



Reprinted
February 24, 1999

SENATE BILL No. 123

DIGEST OF SB 123 (Updated February 23, 1999 2:44 pm - DI 75)

Citations Affected: IC 2-5; IC 4-10; IC 4-22; IC 4-30; IC 5-13; IC 8-15; IC 12-7; IC 12-11; IC 12-17; IC 13-12; IC 14-8; IC 14-25; IC 15-1; IC 15-1.5; IC 16-18; IC 29-1; IC 31-10; IC 32-3; IC 33-1; IC 33-2.1; IC 34-7; noncode.

Synopsis: Legislative study committees and commissions. Establishes a fixed number of specified legislative study committees effective January 1, 2000. 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 of the senate 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 over the
(Continued next page)

Effective: Upon passage; January 1, 2000.

Miller

January 6, 1999, read first time and referred to Committee on Rules and Legislative Procedure.
February 11, 1999, amended, reported favorably — Do Pass.
February 23, 1999, read second time, amended, ordered engrossed.

SB 123—LS 6303/DI 75+



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Digest Continued

subject matter of the study. Specifies that the chairman and vice chairman of the legislative council each appoint an equal number of chairs and vice chairs of interim study committees each year. Provides general procedures for the operation of a legislative study committee. Provides that the study committee structure expires January 1, 2002. Repeals existing statutory study committees except the regulatory flexibility committee and the environmental quality service council. Extends the expiration date of the environmental quality service council from December 31, 2000 to December 31, 2003. Makes conforming amendments.

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Reprinted
February 24, 1999

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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SENATE BILL No. 123

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 JANUARY 1, 2000]: Sec. 6.5. (a) **As used**
3 **in this section, "agency" includes an agency, an authority, a board,**
4 **a 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.

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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
 4 JANUARY 1, 2000]:

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 financial institutions.
 28 (8) The legislative study committee on government
 29 organization and planning.
 30 (9) The legislative study committee on health.
 31 (10) The legislative study committee on insurance.
 32 (11) The legislative study committee on the judiciary and civil
 33 law.
 34 (12) The legislative study committee on labor.
 35 (13) The legislative study committee on natural resources.
 36 (14) The legislative study committee on pensions.
 37 (15) The legislative study committee on public policy.
 38 (16) The legislative study committee on public safety.
 39 (17) The legislative study committee on roads and
 40 transportation.
 41 (18) The legislative study committee on state and local
 42 government affairs.



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1 **(19) The legislative study committee on tax and finance.**

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

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

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

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

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

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

35 **(1) resigns from the study committee;**
 36 **(2) fails to satisfy a requirement for membership on the study**
 37 **committee, including membership:**

38 **(A) in the chamber of the general assembly from which**
 39 **the member was appointed; or**

40 **(B) on the standing committee from which the member**
 41 **was appointed; or**

42 **(3) is replaced by the member's appointing authority under**

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1 subsection (d).

2 (d) An appointing authority may replace a member appointed
3 by that appointing authority at any time. An individual who
4 exercises the power of an appointing authority may replace a
5 member of a study committee appointed by a predecessor of the
6 individual as the appointing authority.

7 (e) A vacancy on a legislative study committee shall be filled by
8 the appointing authority who appointed the member whose
9 position is vacant.

10 Sec. 5. (a) After January 1 of each year, the chairman of the
11 legislative council may designate:

12 (1) a chair of the study committees established in section 3(1)
13 through 3(10) of this chapter from among each study
14 committee's members; and

15 (2) a vice chair of the study committees established in section
16 3(11) through 3(20) of this chapter from among each study
17 committee's members.

18 (b) The chairman of the legislative council may replace the chair
19 or vice chair of any study committee who was appointed by the
20 chairman of the legislative council.

21 (c) The chair or vice chair of a study committee appointed under
22 this section serves as chair or vice chair until the chair or vice chair
23 is:

24 (1) no longer a member of the study committee; or

25 (2) replaced under subsection (b).

26 Sec. 6. (a) After January 1 of each year, the vice chairman of the
27 legislative council may designate:

28 (1) a chair of the study committees established in section 3(11)
29 through 3(20) of this chapter from among each study
30 committee's members; and

31 (2) a vice chair of the study committees established in section
32 3(1) through 3(10) of this chapter from among each study
33 committee's members.

34 (b) The vice chairman of the legislative council may replace the
35 chair or vice chair of any study committee who was appointed by
36 the vice chairman of the legislative council.

37 (c) The chair or vice chair of a study committee appointed under
38 this section serves as chair or vice chair until the chair or vice chair
39 is:

40 (1) no longer a member of the study committee; or

41 (2) replaced under subsection (b).

42 Sec. 6.5. The chair of a study committee may delegate any of the

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1 chair's powers to the vice chair of the study committee.

2 Sec. 7. If a legislative study is authorized, required, or urged, the
3 legislative council shall determine which study committee shall
4 conduct the legislative study.

5 Sec. 8. Subject to the legislative council's policies governing
6 study committees, a study committee may meet at the call of the
7 chair of the study committee.

8 Sec. 9. Each member of a study committee is a voting member.

9 Sec. 10. A majority of the members appointed to a study
10 committee is necessary for a quorum other than meeting to hear
11 testimony.

12 Sec. 11. The affirmative vote of a majority of the appointed
13 members of a study committee is required for the study committee
14 to take official action.

15 Sec. 12. The legislative services agency shall provide staff and
16 administrative support for a study committee as directed by the
17 legislative council.

18 Sec. 13. A study committee shall issue reports as required by the
19 legislative council.

20 Sec. 14. The legislative council may establish a budget for a
21 study committee.

22 Sec. 15. Each member of a study committee is entitled to
23 receive:

24 (1) a per diem instead of subsistence; and

25 (2) reimbursement for actual mileage and travel expenses;
26 established by the legislative council.

27 Sec. 16. The expenditures of a study committee shall be paid
28 from appropriations to the legislative council or to the legislative
29 services agency.

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

32 Sec. 18. This chapter expires January 1, 2002.

33 SECTION 3. IC 4-10-13-6 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 6. Each state
35 agency required to prepare reports under the provisions of this chapter
36 may after consultation with and agreement by the commission on state
37 tax and financing policy add to or omit specific categories of data from
38 the reports required by this chapter.

39 SECTION 4. IC 4-10-13-7 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 7. (a) The manner
41 of publication of any of the reports as herein required by this chapter
42 shall be prescribed by the state budget committee, and the cost of



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1 publication shall be paid from funds appropriated to such state agencies
 2 and allocated by the state budget committee to such agencies for such
 3 purpose.

4 (b) A copy of ~~such the~~ reports shall be presented to the governor,
 5 the state board of tax commissioners, the state budget committee, ~~the~~
 6 ~~commission on state tax and financing policy~~, the ~~Indiana~~ legislative
 7 ~~advisory commission~~, ~~council~~, and to any other state agency that may
 8 request a copy of such reports.

9 SECTION 5. IC 4-22-2-19 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 19. (a) Except as
 11 provided in section 23.1 of this chapter, this section does not apply to
 12 the adoption of rules:

- 13 (1) required by statute if initiation of the rules is contingent upon
 14 the receipt of a waiver under federal law;
 15 (2) that amend an existing rule;
 16 (3) required by statutes enacted before June 30, 1995; or
 17 (4) required by statutes enacted before June 30, 1995, and
 18 recodified in the same or similar form after June 29, 1995, in
 19 response to a program of statutory recodification conducted by the
 20 code revision commission **(before its repeal in 1999)**.

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

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

- 26 (1) begin the rulemaking process not later than sixty (60) days
 27 after the effective date of the statute that authorizes the rule. ~~or~~
 28 (2) if an agency cannot comply with subdivision (1), immediately
 29 provide written notification to the administrative rules oversight
 30 committee stating the reasons for the agency's noncompliance.

31 If an agency notifies the administrative rules oversight committee
 32 concerning a rule in compliance with subdivision (2), failure to adopt
 33 the rule within the time specified in subdivision (1) does not invalidate
 34 the rule.

35 SECTION 6. IC 4-22-2-25 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 25. (a) An agency
 37 has one (1) year from the date that it publishes a notice of intent to
 38 adopt a rule in the Indiana Register under section 23 of this chapter to
 39 comply with sections 26 through 33 of this chapter and obtain the
 40 approval or deemed approval of the governor. ~~If an agency determines~~
 41 ~~that a rule cannot be adopted within one (1) year after the publication~~
 42 ~~of the notice of intent to adopt a rule under section 23 of this chapter;~~



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1 the agency shall; before the two hundred fiftieth day following the
 2 publication of the notice of intent to adopt a rule under section 23 of
 3 this chapter; notify the chairperson of the administrative oversight
 4 committee in writing of the:

5 (1) reasons why the rule was not adopted and the expected date the
 6 rule will be completed; and

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

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

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

12 (2) the expected date contained in a notice concerning the rule that
 13 is provided to the administrative rules oversight committee under
 14 subsection (a)(2);

15 a later approval or deemed approval is ineffective, and the rule may
 16 become effective only through another rulemaking action initiated
 17 under this chapter.

18 SECTION 7. IC 4-22-2-42 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 42. The publisher
 20 with the assistance of the code revision commission, shall establish a
 21 format, a numbering system, standards, and techniques for agencies to
 22 use whenever they draft and prepare rules under this chapter.

23 SECTION 8. IC 4-22-7-7 IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JANUARY 1, 2000]: Sec. 7. (a) This section applies to
 25 the following agency statements:

26 (1) Executive orders issued by the governor.

27 (2) Notices that a rule has been disapproved or objected to by the
 28 attorney general under IC 4-22-2-32 or IC 4-22-2-38 or
 29 disapproved or objected to by the governor under IC 4-22-2-34 or
 30 IC 4-22-2-38.

31 (3) Official opinions of the attorney general (excluding advisory
 32 letters).

33 (4) Official explanatory opinions of the state board of accounts
 34 based on an official opinion of the attorney general.

35 (5) Any other statement:

36 (A) that:

37 (i) interprets, supplements, or implements a statute or
 38 rule;

39 (ii) has not been adopted in compliance with IC 4-22-2;

40 (iii) is not intended by its issuing agency to have the
 41 effect of law; and

42 (iv) may be used in conducting the agency's external



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- 1 affairs; or
 2 (B) that specifies a policy that an agency relies upon to:
 3 (i) enforce a statute or rule;
 4 (ii) conduct an audit or investigation to determine
 5 compliance with a statute or rule; or
 6 (iii) impose a sanction for violation of a statute or rule.

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

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

12 (b) Whenever an agency adopts a statement described by subsection
 13 (a), the agency shall distribute two (2) duplicate copies of the statement
 14 to the publisher for publication and indexing in the Indiana Register
 15 and the copies required by IC 4-23-7.1-26 to the Indiana library and
 16 historical department. However, if a statement under subsection
 17 (a)(5)(B) is in the form of a manual, book, pamphlet, or reference
 18 publication, the publisher is required to publish only the title of the
 19 manual, book, or reference publication.

20 (c) Every agency that adopts a statement described under subsection
 21 (a) also shall maintain a current list of all agency statements described
 22 in subsection (a) that it may use in its external affairs. The agency shall
 23 update the listing at least every thirty (30) days. The agency shall
 24 include on the list the name of the agency and the following
 25 information for each statement:

- 26 (1) Title.
 27 (2) Identification number.
 28 (3) Date originally adopted.
 29 (4) Date of last revision.
 30 (5) Reference to all other statements described in subsection (a)
 31 that are repealed or amended by the statement.
 32 (6) Brief description of the subject matter of the statement.

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

37 SECTION 9. IC 4-22-8-12 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 12. Failure of an
 39 agency ~~or the publisher or the code revision commission~~ to comply
 40 with this chapter does not invalidate a rule or other agency statement.

41 SECTION 10. IC 4-30-16-3 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. (a) The

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1 commission shall transfer the surplus revenue in the administrative
2 trust fund as follows:

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

7 (A) seven million five hundred thousand dollars
8 (\$7,500,000); or

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

14 On or before June 15 of each year, the board of trustees of the
15 Indiana state teachers' retirement fund shall submit to the treasurer
16 of state ~~each member of the pension management oversight~~
17 ~~commission~~; and the auditor of state its estimate of the quarterly
18 amount needed to freeze the unfunded accrued liability of the
19 pre-1996 account (as defined in IC 21-6.1-1-6.9) as a percent of
20 payroll. The estimate shall be based on the most recent actuarial
21 valuation of the fund. Notwithstanding any other law, including
22 any appropriations law resulting from a budget bill (as defined in
23 IC 4-12-1-2), the money transferred under this subdivision shall be
24 set aside in a special account to be used as a credit against the
25 unfunded accrued liability of the pre-1996 account (as defined in
26 IC 21-6.1-1-6.9) of the Indiana state teachers' retirement fund. The
27 money transferred is in addition to the appropriation needed to pay
28 benefits for the state fiscal year.

29 (2) Before the last business day of January, April, July, and
30 October, the commission shall transfer two million five hundred
31 thousand dollars (\$2,500,000) of the surplus revenue to the
32 treasurer of state for deposit in the pension relief fund (IC
33 5-10.3-11).

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

39 (b) The commission may make transfers to the treasurer of state
40 more frequently than required by subsection (a). However, the number
41 of transfers does not affect the amount that is required to be transferred
42 for the purposes listed in subsection (a)(1) and (a)(2). Any amount



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1 transferred during the month in excess of the amount required to be
 2 transferred for the purposes listed in subsection (a)(1) and (a)(2) shall
 3 be transferred to the build Indiana fund.

4 SECTION 11. IC 8-15-2-1.3 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1.3. (a) The
 6 authority shall establish a written procedure for allocating money to
 7 projects described in section 1(a)(3) and 1(a)(4) of this chapter.

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

- 10 (1) An application procedure to identify projects that qualify for
- 11 funding.
- 12 (2) Criteria for prioritizing projects.
- 13 (3) Procedures for selecting projects.
- 14 ~~(4) Procedures for reporting the results of the selection process~~
- 15 ~~and the status of projects to the commission on state tax and~~
- 16 ~~financing policy.~~

17 (c) The prioritization and selection process under this section must
 18 give consideration to the following:

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

27 SECTION 12. IC 12-7-2-34 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 34. "Commission"
 29 means the following:

- 30 (1) For purposes of IC 12-10-2, the meaning set forth in
- 31 IC 12-10-2-1.
- 32 ~~(2) For purposes of IC 12-11-7, the meaning set forth in IC~~
- 33 ~~12-11-7-1.~~
- 34 ~~(3)~~ (2) For purposes of IC 12-12-2, the meaning set forth in
- 35 IC 12-12-2-1.
- 36 ~~(4)~~ (3) For purposes of IC 12-13-14, the meaning set forth in
- 37 IC 12-13-14-1.
- 38 ~~(5)~~ (4) For purposes of IC 12-14-12, the meaning set forth in
- 39 IC 12-14-12-1.
- 40 ~~(6)~~ (5) For purposes of IC 12-28-1, the meaning set forth in
- 41 IC 12-28-1-3.

42 SECTION 13. IC 12-17-2-18 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 18. (a) The
 2 bureau shall make the agreements necessary for the effective
 3 administration of the plan with local governmental officials within
 4 Indiana. The bureau shall contract with:

- 5 (1) a prosecuting attorney; or
 6 (2) a private attorney if the bureau determines that a reasonable
 7 contract cannot be entered into with a prosecuting attorney; ~~and~~
 8 ~~the determination is approved by at least two-thirds (2/3) of the~~
 9 ~~Indiana child custody and support advisory committee (established~~
 10 ~~under IC 33-2.1-10-1);~~

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

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

22 SECTION 14. IC 12-17-2-30 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 30. The director
 24 of the division shall adopt the rules necessary to implement Title IV-D
 25 of the federal Social Security Act and this chapter. ~~The division shall~~
 26 ~~send a copy of each proposed or adopted rule to each member of the~~
 27 ~~child custody and support advisory committee established by IC~~
 28 ~~33-2.1-10 not later than ten (10) days after proposal or adoption.~~

29 SECTION 15. IC 13-12-1-1 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. The purpose of
 31 the recodification act of the 1996 regular session of the general
 32 assembly is to recodify prior environmental law in a style that is clear,
 33 concise, and easy to interpret and apply. Except to the extent that:

- 34 (1) the recodification act of the 1996 regular session of the general
 35 assembly is amended to reflect the changes made in a provision of
 36 another bill that adds to, amends, or repeals a provision in the
 37 recodification act of the 1996 regular session of the general
 38 assembly; or
 39 (2) the minutes of meetings of the code revision commission
 40 **(before its repeal in 1999)** during 1995 expressly indicate a
 41 different purpose;

42 the substantive operation and effect of the prior environmental law



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1 continue uninterrupted as if the recodification act of the 1996 regular
2 session of the general assembly had not been enacted.

3 SECTION 16. IC 14-8-3-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. The purpose of
5 the recodification act of the 1995 regular session of the general
6 assembly is to recodify prior natural resources law in a style that is
7 clear, concise, and easy to interpret and apply. Except to the extent that:

8 (1) the recodification act of the 1995 regular session of the general
9 assembly is amended to reflect the changes made in a provision of
10 another bill that adds to, amends, or repeals a provision in the
11 recodification act of the 1995 regular session of the general
12 assembly; or

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

16 the substantive operation and effect of the prior natural resources law
17 continue uninterrupted as if the recodification act of the 1995 regular
18 session of the general assembly had not been enacted.

19 SECTION 17. IC 16-18-3-2 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. The purpose of
21 senate enrolled act 24 of the 1993 regular session of the general
22 assembly is to recodify prior health and hospital law in a style that is
23 clear, concise, and easy to interpret and apply. Except to the extent that:

24 (1) senate enrolled act 24 of the 1993 regular session of the
25 general assembly is amended to reflect the changes made in a
26 provision of another bill that adds to, amends, or repeals a
27 provision in senate enrolled act 24 of the 1993 regular session of
28 the general assembly; or

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

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

35 SECTION 18. IC 29-1-1-4 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 4. The report of
37 the probate code study commission **(notwithstanding its repeal in**
38 **1999)** made pursuant to Acts 1949, c. 302, s. 5 and Acts 1951, c. 347,
39 s. 2 may be consulted by the courts to determine the underlying
40 reasons, purposes, and policies of this article, and may be used as a
41 guide in its construction and application.

42 SECTION 19. IC 31-10-1-1 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. The purpose of
 2 the recodification act of the 1997 regular session of the general
 3 assembly is to recodify prior family law and juvenile law in a style that
 4 is clear, concise, and easy to interpret and apply. Except to the extent
 5 that:

6 (1) the recodification act of the 1997 regular session of the general
 7 assembly is amended to reflect the changes made in a provision of
 8 another bill that adds to, amends, or repeals a provision in the
 9 recodification act of the 1997 regular session of the general
 10 assembly; or

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

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

17 SECTION 20. IC 32-3-2-14 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 14. The official
 19 comments published by the probate code study commission
 20 **(notwithstanding its repeal in 1999)** may be consulted by the courts
 21 to determine the underlying reasons, purposes, and policies of this
 22 chapter and may be used as a guide in its construction and application.

23 SECTION 21. IC 34-7-1-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. The purpose of
 25 the recodification act of the 1998 regular session of the general
 26 assembly is to recodify prior civil law and procedure in a style that is
 27 clear, concise, and easy to interpret and apply. Except to the extent that:

28 (1) the recodification act of the 1998 regular session of the general
 29 assembly is amended to reflect the changes made in a provision of
 30 another bill that adds to, amends, or repeals a provision in the
 31 recodification act of the 1998 regular session of the general
 32 assembly; or

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

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

39 SECTION 22. P.L.248-1996, SECTION 1, IS AMENDED TO
 40 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
 41 1. (a) As used in this SECTION, "council" refers to the environmental
 42 quality service council established by subsection (c).



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- 1 (b) As used in this SECTION, "department" refers to the department
- 2 of environmental management.
- 3 (c) The environmental quality service council is established.
- 4 (d) The council consists of twenty-four (24) members appointed as
- 5 follows:
- 6 (1) Four (4) members of the senate, not more than two (2) of
- 7 whom may be affiliated with the same political party, to be
- 8 appointed by the president pro tempore of the senate.
- 9 (2) Four (4) members of the house of representatives, not more
- 10 than two (2) of whom may be affiliated with the same political
- 11 party, to be appointed by the speaker of the house of
- 12 representatives.
- 13 (3) The commissioner of the department or the commissioner's
- 14 designee.
- 15 (4) Fifteen (15) individuals who are not members of the general
- 16 assembly and who are appointed by the governor as follows:
- 17 (A) Four (4) individuals representing business and industry,
- 18 not more than two (2) of whom may be affiliated with the
- 19 same political party.
- 20 (B) Four (4) individuals representing local government, not
- 21 more than two (2) of whom may be affiliated with the same
- 22 political party.
- 23 (C) Two (2) individuals representing environmental
- 24 organizations, not more than one (1) of whom may be
- 25 affiliated with the same political party.
- 26 (D) Two (2) individuals representing the general public, not
- 27 more than one (1) of whom may be affiliated with the same
- 28 political party.
- 29 (E) Three (3) individuals representing the following interests:
- 30 (i) One (1) representative of semipublic permittees.
- 31 (ii) Two (2) representatives of agriculture, not more
- 32 than one (1) of whom may be affiliated with the same
- 33 political party.
- 34 Until an appointment is made under clause (A), (B), (C), or (E), an
- 35 unfilled position shall be held by the corresponding member of the
- 36 environmental quality service council serving on December 31,
- 37 1995, who was appointed under P.L.16-1994, SECTION 14(d)(4),
- 38 and who represented the same interest as that of the unfilled
- 39 position.
- 40 (e) Appointments are valid for two (2) years after the date of the
- 41 appointment. However, a member shall serve on the council until a new
- 42 appointment is made.

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1 (f) A vacancy among the members of the council shall be filled by
 2 the appointing authority of the member whose position is vacant. If the
 3 appointing authority does not fill a vacancy within sixty (60) days after
 4 the date the vacancy occurs, the vacancy shall be filled by the chairman
 5 of the legislative council.

6 (g) The chairman of the legislative council shall designate a member
 7 of the council to be the chairman of the council.

8 (h) The chairman of the council shall call for the council to meet at
 9 least six (6) times during a calendar year. The chairman may designate
 10 subcommittees to meet between committee meetings and report back
 11 to the full council.

12 (i) Each member of the council is entitled to receive the same per
 13 diem, mileage, and travel allowances paid to individuals who serve as
 14 legislative and lay members, respectively, serving on interim study
 15 committees established by the legislative council.

16 (j) The council shall do the following:

17 (1) Advise the commissioner of the department on policy issues
 18 decided upon by the council.

19 (2) Review the mission and goals of the department and evaluate
 20 the implementation of the mission.

21 (3) Serve as a council of the general assembly to evaluate:

22 (A) resources and structural capabilities of the department to
 23 meet the department's priorities; and

24 (B) program requirements and resource requirements for the
 25 department.

26 (4) Serve as a forum for citizens, the regulated community, and
 27 legislators to discuss broad policy directions.

28 (5) Submit a final report to the governor, the general assembly, the
 29 budget committee, and the administrative rules oversight
 30 committee established by IC 2-5-18 before November 1, 1996, and
 31 each year thereafter, that contains:

32 (A) an outline of activities of the council;

33 (B) recommendations for any department action;

34 (C) recommendations for any legislative action; and

35 (D) an estimate of funding levels required by the department,
 36 including an evaluation of permit fees.

37 (k) The commissioner of the department shall report to the council
 38 each month concerning the following:

39 (1) Permitting programs and technical assistance.

40 (2) Proposed rules and rulemaking in progress.

41 (3) The financial status of the department.

42 (4) Any additional matter requested by the council.



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- 1 (l) The council shall:
 2 (1) operate under procedures; and
 3 (2) issue reports and recommendations;
 4 as directed by the legislative council.
 5 (m) The legislative services agency shall provide staff support to the
 6 council.
 7 (n) This SECTION expires December 31, ~~2000~~ **2003**.
 8 SECTION 23. P.L.37-1998, SECTION 4, IS AMENDED TO READ
 9 AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: SECTION 4. (a)
 10 ~~As used in this SECTION, "commission" refers to the Indiana~~
 11 ~~commission on mental health created by this act.~~
 12 ~~(b)~~ The division of mental health, before developing study and
 13 evaluation instruments, shall, with the contractor, meet with
 14 representatives of mental health consumers, advocacy groups,
 15 employee groups, and managed care providers.
 16 ~~(c)~~ **(b)** Notwithstanding IC 12-29-2, the division of mental health:
 17 (1) may continue to develop and implement a prospective or per
 18 diem funding system to fund:
 19 (A) eligible community mental health centers; and
 20 (B) managed care providers;
 21 for services to eligible mentally ill and substance abuse patients
 22 other than seriously and persistently mentally ill adults; and
 23 (2) may continue to implement the division's prospective payment
 24 system for funding programs that benefit seriously and persistently
 25 mentally ill adults;
 26 if all prospective or per diem payment systems implemented by the
 27 division are developed using actuarial data and principles and generally
 28 accepted accounting principles incurred by efficient and economically
 29 operated programs that serve mentally ill and substance abuse patients
 30 who are found to be eligible for care that is paid for in part or in whole
 31 by the state. Adequate management information and patient tracking
 32 systems must also be developed and in place before implementation.
 33 ~~(d)~~ **(c)** The division of mental health shall develop proposed rules
 34 under IC 4-22-2 for managed care providers in accordance with the
 35 results of the actuarial study and pilot program conducted under this
 36 SECTION. ~~and report the proposed rules to the commission before July~~
 37 ~~1, 1997.~~ The division of mental health shall also submit annual status
 38 reports concerning the requirements of this SECTION to the
 39 ~~commission.~~ **legislative council.**
 40 ~~(e)~~ **(d)** The division of mental health shall, before April 1, 1998,
 41 adopt rules under IC 4-22-2:
 42 (1) setting forth specific criteria for managed care providers under

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1 IC 12-21 through IC 12-29; and
2 (2) notwithstanding IC 12-29-2, creating an operational and
3 prospective funding system that is consistent with IC 12-21-2-7,
4 as amended by this act.

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

6 SECTION 24. THE FOLLOWING ARE REPEALED [EFFECTIVE
7 JANUARY 1, 2000]: IC 2-5-1.1-10; IC 2-5-2; IC 2-5-3; IC 2-5-5;
8 IC 2-5-12; IC 2-5-16; IC 2-5-18; IC 2-5-19; IC 2-5-20; IC 2-5-21;
9 IC 2-5-23; IC 2-5-24.1; IC 2-5-25; IC 4-22-2-46; IC 4-22-8-11;
10 IC 5-13-9.1; IC 12-11-7; IC 14-25-7-16; IC 15-1-1.5; IC 15-1.5-3-9;
11 IC 33-1-15; IC 33-2.1-10; P.L.40-1994, SECTION 86; P.L.40-1994,
12 SECTION 87; P.L.78-1994, SECTION 5; P.L.172-1994, SECTION 4;
13 P.L.335-1995, SECTION 1; P.L.338-1995, SECTION 1; P.L.251-1996,
14 SECTION 1; P.L.87-1997, SECTION 4; P.L.109-1997, SECTION 4;
15 P.L.163-1997, SECTION 2; P.L.239-1997, SECTION 1; P.L.241-1997,
16 SECTION 1; P.L.242-1997, SECTION 1; P.L.245-1997, SECTION 2;
17 P.L.249-1997, SECTION 1; P.L.37-1998, SECTION 3; P.L.102-1998,
18 SECTION 2; P.L.102-1998, SECTION 3; P.L.130-1998, SECTION 1;
19 P.L.130-1998, SECTION 2; P.L.131-1998, SECTION 1.

20 SECTION 25. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 123, 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 4, delete lines 11 through 28, begin a new paragraph and insert:

"Sec. 5. (a) After January 1 of each year, the chairman of the legislative council may designate:

- (1) a chair of the study committees established in section 3(1) through 3(10) of this chapter from among each study committee's members; and**
- (2) a vice chair of the study committees established in section 3(11) through 3(20) of this chapter from among each study committee's members.**

(b) The chairman of the legislative council may replace the chair or vice chair of any study committee who was appointed by the chairman of the legislative council.

(c) The chair or vice chair of a study committee appointed under this section serves as chair or vice chair until the chair or vice chair is:

- (1) no longer a member of the study committee; or**
- (2) replaced under subsection (b).**

Sec. 6. (a) After January 1 of each year, the vice chairman of the legislative council may designate:

- (1) a chair of the study committees established in section 3(11) through 3(20) of this chapter from among each study committee's members; and**
- (2) a vice chair of the study committees established in section 3(1) through 3(10) of this chapter from among each study committee's members.**

(b) The vice chairman of the legislative council may replace the chair or vice chair of any study committee who was appointed by the vice chairman of the legislative council.

(c) The chair or vice chair of a study committee appointed under this section serves as chair or vice chair until the chair or vice chair is:

- (1) no longer a member of the study committee; or**
- (2) replaced under subsection (b)."**

Page 4, line 29, delete "(d)" and insert "**Sec. 6.5.**".

Page 4, line 34, delete "A" and insert "**Subject to the legislative**

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council's policies governing study committees, a".

Page 4, line 37, delete "Seven (7) members of a study committee are" and insert "**A majority of the members appointed to a study committee is**".

Page 4, line 39, delete "seven (7) members" and insert "**a majority of the appointed members**".

and when so amended that said bill do pass.

(Reference is to SB 123 as introduced.)

GARTON, Chairperson

Committee Vote: Yeas 4, Nays 3.

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SENATE MOTION

Mr. President: I move that Senate Bill 123 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 23 with "[EFFECTIVE JANUARY 1, 2000]".

Page 5, between lines 32 and 33, begin a new paragraph and insert: "**Sec. 18. This chapter expires January 1, 2002.**".

(Reference is to SB 123 as printed February 12, 1999.)

MILLER

SENATE MOTION

Mr. President: I move that Senate Bill 123 be amended to read as follows:

Page 14, line 41, delete "IC 8-1-2.5-9; IC 8-1-2.6-4;".

(Reference is to SB 123 as printed February 12, 1999.)

LONG

SENATE MOTION

Mr. President: I move that Senate Bill 123 be amended to read as follows:

Page 2, delete line 27.

Page 2, line 28, delete "(8)" and insert "(7)".

Page 2, line 29, delete "(9)" and insert "(8)".

Page 2, line 31, delete "(10)" and insert "(9)".

Page 2, line 32, delete "(11)" and insert "(10)".

Page 2, line 33, delete "(12)" and insert "(11)".

Page 2, line 35, delete "(13)" and insert "(12)".

Page 2, line 36, delete "(14)" and insert "(13)".

Page 2, line 37, delete "(15)" and insert "(14)".

Page 2, line 38, delete "(16)" and insert "(15)".

Page 2, line 39, delete "(17)" and insert "(16)".

Page 2, line 40, delete "(18)" and insert "(17)".

Page 2, line 42, delete "(19)" and insert "(18)".

Page 20, line 2, delete "(20)" and insert "(19)".

Page 13, between lines 38 and 39, begin a new paragraph and insert the following:

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"SECTION 22. P.L.248-1996, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 1. (a) As used in this SECTION, "council" refers to the environmental quality service council established by subsection (c).

(b) As used in this SECTION, "department" refers to the department of environmental management.

(c) The environmental quality service council is established.

(d) The council consists of twenty-four (24) members appointed as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the president pro tempore of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

(3) The commissioner of the department or the commissioner's designee.

(4) Fifteen (15) individuals who are not members of the general assembly and who are appointed by the governor as follows:

(A) Four (4) individuals representing business and industry, not more than two (2) of whom may be affiliated with the same political party.

(B) Four (4) individuals representing local government, not more than two (2) of whom may be affiliated with the same political party.

(C) Two (2) individuals representing environmental organizations, not more than one (1) of whom may be affiliated with the same political party.

(D) Two (2) individuals representing the general public, not more than one (1) of whom may be affiliated with the same political party.

(E) Three (3) individuals representing the following interests:

(i) One (1) representative of semipublic permittees.

(ii) Two (2) representatives of agriculture, not more than one (1) of whom may be affiliated with the same political party.

Until an appointment is made under clause (A), (B), (C), or (E), an unfilled position shall be held by the corresponding member of the environmental quality service council serving on December 31, 1995, who was appointed under P.L.16-1994, SECTION 14(d)(4), and who represented the same interest as that of the unfilled

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position.

(e) Appointments are valid for two (2) years after the date of the appointment. However, a member shall serve on the council until a new appointment is made.

(f) A vacancy among the members of the council shall be filled by the appointing authority of the member whose position is vacant. If the appointing authority does not fill a vacancy within sixty (60) days after the date the vacancy occurs, the vacancy shall be filled by the chairman of the legislative council.

(g) The chairman of the legislative council shall designate a member of the council to be the chairman of the council.

(h) The chairman of the council shall call for the council to meet at least six (6) times during a calendar year. The chairman may designate subcommittees to meet between committee meetings and report back to the full council.

(i) Each member of the council is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, serving on interim study committees established by the legislative council.

(j) The council shall do the following:

(1) Advise the commissioner of the department on policy issues decided upon by the council.

(2) Review the mission and goals of the department and evaluate the implementation of the mission.

(3) Serve as a council of the general assembly to evaluate:

(A) resources and structural capabilities of the department to meet the department's priorities; and

(B) program requirements and resource requirements for the department.

(4) Serve as a forum for citizens, the regulated community, and legislators to discuss broad policy directions.

(5) Submit a final report to the governor, the general assembly, the budget committee, and the administrative rules oversight committee established by IC 2-5-18 before November 1, 1996, and each year thereafter, that contains:

(A) an outline of activities of the council;

(B) recommendations for any department action;

(C) recommendations for any legislative action; and

(D) an estimate of funding levels required by the department, including an evaluation of permit fees.

(k) The commissioner of the department shall report to the council each month concerning the following:

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- (1) Permitting programs and technical assistance.
 - (2) Proposed rules and rulemaking in progress.
 - (3) The financial status of the department.
 - (4) Any additional matter requested by the council.
 - (l) The council shall:
 - (1) operate under procedures; and
 - (2) issue reports and recommendations;as directed by the legislative council.
 - (m) The legislative services agency shall provide staff support to the council.
 - (n) This SECTION expires December 31, ~~2000~~ **2003**".
Page 15, line 3, delete "P.L. 248-1996;".
Re-number all SECTIONS consecutively.
- (Reference is to SB 123 as printed February 12, 1999.)

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