



February 8, 2013

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## SENATE BILL No. 36

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DIGEST OF SB 36 (Updated February 6, 2013 11:18 am - DI 106)

**Citations Affected:** IC 4-6.

**Synopsis:** Deputy attorney generals in Washington D.C. Permits the Indiana attorney general to employ deputies or assistants to review and monitor federal regulations and other actions that may affect Indiana's legal interests, and to review legislation and take other actions to protect the legal interests of the state pursuant to the attorney general's statutory duties. Specifies that the deputies or assistants serve at the pleasure of the attorney general. Provides that the attorney general shall coordinate its study of legislation with other states, and report to the legislative council, the governors, and certain persons concerning the attorney general's opinion with respect to this legislation. Repeals an obsolete provision.

**Effective:** July 1, 2013.

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**Banks, Kruse, Yoder**

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January 7, 2013, read first time and referred to Committee on Judiciary.  
February 7, 2013, amended, reported favorably — Do Pass.

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SB 36—LS 6082/DI 106+



February 8, 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.

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## SENATE BILL No. 36

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 4-6-7-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2013]: Sec. 1. **(a)** The attorney general is  
3 ~~hereby~~ authorized to employ one (1) or more **deputies or** assistants  
4 ~~residing in the city of Washington, District of Columbia, to assist him~~  
5 ~~in the presentation and prosecution of claims of the state against the~~  
6 ~~United States, pertaining to swamplands, or swampland indemnity, as~~  
7 ~~he may think necessary:~~ **to do the following:**

- 8 **(1) Review and monitor regulations, administrative actions,**  
9 **and other activities of the federal government that may affect**  
10 **the legal interests of Indiana.**  
11 **(2) Review legislation under IC 4-6-8.**  
12 **(3) Under IC 4-6, take any necessary and appropriate action**  
13 **to protect the state's legal interests in relation to an activity**  
14 **described in subdivision (1).**

15 SECTION 2. IC 4-6-7-2 IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2013]: Sec. 2. ~~The attorney-general shall have~~  
17 ~~power to limit the duration of such employment, and, if not otherwise~~

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1 expressed in the contract of employment, the same shall cease with the  
 2 term of the attorney-general making such employment. **A deputy or**  
 3 **assistant described in section 1 of this chapter serves at the**  
 4 **pleasure of the attorney general.**

5 SECTION 3. IC 4-6-7-3 IS REPEALED [EFFECTIVE JULY 1,  
 6 2013]. Sec. 3: As compensation and for all their costs and expenses;  
 7 such assistant or assistants shall receive a sum equal to not more than  
 8 twenty-five per cent (25%) of the money recovered and turned over to  
 9 the state; to be fixed in the contract of employment. The state shall not  
 10 be liable to such assistant or assistants for any other sum; either for  
 11 compensation or costs: Provided; That in case money so recovered is  
 12 paid into the state treasury without such per cent having been first  
 13 deducted; the auditor of state shall issue his warrant; upon a voucher  
 14 approved by the attorney-general; for a sum equal to not more than  
 15 twenty-five per cent (25%) of the money so recovered and paid in; and  
 16 there is hereby appropriated out of the funds of the treasury not  
 17 otherwise appropriated such sums as may be necessary for such  
 18 purpose.

19 SECTION 4. IC 4-6-8-1 IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2013]: Sec. 1. **(a)** In order to maintain full  
 21 co-operation in the war effort in all fields of proper state activity and  
 22 to secure concerted action **effectively and appropriately maintain**  
 23 **coordination and cooperation** among the states to preserve, **modify,**  
 24 **or enhance, where appropriate,** the operations of state functions of  
 25 government, it shall be the duty of the attorney general to **shall:**

26 **(1)** study existing and proposed federal legislation **under section**  
 27 **2 of this chapter;** and to

28 **(2)** cooperate **coordinate** with the attorneys general of other  
 29 cooperating states in such studies to determine the effect of such  
 30 **this** legislation upon the ~~normal field~~ of state functions,  
 31 **programs, budgets, and powers;** and to

32 **(3)** report the results of these studies to this state's the governor,  
 33 **to the legislative council, and to** senators and representatives in  
 34 congress the results of such studies in all instances where, **in the**  
 35 **opinion of the attorney general, he deems such action the**  
 36 **proposed legislation:**

37 **(A)** is appropriate; or where; in his opinion; any legislation  
 38 affects; or would affect, if enacted into law, the normal field of

39 **(B)** may negatively affect state functions, **programs,**  
 40 **budgets, and or powers.**

41 **(b)** The report to the legislative council under subsection (a)(3)  
 42 **must be in an electronic format under IC 5-14-6.**



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## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 36, 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 1, line 1, delete "(a)".

Page 1, line 8, delete "legislation,".

Page 1, line 10, after "affect" insert "**the legal interests of**".

Page 1, delete lines 11 through 17, begin a new line block indented and insert:

**"(2) Review legislation under IC 4-6-8.**

**(3) Under IC 4-6, take any necessary and appropriate action to protect the state's legal interests in relation to an activity described in subdivision (1)."**

Page 2, delete lines 1 through 2.

Page 2, line 25, after "Sec. 1." insert "**(a)**".

Page 2, line 31, after "legislation" delete ";" and insert "**under section 2 of this chapter;**".

Page 2, line 36, after "governor," insert "**to the legislative council,**".

Page 3, after line 1, begin a new paragraph and insert:

**"(b) The report to the legislative council under subsection (a)(3) must be in an electronic format under IC 5-14-6."**

and when so amended that said bill do pass.

(Reference is to SB 36 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 7, Nays 0.

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