116th General Assembly

First Regular Session

Thirty-fifth Meeting Day

Tuesday Afternoon

March 24, 2009

The Senate convened at 1:35 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Bishop Coyner, United Methodist Church.

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

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

Alting	Long
Arnold	Lubbers
Becker	Merritt
Boots	Miller
Bray	Mishler
Breaux	Mrvan
Broden	Nugent
Buck	Paul
Charbonneau	Randolph
Deig	Rogers
Delph	Simpson
Dillon	Sipes
Errington	Skinner
Gard	Steele
Head	Stutzman
Hershman	Tallian
Holdman	Taylor
Hume	Walker
Kenley	Waltz
Kruse	Waterman
Lanane	Wyss
Landske	Yoder
Lawson	M. Young
Leising	R. Young
Lewis	Zakas

Roll Call 259: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Engrossed House Bill 1612, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 20, after "offer." insert "**Payment accepted by a creditor, servicer, or creditor's agent in connection with a**

**short sale constitutes payment in full satisfaction of the first lien mortgage transaction unless the creditor, servicer, or creditor's agent obtains:**

**(a) the following statement: "The debtor remains liable for any amount still owed under the first lien mortgage transaction."; or**

**(b) a statement substantially similar to the statement set forth in subdivision (a);**

**acknowledged by the initials or signature of the debtor, on or before the date on which the short sale payment is accepted."**

Page 2, delete lines 21 through 32.

Page 2, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 2. IC 24-4.4-2-404.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 404.1. (1) If the director determines that a director, an officer, or an employee of a creditor:**

**(a) has committed a violation of a statute, a rule, a final cease and desist order, any condition imposed in writing by the director in connection with the granting of any application or other request by the creditor, or any written agreement between the creditor and the director;**

**(b) has committed fraudulent or unconscionable conduct; or**

**(c) has been convicted of or has pleaded guilty or nolo contendere to a felony under the laws of Indiana or any other jurisdiction;**

**the director, subject to subsection (2), may issue and serve upon the officer, director, or employee a notice of the director's intent to issue an order removing the person from the person's office or employment, an order prohibiting any participation by the person in the conduct of the affairs of any creditor, or an order both removing the person and prohibiting the person's participation.**

**(2) A violation, practice, or breach specified in subsection (1) is subject to the authority of the director under subsection (1) if the director finds any of the following:**

**(a) The interests of the creditor's customers could be seriously prejudiced by reason of the violation or practice.**

**(b) The violation, practice, or breach involves personal dishonesty on the part of the officer, director, or employee involved.**

**(c) The violation, practice, or breach demonstrates a willful or continuing disregard by the officer, director, or employee for state and federal laws and regulations, and for the consumer protections contained in this article.**

**(3) A person who:**

- (a) has been convicted of; or
- (b) has pleaded guilty or nolo contendere to;

a felony under the laws of Indiana or any other jurisdiction may not serve as an officer, a director, or an employee of a creditor, or serve in any similar capacity, unless the person obtains the written consent of the director.

(4) A creditor that willfully permits a person to serve the creditor in violation of subsection (3) is subject to a civil penalty of five hundred dollars (\$500) for each day the violation continues.

SECTION 3. IC 24-4.4-2-404.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 404.2.** (1) A notice issued under this chapter must:

- (a) be in writing;
- (b) contain a statement of the facts constituting the alleged practice, violation, or breach;
- (c) state the facts alleged in support of the violation, practice, or breach;
- (d) state the director's intention to enter an order under section 404.1(1) of this chapter;
- (e) be delivered to the board of directors of the creditor;
- (f) be delivered to the officer, director, or employee concerned; and
- (g) specify the procedures that must be followed to initiate a hearing to contest the facts alleged.

(2) If a hearing is requested not later than ten (10) days after service of the written notice, the director or designee of the director shall hold a hearing concerning the alleged practice, violation, or breach. The hearing shall be held not later than forty-five (45) days after receipt of the request. The director or designee of the director, based on the evidence presented at the hearing, shall enter a final order under section 404.4 of this chapter.

(3) If no hearing is requested within the time specified in subsection (2), the director may proceed to issue a final order described in subsection (2) on the basis of the facts set forth in the written notice.

(4) An officer, director, or employee who is removed from a position under a removal order that has become final may not participate in the conduct of the affairs of any licensee under this article without the approval of the director.

(5) The director may, for the protection of the creditor or the interests of its customers, suspend from office or prohibit from participation in the affairs of the creditor an officer, a director, or an employee of a creditor who is the subject of a written notice served by the director under subsection (1). A suspension or prohibition under this subsection becomes effective upon service of the notice. Unless stayed by a court in a proceeding authorized by subsection (6), the notice remains in effect pending completion of the proceeding under the written notice served under subsection (1) and until the effective date of an order entered by the director under subsection (2) or (3). Copies of the notice shall also be served upon the creditor or affiliate of which the person is an officer, a director, or an employee.

(6) Not more than fifteen (15) days after an officer, a director, or an employee has been suspended from office or prohibited from participation in the conduct of the affairs of the creditor or affiliate under subsection (5), the officer, director, or employee may apply to a court having jurisdiction for a stay of the suspension or prohibition pending completion of the proceedings under subsection (2), and the court may stay the suspension or prohibition.

(7) The department shall maintain an official record of a proceeding under this chapter.

SECTION 4. IC 24-4.4-2-404.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 404.3.** If the director enters into a consent to a final order under section 404.4 of this chapter with a creditor, a director, an officer, or an employee, the director is not required to issue and serve a notice of charges upon the creditor, director, or officer under section 404.1 of this chapter. A consent agreement may be negotiated and entered into before or after the issuance of a notice of charges. The director shall provide a copy of the consent order to the board of directors of the creditor.

SECTION 5. IC 24-4.4-2-404.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 404.4.** (1) If the director finds that the conditions specified in section 404.1 of this chapter have been established, the director may issue a final order.

(2) A final order must include separately stated findings of fact and conclusions of law for all aspects of the order.

(3) In exercising the director's enforcement powers under this chapter against an officer, director, or employee, the director may:

- (a) remove the officer, director, or employee from the person's office, position, or employment;
- (b) prohibit any participation by the officer, director, or employee in the conduct of the affairs of any creditor; or
- (c) take both of the actions set forth in subdivisions (a) and (b).

(4) A final order shall be issued in writing not later than ninety (90) days after conclusion of the hearing, unless this period is waived or extended with the written consent of all parties or for good cause shown.

(5) If the officer, director, or employee does not appear individually or by an authorized representative at the hearing, the officer, director, or employee is considered to have consented to the issuance of a final order.

(6) The remedies provided in this chapter are in addition to other remedies contained in this article.

SECTION 6. IC 24-4.4-2-404.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 404.5.** (1) A final order issued under this chapter is effective at the expiration of ten (10) days after service of the order. However, a final order issued upon consent under section 404.3 of this chapter is effective at the time specified in the order.

(2) A final order remains effective and enforceable as provided in the order.

(3) The department or a reviewing court may stay, modify, or vacate a final order.

SECTION 7. IC 24-4.4-2-404.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 404.6. (1) A civil penalty imposed on a director or an officer in a final order issued under section 404.4 of this chapter may not exceed fifteen thousand dollars (\$15,000) for each practice, violation, or act found to exist in the final order.**

(2) In determining the amount of a civil penalty assessed in a final order issued under section 404.4 of this chapter, the following factors shall be considered:

- (a) The appropriateness of the civil penalty with respect to the financial resources and good faith of the individual charged.
- (b) The gravity of the practice, violation, or act.
- (c) The history of previous practices, violations, or acts.
- (d) The economic benefit derived by the individual from the practice, violation, or act.
- (e) Other factors that justice requires.

(3) A creditor may not indemnify a director or an officer for a civil penalty imposed in a final order under section 404.4 of this chapter.

(4) Civil penalties shall be deposited in the financial institutions fund established by IC 28-11-2-9.

SECTION 8. IC 24-4.4-2-404.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 404.7. The department may enforce any of the following by applying for appropriate relief to a court having jurisdiction:**

- (a) An order issued under this chapter.
- (b) A written agreement entered into by the department and any director, officer, or employee of a creditor.
- (c) Any condition imposed in writing by the department on any director, officer, or employee of a creditor."

Page 3, delete lines 1 through 9.

Page 7, line 2, delete "If the written offer by or on behalf of the" and insert "Payment accepted by a creditor, servicer, or creditor's agent in connection with a short sale constitutes payment in full satisfaction of the mortgage transaction unless the creditor, servicer, or creditor's agent obtains:

- (a) the following statement: "The debtor remains liable for any amount still owed under the mortgage transaction."; or
- (b) a statement substantially similar to the statement set forth in subdivision (a);

acknowledged by the initials or signature of the debtor, on or before the date on which the short sale payment is accepted."

Page 7, delete lines 3 through 12.

Page 9, line 16, delete "If the written offer by or on behalf of the" and insert "Payment accepted by a creditor, servicer, or creditor's agent in connection with a short sale constitutes payment in full satisfaction of the mortgage transaction unless the creditor, servicer, or creditor's agent obtains:

- (a) the following statement: "The debtor remains liable for any amount still owed under the mortgage

transaction."; or

(b) a statement substantially similar to the statement set forth in subdivision (a);

acknowledged by the initials or signature of the debtor, on or before the date on which the short sale payment is accepted."

Page 9, delete lines 17 through 26.

Page 11, delete lines 5 through 16, begin a new paragraph and insert:

"SECTION 16. IC 24-4.5-6-119 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 119. (a) Subject to subsection (b), if the director determines that a director, an officer, or an employee of a creditor:**

- (1) has committed a violation of a statute, a rule, a final cease and desist order, a condition imposed in writing by the director in connection with the grant of an application or other request by the creditor, or a written agreement between the creditor and the director;
- (2) has committed fraudulent or unconscionable conduct; or
- (3) has been convicted of or has pleaded guilty or nolo contendere to a felony under the laws of Indiana or any other jurisdiction;

the director may issue and serve upon the person a notice of charges and of the director's intent to issue an order removing the person from the person's office or employment, an order prohibiting participation by the person in the conduct of the affairs of any creditor, or an order both removing the person and prohibiting the person's participation.

(b) A violation, practice, or breach described in subsection (a) is subject to the authority of the director under subsection (a) if the director finds any of the following:

- (1) The interests of the creditor's customers could be seriously prejudiced by reason of the violation, practice, or breach.
- (2) The violation, practice, or breach involves personal dishonesty on the part of the officer, director, or employee involved.
- (3) The violation, practice, or breach demonstrates a willful or continuing disregard by the officer, director, or employee for state or federal law and regulations, and for the consumer protections contained in this article.

(c) A person who:

- (1) has been convicted of; or
- (2) has pleaded guilty or nolo contendere to;

a felony under the laws of Indiana or any other jurisdiction may not serve as an officer, a director, or an employee of a creditor, or serve in any similar capacity, unless the person obtains the written consent of the director.

(d) A creditor that willfully permits a person to serve the creditor in violation of subsection (c) is subject to a civil penalty of five hundred dollars (\$500) for each day the violation occurs.

SECTION 17. IC 24-4.5-6-120 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 120.** (a) A notice issued under section 119 of this chapter must:

- (1) be in writing;
- (2) contain a statement of:
  - (A) the facts constituting the alleged violation, practice, or breach;
  - (B) the facts alleged in support of the violation, practice, or breach; and
  - (C) the director's intention to issue an order under section 119(a) of this chapter;
- (3) be delivered to the board of directors of the creditor;
- (4) be delivered to the officer, director, or employee to which the notice applies;
- (5) specify the procedures that must be followed to initiate a hearing to contest the alleged violation, practice, or breach; and
- (6) if the director suspends or prohibits the officer, director, or employee from participation in the affairs of the creditor as described under subsection (e), a statement of the suspension or prohibition.

(b) If a hearing is requested not later than ten (10) days after service of the notice described under subsection (a), the director or designee of the director shall hold a hearing concerning the alleged violation, practice, or breach. The hearing shall be held not later than forty-five (45) days after receipt of the request. The director or designee of the director, based on the evidence presented at the hearing, shall enter a final order in accordance with section 122 of this chapter.

(c) If no hearing is requested within the period of time specified in subsection (b), the director may proceed to issue a final order under section 122 of this chapter on the basis of the facts set forth in the notice described under subsection (a).

(d) An officer, director, or employee of a creditor who is removed from a position under a removal order under section 122 of this chapter that has become final may not, without the approval of the director, participate in the conduct of the affairs of a licensee described under IC 24-4.5-3.

(e) The director may, for the protection of the creditor or the interests of the creditor's customers, suspend from office or prohibit from participation in the affairs of the creditor an officer, a director, or an employee of a creditor who is the subject of a written notice served by the director under subsection (a). A suspension or prohibition under this subsection becomes effective upon service of the notice. Unless stayed by a court in a proceeding authorized by subsection (f), the notice shall remain in effect pending completion of a proceeding under subsection (b) and until the effective date of an order entered by the director under subsection (b) or (c). If the director suspends or prohibits participation of an officer, a director, or an employee under this subsection, copies of the notice shall also be served upon the creditor or affiliate of which the person is an officer, a director, or an employee.

(f) Not more than fifteen (15) days after an officer, a director, or an employee has been suspended from office or

prohibited from participation in the conduct of the affairs of the creditor or affiliate under subsection (e), the officer, director, or employee may apply to a court having jurisdiction for a stay of the suspension or prohibition pending completion of the proceedings under subsection (b). The court may stay a suspension or prohibition of the officer, director, or employee.

(g) The department shall maintain an official record of a proceeding under this chapter.

SECTION 18. IC 24-4.5-6-121 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 121.** If the director enters into a consent to a final order with a director, an officer, or an employee, the director is not required to issue and serve a notice of charges upon the director, officer, or employee under section 119 of this chapter. A consent agreement may be negotiated and entered into before or after the issuance of a notice of charges. The director shall provide a copy of the consent order to the board of directors of the creditor.

SECTION 19. IC 24-4.5-6-122 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 122.** (a) Subject to section 120 of this chapter, if the director determines that a director, an officer, or an employee of a creditor has committed an act described in section 119 of this chapter, the director may issue a final order.

(b) A final order must include separately stated findings of fact and conclusions of law for all aspects of the order.

(c) In exercising the director's enforcement powers under this chapter against an officer, a director, or an employee, the director may:

- (1) remove the officer, director, or employee from the officer's, director's, or employee's office, position, or employment;
- (2) prohibit any participation by the officer, director, or employee in the conduct of the affairs of any creditor; or
- (3) take both of the actions set forth in subdivisions (1) and (2).

(d) A final order shall be issued in writing not later than ninety (90) days after conclusion of a hearing, unless this period is waived or extended with the written consent of all parties or for good cause shown.

(e) If the officer, director, or employee does not appear individually or by a duly authorized representative at the hearing, the officer, director, or employee is considered to have consented to the issuance of a final order.

(f) The director may keep a final order confidential if the director determines that the immediate release of the order would endanger the stability of the creditor. However, after two (2) years following the date that an order is issued, a final order is no longer confidential.

(g) The remedies provided in this chapter are in addition to other remedies contained in this article.

SECTION 20. IC 24-4.5-6-123 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 123.** (a) A final

order issued under section 122 of this chapter is effective the eleventh day after the date the order is served on the creditor and the officer, director, or employee. However, a final order issued upon consent under section 121 of this chapter is effective at the time specified in the order.

(b) A final order remains effective and enforceable as provided in the order.

(c) The department or a reviewing court may stay, modify, or vacate a final order.

SECTION 21. IC 24-4.5-6-124 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 124. (a) The director may impose a civil penalty under a final order issued under section 122 of this chapter. A civil penalty imposed on a director or an officer may not exceed fifteen thousand dollars (\$15,000) for each practice, violation, or breach found to have been committed.**

(b) The director shall consider the following factors in determining the amount of a civil penalty that should be assessed against a director, an officer, or an employee:

- (1) The appropriateness of the civil penalty with respect to the financial resources and good faith of the individual charged.
- (2) The gravity of the practice, violation, or breach.
- (3) The history of previous practices, violations, or breaches.
- (4) The economic benefit derived by the individual from the practice, violation, or breach.
- (5) Other factors that justice requires.

(c) A creditor may not indemnify a director, an officer, or an employee for a civil penalty imposed against the director or officer under this section.

(d) Civil penalties shall be deposited in the financial institutions fund established by IC 28-11-2-9.

SECTION 22. IC 24-4.5-6-125 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 125. The department may enforce any of the following by applying for appropriate relief to a court having jurisdiction:**

- (1) An order issued under section 121 or 122 of this chapter.
- (2) A written agreement entered into by the department and a director, an officer, or an employee of the creditor.
- (3) Any condition imposed in writing by the department on a director, an officer, or an employee of the creditor."

Page 96, line 26, delete "not".

Page 104, delete lines 6 through 42.

Page 105, delete lines 1 through 8.

Page 105, line 12, delete "five (5)" and insert "**four (4)**".

Page 105, line 25, delete "five (5)" and insert "**four (4)**".

Page 105, delete lines 37 through 42.

Page 109, line 19, delete "FOLLOW" and insert "FOLLOWING".

Page 109, delete lines 23 through 31.

Renumber all SECTIONS consecutively.

(Reference is to HB 1612 as printed February 18, 2009.) and when so amended that said bill do pass.  
Committee Vote: Yeas 8, Nays 0.

PAUL, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1094, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 39, delete "January 15, 2009," and insert "**December 31, 2009,**".

Page 5, delete lines 9 through 24 begin a new paragraph and insert:

"(d) A taxpayer may obtain a review by the county board of the assessment of the taxpayer's tangible property effective for an assessment date for which a notice of assessment is not given as described in subsection (b). To obtain the review, the taxpayer must file a notice in writing with the township assessor, or the county assessor if the township is not served by a township assessor. The right of a taxpayer to obtain a review under this subsection for an assessment date for which a notice of assessment is not given does not relieve an assessing official of the duty to provide the taxpayer with the notice of assessment as otherwise required by this article. ~~For an assessment date in a year before 2009; the notice must be filed on or before May 10 of the year. For an assessment date in a year after 2008; The notice to obtain a review must be filed not later than the later of:~~

(1) May 10 of the year; or

(2) forty-five (45) days after the date of the tax statement mailed by the county auditor under ~~IC 6-1.1-17-3(b); treasurer, regardless of whether the assessing official changes the taxpayer's assessment.~~"

(Reference is to HB 1094 as reprinted February 20, 2009.) and when so amended that said bill do pass.  
Committee Vote: Yeas 10, Nays 0.

HERSHMAN, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Engrossed House Bill 1162, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

GARD, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Engrossed House Bill 1032, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and make an appropriation.

Page 3, between lines 12 and 13, begin a new paragraph and insert:

**"(g) Money in the fund is annually appropriated to the department of natural resources for its use in fulfilling the purposes of this section."**

(Reference is to HB 1032 as reprinted February 3, 2009.) and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MISHLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Engrossed House Bill 1348, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 14, delete "rules" and insert **"rule"**.

Page 3, line 14, delete "The commission shall adopt any".

Page 3, delete lines 15 through 16.

Page 3, line 17, delete "effective date of the subsequent edition."

(Reference is to HB 1348 as printed February 10, 2009.) and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

GARD, Chair

Report adopted.

**REPORT OF THE SENATE COMMITTEE ON ETHICS**

Madam President: Pursuant to Senate Rule 94, the Senate Committee on Ethics met on March 23, 2009, to render an advisory opinion with regard to the question raised by Senator Boots about his participation in the upcoming votes on Engrossed House Bill 1230 due to a potential conflict of interest.

The Senate Committee on Ethics has considered the facts presented by Senator Boots and hereby recommends that Senator Boots be excused from participation in all votes pertaining to Engrossed House Bill 1230 because of his potential conflict of interest with regard to the legislation. The vote of the Committee was 6-0.

DILLON

Report adopted.

**REPORTS FROM COMMITTEES**

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Engrossed House Bill 1204, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MISHLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Engrossed House Bill 1203, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MISHLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Engrossed House Bill 1473, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MISHLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Engrossed House Bill 1381, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MISHLER, Chair

Report adopted.

**REPORT OF THE PRESIDENT PRO TEMPORE**

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Engrossed House Bill 1604, currently assigned to the Committee on Local Government, be reassigned to the Committee on Appropriations.

LONG

Report adopted.

**RESOLUTIONS ON FIRST READING**

**Senate Concurrent Resolution 73**

Senate Concurrent Resolution 73, introduced by Senator Lubbers:

A CONCURRENT RESOLUTION recognizing the outstanding career and community contributions of Dr. Ora Pescovitz.

*Whereas, Dr. Ora Pescovitz simultaneously excelled as CEO of Riley Hospital for Children, Executive Associate Dean of Research Affairs at the Indiana University School of Medicine, and Interim Vice President for Research Administration in charge of research at all eight IU campuses;*

*Whereas, In her role as Dean of Research Affairs, Dr. Pescovitz's leadership generated \$260 million annually in grants and contracts for the University. With her hard work and oversight, IU students and the greater community benefitted from the construction of over 700,000 square feet of new research space at IU School of Medicine;*

*Whereas, As President and CEO of Riley Hospital for Children, Dr. Pescovitz led an ambitious and wide-reaching strategic plan that included the fundraising and construction of a \$470 million, 675,000 square foot addition to the hospital;*

*Whereas, Dr. Pescovitz accepts any opportunity to make a difference in the lives of Hoosiers. She has served as president of the Society for Pediatric Research, the nation's largest pediatric research organization, president of the Lawson Wilkins Pediatric Endocrine Society, and chair of the March of Dimes Grants Review Committee. She is a tireless advocate on behalf of advanced medical research and efforts to raise capital for expensive life-saving medical procedures;*

*Whereas, Dr. Pescovitz's many accomplishments have not gone unrecognized. She has won numerous distinctions including: a Research Career Development Award from the National Institute of Health, Indiana University School of Medicine's highest teaching award; the Science Medal of Distinction from the IUPUI School of Science; the Distinguished Alumnus Award from Northwestern's Feinberg School of Medicine; recognition as one of the nation's Top Doctors, a Power Player in Indianapolis; one of the Most Influential Women in Indiana; the iWOMAN Trailblazer Award; the Women and HiTech Award; the Health Medicine & Life Sciences Torchbearer Award from the Indiana Commission for Women; and the Spirit of the Prairie Award from the Connor Prairie Living History Museum; and*

*Whereas, Dr. Pescovitz's hard work has won the admiration and esteem of her colleagues and all those she meets. She always remembers that behind research and statistics are people whose lives are impacted by medical advancement and better patient care: 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 Senate recognizes Dr. Ora Pescovitz for her dedication to the healthcare and education of Hoosiers, and wishes her even greater success in all her future endeavors.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Dr. Ora Pescovitz.

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 sponsor: Representative Welch.

#### **Senate Concurrent Resolution 75**

Senate Concurrent Resolution 75, introduced by Senator Wyss:

A CONCURRENT RESOLUTION recognizing James LaMarca for being the only teacher in Indiana to receive the prestigious Siemens Award for Advanced Placement in 2009.

*Whereas, James LaMarca is one of fifty teachers across the country to receive the prestigious Siemens Award for Advanced Placement in 2009;*

*Whereas, Teachers with a minimum of five years teaching experience in math, science, or technology advanced placement (AP) courses are recognized for their exemplary teaching and enthusiastic dedication to students and the AP Program;*

*Whereas, Mr. LaMarca teaches math at Bishop Dwenger High School in Ft. Wayne, where he has been employed since 1998. He was invited by the College Board and Siemens Foundation to apply for the award based on excellence and success of his AP students;*

*Whereas, Mr. LaMarca's students have an eighty-five percent pass rate on the AP exam, and sixty-three percent of those who pass achieve scores of four to five on a five point scale;*

*Whereas, In addition to facilitating an outstanding passage rate, Mr. LaMarca continues to push his students towards higher education. The number of students taking the AP math exam at Bishop Dwenger has doubled in the last couple years;*

*Whereas, Born in Portsmouth, New Hampshire, James came to Indiana for his undergraduate work. He received his bachelor's degree in Aeronautical Engineering from Purdue University in 1971. His graduate work was completed in 1981 from Pepperdine University in California. He graduated with a Master of Arts in Management;*

*Whereas, Before entering the teaching profession, James served in the United States Air Force flying F4 Phantoms. He retired as a Lieutenant Colonel in 1993; and*

*Whereas, Education of Hoosier children is one of our top responsibilities. After dedicating himself to serving and protecting our country, James LaMarca turned his attention towards protecting and preparing young people so that they will grow to be productive citizens and in turn dedicate their time to preserving the future of our nation: Therefore,*

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

SECTION 1. That the Indiana General Assembly hereby congratulates James LaMarca for being distinguished by the College Board and Siemens Foundation as an excellent

Advanced Placement teacher in the area of Math.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to James LaMarca and his wife Mary, Bishop Dwenger High School Principal Fred Tone, and Bishop John Michael D'Arcy from the Diocese of Ft. Wayne-South Bend.

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 Borrh and GiaQuinta.

**Senate Concurrent Resolution 41**

Senate Concurrent Resolution 41, introduced by Senators Wyss and Long:

A CONCURRENT RESOLUTION honoring Alexandra Klaehn.

*Whereas, Alexandra Klaehn, an esteemed resident of Fort Wayne and a student at Concordia Lutheran High School, has achieved national recognition for exemplary volunteer service by receiving a 2009 Prudential Spirit of Community Award;*

*Whereas, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their community;*

*Whereas, Alexandra Klaehn earned this award by giving generously of her time and energy to improve a zoo in Tajikistan in central Asia: Therefore,*

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

SECTION 1. That the Indiana General Assembly congratulates and honors Alexandra Klaehn as a recipient of a Prudential Spirit of Community Award and recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Alexandra Klaehn and her family.

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 Borrh and GiaQuinta.

**Senate Resolution 29**

Senate Resolution 29, introduced by Senators Hershman and Charbonneau:

A SENATE RESOLUTION to honor Captain Ron Scholz and the Wheatfield Fire Department for their successful rope rescue.

*Whereas, On Friday, January 30, 2009, Wheatfield Fire Department was contacted by Jasper County Sheriff's Police for a rope rescue mission at the NIPSCO Power Plant;*

*Whereas, A NIPSCO employee was stranded, one hundred eighty feet up the side of a smokestack in an external elevator. After assessing the situation, firefighters determined the only option was to climb up the smokestack to an opening about two hundred feet above the victim and rappel down;*

*Whereas, A team of four firefighters climbed the four hundred foot ladder cage inside the dark, tight, and dust-filled smokestack setting up the appropriate rigging and safety equipment. Along the way, the rescue team was also fighting adverse conditions of single digit temperatures and winds gusting at over thirty miles per hour;*

*Whereas, It took firefighters two grueling hours to set up the rescue site. Lowering needed gear, including a harness and heat blankets for the victim, Captain Scholz rappelled the tower to complete the rescue;*

*Whereas, During the rescue a gust of wind knocked Captain Scholz off balance and he began swinging like a pendulum about fifteen feet away from the building. After regaining control and securing the victim, Captain Scholz and the victim were safely lowered to the ground by a system of rope pulleys;*

*Whereas, The victim endured extreme weather conditions for more than seven hours. He was treated and released by on site EMS personnel;*

*Whereas, Due to cooperation and preplanning between NIPSCO and the fire department, Wheatfield firefighters were well trained and prepared to respond when called; and*

*Whereas, the heroic acts of Captain Ron Scholz and the Wheatfield Fire Department are commendable. Their selfless dedication, as volunteer firefighters, to training, preparation, and saving lives is admirable and an example to be followed: Therefore,*

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

SECTION 1. That the Indiana Senate hereby commends Captain Ron Scholz and the Wheatfield Fire Department for their preplanning, training, and subsequent acts of bravery in rescuing a NIPSCO employee through severe and adverse conditions.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Fire Chief David Witt, Captain Ron Scholz, and the Wheatfield Fire Department.

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

**House Concurrent Resolution 62**

House Concurrent Resolution 62, sponsored by Senators Steele, Long, and Lewis:

A CONCURRENT RESOLUTION requesting prayers and support for the men and women serving in the armed forces of the United States of America, especially those fighting the war on terrorism and other future conflicts that arise.

*Whereas, The torch of true patriotism has been held high in these United States and in Indiana in support of our country and its armed forces;*

*Whereas, On Flanders Fields and the beaches of Normandy, from the frozen mountains of Korea to the steaming jungles of Vietnam, on the burning sands of the Kuwaiti and Iraqi deserts to the mountains in Afghanistan, to the Pentagon on September 11, 2001, in the last 100 years over 27,000 Hoosiers answered the call and have paid the ultimate price of freedom;*

*Whereas, There are 47,000 veterans with service-connected disabilities in Indiana and another 4,700 with nonservice connected disabilities;*

*Whereas, No American wants to see the loss of even one more life;*

*Whereas, Mindful of these sacrifices, Hoosier men and women fighting the war on terrorism have responded to their country's call without hesitation;*

*Whereas, These brave men and women are supported at home through prayers, sacrifices, and love of their families left behind;*

*Whereas, All Hoosiers should remember these troops and their families in their thoughts and prayers;*

*Whereas, The Indiana General Assembly ardently supports those troops currently participating in the fight on terrorism;*

*Whereas, The nation will be forever indebted to those few who, in the call of duty, willingly gave so much for their country, including Sergeant Jeannette Winters, Specialist Curtis A. Carter, Corporal Matthew A. Commons, Specialist Brian M. Clemens, Petty Officer Third Class Jason Profitt, Lance Corporal David Fribley, Specialist Gregory P. Sanders, Specialist William A. Jeffries, Sergeant Duane R. Rios, Private First Class Jason M. Meyer, Specialist Roy R. Buckley, Lance Corporal Matthew R. Smith, Private Jesse M. Halling, Private Shawn D. Pahnke, Sergeant Chad L. Keith, Sergeant First Class Craig A. Boling, Private Robert L. McKinley, Staff Sergeant David L. Loyd, Specialist Ronald D. Allen Jr., Staff Sergeant Mark A. Lawton, Specialist Ryan G. Carlock, Staff Sergeant Frederick L. Miller, Specialist Kyle G. Thomas, Specialist Brian H. Penisten, Corporal Darrell L. Smith, Sergeant Jarrod W. Black, Specialist Luke P. Frist, Chief Warrant Officer Brian D. Hazelgrove, Private First Class Christopher E. Hudson, Private First Class John D. Amos II, Private First Class Deryk L. Hallal, Lance Corporal Torry L. Gray, Specialist Michael J. Wiesemann, Staff Sergeant Stephen G. Martin, Sergeant Robert E. Colvill Jr., Specialist Donald R. McCune, Sergeant David M. Heath, Private First Class Luis A. Perez, Sergeant James D.*

*Faulkner, Corporal Christopher S. Ebert, Private First Class Nathan E. Stahl, Private First Class Stephen P. Downing II, Command Sergeant Major Steven W. Faulkenburg, Specialist Raymond L. White, Sergeant Morgan W. Strader, Corporal Lance M. Thompson, Lance Corporal James E. Swain, Corporal Bryan S. Wilson, Staff Sergeant Marvin L. Trost III, Private First Class Joshua A. Ramsey, Lance Corporal Eric Hillenburg, Sergeant Jeremy R. Wright, Private Cory R. Depew, Sergeant Armand "Luke" Frickey, Sergeant Kyle W. Childress, Sergeant Paul M. Heltzel, Captain Michael "Todd" Fiscus, Specialist Brett M. Hershey, Specialist Norman "Kyle" Snyder, Master Sergeant Michael T. Hiester, Private First Class Steven F. Sirko, Sergeant Jimmy Shawn Lee, Corporal Sascha Struble, Private First Class Robert W. Murray, Private First Class Darren A. Deblanc, Specialist Nicholas R. Idalski, Sergeant First Class Marcus V. Muralles, Staff Sergeant Michael Wayne Schafer, Specialist Adam J. Harting, Staff Sergeant Jeremy Doyle, Sergeant Matthew L. Deckard, Staff Sergeant Matthew A. Kimmell, Specialist Jeffrey W. Corban, Sergeant Christopher T. Monroe, Lance Corporal Scott A. Zubowski, Corporal Jonathan F. Blair, Private Jonathan R. Pfender, Specialist Matthew G. Frantz, Private First Class Brian J. Schoff, Sergeant Rickey Jones, Specialist Joshua Lee Hill, Specialist Antoine J. McKinzie, Sergeant Brock A. Beery, Staff Sergeant Eric A. McIntosh, Corporal Eric Lueken, Sergeant Joseph E. Proctor, Lance Corporal David J. Grames Sanchez, Staff Sergeant Richard A. Blakley, Chief Warrant Officer Third Class William T. Flanigan, Staff Sergeant Paul S. Pabla, Sergeant Major Jeffrey A. McLochlin, Corporal Nathaniel S. Baughman, Private First Class Anthony P. Seig, Corporal Aaron Seal, Staff Sergeant Jonathan Rojas, Sergeant Brock Babb, Private First Class Nathan J. Frigo, Sergeant Kraig Foyteck, Lance Corporal James E. Brown, Lance Corporal James R. Davenport, Specialist Joseph A.L. Strong, Private Kelly D. Youngblood, Private First Class Jason D. Johns, Sergeant William "B.J." Beardsley, First Lieutenant Neale M. Shank, Staff Sergeant Bradley D. King, Private First Class David Neil Simmons, Specialist Cody A. Putman, Specialist Jason J. Beadles, First Lieutenant Shaun M. Blue, Private First Class Richard P. Langenbrunner, Private David A. Kirkpatrick, Specialist Andrew Robert Weiss, Sergeant Anthony J. Schober, Specialist Nicholas S. Hartge, Sergeant Robert J. Montgomery, Specialist Clinton C. Blodgett, Technical Sergeant Ryan A. Balmer, Staff Sergeant Michael A. Bechert, Staff Sergeant Roy P. Lewsader Jr., Specialist David A. Wilkey Jr., Specialist Carter "C.J." Gamble Jr., Staff Sergeant William R. Fritsche, Specialist Zachariah J. Gonzalez, Private First Class Shawn D. Hensel, Corporal William Powell (Kerchief), Corporal Ryan A. Woodward, Sergeant Nicholas "Nick" Patterson, Sergeant Gerald J. Cassidy, Seaman Apprentice Shayna A. Schnell, Captain Timothy I. McGovern, Sergeant Kenneth R. Booker, Specialist Johnathon A. Lahmann, Sergeant Jon M. Schoolcraft III, Sergeant First Class Collin J. Bowen, Staff Sergeant Michael D. Elledge, Specialist Joseph A. Ford, Staff Sergeant James P. Snyder, Lance Corporal Layton B. Crass, Lance Corporal Andrew Francis Whitacre, Staff Sergeant Travis K. Hunsberger, Sergeant Ryan P. Baumann, Sergeant Brian K. Miller, Sergeant Gary Henry, Specialist Jonathan Menke, Staff Sergeant Kristopher D. Rodgers, Specialist William*

*J. McClellan, Specialist James M. Clay, Specialist Joseph M. Hernandez, Specialist Ezra Dawson, Private First Class Zachary R. Nordmeyer, Corporal Donte J. Whitworth, and Senior Airman John Patrick Morton Jr.; and*

*Whereas, On behalf of the people of Indiana, the Indiana General Assembly pays special tribute to these men and women who paid the ultimate sacrifice with their lives and to their families and loved ones: 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 Indiana General Assembly prays for the safe return of all of our troops stationed around the globe.

SECTION 2. That the Indiana General Assembly offers its gratitude and appreciation to the brave Hoosier men and women, veterans of the armed forces, and their families and friends who stand behind them.

SECTION 3. That the Indiana General Assembly and all Hoosiers offer their deepest sympathy to the families and friends of those who gave their lives in the service of their country.

SECTION 4. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the President of the United States, the United States Department of Defense, the presiding officers and the Majority and Minority Leaders of both houses of Congress, to the Indiana Congressional delegation, the Adjutant General of the Indiana National Guard and the Indiana Reserves, the commanding officers of the Grissom Air Reserve Base, and the families of the men and women who gave their lives.

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 Resolution 40**

Senate Resolution 40, introduced by Senator Waltz:

A SENATE RESOLUTION honoring Russell M. Plummer for his years of service as Doorkeeper for the Indiana Senate.

*Whereas, Russell M. Plummer served the Indiana Senate for twenty sessions as Doorkeeper. During his tenure, Mr. Plummer witnessed a special session in 1992 and historic property tax reform in 2008. He has seen four governors take office, and witnessed the longest serving President Pro Tempore leave office;*

*Whereas, Before Mr. Plummer assumed his post outside the Senate Chamber, he was setting posts on the basketball courts. As power forward for Lavonia High School, he helped lead the school to victory in the 1950 Sectional Championship;*

*Whereas, Although Mr. Plummer served as a U.S. Post Office Clerk for 30 years before retiring in 1988, his true calling may have been Doorkeeper of the Indiana Senate. The job of a USPS*

*Clerk is to certify and sort incoming and outgoing mail; in the same manner, it's the job of a Doorkeeper to certify and sort individuals entering and exiting the Senate; and*

*Whereas, Mr. Plummer served in the Army and was stationed in Japan following the aftermath of the Korean War. The Army instilled Mr. Plummer with a sense of discipline and honor, which translated into a respect for institutions greater than any one man. Mr. Plummer offered this respect to the Indiana General Assembly as he executed his duties as Doorkeeper. Former President Pro Tempore Robert Garton described the Senate at one time during Mr. Plummer's tenure as, "orderly, well-mannered and thoughtful," a description made possible in part by the hard work and diligence of Mr. Plummer: Therefore,*

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

SECTION 1. That the Indiana Senate hereby recognizes Russell M. Plummer for his years of service as Doorkeeper.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Russell M. Plummer.

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

#### **Senate Concurrent Resolution 68**

Senate Concurrent Resolution 68, introduced by Senator Breaux:

A CONCURRENT RESOLUTION to honor the Cathedral High School boys' volleyball club as the 2008 IBVCA State Champions.

*Whereas, The Cathedral High School boys' volleyball team won the title of 2008 IBVCA State Champions in May 2008;*

*Whereas, The 2008 Cathedral High School boys' volleyball team joins a winning tradition by securing the school's seventh club championship;*

*Whereas, The members of the 2008 Cathedral High School boys' volleyball team applies skills learned on the court, such as teamwork, time management, cooperation, and service, to be stellar students off the court: 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 wishes to congratulate the Cathedral High School boys' volleyball team on winning the 2008 IBVCA state championship title.

SECTION 2. That the Secretary of the Senate transmit a copy of this resolution to Mr. Stephen J. Helmich, President, David L. Worland, Principal, Ms. Rhonda Low, Coach, and each member of the 2008 Cathedral High School boys' volleyball team.

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 sponsor: Representative Bartlett.

**Senate Concurrent Resolution 69**

Senate Concurrent Resolution 69, introduced by Senator Breaux:

A CONCURRENT RESOLUTION to honor the Cathedral High School boys' football team as the IHSAA 4A State Champions.

*Whereas, The Cathedral High School boys' football team beat Fort Wayne Dwenger 10-7 in the championship game to become the 2008 IHSAA 4A State Champions;*

*Whereas, The 2008 Cathedral High School boys' football team joins a winning tradition by securing the school's sixth football championship;*

*Whereas, The members of the 2008 Cathedral High School boy's football team applies skills learned on the field, such as teamwork, time management, cooperation, and service, to be stellar students off the field: 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 wishes to congratulate the Cathedral High School boys' football team on winning the 2008 IHSAA 4A State Championship title.

SECTION 2. That the Secretary of the Senate transmit a copy of this resolution to Mr. Stephen J. Helmich, President, Mr. David L. Worland, Principal, Mr. Rick Streiff, Coach, each member of the 2008 Cathedral High School boys' football team.

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 sponsor: Representative Bartlett.

**Senate Concurrent Resolution 70**

Senate Concurrent Resolution 70, introduced by Senator Breaux:

A CONCURRENT RESOLUTION to honor the Cathedral High School girls' volleyball team as the 2008 IHSAA 4A State Champions.

*Whereas, The Cathedral High School girls' volleyball team won their final match on November 8, 2008 to clinch the 2008 4A IHSAA State Championship title;*

*Whereas, The Cathedral High School girls' volleyball team joins a winning tradition by securing the school's sixth state championship title;*

*Whereas, The Cathedral High School girls' volleyball team has received national honors by being named the National Private School Athletic Association Division I Team of the Year as well as the National Catholic High School Female Team of the Year by Sports Faith International;*

*Whereas, The Cathedral High School girls' volleyball team applies skills learned on the court, such as teamwork, time management, cooperation, and service, to be stellar students off the field: 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 Senate wishes to congratulate the Cathedral High School girls' volleyball team on winning the 2008 IHSAA 4A State Championship title.

SECTION 2. That the Secretary of the Senate transmit a copy of this resolution to Mr. Stephen J. Helmich, President, Mr. David L. Worland, Principal, Ms. Jean Kesterson, Coach, and each member of the 2008 Cathedral High School girls' volleyball team.

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 sponsor: Representative Bartlett.

**Senate Concurrent Resolution 46**

Senate Concurrent Resolution 46, introduced by Senators Becker, Deig, and Hume:

A CONCURRENT RESOLUTION honoring University of Southern Indiana (USI) President, H. Ray Hoops, for his dedication and service to the University over the past fifteen years.

*Whereas, H. Ray Hoops became the second president of the University of Southern Indiana in July 1994. He will be retiring, after fifteen years of service, on June 30, 2009;*

*Whereas, Dr. Hoops received his undergraduate degree from Eastern Illinois University and an MBA from Moorhead State University. He continued his education specializing in Audiology and Speech Sciences at Purdue University where he received his master's and doctoral degrees;*

*Whereas, Before becoming an administrator, Dr. Hoops had an impressive career as a scientist and educator. He was nationally recognized for his research and received the National Research Award from the American Speech and Hearing Association;*

*Whereas, Immediately before coming to USI Dr. Hoops served as vice chancellor for Academic Affairs at the University of Mississippi. While there he received the National Council of State Governments Association Award for his work regarding education reform in the state of Mississippi and the Peterson's Guide Award for his contribution to the education of minority students;*

*Whereas, Dr. Hoops' track record of success and achievement has continued throughout his fifteen years at USI. USI has seen unparalleled growth in enrollment, development of student life opportunities, and capital project investments;*

*Whereas, In 2008 USI was recognized by the Carnegie Foundation for the Advancement of Teaching as an institution of community engagement. In helping USI earn this award, Dr. Hoops led efforts to serve the surrounding region providing economic, cultural, and educational opportunities;*

*Whereas, In addition to keeping USI involved in the community, Dr. Hoops is personally an integral part of the Evansville community. He currently serves on the Deaconess Hospital Board of Directors, the Evansville Education Roundtable, the Southwest Indiana Economic Development Task Force, and is a member of the Board of Directors of Integra Bank Corporation;*

*Whereas, Through the years he has been involved in many different organizations including the Evansville Chamber of Commerce and the American Association of State College and Universities. He also served as former director and chair of the Indiana Conference of Higher Education. For his dedication to the community, Dr. Hoops was honored in 2004 with the Evansville Rotary Civic Award;*

*Whereas, Dr. Hoops is a beloved president, respected by students, teachers, administrators, and the entire Evansville community. He has also earned great respect throughout higher education communities in Indiana and nationwide. His service is a legacy and will be greatly missed at USI after his retirement; and*

*Whereas, Dr. Hoops is respected for his love for education, and looked to by many for wisdom and advice. We believe he is worthy of receiving the highest Hoosier honor, the Sagamore of the Wabash Award, for his continued dedication to bettering the Evansville community and providing a quality educational experience for Hoosier students: Therefore,*

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

SECTION 1. That the Indiana General Assembly hereby congratulates Dr. H. Ray Hoops on a successful tenure as president of the University of Southern Indiana and wishes him well as he finishes his last few months before retiring.

SECTION 2. That the Indiana General Assembly urges Governor Daniels to further honor Dr. Hoops with a Sagamore of the Wabash Award.

SECTION 3. That the Secretary of the Senate is hereby directed to distribute a copy of this resolution to Governor Daniels, the University of Southern Indiana, and Dr. Hoops.

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 Crouch, Avery, Riecken, and Van Haften.

**House Concurrent Resolution 64**

House Concurrent Resolution 64, sponsored by Senators Skinner and Bray:

A CONCURRENT RESOLUTION urging the Indiana General Assembly to proclaim March 24, 2009, as Vigo County Higher Education Day.

*Whereas, Vigo County is among a small number of communities that is home to four different institutions of higher education;*

*Whereas, These four schools have different programs and offerings to serve the needs of a large and diverse community of students;*

*Whereas, Saint Mary-of-the-Woods College is the oldest Catholic liberal arts women's college in the country and today offers undergraduate and graduate degrees to both men and women;*

*Whereas, Indiana State University exemplifies the values of experiential learning and community engagement as evidenced by its recognition from the Carnegie Foundation for the Advancement of Teaching and the President's Higher Education Community Service Honor Roll;*

*Whereas, Rose-Hulman Institute of Technology has been recognized as the nation's number one undergraduate engineering college for ten consecutive years;*

*Whereas, Ivy Tech Community College is now Indiana's largest postsecondary institution, serving more than 120,000 students this academic year; and*

*Whereas, These four schools have made a commitment to serve Indiana through their educational programs as well as through the development of strong partnerships in all aspects of community life: 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 Indiana General Assembly is urged to proclaim March 24, 2009, as Vigo County Higher Education Day.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the presidents of each of these four outstanding institutions of higher education and the Vigo County Council.

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 Concurrent Resolution 65**

House Concurrent Resolution 65, sponsored by Senator Delph:

A CONCURRENT RESOLUTION honoring John and Jane Barnes and Panther Racing.

*Whereas, Panther Racing, a championship-winning motorsports franchise in the Indy Racing League, was formed in late 1997;*

*Whereas, The team earned its first victory at Phoenix International Raceway in 1999 with driver Scott Goodyear and won back-to-back IndyCar Series Championships with Sam Hornish, Jr. in 2001 and 2002;*

*Whereas, Panther Racing began participating in Indy Lights in 2003 and won its first championship with Mark Taylor that same year;*

*Whereas, Panther Racing has collected a total of 28 racing victories and three championships during its 11 seasons of competition;*

*Whereas, Panther Racing was founded by John Barnes and Mike Griffin and is headquartered in Indianapolis, just miles from the boyhood home of John Barnes;*

*Whereas, John Barnes was bitten by the racing bug when the best man in his father's wedding, a National Guard soldier, brought him along as he visited nearby racing tracks;*

*Whereas, John's first job was as a gofer for Vatis Racing;*

*Whereas, Over the last 40 years, John has held almost every position in racing — mechanic, engineer, car builder, team manager, CEO, and owner;*

*Whereas, An outstanding athlete in high school, John turned down several college football scholarships in order to pursue his dream of winning the Indianapolis 500;*

*Whereas, In fulfillment of his dream, John Barnes was awarded the the Indianapolis Motor Speedway's Louis Meyer Lifetime Achievement Award, the highest honor given during the Indianapolis 500 Hall of Fame banquet;*

*Whereas, As special project director, Jane Barnes is an integral part of Panther Racing;*

*Whereas, Jane has served in many capacities during her time in motorsports, including logistics and travel coordinator, manager of human relations, and, during the 2003 season, public relations manager for Panther's Firestone Indy Lights Championship team;*

*Whereas, When not involved in racing, Jane is very active in the world of education, serving as a board member of the Decatur Discovery Academy Charter School and a charter board member and advisory board member of Best Buddies Indiana;*

*Whereas, Before her involvement with racing, Jane was a registered nurse with professional certification in orthopedics and case management;*

*Whereas, John and Jane have two daughters, Samantha and Lizette, and one grandson, Alexander Jett Perry; and*

*Whereas, Panther Racing has made many economic contributions to the city of Indianapolis and our state, but its greatest accomplishment is the enjoyment it has brought to racing fans throughout the state and the nation: 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 Indiana General Assembly recognizes the many contributions made by Panther Racing and John and Jane Barnes to the city of Indianapolis and the entire state.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to John and Jane Barnes and their family.

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 Concurrent Resolution 66**

House Concurrent Resolution 66, sponsored by Senator Walker:

A CONCURRENT RESOLUTION honoring Donald D. Peek, Jr.

*Whereas, Donald D. Peek, Jr., served in the United States Army from June 4, 1970, until May 30, 1973, and graduated from Nike Hercules missile 24U20 Air Defense Training School at Fort Bliss, Texas;*

*Whereas, After returning from military service, Donald D. Peek, Jr., went to work at Detroit Diesel Allison Division of General Motors, now known as Allison Transmission, Inc., where he is an instructor for health and safety classes;*

*Whereas, In 1983, Donald D. Peek, Jr., started his career — which grew into a passion — helping veterans and their families, a pursuit in which he is still actively involved today;*

*Whereas, In 1987, Donald D. Peek, Jr., was first elected commander of John H. Weiss Chapter 52 of the Disabled American Veterans in Indianapolis, where he served three years, and, on June 19, 1989, Chapter 52 gave its first new van to the Richard L. Roudebush Veterans Administration Medical Center to transport patients to the medical center in Indianapolis;*

*Whereas, On June 14, 1989, 6th District Congressman Dan Burton said he "commended Commander Donald D. Peek, Jr., for his leadership" and, on June 26, 1989, a Certificate of Commendation was presented to Commander Donald D. Peek, Jr., for leadership in recognition of his donation of the van and of his support for a smoke-free environment for the 6 South Dayroom;*

*Whereas, Medical Center Director Terrence L. Johnson praised Donald D. Peek, Jr., for accomplishing many outstanding projects;*

*Whereas, Commander Donald D. Peek, Jr., has served in numerous capacities and on many committees for the Disabled American Veterans, including 6th District Commander, Chief of Protocol, 4th Junior Vice Commander, Co-Chairman of the State Convention, and Chairman of the Employment Relations, Rehabilitation and Vocational Committee; he has also served on the Bulletin Committee and the National Interim Legislation Committee working on national legislation for veterans and their families, has served 19 years as the State Legislation Chairman, and has attended the National Convention;*

*Whereas, Donald D. Peek, Jr., has served as commander of Franklin American Legion Post 205 for three terms and is still a member of the post; he was presented with a Certificate of Recognition for Dedicated Service to the community and state of Indiana from Senator Richard G. Lugar;*

*Whereas, Donald D. Peek, Jr., was chairman of Veterans Committee Local 933, United Auto Workers Allison Transmission, from 1988 to 1998 and was chairman of Veterans Committee Region #3 U.A.W. for Indiana and Kentucky, appointed from 1990 to 1992, elected from 1992 to 1995, and re-elected 1995 to 1998;*

*Whereas, While Donald D. Peek, Jr., was chairman, he traveled in Indiana and Kentucky listening to and seeing first-hand the problems of veterans and their families;*

*Whereas, Donald D. Peek, Jr., was awarded the Kentucky Colonel Award on May 31, 1991, by Kentucky Governor Wallace G. Wilkinson and was also awarded the Commonwealth of Kentucky's Certificate of Appreciation for faithful and untiring efforts on behalf of Kentucky's veterans and citizens on March 22, 1996;*

*Whereas, Donald D. Peek, Jr., served as commissioner of the Indiana Department of Veterans Affairs from 1989 through 1997;*

*Whereas, During his tenure, ground was broken on the Madison Veterans Cemetery, the Korean and Vietnam War Memorials in Indianapolis were dedicated, and many House and Senate resolutions and laws were drafted with his help;*

*Whereas, In recognition of his many accomplishments, Commander Donald D. Peek, Jr., was made an "Honorary Legislator" by Representative Woody Burton and was presented a Sagamore of the Wabash by Governor Joseph E. Kernan; and*

*Whereas, Commander Donald D. Peek, Jr., has received many accolades for his work in veterans affairs, such as a Certificate of Commendation in Recognition of Service to Hospitalized Veterans at the Richard L. Roudebush Veterans Administration Medical Center, a Certificate of Appreciation for*

*unselfish commitment to Indiana veterans for donating a third van to the Indianapolis Veterans Administration Medical Center, the Paul Wappenstein Award presented by the Indiana Veterans Civic Council, and a Certificate of Honor in recognition of personal commitment in serving hospitalized Indiana veterans: 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 Indiana General Assembly thanks Donald D. Peek, Jr., for his many contributions to the veterans of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Donald D. Peek, Jr.

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 Concurrent Resolution 58**

House Concurrent Resolution 58, sponsored by Senator Leising:

A CONCURRENT RESOLUTION honoring John McCane.

*Whereas, John McCane retired as Rush County Republican chairman on November 14, 2008;*

*Whereas, John McCane served as the Rush County Republican chairman for more than eight years and continues to serve as Rushville City Two Precinct Committeeman;*

*Whereas, In addition to serving as the Rush County Republican chairman, John McCane has served as the chairman of the Indiana State Boxing Commission, the chairman of the Rushville City Redevelopment Commission, a member of the Rushville City Utilities Service Board, president of the administrative Resources Association (aRA), president of the Indiana Republican Mayors Association, and treasurer of the Southeastern Indiana Mayors Roundtable;*

*Whereas, While serving as mayor of Rushville from 1992 - 1996, John McCane was responsible for seven executive departments, including two public utilities, and for developing and administering the city's agenda and budget;*

*Whereas, John McCane also increased funding for local infrastructure projects, leveraging a record amount of federal funds to rehabilitate streets, sidewalks, curbs, and storm drainage throughout Rushville while still holding the line on overall budget spending;*

*Whereas, John McCane was instrumental in developing the Rushville St. Patrick's Day party, which annually raises around \$10,000 for local charities, and in the organization of Riverside*

*Park Amphitheater;*

*Whereas, John McCane graduated from Hanover College with a bachelor of arts degree in political science and from the Indiana Economic Development Academy of Ball State University;*

*Whereas, John McCane also served as corporate business manager for Wally's World of Wheels, deputy auditor for the State of Indiana, and economic developer for the Far Eastside Community Development Council; and*

*Whereas, John McCane can be proud of his service to the party and his continued efforts to help elect "progressive candidates for the betterment of the Rush County community": 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 Indiana General Assembly recognizes the many contributions made by John McCane to the Republican party and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to John McCane and his family.

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 Concurrent Resolution 59**

House Concurrent Resolution 59, sponsored by Senator Leising:

A CONCURRENT RESOLUTION honoring Bill Hunter.

*Whereas, Bill Hunter was recently honored with a plaque and his own official "Bill Hunter Day" in honor of a life of public involvement and achievement and in celebration of his 90th birthday;*

*Whereas, Together Bill Hunter and his wife, Marjorie, raised four children, and Bill was still able to find the time to be very active in local politics and other organizations, serving 16 years on both the Greensburg City Council and the Greensburg Board of Works;*

*Whereas, Bill Hunter also served his country in the United States Air Force and is a retired colonel from the Air Force Reserve;*

*Whereas, Bill Hunter was part owner of Hunter's Pharmacy and was a registered pharmacist and business partner for 35 years;*

*Whereas, Bill Hunter was a member of the Greensburg Rotary Club, a Paul Harris Fellow, and president of the Rotary Club that began a combined effort of the Greensburg Kiwanis, Lions, and Rotary clubs to sponsor an annual All-Sports Banquet for Greensburg High School Athletes;*

*Whereas, Bill Hunter was the original organizer and chairman of the High School Big Blue Booster Club, a group that promoted Greensburg High School athletic events, and was awarded the "Booster of the Year" award from the group in 1978;*

*Whereas, In addition to his other activities, Bill Hunter was the past president of the Greensburg Area Chamber of Commerce, was Exalted Ruler of the Greensburg Elks Lodge, promoted the first Community Service Award presented at the Chamber of Commerce's annual banquet, increased membership in the chamber, was awarded the community service award in 1975, and was District Chairman for the Fund for the Indiana University Campaign;*

*Whereas, A lifelong member of the Greensburg United Presbyterian Church, Bill Hunter served two years as the chairman of stewardship while being an elder of the church governing body; and, acting with his wife as co-chairman, Bill Hunter led the drive to raise \$50,000 for repairs to the church steeple; and*

*Whereas, Bill Hunter has dedicated his life to helping others: 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 Indiana General Assembly recognizes the years of dedicated service to Greensburg and Decatur County by Bill Hunter and wishes him a very happy 90th birthday.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Bill Hunter and his family.

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 Concurrent Resolution 60**

House Concurrent Resolution 60, sponsored by Senator Leising:

A CONCURRENT RESOLUTION honoring the city of Greensburg on the occasion of the 150th anniversary of its establishment.

*Whereas, The tract of land that is now Decatur County was divided out of the area known as the New Purchase in 1821 and named for naval hero Commodore Stephen Decatur;*

*Whereas, Shortly after this, a court was established, government was set up, and the site of a county seat was chosen and named Greensburg after a town in Pennsylvania;*

*Whereas, What was to become Greensburg's most famous landmark was first discovered early in the 1870s;*

*Whereas, Citizens began to notice a small sprig on the northwest corner of the courthouse tower; it was soon discovered that there were five sprigs growing 110 feet above the courthouse lawn level;*

*Whereas, It was first feared that the trees would cause permanent damage to the tower roof, and a steeplejack was employed to help workers ascend the building and remove some of the trees;*

*Whereas, Of the two remaining trees, one attained a height of about 15 feet and a diameter of about five inches at the base; at the same time, another tree made an appearance on the southeast corner of the tower and grew to a considerable height;*

*Whereas, The brave men of Decatur County camped out on the courthouse lawn to defend their families from threats of a possible attack by Morgan's Raiders during the Civil War;*

*Whereas, The Courthouse lawn is decorated with a variety of markers and monuments, including a monument to the soldiers of the Civil War, a memorial elm to honor the local corps of the G.A.R., a boulder with a tablet honoring Colonel Thomas Hendricks, the city's founder, and another boulder with a bronze tablet containing a replica of the Maltese cross honoring the memory of the Spanish War veterans; in the corridor of the building, there is a bronze tablet dedicated to Commodore Stephen Decatur, the man for whom the county is named;*

*Whereas, The Decatur County Historical Museum is located in Greensburg along with a public library built with funds donated by Andrew Carnegie and now used for city government offices;*

*Whereas, The city of Greensburg, with a population of 10,260, is a city on the move, with a new federal building and post office, a community gymnasium that seats 4,000, a National Guard Armory, a Y.M.C.A. that is one of the finest in Indiana, and the Decatur Memorial Hospital; and*

*Whereas, The Indiana General Assembly wishes to recognize the value of Greensburg's historic past and the continuing contribution of its citizens to the life of this state: 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 Indiana General Assembly congratulates the people of Greensburg on its sesquicentennial and wishes them continued success.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Greensburg Mayor Gary Herbert.

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.

## ENGROSSED HOUSE BILLS ON SECOND READING

### Engrossed House Bill 1090

Senator Paul called up Engrossed House Bill 1090 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Engrossed House Bill 1180

Senator Steele called up Engrossed House Bill 1180 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Engrossed House Bill 1200

Senator Nugent called up Engrossed House Bill 1200 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Engrossed House Bill 1230

Senator Buck called up Engrossed House Bill 1230 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 1230-2)

Madam President: I move that Engrossed House Bill 1230 be amended to read as follows:

Page 8, line 20, reset in roman "one (1) newspaper".

Page 8, line 20, delete "two (2)".

Page 8, line 21, delete "newspapers".

Page 8, line 22, delete "If there is only one (1) newspaper published in a".

Page 8, delete lines 23 through 24.

Page 8, line 25, delete "date of the sale".

(Reference is to EHB 1230 as printed March 20, 2009.)

STEELE

Upon request of Senator Steele the President ordered the roll of the Senate to be called. Roll Call 260: yeas 36, nays 12.

Motion prevailed.

#### SENATE MOTION (Amendment 1230-1)

Madam President: I move that Engrossed House Bill 1230 be amended to read as follows:

Page 2, line 33, delete "." and insert "**and shall include all multiple insertion discounts extended to the newspaper's other advertisers.**".

Page 3, line 30, delete "A" and insert "**If a newspaper maintains an Internet web site, a**".

Page 5, line 23, after "section" insert ",",  
(Reference is to EHB 1230 as printed March 20, 2009.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

#### **Engrossed House Bill 1455**

Senator Miller called up Engrossed House Bill 1455 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1455-2)

Madam President: I move that Engrossed House Bill 1455 be amended to read as follows:

Page 8, between lines 17 and 18, begin a new paragraph and insert:

“SECTION 1. IC 20-26-5-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 10, 2010]: **Sec. 32. The Department of Education shall create a document explaining aspects of autism including behaviors that students with autism may exhibit. Said document is to be distributed to school corporations for distribution to noncertificated employees (as defined in IC 20-29-2-11).**”.

Renumber all SECTIONS consecutively.

(Reference is to HB 1455 as printed March 18, 2009.)

ROGERS

Motion prevailed. The bill was ordered engrossed.

#### **Engrossed House Bill 1634**

Senator Paul called up Engrossed House Bill 1634 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### **Engrossed House Bill 1246**

Senator Paul called up Engrossed House Bill 1246 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### **ENGROSSED HOUSE BILLS ON THIRD READING**

#### **Engrossed House Bill 1064**

Senator Buck called up Engrossed House Bill 1064 for third reading:

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

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

Roll Call 261: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1176**

Senator Kruse called up Engrossed House Bill 1176 for third reading:

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

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

Roll Call 262: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1182**

Senator Wyss called up Engrossed House Bill 1182 for third reading:

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

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

Roll Call 263: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1218**

Senator Alting called up Engrossed House Bill 1218 for third reading:

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

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

Roll Call 264: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1219**

Senator Leising called up Engrossed House Bill 1219 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

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

Roll Call 265: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1258**

Senator Errington called up Engrossed House Bill 1258 for third reading:

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

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

Roll Call 266: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1287**

Senator Zakas called up Engrossed House Bill 1287 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate and trusts.

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

Roll Call 267: yeas 46, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1292**

Senator Dillon called up Engrossed House Bill 1292 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

Roll Call 268: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1331**

Senator Wyss called up Engrossed House Bill 1331 for third reading:

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

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

Roll Call 269: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1343**

Senator Lubbers called up Engrossed House Bill 1343 for third reading:

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

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

Roll Call 270: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1365**

Senator Kenley called up Engrossed House Bill 1365 for third reading:

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

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

Roll Call 271: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

4:13 p.m.

The Chair declared a recess until the fall of the gavel.

**RECESS**

The Senate reconvened at 5:15 p.m., with the President of the Senate in the Chair.

**MOTIONS TO DISSENT  
FROM HOUSE AMENDMENTS**

**SENATE MOTION**

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 136 and that a conference committee be appointed to confer with a like committee of the House.

CHARBONNEAU

Motion prevailed.

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 73 and the same is herewith returned to the Senate.

CLINTON MCKAY  
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 65 and 66 and the same are herewith transmitted for further action.

CLINTON MCKAY  
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 63 and 64 and the same are herewith transmitted for further action.

CLINTON MCKAY  
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 62 and the same is herewith transmitted for further action.

CLINTON MCKAY  
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, without amendments, Engrossed Senate Bills 271, 344, 346, and 438 and the same are herewith returned to the Senate.

CLINTON MCKAY  
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 Engrossed Senate Bill 481 with amendments and the same is herewith returned to the Senate for concurrence.

CLINTON MCKAY  
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 57, 58, 59, and 60 and the same are herewith transmitted for further action.

CLINTON MCKAY  
Principal Clerk of the House

**MESSAGE FROM THE  
PRESIDENT PRO TEMPORE**

Madam President and Members of the Senate: I have on March 19, 2009, signed Senate Enrolled Act 423.

DAVID C. LONG  
President Pro Tempore

## MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On March 24, 2009, I signed the following enrolled act into law: SEA 423.

MITCHELL E. DANIELS, JR.  
Governor

**ENGROSSED HOUSE BILLS  
ON THIRD READING**

**Engrossed House Bill 1379**

Senator Kruse called up Engrossed House Bill 1379 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

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

Roll Call 272: yeas 30, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1419**

Senator Rogers called up Engrossed House Bill 1419 for third reading:

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

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

Roll Call 273: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

## SENATE MOTION

Madam President: I move that Senators Alting, Delph, Merritt, Waltz, Zakas, Deig, Skinner, and Taylor be added as cosponsors of Engrossed House Bill 1603.

STUTZMAN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Landske be added as cosponsor of Engrossed House Bill 1331.

WYSS

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Delph be added as cosponsor of House Concurrent Resolution 58.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Becker, Boots, Bray, Breaux, Broden, Buck, Deig, Delph, Dillon, Errington, Gard, Head, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Lawson, Leising, Lewis, Long, Lubbers, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Simpson, Sipes, Skinner, Steele, Stutzman, Tallian, Taylor, Walker, Waltz, Waterman, Wyss, Yoder, M. Young, R. Young, and Zakas be added as be added as coauthors of Senate Resolution 29.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Becker, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Deig, Delph, Dillon, Errington, Gard, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Lawson, Leising, Lewis, Long, Lubbers, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Simpson, Sipes, Skinner, Steele, Stutzman, Tallian, Taylor, Walker, Waterman, Wyss, Yoder, M. Young, R. Young, and Zakas be added as coauthors of Senate Resolution 40.

WALTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Becker, Boots, Bray, Breaux, Broden, Buck, Charbonneau, Deig, Delph, Dillon, Errington, Gard, Head, Hershman, Holdman, Hume, Kenley, Kruse, Lanane, Landske, Lawson, Leising, Lubbers, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Randolph, Rogers, Simpson, Sipes, Skinner, Stutzman, Tallian, Taylor, Walker, Waltz, Waterman, Wyss, Yoder, M. Young, R. Young, and Zakas be added as cosponsors of House Concurrent Resolution 62.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Taylor be added as cosponsor of Engrossed House Bill 1338.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Senate Resolution 44.

GARD

Motion prevailed.

**REPORT OF THE SENATE COMMITTEE ON ETHICS**

Madam President: Pursuant to Senate Rule 94, the Senate Committee on Ethics met on March 23, 2009, to render an advisory opinion with regard to the question raised by Senator Zakas about his participation in the upcoming votes on Engrossed House Bill 1491 due to a potential conflict of interest.

The Senate Committee on Ethics has considered the facts presented by Senator Zakas and hereby concludes that there is no conflict of interest that would prevent Senator Zakas from participating in all debate and votes pertaining to Engrossed House Bill 1491.

The vote of the Committee was 6-0.

DILLON

Report adopted.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, March 26, 2009.

LONG

Motion prevailed.

The Senate adjourned at 6:20 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

REBECCA S. SKILLMAN  
President of the Senate