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# HOUSE BILL No. 2004

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Elimination of short session. Provides that the general assembly shall adjourn not later than April 29 of each odd-numbered year until the speaker of the house of representatives and the president pro tempore of the senate jointly issue a call for the members to reconvene. Provides that a joint call to reconvene: (1) must be issued not later than the second Tuesday after the first Monday in November of an odd-numbered year; (2) may not reconvene the general assembly before January 1 of the following even-numbered year; and (3) may be rescinded by joint action of the speaker of the house of representatives and the president pro tempore of the senate. Provides that if the general assembly reconvenes under a joint call, the general assembly must adjourn sine die not later than March 14 following the date the general assembly reconvenes. Provides a procedure for sine die adjournment of the general assembly if the speaker of the house of representatives and the president pro tempore of the senate do not issue a joint call to reconvene. Abolishes the second regular (short) session of the general assembly. Makes conforming changes in other statutes.

**Effective:** January 1, 2003 (retroactive).

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January 23, 2003, read first time and referred to Committee on Rules and Legislative Procedures.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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## HOUSE BILL No. 2004



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

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

- 1 SECTION 1. IC 2-2.1-1-2 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]:
- 3 Sec. 2. (a) The ~~first regular session of each term of the~~ general
- 4 assembly shall convene on the third Tuesday after the first Monday of
- 5 November of each even-numbered year to do the following:
- 6 (1) Organize itself.
- 7 (2) Elect its officers.
- 8 (3) Receive the oath of office.
- 9 (b) If a special session is called before the date set in subsection (a),
- 10 then the organization, election, and receiving the oath of office shall be
- 11 held on the first day of the special session.
- 12 (c) The general assembly shall then adjourn until a day:
- 13 (1) certain fixed by a concurrent resolution; or
- 14 (2) when the gavel of each house falls in the presence of a quorum
- 15 whether or not a day certain to reconvene in session has been
- 16 fixed.
- 17 (d) The general assembly shall reconvene in session ~~no~~ **not** later



1 than the second Monday in January of the following year.

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

8 SECTION 2. IC 2-2.1-1-2.3 IS ADDED TO THE INDIANA CODE  
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
10 JANUARY 1, 2003 (RETROACTIVE)]: **Sec. 2.3. (a) If the speaker**  
11 **of the house of representatives and the president pro tempore of**  
12 **the senate issue a joint call for the members to reconvene under**  
13 **section 2(e) of this chapter, the call:**

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

17 (2) may not reconvene the general assembly before January  
18 1 or after March 14 of the following even-numbered year; and

19 (3) may be rescinded by the speaker of the house of  
20 representatives and the president pro tempore of the senate  
21 acting jointly.

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

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

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

40 (e) If:

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

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1           **(2) neither the speaker of the house of representatives nor the**  
 2           **president pro tempore of the senate issue a certificate of sine**  
 3           **die adjournment under subsection (d);**  
 4           **the general assembly is considered to have adjourned sine die at**  
 5           **midnight on the second Wednesday after the first Monday in**  
 6           **November following the adjournment date described in section**  
 7           **(2)(e) of this chapter.**

8           SECTION 3. IC 2-2.1-1-2.5 IS AMENDED TO READ AS  
 9           FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]:  
 10          Sec. 2.5. (a) Before the ~~first regular session~~ **general assembly** adjourns  
 11          ~~sine die~~, **under section 2(e) of this chapter**, the general assembly may  
 12          adopt a concurrent resolution to fix a day to convene ~~the first regular~~  
 13          **a technical session of the general assembly.** The day fixed under this  
 14          subsection may not be earlier than thirty (30) days after the ~~first regular~~  
 15          ~~session~~ **general assembly** adjourns ~~sine die~~. **under section 2(e) of this**  
 16          **chapter.**

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

19           (1) Bills:

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

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

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

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

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

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

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



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1 **for the technical session at the earlier of the following:**

2 **(1) During the period the general assembly is in session under**  
3 **section 2.3(a) and 2.3(b) of this chapter.**

4 **(2) The next second regular session that convenes under section**  
5 **2(a) of this chapter.**

6 (f) For purposes of Article 5, Section 14 of the Constitution of the  
7 State of Indiana, the ~~first~~ regular technical session is not considered a  
8 regular session if the general assembly does not consider or act upon  
9 vetoes of bills enacted ~~during the first regular session from January~~  
10 **1 of the current year through the day before the day fixed for the**  
11 **technical session** under this section.

12 SECTION 4. IC 2-2.1-3-2, AS AMENDED BY P.L.205-1999,  
13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JANUARY 1, 2003 (RETROACTIVE)]: Sec. 2. (a) Not later than  
15 ~~seven (7) calendar days following the first session day in January~~ **15** of  
16 each year every member of the general assembly shall file with the  
17 principal clerk of the house or secretary of the senate, respectively, a  
18 written statement of the member's or candidate's economic interests for  
19 the preceding calendar year listing the following:

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

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

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

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

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

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

42 (A) The member's or candidate's or the member's or

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- 1 candidate's spouse's profession or occupation.
- 2 (B) Any proprietorship, partnership, corporation, or limited
- 3 liability company listed under subdivision (2), (3), or (4) and
- 4 the nature of the licensure or regulation.
- 5 The requirement to file certain reports with the secretary of state
- 6 or to register with the department of state revenue as a retail
- 7 merchant, manufacturer, or wholesaler shall not be considered as
- 8 licensure or regulation.
- 9 (7) The name of any person whom the member or candidate
- 10 knows to have been a lobbyist in the previous calendar year and
- 11 knows to have purchased any of the following:
- 12 (A) From the member or candidate, the member's or
- 13 candidate's sole proprietorship, or the member's or candidate's
- 14 family business, goods or services for which the lobbyist paid
- 15 in excess of one hundred dollars (\$100).
- 16 (B) From the member's or candidate's partner, goods or
- 17 services for which the lobbyist paid in excess of one thousand
- 18 dollars (\$1,000).
- 19 This subdivision does not apply to purchases made after
- 20 December 31, 1998, by a lobbyist from a legislator's retail
- 21 business made in the ordinary course of business at prices that are
- 22 available to the general public. For purposes of this subdivision,
- 23 a legislator's business is considered a retail business if the
- 24 business is a retail merchant as defined in IC 6-2.5-1-8.
- 25 (8) The name of any person or entity from whom the member or
- 26 candidate received the following:
- 27 (A) Any gift of cash from a lobbyist.
- 28 (B) Any single gift other than cash having a fair market value
- 29 in excess of one hundred dollars (\$100).
- 30 However, a contribution made by a lobbyist to a charitable
- 31 organization (as defined in Section 501(c) of the Internal Revenue
- 32 Code) in connection with a social or sports event attended by
- 33 legislators need not be listed by a member of the general assembly
- 34 unless the contribution is made in the name of the legislator.
- 35 (C) Any gifts other than cash having a fair market value in the
- 36 aggregate in excess of two hundred fifty dollars (\$250).
- 37 Campaign contributions need not be listed. Gifts from a spouse
- 38 or close relative need not be listed unless the donor has a
- 39 substantial economic interest in a legislative matter.
- 40 (9) The name of any lobbyist who is:
- 41 (A) a member of a partnership or limited liability company;
- 42 (B) an officer or a director of a corporation; or

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1 (C) a manager of a limited liability company;  
 2 of which the member or candidate for the general assembly is  
 3 a partner, an officer, a director, a member, or an employee, and a  
 4 description of the legislative matters which are the object of the  
 5 lobbyist's activity.

6 (10) The name of any person or entity on whose behalf the  
 7 member or candidate has appeared before, contacted, or  
 8 transacted business with any state agency or official thereof, the  
 9 name of the state agency, the nature of the appearance, contact, or  
 10 transaction, and the cause number, if any. This requirement does  
 11 not apply when the services are rendered without compensation.

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

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

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

26 SECTION 5. IC 2-5-1.1-1 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]:  
 28 Sec. 1. There is hereby created a legislative council which shall be  
 29 composed of sixteen (16) members of the general assembly as follows:

30 (a) (1) From the senate: The president pro tempore, the minority  
 31 leader, the majority caucus chairman, the minority caucus  
 32 chairman, three (3) members appointed by the president pro  
 33 tempore, and one (1) member appointed by the minority leader.

34 (b) (2) From the house of representatives: The speaker of the  
 35 house, the majority leader, the minority leader, the majority  
 36 caucus chairman, the minority caucus chairman, two (2) members  
 37 appointed by the speaker, and one (1) member appointed by the  
 38 minority leader.

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

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

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1           ~~(e)~~ **(5)** The appointed members shall serve from the date of their  
 2           appointment until the next general election at which they run for  
 3           reelection, or until the convening of the ~~first~~ regular session of the  
 4           next general assembly, whichever is first to occur. The president  
 5           pro tempore, speaker, and minority leaders shall appoint their  
 6           members not later than five (5) days after the ~~close of a first~~  
 7           ~~regular session of a general assembly~~ **adjourns under**  
 8           **IC 2-2.1-1-2(e).**

9           SECTION 6. IC 2-5-5-2 IS AMENDED TO READ AS FOLLOWS  
 10          [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: Sec. 2. **(a)** The  
 11          committee shall meet:

12           **(1)** on call of the chairman not later than thirty (30) days  
 13           following ~~adjournment of the first session~~ **organization** of each  
 14           general assembly ~~to organize; thereafter it shall meet under~~  
 15           **IC 2-2.1-1-2(a); and**

16           **(2) any other time** at such times as the **call of the** chairman.  
 17           ~~deems necessary.~~

18          ~~During the first regular session of each general assembly; the chairman~~  
 19          ~~shall be appointed by the speaker of the house and shall serve until the~~  
 20          ~~beginning of the second regular session of that general assembly when~~  
 21          ~~the chairman during the second regular session shall assume his duties~~  
 22          ~~after having been appointed by the president pro tempore of the senate.~~

23           **(b) The chairman of the legislative council shall appoint the**  
 24           **chair of the committee. The chairman of the legislative council may**  
 25           **appoint a different chair of the committee at any time.**

26          SECTION 7. IC 2-5-18-6 IS AMENDED TO READ AS FOLLOWS  
 27          [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: Sec. 6. (a) The  
 28          ~~speaker of the house of representatives~~ **chairman of the legislative**  
 29          **council** shall appoint a member of the committee to be the chair of the  
 30          committee. ~~during the first regular session of each general assembly.~~  
 31          ~~The member appointed to be chair by the speaker serves as chair until~~  
 32          ~~the beginning of the second regular session of that general assembly.~~

33           **(b) The president pro tempore of the senate shall appoint a member**  
 34           **of the committee to be chair of the committee during the second regular**  
 35           **session of each general assembly. The member appointed to be chair**  
 36           **by the president pro tempore serves as chair until the election of the**  
 37           **next general assembly. The chairman of the legislative council may**  
 38           **appoint a different chair of the committee at any time.**

39           ~~(e)~~ **(b)** The committee shall meet to organize on the call of the chair  
 40           not later than December 15 of each year. The committee shall meet at  
 41           the call of the chair.

42          SECTION 8. IC 2-5-25-3 IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: Sec. 3. **(a)** The  
 2 ~~president pro tempore of the senate chairman of the legislative~~  
 3 ~~council~~ shall appoint a member of the committee to serve as  
 4 chairperson of the committee. ~~during the first regular session of a~~  
 5 ~~general assembly and as vice chairperson during the second regular~~  
 6 ~~session. The chairman of the legislative council may appoint a~~  
 7 ~~different chairperson of the committee at any time.~~

8 **(b)** The ~~speaker of the house of representatives vice chairman of~~  
 9 ~~the legislative council~~ shall appoint a member of the committee to  
 10 serve as vice chairperson ~~during the first regular session of a general~~  
 11 ~~assembly and as chairperson during the second regular session. of the~~  
 12 ~~committee. The vice chairman of the legislative council may~~  
 13 ~~appoint a different vice chairperson of the committee at any time.~~

14 SECTION 9. IC 3-3-2-1 IS AMENDED TO READ AS FOLLOWS  
 15 [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: Sec. 1.  
 16 Congressional districts shall be established by law at the first ~~regular~~  
 17 session of the general assembly convening **under IC 2-2.1-1-2(a)**  
 18 immediately following the United States decennial census.

19 SECTION 10. IC 4-4-16.5-2 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]:  
 21 Sec. 2. (a) The steel industry advisory commission is established  
 22 consisting of thirteen (13) members.

23 (b) The lieutenant governor shall nominate and the governor shall  
 24 appoint nine (9) members of the commission based on the following  
 25 requirements:

26 (1) One (1) member must be the lieutenant governor or the  
 27 lieutenant governor's designee.

28 (2) Five (5) members must be representatives of the steel industry  
 29 in Indiana (as defined in the Steel Import Stabilization Act of  
 30 1984, P.L.98-573, Title VIII, Sections 801 to 806, Oct. 30, 1984,  
 31 98 Stat. 3043 to 3046 (19 U.S.C. Section 2253 note)).

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

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

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

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

42 (d) Four (4) members of the commission shall be appointed as

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1 follows:

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

5 (2) Two (2) members, not more than one (1) of whom may be  
6 affiliated with the same political party, must be members of the  
7 senate, appointed by the president pro tempore of the senate.

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

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

15 SECTION 11. IC 15-1-1.5-5 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]:

17 Sec. 5. (a) The committee consists of the following members:

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

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

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

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

40 (d) ~~After appointment of the members of the committee under~~  
41 ~~subsection (a), the vice chairman of the legislative council shall~~  
42 ~~name one (1) of the members as vice chairman. The vice chairman~~



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1 **of the legislative council may name a different vice chairman of the**  
2 **committee at any time.**

3 SECTION 12. THE FOLLOWING ARE REPEALED [EFFECTIVE  
4 JANUARY 1, 2003 (RETROACTIVE)]: IC 2-2.1-1-3; IC 2-2.1-1-3.5.

5 SECTION 13. **An emergency is declared for this act.**

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