

# HOUSE BILL No. 1381

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-2.1-1; IC 2-2.1-3-2; IC 2-5; IC 3-3-2-1; IC 4-4-16.5-2; IC 15-1-1.5-5.

**Synopsis:** Eliminate short legislative session. Provides that the general assembly shall adjourn on April 29 of each odd-numbered year until the speaker of the house and the president pro tempore of the senate jointly issue a call for the members to reconvene. Provides that a joint call to reconvene: (1) must be issued not later than the second Tuesday after the first Monday in November of an odd-numbered year; (2) may not reconvene the general assembly before January 1 of the following even-numbered year; and (3) may be rescinded by joint action of the speaker and the president pro tempore. Provides that if the general  
(Continued next page)

**Effective:** July 1, 1998.

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**Whetstone, Frenz, Turner**

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January 13, 1998, read first time and referred to Committee on Rules and Legislative Procedures.

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Digest Continued

assembly reconvenes under a joint call, the general assembly must adjourn sine die not later than March 14 following the date the general assembly reconvenes. Provides a procedure for sine die adjournment of the general assembly if the speaker and the president pro tempore do not issue a joint call to reconvene. Abolishes the second regular (short) session of the general assembly. Makes conforming changes in other statutes.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

## HOUSE BILL No. 1381

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

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 2-2.1-1-2, AS AMENDED BY P.L.4-1995,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 2. (a) The first regular session of each term of the  
4 general assembly shall convene on the third Tuesday after the first  
5 Monday of November of each even-numbered year to do the following:  
6 (1) Organize itself.  
7 (2) Elect its officers.  
8 (3) Receive the oath of office.  
9 (b) If a special session is called before the date set in subsection  
10 (a), then the organization, election, and receiving the oath of office  
11 shall be held on the first day of the special session.  
12 (c) The general assembly shall then adjourn until a day:  
13 (1) certain fixed by a concurrent resolution; or  
14 (2) when the gavel of each house falls in the presence of a  
15 quorum whether or not a day certain to reconvene in session has



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1           been fixed.

2           (d) The general assembly shall reconvene in session no later than  
3 the second Monday in January of the following year.

4           (e) ~~The first regular session of each term of the general assembly~~  
5 ~~shall adjourn sine die~~ Not later than April 29 in any odd-numbered  
6 year, **the general assembly shall adjourn upon the speaker of the**  
7 **house of representatives and the president pro tempore of the**  
8 **senate issuing a joint call to the members to reconvene under**  
9 **section 2.3 of this chapter.**

10           SECTION 2. IC 2-2.1-1-2.3 IS ADDED TO THE INDIANA  
11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 1998]: **Sec. 2.3. (a) If the speaker of the house**  
13 **of representatives and the president pro tempore of the senate issue**  
14 **a joint call for the members to reconvene under section 2(e) of this**  
15 **chapter, the call:**

16           (1) **must be issued not later than the second Tuesday after**  
17 **the first Monday in November following the adjournment**  
18 **date described in section 2(e) of this chapter;**

19           (2) **may not reconvene the general assembly before January**  
20 **1 or after March 14 of the following even-numbered year;**

21           (3) **may be rescinded by the speaker and the president pro**  
22 **tempore acting jointly.**

23           (b) **If the general assembly reconvenes as provided in**  
24 **subsection (a), the general assembly shall adjourn sine die before**  
25 **March 15 following the date the general assembly reconvenes.**

26           (c) **If the speaker of the house of representatives and the**  
27 **president pro tempore of the senate do not issue a joint call for the**  
28 **members to reconvene as provided in subsection (a), the speaker**  
29 **and the president pro tempore shall issue a joint certificate stating**  
30 **that the general assembly has adjourned sine die. The speaker and**  
31 **the president pro tempore may issue a joint certificate of sine die**  
32 **adjournment at any time.**

33           (d) **If the speaker and the president pro tempore do not issue**  
34 **a joint certificate of sine die adjournment before the last day that**  
35 **a joint call may be issued under subsection (a)(1), either the**  
36 **speaker or the president pro tempore may issue a certificate of sine**  
37 **die adjournment on the second Tuesday after the first Monday in**  
38 **November.**

39           (e) **If:**

40           (1) **a joint certificate of sine die adjournment is not issued**  
41 **under subsection (c); and**

42           (2) **neither the speaker nor the president pro tempore issue**

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1           a certificate of sine die adjournment under subsection (d);  
 2           the general assembly is considered to have adjourned sine die at  
 3           midnight on the second Wednesday after the first Monday in  
 4           November following the adjournment date described in section  
 5           (2)(e) of this chapter.

6           SECTION 3. IC 2-2.1-1-2.5, AS ADDED BY P.L.4-1995,  
 7           SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8           JULY 1, 1998]: Sec. 2.5. (a) Before the ~~first regular session~~ **general**  
 9           **assembly** adjourns ~~sine die~~, **under section 2(e) of this chapter**, the  
 10          general assembly may adopt a concurrent resolution to fix a day to  
 11          convene ~~the first regular~~ a technical session of the general assembly.  
 12          The day fixed under this subsection may not be earlier than thirty (30)  
 13          days after the ~~first regular session~~ **general assembly** adjourns ~~sine die~~:  
 14          **under section 2(e) of this chapter.**

15          (b) Only the following may be considered and acted upon during  
 16          a ~~first regular~~ technical session:

17           (1) Bills:

18           (A) enacted ~~during the first regular session~~ **from January**  
 19           **1 of the current year through the day before the day of**  
 20           **the technical session; and**

21           (B) **that were** vetoed by the governor.

22           (2) Bills to correct conflicts among bills enacted ~~during the first~~  
 23           ~~regular session~~: **from January 1 of the current year through**  
 24           **the day before the day of the technical session.**

25           (3) Bills to correct technical errors in bills enacted ~~during the~~  
 26           ~~first regular session~~: **from January 1 of the current year**  
 27           **through the day before the day of the technical session.**

28          (c) The ~~first regular~~ technical session must adjourn sine die before  
 29          midnight after it convenes.

30          (d) The concurrent resolution adopted under subsection (a) may  
 31          provide that the ~~first regular~~ technical session is not required to  
 32          convene if the speaker of the house of representatives and the president  
 33          pro tempore of the senate jointly issue an order finding that the  
 34          purposes for which a ~~regular~~ technical session may meet under  
 35          subsection (b) do not justify the cost and inconvenience of meeting in  
 36          a ~~regular~~ technical session.

37          (e) If the general assembly does not meet in a ~~regular~~ technical  
 38          session under this section, the general assembly shall consider and act  
 39          upon vetoes of bills enacted ~~during the first regular session~~ **from**  
 40          **January 1 of the current year through the day before the day fixed**  
 41          **for the technical session at the earlier of the following:**

42           (1) **During the period the general assembly is in session**



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1           **under section 2.3(a) and 2.3(b) of this chapter.**

2           **(2) The next second regular session that convenes under**  
 3           **section 2(a) of this chapter.**

4           (f) For purposes of Article 5, Section 14 of the Constitution of the  
 5           State of Indiana, the ~~first~~ regular technical session is not considered a  
 6           regular session if the general assembly does not consider or act upon  
 7           vetoes of bills enacted ~~during the first regular session from January~~  
 8           **1 of the current year through the day before the day fixed for the**  
 9           **technical session** under this section.

10           SECTION 4. IC 2-2.1-3-2, AS AMENDED BY P.L.3-1997,  
 11           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12           JULY 1, 1998]: Sec. 2. (a) Not later than ~~seven (7) calendar days~~  
 13           ~~following the first session day in January 15~~ of each year every member  
 14           of the general assembly shall file with the principal clerk of the house  
 15           or secretary of the senate, respectively, a written statement of the  
 16           member's or candidate's economic interests for the preceding calendar  
 17           year listing the following:

18           (1) The name of the member's or candidate's employer and the  
 19           employer of the member's or candidate's spouse and the nature  
 20           of the employer's business. The house of representatives and  
 21           senate need not be listed as an employer.

22           (2) The name of any sole proprietorship owned or professional  
 23           practice operated by the member or candidate or the member's  
 24           or candidate's spouse and the nature of the business.

25           (3) The name of any partnership of which the member or  
 26           candidate or the member's or candidate's spouse is a member and  
 27           the nature of the partnership's business.

28           (4) The name of any corporation of which the member or  
 29           candidate or the member's or candidate's spouse is an officer or  
 30           director and the nature of the corporation's business. Churches  
 31           need not be listed.

32           (5) The name of any corporation in which the member or  
 33           candidate or the member's or candidate's spouse or  
 34           unemancipated children own stock or stock options having a fair  
 35           market value in excess of ten thousand dollars (\$10,000). No  
 36           time or demand deposit in a financial institution or insurance  
 37           policy need be listed.

38           (6) The name of any state agency or the supreme court of Indiana  
 39           which licenses or regulates the following:

40           (A) The member's or candidate's or the member's or  
 41           candidate's spouse's profession or occupation.

42           (B) Any proprietorship, partnership, corporation, or limited

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- 1 liability company listed under subdivision (2), (3), or (4)  
 2 and the nature of the licensure or regulation.  
 3 The requirement to file certain reports with the secretary of state  
 4 or to register with the department of state revenue as a retail  
 5 merchant, manufacturer, or wholesaler shall not be considered  
 6 as licensure or regulation.
- 7 (7) The name of any person whom the member or candidate  
 8 knows to have been a lobbyist in the previous calendar year and  
 9 knows to have purchased any of the following:
- 10 (A) From the member or candidate, the member's or  
 11 candidate's sole proprietorship, or the member's or  
 12 candidate's family business, goods or services for which the  
 13 lobbyist paid in excess of one hundred dollars (\$100).  
 14 (B) From the member's or candidate's partner, goods or  
 15 services for which the lobbyist paid in excess of one  
 16 thousand dollars (\$1,000).
- 17 (8) The name of any person or entity from whom the member or  
 18 candidate received the following:
- 19 (A) Any gift of cash from a lobbyist.  
 20 (B) Any single gift other than cash having a fair market  
 21 value in excess of one hundred dollars (\$100).  
 22 However, a contribution made by a lobbyist to a charitable  
 23 organization (as defined in Section 501(c) of the Internal  
 24 Revenue Code) in connection with a social or sports event  
 25 attended by legislators need not be listed by a member of the  
 26 general assembly unless the contribution is made in the name of  
 27 the legislator.
- 28 (C) Any gifts other than cash having a fair market value in  
 29 the aggregate in excess of two hundred fifty dollars (\$250).  
 30 Campaign contributions need not be listed. Gifts from a  
 31 spouse or close relative need not be listed unless the donor  
 32 has a substantial economic interest in a legislative matter.
- 33 (9) The name of any lobbyist who is:
- 34 (A) a member of a partnership or limited liability company;  
 35 (B) an officer or a director of a corporation; or  
 36 (C) a manager of a limited liability company;  
 37 of which the member or candidate for the general assembly is  
 38 a partner, an officer, a director, a member, or an employee, and  
 39 a description of the legislative matters which are the object of  
 40 the lobbyist's activity.
- 41 (10) The name of any person or entity on whose behalf the  
 42 member or candidate has appeared before, contacted, or

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1 transacted business with any state agency or official thereof, the  
 2 name of the state agency, the nature of the appearance, contact,  
 3 or transaction, and the cause number, if any. This requirement  
 4 does not apply when the services are rendered without  
 5 compensation.

6 (11) The name of any limited liability company of which the  
 7 member of the general assembly, the candidate, or the member's  
 8 or candidate's individual spouse has an interest.

9 (b) Before any person, who is not a member of the general  
 10 assembly files the person's declaration of candidacy, declaration of  
 11 intent to be a write-in candidate, or petition of nomination for office or  
 12 is selected as a candidate for the office under IC 3-13-1 or IC 3-13-2,  
 13 the person shall file with the clerk of the house or secretary of the  
 14 senate, respectively, the same written statement of economic interests  
 15 for the preceding calendar year that this section requires members of  
 16 the general assembly to file.

17 (c) Any member of or candidate for the general assembly may file  
 18 an amended statement upon discovery of additional information  
 19 required to be reported.

20 SECTION 5. IC 2-5-1.1-1 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. There is hereby  
 22 created a legislative council which shall be composed of sixteen (16)  
 23 members of the general assembly as follows:

24 ~~(a)~~ (1) From the senate: The president pro tempore, the minority  
 25 leader, the majority caucus chairman, the minority caucus  
 26 chairman, three (3) members appointed by the president pro  
 27 tempore, and one (1) member appointed by the minority leader.

28 ~~(b)~~ (2) From the house of representatives: The speaker of the  
 29 house, the majority leader, the minority leader, the majority  
 30 caucus chairman, the minority caucus chairman, two (2)  
 31 members appointed by the speaker, and one (1) member  
 32 appointed by the minority leader.

33 ~~(c)~~ (3) The president of the senate may serve as an ex officio  
 34 non-voting member of the council.

35 ~~(d)~~ (4) The members of the council who serve by virtue of their  
 36 office shall serve until their successors are selected.

37 ~~(e)~~ (5) The appointed members shall serve from the date of their  
 38 appointment until the next general election at which they run for  
 39 reelection, or until the convening of the ~~first~~ regular session of  
 40 the next general assembly, whichever is first to occur. The  
 41 president pro tempore, speaker, and minority leaders shall  
 42 appoint their members not later than five (5) days after the ~~close~~

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1 of a first regular session of a general assembly **adjourns under**  
 2 **IC 2-2.1-1-2(e).**

3 SECTION 6. IC 2-5-5-2 IS AMENDED TO READ AS FOLLOWS  
 4 [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) The committee shall meet:  
 5 (1) on call of the chairman not later than thirty (30) days  
 6 following adjournment of the first session **organization** of each  
 7 general assembly ~~to organize; thereafter it shall meet under~~  
 8 **IC 2-2.1-1-2(a); and**  
 9 (2) **any other time** at such times as the **call of the** chairman.  
 10 ~~deems necessary.~~

11 During the first regular session of each general assembly, the chairman  
 12 shall be appointed by the speaker of the house and shall serve until the  
 13 beginning of the second regular session of that general assembly when  
 14 the chairman during the second regular session shall assume his duties  
 15 after having been appointed by the president pro tempore of the senate.

16 (b) **The chairman of the legislative council shall appoint the**  
 17 **chair of the committee. The chairman of the legislative council may**  
 18 **appoint a different chair of the committee at any time.**

19 SECTION 7. IC 2-5-18-6, AS AMENDED BY P.L.4-1995,  
 20 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 1998]: Sec. 6. (a) The speaker of the house of representatives  
 22 **chairman of the legislative council** shall appoint a member of the  
 23 committee to be the chair of the committee. ~~during the first regular~~  
 24 ~~session of each general assembly. The member appointed to be chair~~  
 25 ~~by the speaker serves as chair until the beginning of the second regular~~  
 26 ~~session of that general assembly.~~

27 (b) The president pro tempore of the senate shall appoint a  
 28 member of the committee to be chair of the committee during the  
 29 second regular session of each general assembly. The member  
 30 appointed to be chair by the president pro tempore serves as chair until  
 31 the election of the next general assembly. **The chairman of the**  
 32 **legislative council may appoint a different chair of the committee**  
 33 **at any time.**

34 (c) (b) The committee shall meet to organize on the call of the  
 35 chair not later than December 15 of each year. The committee shall  
 36 meet at the call of the chair.

37 SECTION 8. IC 2-5-25-3, AS ADDED BY P.L.253-1997(ss),  
 38 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 1998]: Sec. 3. (a) The president pro tempore of the senate  
 40 **chairman of the legislative council** shall appoint a member of the  
 41 committee to serve as chairperson of the committee. ~~during the first~~  
 42 ~~regular session of a general assembly and as vice chairperson during~~



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1 the second regular session. **The chairman of the legislative council**  
 2 **may appoint a different chairperson of the committee at any time.**

3 (b) **The speaker of the house of representatives vice chairman of**  
 4 **the legislative council** shall appoint a member of the committee to  
 5 serve as vice chairperson during the first regular session of a general  
 6 assembly and as chairperson during the second regular session: **of the**  
 7 **committee. The vice chairman of the legislative council may**  
 8 **appoint a different vice chairperson of the committee at any time.**

9 SECTION 9. IC 3-3-2-1 IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 1998]: Sec. 1. Congressional districts shall be  
 11 established by law at the first regular session of the general assembly  
 12 convening **under IC 2-2.1-1-2(a)** immediately following the United  
 13 States decennial census.

14 SECTION 10. IC 4-4-16.5-2, AS AMENDED BY P.L.29-1995,  
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 1998]: Sec. 2. (a) The steel industry advisory commission is  
 17 established consisting of thirteen (13) members.

18 (b) The lieutenant governor shall nominate and the governor shall  
 19 appoint nine (9) members of the commission based on the following  
 20 requirements:

21 (1) One (1) member must be the lieutenant governor or the  
 22 lieutenant governor's designee.

23 (2) Five (5) members must be representatives of the steel  
 24 industry in Indiana (as defined in the Steel Import Stabilization  
 25 Act of 1984, P.L.98-573, Title VIII, Sections 801 to 806, Oct. 30,  
 26 1984, 98 Stat. 3043 to 3046 (19 U.S.C. Section 2253 note)).

27 (3) One (1) member must be a representative of a labor union  
 28 that represents steelworkers.

29 (4) One (1) member must be a member of the faculty of the  
 30 School of Business of Indiana University.

31 (5) One (1) member must be a member of the faculty of the  
 32 School of Engineering of Purdue University.

33 (c) The lieutenant governor shall solicit recommendations from  
 34 individuals associated with the steel industry and labor unions that  
 35 represent steelworkers before making the nominations for appointments  
 36 required by subsection (b)(2) and (b)(3), respectively.

37 (d) Four (4) members of the commission shall be appointed as  
 38 follows:

39 (1) Two (2) members, not more than one (1) of whom may be  
 40 affiliated with the same political party, must be members of the  
 41 house of representatives, appointed by the speaker of the house.

42 (2) Two (2) members, not more than one (1) of whom may be

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1 affiliated with the same political party, must be members of the  
2 senate, appointed by the president pro tempore of the senate.

3 (e) The appointment of members under subsection (d) shall be  
4 made each even-numbered year after the first session day in November  
5 of the ~~first regular session of the~~ general assembly **convened under**  
6 **IC 2-2.1-1-2(a)**. The terms of the members are two (2) years.

7 (f) The lieutenant governor, or the lieutenant governor's designee,  
8 serves as chairman of the commission. The commission shall provide  
9 for the selection of other officers as it determines appropriate.

10 SECTION 11. IC 15-1-1.5-5 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) The committee  
12 consists of the following members:

13 (1) Four (4) members of the senate, not more than two (2) of  
14 whom are members of the same political party, appointed by the  
15 president pro tempore of the senate.

16 (2) Four (4) members of the house of representatives, not more  
17 than two (2) of whom are members of the same political party,  
18 appointed by the speaker of the house of representatives.

19 (b) A member appointed under subsection (a) serves until the first  
20 day of the ~~first regular session of the~~ next general assembly following  
21 the member's appointment. A vacancy occurring under subsection (a)  
22 shall be filled for the unexpired term by the appointing authority who  
23 appointed the member whose position is vacant.

24 (c) After appointment of the members of the committee under  
25 subsection (a) the ~~speaker of the house of representatives~~ **chairman of**  
26 **the legislative council** shall name one (1) of the members as chairman.  
27 ~~and the president pro tempore of the senate shall name another member~~  
28 ~~as vice chairman. The chairman and the vice chairman serve until the~~  
29 ~~first day of the second regular session of that general assembly. The~~  
30 ~~vice chairman during the first session then becomes the chairman, and~~  
31 ~~the chairman during the first session becomes the vice chairman. The~~  
32 ~~appointing authority~~ **chairman of the legislative council** may name a  
33 different chairman or vice chairman of the committee at any time.

34 (d) ~~After appointment of the members of the committee under~~  
35 ~~subsection (a), the vice chairman of the legislative council shall~~  
36 ~~name one (1) of the members as vice chairman. The vice chairman~~  
37 ~~of the legislative council may name a different vice chairman of the~~  
38 ~~committee at any time.~~

39 SECTION 12. THE FOLLOWING ARE REPEALED  
40 [EFFECTIVE JULY 1, 1998]: IC 2-2.1-1-3; IC 2-2.1-1-3.5.

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