

# HOUSE BILL No. 1400

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** Numerous provisions throughout the Indiana Code; numerous noncode provisions.

**Synopsis:** Legislative study commissions and committees. Establishes a fixed number of specified legislative study committees. Requires a legislative study to be assigned to one of the legislative study committees. Provides that a legislative study committee consists of 12 members, six appointed from each house of the general assembly and equally divided between the political parties. Provides that the president pro tempore and the speaker of the house of representatives may each appoint two additional members to a study committee. Requires that the members of a legislative study committee must be appointed from the standing committee of each house that has subject matter jurisdiction of the subject matter of the study. Provides general procedures for the operation of a legislative study committee. Repeals existing statutory study committees. Makes conforming amendments.

**Effective:** Upon passage.

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January 12, 1999, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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## HOUSE BILL No. 1400



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 2-5-1.1-6.5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) **As used in**  
3 **this section, "agency" includes an agency, an authority, a board, a**  
4 **bureau, a commission, a committee, a department, a division, an**  
5 **institution, or other similar entity created or established by law.**

6 (b) The council shall, upon consultation with the governor's office,  
7 develop an annual report format taking into consideration, among other  
8 things, program budgeting, with the final format to be determined by  
9 the council. The format may be distributed to any agency. ~~(as defined~~  
10 ~~in IC 2-5-21-1)~~. The agency shall complete and return fifteen (15)  
11 copies to the legislative council before September 1 of each year for the  
12 preceding fiscal year.

13 ~~(b)~~ (c) The council shall distribute one (1) copy to the governor's  
14 office, one (1) copy to the budget agency, and three (3) copies to the  
15 state library.



1           (☞) (d) The reports are a public record and are open to inspection.  
 2           SECTION 2. IC 2-5-1.2 IS ADDED TO THE INDIANA CODE AS  
 3           A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
 4           PASSAGE]:

5           **Chapter 1.2. Legislative Study Committees**

6           **Sec. 1. As used in this chapter, "legislative study" refers to the**  
 7           **study of an issue or topic of interest to the general assembly**  
 8           **authorized, required, or urged by any of the following:**

- 9           (1) A statute.  
 10          (2) A concurrent resolution of the general assembly.  
 11          (3) A resolution of the legislative council.

12          **Sec. 2. As used in this chapter, "study committee" refers to a**  
 13          **legislative study committee established under section 3 of this**  
 14          **chapter.**

15          **Sec. 3. The following legislative study committees are**  
 16          **established:**

- 17          (1) The legislative study committee on agricultural and rural  
 18          issues.  
 19          (2) The legislative study committee on children, families, and  
 20          human affairs.  
 21          (3) The legislative study committee on commerce and  
 22          economic development.  
 23          (4) The legislative study committee on courts and the criminal  
 24          code.  
 25          (5) The legislative study committee on education.  
 26          (6) The legislative study committee on elections.  
 27          (7) The legislative study committee on the environment.  
 28          (8) The legislative study committee on financial institutions.  
 29          (9) The legislative study committee on government  
 30          organization and planning.  
 31          (10) The legislative study committee on health.  
 32          (11) The legislative study committee on insurance.  
 33          (12) The legislative study committee on the judiciary and civil  
 34          law.  
 35          (13) The legislative study committee on labor.  
 36          (14) The legislative study committee on natural resources.  
 37          (15) The legislative study committee on pensions.  
 38          (16) The legislative study committee on public policy.  
 39          (17) The legislative study committee on public safety.  
 40          (18) The legislative study committee on roads and  
 41          transportation.  
 42          (19) The legislative study committee on state and local



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1 government affairs.

2 (20) The legislative study committee on tax and finance.

3 Sec. 4. (a) Except as provided in subsection (b), a study  
4 committee consists of the following members:

5 (1) Six (6) members of the senate appointed by the president  
6 pro tempore of the senate with the advice of the minority  
7 leader of the senate. Not more than three (3) members  
8 appointed under this subdivision may be members of the same  
9 political party. The members appointed under this subdivision  
10 must be members of the standing committee of the senate that  
11 has jurisdiction over the subject matter of the legislative  
12 study, as determined by the president pro tempore of the  
13 senate.

14 (2) Six (6) members of the house of representatives appointed  
15 by the speaker of the house with the advice of the minority  
16 leader of the house. Not more than three (3) members  
17 appointed under this subdivision may be members of the same  
18 political party. The members appointed under this subdivision  
19 must be members of the standing committee of the house that  
20 has jurisdiction over the subject matter of the legislative  
21 study, as determined by the speaker of the house.

22 (b) With the consent of the chairman and the vice chairman of  
23 the legislative council, a study committee may have four (4)  
24 members in addition to the members appointed under subsection  
25 (a). The president pro tempore of the senate and the speaker of the  
26 house of representatives, with the advice of their respective  
27 minority leaders, shall each appoint two (2) additional members to  
28 the study committee under this subsection. The members appointed  
29 by either the president pro tempore of the senate or the speaker of  
30 the house of representatives under this subsection:

- 31 (1) may not be members of the same political party; and  
32 (2) are not required to be members of the same standing  
33 committee of their respective houses as the members  
34 appointed under subsection (a).

35 (c) A member of a study committee serves until the member:

- 36 (1) resigns from the study committee;  
37 (2) fails to satisfy a requirement for membership on the study  
38 committee, including membership:  
39 (A) in the chamber of the general assembly from which the  
40 member was appointed;  
41 (B) on the standing committee from which the member was  
42 appointed; or



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- 1           (3) is replaced by the member's appointing authority under  
2           subsection (d).
- 3           (d) An appointing authority may replace a member appointed  
4           by that appointing authority at any time. An individual who  
5           exercises the power of an appointing authority may replace a  
6           member of a study committee appointed by a predecessor of the  
7           individual as the appointing authority.
- 8           (e) A vacancy on a legislative study committee shall be filled by  
9           the appointing authority who appointed the member whose  
10          position is vacant.
- 11          Sec. 5. (a) After January 1 of each year, the chairman of the  
12          legislative council may designate a chair of a study committee from  
13          among the study committee's members.
- 14          (b) The chairman of the council may replace the chair of a study  
15          committee at any time.
- 16          (c) The chair of a study committee serves as chair until the chair  
17          is:
- 18               (1) no longer a member of the study committee; or  
19               (2) replaced under subsection (b).
- 20          Sec. 6. (a) After January 1 of each year, the vice chairman of the  
21          legislative council may designate a vice chair of a study committee  
22          from among the committee's members.
- 23          (b) The vice chairman of the council may replace the vice chair  
24          of a study committee at any time.
- 25          (c) The vice chair of a study committee serves as vice chair until  
26          the vice chair is:
- 27               (1) no longer a member of the study committee; or  
28               (2) replaced under subsection (b).
- 29          (d) The chair of a study committee may delegate any of the  
30          chair's power to the vice chair of the study committee.
- 31          Sec. 7. If a legislative study is authorized, required, or urged, the  
32          legislative council shall determine which study committee shall  
33          conduct the legislative study.
- 34          Sec. 8. A study committee may meet at the call of the chair of  
35          the study committee.
- 36          Sec. 9. Each member of a study committee is a voting member.
- 37          Sec. 10. Seven (7) members of a study committee are necessary  
38          for a quorum other than meeting to hear testimony.
- 39          Sec. 11. The affirmative vote of seven (7) members of a study  
40          committee is required for the study committee to take official  
41          action.
- 42          Sec. 12. The legislative services agency shall provide staff and

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1 **administrative support for a study committee as directed by the**  
 2 **legislative council.**

3 **Sec. 13. A study committee shall issue reports as required by the**  
 4 **legislative council.**

5 **Sec. 14. The legislative council may establish a budget for a**  
 6 **study committee.**

7 **Sec. 15. Each member of a study committee is entitled to**  
 8 **receive:**

9 (1) **a per diem instead of subsistence; and**

10 (2) **reimbursement for actual mileage and travel expenses;**  
 11 **established by the legislative council.**

12 **Sec. 16. The expenditures of a study committee shall be paid**  
 13 **from appropriations to the legislative council or to the legislative**  
 14 **services agency.**

15 **Sec. 17. The legislative council may adopt policies to govern**  
 16 **study committees that are not inconsistent with this chapter.**

17 SECTION 3. IC 4-10-13-6 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Each state  
 19 agency required to prepare reports under the provisions of this chapter  
 20 may ~~after consultation with and agreement by the commission on state~~  
 21 ~~tax and financing policy~~ add to or omit specific categories of data from  
 22 the reports required by this chapter.

23 SECTION 4. IC 4-10-13-7 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The manner  
 25 of publication of any of the reports ~~as herein~~ **required by this chapter**  
 26 shall be prescribed by the state budget committee, and the cost of  
 27 publication shall be paid from funds appropriated to such state agencies  
 28 and allocated by the state budget committee to such agencies for such  
 29 purpose.

30 (b) A copy of ~~such~~ **the** reports shall be presented to the governor,  
 31 the state board of tax commissioners, the state budget committee, ~~the~~  
 32 ~~commission on state tax and financing policy~~, the ~~Indiana~~ legislative  
 33 ~~advisory commission~~, **council**, and to any other state agency that may  
 34 request a copy of such reports.

35 SECTION 5. IC 4-22-2-19 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) Except as  
 37 provided in section 23.1 of this chapter, this section does not apply to  
 38 the adoption of rules:

39 (1) **required by statute if initiation of the rules is contingent upon**  
 40 **the receipt of a waiver under federal law;**

41 (2) **that amend an existing rule;**

42 (3) **required by statutes enacted before June 30, 1995; or**

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1 (4) required by statutes enacted before June 30, 1995, and  
 2 recodified in the same or similar form after June 29, 1995, in  
 3 response to a program of statutory recodification conducted by the  
 4 code revision commission **(before its repeal in 1999)**.

5 (b) If an agency will have statutory authority to adopt a rule at the  
 6 time that the rule becomes effective, the agency may conduct any part  
 7 of its rulemaking action before the statute authorizing the rule becomes  
 8 effective.

9 ~~(c) However, An agency shall~~

10 ~~(1) begin the rulemaking process not later than sixty (60) days~~  
 11 ~~after the effective date of the statute that authorizes the rule. or~~

12 ~~(2) if an agency cannot comply with subdivision (1), immediately~~  
 13 ~~provide written notification to the administrative rules oversight~~  
 14 ~~committee stating the reasons for the agency's noncompliance.~~

15 ~~If an agency notifies the administrative rules oversight committee~~  
 16 ~~concerning a rule in compliance with subdivision (2), failure to adopt~~  
 17 ~~the rule within the time specified in subdivision (1) does not invalidate~~  
 18 ~~the rule.~~

19 SECTION 6. IC 4-22-2-25 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) An agency  
 21 has one (1) year from the date that it publishes a notice of intent to  
 22 adopt a rule in the Indiana Register under section 23 of this chapter to  
 23 comply with sections 26 through 33 of this chapter and obtain the  
 24 approval or deemed approval of the governor. ~~If an agency determines~~  
 25 ~~that a rule cannot be adopted within one (1) year after the publication~~  
 26 ~~of the notice of intent to adopt a rule under section 23 of this chapter,~~  
 27 ~~the agency shall, before the two hundred fiftieth day following the~~  
 28 ~~publication of the notice of intent to adopt a rule under section 23 of~~  
 29 ~~this chapter, notify the chairperson of the administrative oversight~~  
 30 ~~committee in writing of the:~~

31 ~~(1) reasons why the rule was not adopted and the expected date~~  
 32 ~~the rule will be completed; and~~

33 ~~(2) expected date the rule will be approved or deemed approved~~  
 34 ~~by the governor or withdrawn under section 41 of this chapter.~~

35 (b) If a rule is not approved before ~~the later of:~~

36 ~~(1) one (1) year after the agency publishes notice of intent to~~  
 37 ~~adopt the rule under section 23 of this chapter, or~~

38 ~~(2) the expected date contained in a notice concerning the rule~~  
 39 ~~that is provided to the administrative rules oversight committee~~  
 40 ~~under subsection (a)(2);~~

41 a later approval or deemed approval is ineffective, and the rule may  
 42 become effective only through another rulemaking action initiated

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1 under this chapter.

2 SECTION 7. IC 4-22-2-42 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 42. The publisher  
4 ~~with the assistance of the code revision commission~~, shall establish a  
5 format, a numbering system, standards, and techniques for agencies to  
6 use whenever they draft and prepare rules under this chapter.

7 SECTION 8. IC 4-22-7-7 IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section applies to  
9 the following agency statements:

- 10 (1) Executive orders issued by the governor.  
11 (2) Notices that a rule has been disapproved or objected to by the  
12 attorney general under IC 4-22-2-32 or IC 4-22-2-38 or  
13 disapproved or objected to by the governor under IC 4-22-2-34 or  
14 IC 4-22-2-38.  
15 (3) Official opinions of the attorney general (excluding advisory  
16 letters).  
17 (4) Official explanatory opinions of the state board of accounts  
18 based on an official opinion of the attorney general.  
19 (5) Any other statement:  
20 (A) that:  
21 (i) interprets, supplements, or implements a statute or rule;  
22 (ii) has not been adopted in compliance with IC 4-22-2;  
23 (iii) is not intended by its issuing agency to have the effect  
24 of law; and  
25 (iv) may be used in conducting the agency's external affairs;  
26 or  
27 (B) that specifies a policy that an agency relies upon to:  
28 (i) enforce a statute or rule;  
29 (ii) conduct an audit or investigation to determine  
30 compliance with a statute or rule; or  
31 (iii) impose a sanction for violation of a statute or rule.

32 This subdivision includes information bulletins, revenue rulings  
33 (including, subject to IC 6-8.1-3-3.5, a letter of findings), and  
34 other guidelines of an agency.

35 (6) A statement of the governor concerning extension of an  
36 approval period under IC 4-22-2-34.

37 (b) Whenever an agency adopts a statement described by subsection  
38 (a), the agency shall distribute two (2) duplicate copies of the statement  
39 to the publisher for publication and indexing in the Indiana Register  
40 and the copies required by IC 4-23-7.1-26 to the Indiana library and  
41 historical department. However, if a statement under subsection  
42 (a)(5)(B) is in the form of a manual, book, pamphlet, or reference



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1 publication, the publisher is required to publish only the title of the  
2 manual, book, or reference publication.

3 (c) Every agency that adopts a statement described under subsection  
4 (a) also shall maintain a current list of all agency statements described  
5 in subsection (a) that it may use in its external affairs. The agency shall  
6 update the listing at least every thirty (30) days. The agency shall  
7 include on the list the name of the agency and the following  
8 information for each statement:

9 (1) Title.

10 (2) Identification number.

11 (3) Date originally adopted.

12 (4) Date of last revision.

13 (5) Reference to all other statements described in subsection (a)  
14 that are repealed or amended by the statement.

15 (6) Brief description of the subject matter of the statement.

16 (d) At least quarterly, every agency that maintains a list under  
17 subsection (c) shall distribute two (2) copies of the list to the publisher  
18 and two (2) copies to the Indiana library and historical department. ~~and~~  
19 ~~the administrative rules oversight committee.~~

20 SECTION 9. IC 4-22-8-12 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. Failure of an  
22 agency ~~or~~ the publisher ~~or the code revision commission~~ to comply  
23 with this chapter does not invalidate a rule or other agency statement.

24 SECTION 10. IC 4-30-16-3 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The  
26 commission shall transfer the surplus revenue in the administrative  
27 trust fund as follows:

28 (1) Before the last business day of January, April, July, and  
29 October, the commission shall transfer to the treasurer of state, for  
30 deposit in the Indiana state teachers' retirement fund (IC  
31 21-6.1-2), an amount equal to the lesser of:

32 (A) seven million five hundred thousand dollars (\$7,500,000);

33 or

34 (B) the additional quarterly contribution needed so that the  
35 ratio of the unfunded liability of the Indiana state teachers'  
36 retirement fund compared to total active teacher payroll is as  
37 close as possible to but not greater than the ratio that existed  
38 on the preceding July 1.

39 On or before June 15 of each year, the board of trustees of the  
40 Indiana state teachers' retirement fund shall submit to the  
41 treasurer of state ~~each member of the pension management~~  
42 ~~oversight commission~~, and the auditor of state its estimate of the

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1 quarterly amount needed to freeze the unfunded accrued liability  
 2 of the pre-1996 account (as defined in IC 21-6.1-1-6.9) as a  
 3 percent of payroll. The estimate shall be based on the most recent  
 4 actuarial valuation of the fund. Notwithstanding any other law,  
 5 including any appropriations law resulting from a budget bill (as  
 6 defined in IC 4-12-1-2), the money transferred under this  
 7 subdivision shall be set aside in a special account to be used as a  
 8 credit against the unfunded accrued liability of the pre-1996  
 9 account (as defined in IC 21-6.1-1-6.9) of the Indiana state  
 10 teachers' retirement fund. The money transferred is in addition to  
 11 the appropriation needed to pay benefits for the state fiscal year.

12 (2) Before the last business day of January, April, July, and  
 13 October, the commission shall transfer two million five hundred  
 14 thousand dollars (\$2,500,000) of the surplus revenue to the  
 15 treasurer of state for deposit in the pension relief fund  
 16 (IC 5-10.3-11).

17 (3) The surplus revenue remaining in the fund on the last day of  
 18 January, April, July, and October after the transfers under  
 19 subdivisions (1) and (2) shall be transferred by the commission to  
 20 the treasurer of state for deposit on that day in the build Indiana  
 21 fund.

22 (b) The commission may make transfers to the treasurer of state  
 23 more frequently than required by subsection (a). However, the number  
 24 of transfers does not affect the amount that is required to be transferred  
 25 for the purposes listed in subsection (a)(1) and (a)(2). Any amount  
 26 transferred during the month in excess of the amount required to be  
 27 transferred for the purposes listed in subsection (a)(1) and (a)(2) shall  
 28 be transferred to the build Indiana fund.

29 SECTION 11. IC 8-15-2-1.3 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.3. (a) The  
 31 authority shall establish a written procedure for allocating money to  
 32 projects described in section 1(a)(3) and 1(a)(4) of this chapter.

33 (b) The procedure established under this section must include at  
 34 least the following:

- 35 (1) An application procedure to identify projects that qualify for  
 36 funding.
- 37 (2) Criteria for prioritizing projects.
- 38 (3) Procedures for selecting projects.
- 39 (4) Procedures for reporting the results of the selection process  
 40 and the status of projects to the commission on state tax and  
 41 financing policy.

42 (c) The prioritization and selection process under this section must

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1 give consideration to the following:

- 2 (1) The impact of the project on toll road usage.
- 3 (2) Consistency of the project with local transportation plans.
- 4 (3) The extent to which the project will have local financial
- 5 participation relative to local available resources.
- 6 (4) The amount of vehicular traffic served.
- 7 (5) The potential local economic impact.
- 8 (6) Whether the project is deemed to be an emergency by the
- 9 applicant and the authority.

10 SECTION 12. IC 12-7-2-34 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. "Commission"  
12 means the following:

- 13 (1) For purposes of IC 12-10-2, the meaning set forth in
- 14 IC 12-10-2-1.
- 15 ~~(2) For purposes of IC 12-11-7, the meaning set forth in~~
- 16 ~~IC 12-11-7-1.~~
- 17 ~~(3)~~ (2) For purposes of IC 12-12-2, the meaning set forth in
- 18 IC 12-12-2-1.
- 19 ~~(4)~~ (3) For purposes of IC 12-13-14, the meaning set forth in
- 20 IC 12-13-14-1.
- 21 ~~(5)~~ (4) For purposes of IC 12-14-12, the meaning set forth in
- 22 IC 12-14-12-1.
- 23 ~~(6)~~ (5) For purposes of IC 12-28-1, the meaning set forth in
- 24 IC 12-28-1-3.

25 SECTION 13. IC 12-17-2-18 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) The bureau  
27 shall make the agreements necessary for the effective administration of  
28 the plan with local governmental officials within Indiana. The bureau  
29 shall contract with:

- 30 (1) a prosecuting attorney; or
- 31 (2) a private attorney if the bureau determines that a reasonable
- 32 contract cannot be entered into with a prosecuting attorney; ~~and~~
- 33 ~~the determination is approved by at least two-thirds (2/3) of the~~
- 34 ~~Indiana child custody and support advisory committee~~
- 35 ~~(established under IC 33-2-1-10-1);~~

36 in each judicial circuit to undertake activities required to be performed  
37 under Title IV-D of the federal Social Security Act (42 U.S.C. 651),  
38 including determination of paternity, determination and enforcement  
39 of child support, activities under the Uniform Reciprocal Enforcement  
40 of Support Act (IC 31-2-1, before its repeal) or the Uniform Interstate  
41 Family Support Act (IC 31-18, or IC 31-1.5 before its repeal), and if the  
42 contract is with a prosecuting attorney, prosecutions of welfare fraud.

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1 (b) The hiring of an attorney by an agreement or a contract made  
 2 under this section is not subject to the approval of the attorney general  
 3 under IC 4-6-5-3. An agreement or a contract made under this section  
 4 is not subject to IC 4-13-2-14.3 or IC 5-22.

5 SECTION 14. IC 12-17-2-30 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. The director of  
 7 the division shall adopt the rules necessary to implement Title IV-D of  
 8 the federal Social Security Act and this chapter. ~~The division shall send~~  
 9 ~~a copy of each proposed or adopted rule to each member of the child~~  
 10 ~~custody and support advisory committee established by IC 33-2.1-10~~  
 11 ~~not later than ten (10) days after proposal or adoption.~~

12 SECTION 15. IC 13-12-1-1 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The purpose of  
 14 the recodification act of the 1996 regular session of the general  
 15 assembly is to recodify prior environmental law in a style that is clear,  
 16 concise, and easy to interpret and apply. Except to the extent that:

17 (1) the recodification act of the 1996 regular session of the  
 18 general assembly is amended to reflect the changes made in a  
 19 provision of another bill that adds to, amends, or repeals a  
 20 provision in the recodification act of the 1996 regular session of  
 21 the general assembly; or

22 (2) the minutes of meetings of the code revision commission  
 23 **(before its repeal in 1999)** during 1995 expressly indicate a  
 24 different purpose;

25 the substantive operation and effect of the prior environmental law  
 26 continue uninterrupted as if the recodification act of the 1996 regular  
 27 session of the general assembly had not been enacted.

28 SECTION 16. IC 14-8-3-2 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The purpose of  
 30 the recodification act of the 1995 regular session of the general  
 31 assembly is to recodify prior natural resources law in a style that is  
 32 clear, concise, and easy to interpret and apply. Except to the extent that:

33 (1) the recodification act of the 1995 regular session of the  
 34 general assembly is amended to reflect the changes made in a  
 35 provision of another bill that adds to, amends, or repeals a  
 36 provision in the recodification act of the 1995 regular session of  
 37 the general assembly; or

38 (2) the minutes of meetings of the code revision commission  
 39 **(before its repeal in 1999)** during 1994 expressly indicate a  
 40 different purpose;

41 the substantive operation and effect of the prior natural resources law  
 42 continue uninterrupted as if the recodification act of the 1995 regular

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1 session of the general assembly had not been enacted.

2 SECTION 17. IC 16-18-3-2 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The purpose of  
4 senate enrolled act 24 of the 1993 regular session of the general  
5 assembly is to recodify prior health and hospital law in a style that is  
6 clear, concise, and easy to interpret and apply. Except to the extent that:

7 (1) senate enrolled act 24 of the 1993 regular session of the  
8 general assembly is amended to reflect the changes made in a  
9 provision of another bill that adds to, amends, or repeals a  
10 provision in senate enrolled act 24 of the 1993 regular session of  
11 the general assembly; or

12 (2) the minutes of meetings of the code revision commission  
13 **(before its repeal in 1999)** during 1992 expressly indicate a  
14 different purpose;

15 the substantive operation and effect of the prior health and hospital law  
16 continue uninterrupted as if senate enrolled act 24 of the 1993 regular  
17 session of the general assembly had not been enacted.

18 SECTION 18. IC 29-1-1-4 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The report of the  
20 probate code study commission **(notwithstanding its repeal in 1999)**  
21 made pursuant to Acts 1949, c. 302, s. 5 and Acts 1951, c. 347, s. 2  
22 may be consulted by the courts to determine the underlying reasons,  
23 purposes and policies of this article, and may be used as a guide in its  
24 construction and application.

25 SECTION 19. IC 31-10-1-1 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The purpose of  
27 the recodification act of the 1997 regular session of the general  
28 assembly is to recodify prior family law and juvenile law in a style that  
29 is clear, concise, and easy to interpret and apply. Except to the extent  
30 that:

31 (1) the recodification act of the 1997 regular session of the  
32 general assembly is amended to reflect the changes made in a  
33 provision of another bill that adds to, amends, or repeals a  
34 provision in the recodification act of the 1997 regular session of  
35 the general assembly; or

36 (2) the minutes of meetings of the code revision commission  
37 **(before its repeal in 1999)** during 1996 expressly indicate a  
38 different purpose;

39 the substantive operation and effect of the prior family law and juvenile  
40 law continue uninterrupted as if the recodification act of the 1997  
41 regular session of the general assembly had not been enacted.

42 SECTION 20. IC 32-3-2-14 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. The official  
 2 comments published by the probate code study commission  
 3 **(notwithstanding its repeal in 1999)** may be consulted by the courts  
 4 to determine the underlying reasons, purposes, and policies of this  
 5 chapter and may be used as a guide in its construction and application.

6 SECTION 21. IC 34-7-1-1 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The purpose of  
 8 the recodification act of the 1998 regular session of the general  
 9 assembly is to recodify prior civil law and procedure in a style that is  
 10 clear, concise, and easy to interpret and apply. Except to the extent that:

11 (1) the recodification act of the 1998 regular session of the  
 12 general assembly is amended to reflect the changes made in a  
 13 provision of another bill that adds to, amends, or repeals a  
 14 provision in the recodification act of the 1998 regular session of  
 15 the general assembly; or

16 (2) the minutes of meetings of the code revision commission  
 17 during 1997 **(before its repeal in 1999)** expressly indicate a  
 18 different purpose;

19 the substantive operation and effect of the prior civil law and procedure  
 20 continue uninterrupted as if the recodification act of the 1998 regular  
 21 session of the general assembly had not been enacted.

22 SECTION 22. P.L.37-1998, SECTION 4, IS AMENDED TO READ  
 23 AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 4. (a) ~~As~~  
 24 ~~used in this SECTION, "commission" refers to the Indiana commission~~  
 25 ~~on mental health created by this act.~~

26 ~~(b)~~ The division of mental health, before developing study and  
 27 evaluation instruments, shall, with the contractor, meet with  
 28 representatives of mental health consumers, advocacy groups,  
 29 employee groups, and managed care providers.

30 ~~(c)~~ **(b)** Notwithstanding IC 12-29-2, the division of mental health:

31 (1) may continue to develop and implement a prospective or per  
 32 diem funding system to fund:

33 (A) eligible community mental health centers; and

34 (B) managed care providers;

35 for services to eligible mentally ill and substance abuse patients  
 36 other than seriously and persistently mentally ill adults; and

37 (2) may continue to implement the division's prospective payment  
 38 system for funding programs that benefit seriously and  
 39 persistently mentally ill adults;

40 if all prospective or per diem payment systems implemented by the  
 41 division are developed using actuarial data and principles and generally  
 42 accepted accounting principles incurred by efficient and economically



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1 operated programs that serve mentally ill and substance abuse patients  
 2 who are found to be eligible for care that is paid for in part or in whole  
 3 by the state. Adequate management information and patient tracking  
 4 systems must also be developed and in place before implementation.

5 ~~(d)~~ (c) The division of mental health shall develop proposed rules  
 6 under IC 4-22-2 for managed care providers in accordance with the  
 7 results of the actuarial study and pilot program conducted under this  
 8 SECTION. ~~and report the proposed rules to the commission before July~~  
 9 ~~1, 1997.~~ The division of mental health shall also submit annual status  
 10 reports concerning the requirements of this SECTION to the  
 11 ~~commission.~~ **legislative council.**

12 ~~(e)~~ (d) The division of mental health shall, before April 1, 1998,  
 13 adopt rules under IC 4-22-2:

14 (1) setting forth specific criteria for managed care providers under  
 15 IC 12-21 through IC 12-29; and

16 (2) notwithstanding IC 12-29-2, creating an operational and  
 17 prospective funding system that is consistent with IC 12-21-2-7,  
 18 as amended by this act.

19 ~~(f)~~ (e) This SECTION expires January 1, 2000.

20 SECTION 23. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 21 UPON PASSAGE]: IC 2-5-1.1-10; IC 2-5-2; IC 2-5-3; IC 2-5-5;  
 22 IC 2-5-12; IC 2-5-16; IC 2-5-18; IC 2-5-19; IC 2-5-20; IC 2-5-21;  
 23 IC 2-5-23; IC 2-5-24.1; IC 2-5-25; IC 4-22-2-46; IC 4-22-8-11;  
 24 IC 5-13-9.1; IC 8-1-2.5-9; IC 8-1-2.6-4; IC 12-11-7; IC 14-25-7-16;  
 25 IC 15-1-1.5; IC 15-1.5-3-9; IC 33-1-15; IC 33-2.1-10; P.L.40-1994,  
 26 SECTION 86; P.L.40-1994, SECTION 87; P.L.78-1994, SECTION 5;  
 27 P.L.172-1994, SECTION 4; P.L.335-1995, SECTION 1; P.L.338-1995,  
 28 SECTION 1; P.L.248-1996, SECTION 1; P.L.251-1996, SECTION 1;  
 29 P.L.87-1997, SECTION 4; P.L.109-1997, SECTION 4; P.L.163-1997,  
 30 SECTION 2; P.L.239-1997, SECTION 1; P.L.241-1997, SECTION 1;  
 31 P.L.242-1997, SECTION 1; P.L.245-1997, SECTION 2; P.L.249-1997,  
 32 SECTION 1; P.L.37-1998, SECTION 3; P.L.102-1998, SECTION 2;  
 33 P.L.102-1998, SECTION 3; P.L.130-1998, SECTION 1; P.L.130-1998,  
 34 SECTION 2; P.L.131-1998, SECTION 1.

35 SECTION 24. **An emergency is declared for this act.**

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