

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Elections, to which was referred Senate Bill No. 169, 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:

- 1 Delete the title and insert the following:
2 A BILL FOR AN ACT to amend the Indiana Code concerning
3 elections and to make an appropriation.
4 Page 1, between the enacting clause and line 1, begin a new
5 paragraph and insert:
6 "SECTION 1. IC 2-5-1.1-7 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JUNE 1, 1998]: Sec. 7. (a) The council shall
8 maintain a bipartisan service and administrative agency for the general
9 assembly to assist it in the performance of its constitutional
10 responsibilities as a separate and independent legislative branch of
11 state government. The service and administrative agency shall be
12 known as the "Legislative Services Agency."
13 (b) In maintaining the legislative services agency the council shall:
14 (1) establish the qualifications for and employ such personnel as
15 are required to carry out the purposes and provisions of this
16 chapter;
17 (2) employ an executive director, to be charged with the
18 administrative responsibility of all offices, departments, or
19 divisions which the council may from time to time establish, and
20 to serve as chief executive under the council;

1 (3) adopt rules and regulations governing personnel practices
2 and establishing the rights, privileges, powers, and duties of all
3 employees;

4 (4) provide for employees to be covered by the public employees'
5 retirement fund; and

6 (5) establish a pay scale for all employees including the
7 executive director.

8 Rules and regulations adopted by the council under subdivision (3) are
9 not subject to IC 4-22-2. In those rules and regulations, the council may
10 limit the political activity of legislative services agency employees.

11 (c) The executive director is entitled to serve as long as ~~he~~ **the**
12 **executive director** properly performs ~~his~~ **the executive director's**
13 duties. ~~but he~~ **The executive director** may be removed at any time
14 upon the affirmative vote of twelve (12) members of the council.

15 (d) The executive director may submit to the council such reports
16 and drafts of resolutions, budgets, and appropriation bills as may be
17 required for the efficient operation of the council's activities and
18 programs.

19 (e) The legislative services agency shall perform such bill drafting,
20 research, code revision, fiscal, budgetary, and management analysis,
21 information, administrative, **census data**, and other services as are
22 requested by the council.

23 SECTION 2. IC 2-5-19.5 IS ADDED TO THE INDIANA CODE
24 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
25 JUNE 1, 1998]:

26 **Chapter 19.5. Office of Census Data**

27 **Sec. 1. The definitions in IC 1-1-3.5 and IC 3-5-2 apply**
28 **throughout this chapter.**

29 **Sec. 2. As used in this chapter, "committee" refers to the**
30 **census data advisory committee established under IC 2-5-1.1.**

31 **Sec. 3. As used in this chapter, "council" refers to the**
32 **legislative council established under IC 2-5-1.1.**

33 **Sec. 4. As used in this chapter, "office" refers to the office of**
34 **census data established under section 5 of this chapter.**

35 **Sec. 5. The office of census data is established within the**
36 **legislative services agency.**

37 **Sec. 6. The office shall do the following:**

38 (1) Advise and assist the Bureau of the Census and the

- 1 committee in defining the boundaries of census blocks in the
2 state.
- 3 (2) Advise and assist the committee in coordinating the
4 state's efforts to obtain an accurate population count in each
5 federal decennial census.
- 6 (3) Work with other state and federal agencies to assist in the
7 local review program conducted in Indiana.
- 8 (4) Participate in national associations of state governments
9 to obtain information regarding census count activities
10 conducted by other states.
- 11 (5) Work with the election division, state agencies, and
12 political subdivisions to maintain accurate information
13 concerning the boundaries of precincts and political
14 subdivisions.
- 15 (6) Advise and assist the committee in the preparation and
16 organization of decennial census data for use in
17 congressional and state legislative redistricting.
- 18 (7) Work with political subdivisions following each decennial
19 census to provide information and assistance concerning
20 special census, special tabulations, and corrected population
21 counts.
- 22 Sec. 7 (a) The council shall employ two (2) co-directors who
23 shall administer the office.
- 24 (b) Each co-director is appointed upon the joint
25 recommendation of the president pro tempore of the senate and the
26 speaker of the house of representatives. One (1) co-director must
27 be affiliated with a major political party of the state and the other
28 co-director must be affiliated with the other major political party
29 of the state.
- 30 Sec. 8. Each co-director is entitled to serve as long as the
31 co-director properly performs the co-director's duties. A
32 co-director may be removed at any time upon the affirmative vote
33 of twelve (12) members of the council.
- 34 Sec. 9. The co-directors shall submit to the council the reports
35 and drafts of resolutions, budgets, and appropriation bills as may
36 be required for the efficient operation of the office's activities and
37 programs.
- 38 Sec. 10. The council may establish policies regarding the

1 records maintained by the office, including fees for the
 2 reproduction of records and whether certain information is
 3 confidential.

4 **Sec. 11. There is annually appropriated to the office from the**
 5 **state general fund an amount determined by the council to be**
 6 **sufficient for the office to use to carry out the purposes of this**
 7 **chapter.**

8 **Sec. 12. This chapter expires January 1, 2002."**

9 Page 2, between lines 2 and 3, begin a new paragraph and insert:
 10 "SECTION 2. IC 3-5-2-37, AS AMENDED BY P.L.3-1997,
 11 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 1998]: Sec. 37. (a) Except as provided in subsection (b),
 13 "political action committee" means an organization located within or
 14 outside Indiana that satisfies all of the following:

- 15 (1) ~~The organization is not:~~
 16 ~~(A) affiliated with a political party; or~~
 17 ~~(B) a candidate's committee.~~
 18 ~~(2) The organization proposes to influence:~~
 19 ~~(A) the election of a candidate for state, legislative, local, or~~
 20 ~~school board office; or~~
 21 ~~(B) the outcome of a public question.~~
 22 ~~(3) (2) The organization accepts contributions or makes~~
 23 ~~expenditures during a calendar year:~~
 24 ~~(A) to influence the election of a candidate for state,~~
 25 ~~legislative, local, or school board office or the outcome of~~
 26 ~~a public question that will appear on the ballot in Indiana;~~
 27 ~~and~~
 28 ~~(B) that in the aggregate exceed one hundred dollars (\$100).~~
 29 ~~(3) The organization is not any of the following:~~
 30 ~~(i) (A) An auxiliary party organization.~~
 31 ~~(ii) (B) A legislative caucus committee.~~
 32 ~~(iii) (C) A regular party committee.~~
 33 ~~(iv) (D) A candidate's committee.~~
 34 (b) A corporation or labor organization that makes a contribution
 35 in accordance with IC 3-9-2 or makes an expenditure is not considered
 36 a political action committee."

37 Page 6, between lines 17 and 18, begin a new paragraph and
 38 insert:

1 "SECTION 8. IC 3-9-5-5, AS AMENDED BY P.L.2-1996,
2 SECTION 114, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: Sec. 5. The treasurer of each
4 committee shall file reports of receipts and expenditures on forms
5 prescribed or approved by the commission. **Except as provided in**
6 **section 20 of this chapter, a report may not be filed by facsimile**
7 **(fax) transmission. "**

8 Page 11, line 36, after "election." insert "**The report of large**
9 **contributions may be filed not earlier than the deadline for filing**
10 **the most recent report under IC 3-9-5-6(1) or IC 3-9-5-6(2). If the**
11 **candidate files a report under this subsection before the final date**
12 **for filing, and subsequently accepts a large contribution, the**
13 **candidate must file an amended report not later than noon four (4)**
14 **days before the election. A report filed under this section may be**
15 **filed by facsimile (fax) transmission."**

16 Page 12, between lines 7 and 8, begin a new paragraph and insert:

17 "SECTION 17. IC 3-9-8 IS ADDED TO THE INDIANA CODE
18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
19 UPON PASSAGE]:

20 **Chapter 8. Independent Expenditures**

21 **Sec. 1. This chapter does not apply to the following:**

- 22 (1) A person who makes an expenditure described by
23 **IC 3-9-5-15(b).**
- 24 (2) An individual, a firm, or a partnership that:
25 (A) makes a contribution to a candidate or a committee;
26 and
27 (B) does not make an expenditure.
- 28 (3) A corporation or labor organization that makes:
29 (A) a contribution to a political committee; or
30 (B) an expenditure to support or oppose a candidate or
31 political party.

32 **Sec. 2. Except as provided in section 1 of this chapter:**

- 33 (1) an individual who makes an expenditure to influence an
34 election within a year; or
35 (2) a corporation or labor organization that makes a
36 expenditure to support or oppose approval of a public
37 question;

38 **shall file a statement with the election division under IC 3-9-5-2 or**

1 **IC 3-9-5-3, or with a county election board under IC 3-9-5-4. The**
2 **statement must contain the information required under IC 3-9-5.**

3 **Sec. 3. A statement required under this chapter is due on the**
4 **same date and time that a report is due from a political action**
5 **committee."**

6 Page 14, between lines 40 and 41, begin a new paragraph and
7 insert:

8 "SECTION 26. [EFFECTIVE UPON PASSAGE] (a) **The**
9 **legislative council shall appoint the initial co-directors of the office**
10 **of census data established under IC 2-5-19.5, as added by this act,**
11 **not later than June 1, 1998.**

12 **(b) This SECTION expires June 2, 1998."**

13 Renumber all SECTIONS consecutively.

(Reference is to SB 169 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

Landske

Chairperson