April 9, 2013

ENGROSSED
SENATE BILL No. 225

DIGEST OF SB 225 (Updated April 8, 2013 4:28 pm - DI 107)

Citations Affected: IC 2-8.2.

Synopsis: Appointment of delegates to Article V convention. Provides for the appointment of delegates and alternate delegates by the General Assembly to a convention called for proposing amendments to the Constitution of the United States called for by the states under Article V of the Constitution of the United States. Establishes the qualifications of delegates and alternate delegates.

Effective: July 1, 2013.

Long

(HOUSE SPONSORS — BOSMA, STEUERWALD)

January 7, 2013, read first time and referred to Committee on Rules and Legislative Procedure.
February 21, 2013, amended, reported favorably — Do Pass.
February 25, 2013, read second time, amended, ordered engrossed.
February 26, 2013, engrossed. Read third time, passed. Yeas 38, nays 12.

HOUSE ACTION

March 12, 2013, read first time and referred to Committee on Judiciary.
April 9, 2013, amended, reported — Do Pass.

C o p y

April 9, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

C o p y

ENGROSSED
SENATE BILL No. 225

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:

SECTION 1. IC 2-8.2 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

ARTICLE 8.2. DELEGATES TO A CONVENTION CALLED UNDER ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES

Chapter 1. General Provisions

Sec. 1. This article applies whenever an Article V convention is called.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Alternate delegate" refers to an individual appointed as an alternate delegate as provided by law.

Sec. 3. "Article V convention" refers to a convention for proposing amendments to the Constitution of the United States called for by the states under Article V of the Constitution of the

United States.

Sec. 4. "Chamber" refers to either the house of representatives or the senate.

Sec. 5. "Delegate" refers to an individual appointed as provided by law to represent Indiana at an Article V convention.

Sec. 6. "House of representatives" refers to the house of representatives of the general assembly.

Sec. 7. "Paired delegate" refers to the delegate with whom an alternate delegate is paired as provided by law.

Sec. 8. "Senate" refers to the senate of the general assembly.

Chapter 3. Qualifications and Appointment of Delegates and Alternate Delegates

Sec. 1. (a) An individual must satisfy the following to be appointed as a delegate to an Article V convention:

(1) The individual must reside in Indiana.

(2) The individual must be a registered voter in Indiana.

(3) The individual must be at least eighteen (18) years of age.

(4) The individual is not registered or required to be registered as a lobbyist under IC 2-2.1, IC 4-2-7, IC 4-2-8, 2 U.S.C. 1603, or rules or regulations adopted under any of these laws.

(b) An individual may not be appointed as a delegate if the individual holds a federal office.

Sec. 2. An individual appointed as an alternate delegate must have the same qualifications as an individual appointed as a delegate under section 1 of this chapter.

Sec. 3. (a) Whenever an Article V convention is called, the general assembly shall appoint:

(1) the number of delegates allocated to represent Indiana; and

(2) an equal number of alternate delegates;

under rules adopted jointly by the house of representatives and the senate. Unless established otherwise by the rules and procedures of an Article V convention, it shall be assumed that Indiana has two (2) delegates and two (2) alternate delegates designated to represent Indiana.

(b) If the general assembly is not in session during the time during which delegates to an Article V convention must be appointed, the governor shall call the general assembly into special session under Article 4, Section 9 of the Constitution of the State of Indiana for the purpose of appointing delegates and alternate delegates.

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Sec. 4. (a) To be appointed a delegate or an alternate delegate, an individual must receive, in each chamber, the vote of a majority of all the members elected to that chamber.

(b) At the time of appointment, each alternate delegate must be paired with a delegate as provided in a joint resolution adopted by the general assembly.

Sec. 5. The general assembly may recall any delegate or alternate delegate and replace that delegate or alternate delegate with an individual appointed under this article at any time.

Sec. 6. The general assembly shall appoint or recall delegates or alternate delegates by joint resolution.

Sec. 7. (a) A delegate or an alternate delegate is:

(1) entitled to receive the same mileage and travel allowances paid to individuals who serve as legislative members of interim study committees established by the legislative council; and

(2) not entitled to receive a salary or a per diem instead of salary for serving as a delegate or alternate delegate.

(b) For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, the position of delegate or alternate delegate is not a lucrative office.

(c) All funds necessary to pay expenses under subsection (a) shall be paid from appropriations to the legislative council and the legislative services agency.

Sec. 8. Each delegate and alternate delegate shall, after appointment and before the delegate or alternate delegate may exercise any function as delegate or alternate delegate, execute an oath in writing that the delegate or alternate delegate will:

(1) support the Constitution of the United States and the Constitution of the State of Indiana;

(2) faithfully abide by and execute any instructions to delegates and alternate delegates adopted by the general assembly and as may be amended by the general assembly at any time; and

(3) otherwise faithfully discharge the duties of delegate or alternate delegate.

Sec. 9. (a) A delegate's or alternate delegate's executed oath shall be filed with the secretary of state.

(b) After a delegate's or alternate delegate's oath is filed with the secretary of state, the governor shall issue a commission to the delegate or alternate delegate as provided in IC 4-3-1-5(2).

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 225, 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:

Delete the title and insert the following:

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

Page 1, delete line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-8 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

ARTICLE 8. DELEGATES TO A CONVENTION CALLED UNDER ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES

Chapter 1. General Provisions

Sec. 1. This article applies whenever an Article V convention is called.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Alternate delegate" refers to an individual appointed as an alternate delegate as provided by law.

Sec. 3. "Article V convention" refers to a convention for proposing amendments to the Constitution of the United States called for by the states under Article V of the Constitution of the United States.

Sec. 4. "Chamber" refers to either the house of representatives or the senate.

Sec. 5. "Delegate" refers to an individual appointed as provided by law to represent the state at an Article V convention.

Sec. 6. "House of representatives" refers to the house of representatives of the general assembly.

Sec. 7. "Paired delegate" refers to the delegate with whom an alternate delegate is paired as provided by law.

Sec. 8. "Senate" refers to the senate of the general assembly.

Chapter 3. Qualifications and Appointment of Delegates and Alternate Delegates

Sec. 1. (a) An individual must satisfy the following to be appointed as a delegate to an Article V convention:

(1) The individual must be a registered voter in Indiana.

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(2) The individual must be at least eighteen (18) years of age.

(b) An individual may not be appointed as a delegate if the individual holds a federal office.

Sec. 2. An individual appointed as an alternate delegate must have the same qualifications as an individual appointed as a delegate under section 1 of this chapter.

Sec. 3. (a) Whenever an Article V convention is called, the general assembly shall appoint:

(1) the number of delegates allocated to represent Indiana; and

(2) an equal number of alternate delegates;

under rules adopted jointly by the house of representatives and the senate. Unless established otherwise by the rules and procedures of an Article V convention, it shall be assumed that Indiana has two (2) delegates and two (2) alternate delegates designated to represent Indiana.

(b) If the general assembly is not in session during the time during which delegates to an Article V convention must be appointed, the governor shall call the general assembly into special session under Article 4, Section 9 of the Constitution of the State of Indiana for the purpose of appointing delegates and alternate delegates.

Sec. 4. (a) To be appointed a delegate or an alternate delegate, an individual must receive, in each chamber, the vote of a majority of all the members elected to that chamber.

(b) At the time of appointment, each alternate delegate must be paired with a delegate as provided in a joint resolution adopted by the general assembly.

Sec. 5. The general assembly may recall any delegate or alternate delegate and replace that delegate or alternate delegate with an individual appointed under this article at any time.

Sec. 6. The general assembly shall appoint or recall delegates or alternate delegates by joint resolution.

Sec. 7. (a) A delegate or an alternate delegate is:

(1) entitled to receive the same mileage and travel allowances paid to individuals who serve as legislative members of interim study committees established by the legislative council; and

(2) not entitled to receive a salary or a per diem instead of salary for serving as a delegate or alternate delegate.

(b) For purposes of Article 2, Section 9 of the Constitution of the State of Indiana, the position of delegate or alternate delegate is not

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a lucrative office.

(c) All funds necessary to pay expenses under subsection (a) shall be paid from appropriations to the legislative council and the legislative services agency.

Sec. 8. Each delegate and alternate delegate shall, after appointment and before the delegate or alternate delegate may exercise any function as delegate or alternate delegate, execute an oath in writing that the delegate or alternate delegate will:

(1) support the Constitution of the United States and the Constitution of the State of Indiana;

(2) faithfully abide by and execute any instructions to delegates and alternate delegates adopted by the general assembly and as may be amended by the general assembly at any time; and

(3) otherwise faithfully discharge the duties of delegate or alternate delegate.

Sec. 9. (a) A delegate or alternate delegate's executed oath shall be filed with the secretary of state.

(b) After a delegate or alternate delegate's oath is filed with the secretary of state, the governor shall issue a commission to the delegate or alternate delegate as provided in IC 4-3-1-5(2).".

and when so amended that said bill do pass.

(Reference is to SB 225 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 4.

SENATE MOTION

Madam President: I move that Senate Bill 225 be amended to read as follows:

Page 2, between lines 14 and 15, begin a new line block indented and insert:

"**(1) The individual must reside in Indiana.**".

Page 2, line 15, delete "(1)" and insert "**(2)**".

Page 2, line 16, delete "(2)" and insert "**(3)**".

Page 2, between lines 16 and 17, begin a new line block indented and insert:

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"**(4) The individual is not registered or required to be registered as a lobbyist under IC 2-2.1, IC 4-2-7, IC 4-2-8, 2 U.S.C. 1603, or rules or regulations adopted under any of these laws.**".

(Reference is to SB 225 as printed February 22, 2013.)

LONG

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 225, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 1, delete "2-8" and insert "2-8.2".
Page 1, line 4, delete "8." and insert "**8.2.**".
Page 2, line 5, delete "the state" and insert "**Indiana**".
Page 3, line 37, delete "delegate" and insert "**delegate's**".
Page 3, line 39, delete "delegate" and insert "**delegate's**".

and when so amended that said bill do pass.

(Reference is to SB 225 as reprinted February 26, 2013.)

STEUERWALD, Chair

Committee Vote: yeas 7, nays 3.

C o p y