

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 224, 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:

- 1 Delete the title and insert the following:
2 A BILL FOR AN ACT to amend the Indiana Code concerning the
3 general assembly.
4 Page 1, delete line 1, begin a new paragraph and insert:
5 "SECTION 1. IC 2-8 IS ADDED TO THE INDIANA CODE AS A
6 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
7 2013]:
8 **ARTICLE 8. DELEGATES TO A CONVENTION CALLED**
9 **UNDER ARTICLE V OF THE CONSTITUTION OF THE**
10 **UNITED STATES**
11 **Chapter 1. General Provisions**
12 **Sec. 1. This article applies whenever an Article V convention is**
13 **called.**
14 **Chapter 2. Definitions**
15 **Sec. 1. The definitions in this chapter apply throughout this**
16 **article.**
17 **Sec. 2. "Alternate delegate" refers to an individual appointed as**
18 **an alternate delegate as provided by law.**
19 **Sec. 3. "Article V convention" refers to a convention for**
20 **proposing amendments to the Constitution of the United States**

1 called for by the states under Article V of the Constitution of the
2 United States.

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

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

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

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

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

12 **Chapter 4. Duties of Delegates and Alternate Delegates**

13 Sec. 1. (a) At the time delegates and alternate delegates are
14 appointed, the general assembly shall adopt a joint resolution to
15 provide instructions to the delegates and alternate delegates
16 regarding the following:

17 (1) The rules of procedure.

18 (2) Any other matter relating to the Article V convention that
19 the general assembly considers necessary.

20 (b) The general assembly may amend the instructions at any
21 time by joint resolution.

22 Sec. 2. An alternate delegate:

23 (1) shall act in the place of the alternate delegate's paired
24 delegate when the alternate delegate's paired delegate is
25 absent from the Article V convention; and

26 (2) replaces the alternate delegate's paired delegate if the
27 alternate delegate's paired delegate vacates the office.

28 Sec. 3. A vote cast by a delegate or an alternate delegate at an
29 Article V convention that is outside the scope of:

30 (1) the instructions established by a joint resolution adopted
31 under section 1 of this chapter; or

32 (2) the limits placed by the general assembly in a joint
33 resolution that calls for an Article V convention for the
34 purpose of proposing amendments to the Constitution of the
35 United States on the subjects and amendments that may be
36 considered by the Article V convention;

37 is void.

38 Sec. 4. (a) A delegate or alternate delegate who votes or

1 attempts to vote outside the scope of:

2 (1) the instructions established by a joint resolution adopted
3 under section 1 of this chapter; or

4 (2) the limits placed by the general assembly in a joint
5 resolution that calls for an Article V convention for the
6 purpose of proposing amendments to the Constitution of the
7 United States on the subjects and amendments that may be
8 considered by the Article V convention;

9 forfeits the delegate's appointment by virtue of that vote or attempt
10 to vote.

11 (b) The paired alternate delegate of a delegate who forfeits
12 appointment under subsection (a) becomes the delegate at the time
13 the forfeiture of the appointment occurs.

14 **Sec. 5.** The application of the general assembly to call an Article
15 V convention for proposing amendments to the Constitution of the
16 United States ceases to be a continuing application and shall be
17 treated as having no effect if all of the delegates and alternate
18 delegates vote or attempt to vote outside the scope of:

19 (1) the instructions established by a joint resolution adopted
20 under section 1 of this chapter; or

21 (2) the limits placed by the general assembly in a joint
22 resolution that calls for an Article V convention for the
23 purpose of proposing amendments to the Constitution of the
24 United States on the subjects and amendments that may be
25 considered by the Article V convention.

26 **Sec. 6.** A delegate or alternate delegate who knowingly or
27 intentionally votes or attempts to vote outside the scope of:

28 (1) the instructions established by a joint resolution adopted
29 under section 1 of this chapter; or

30 (2) the limits placed by the general assembly in a joint
31 resolution that calls for an Article V convention for the
32 purpose of proposing amendments to the Constitution of the
33 United States on the subjects and amendments that may be
34 considered by the Article V convention;

35 commits a Class D felony.

36 **Chapter 5. Article V Convention Delegate Advisory Group**

37 **Sec. 1.** As used in this chapter, "advisory group" refers to the
38 Article V convention delegate advisory group established by

1 section 2 of this chapter.

2 Sec. 2. The Article V convention delegate advisory group is
3 established.

4 Sec. 3. The advisory group consists of the following members:

5 (1) The chief justice of the supreme court.

6 (2) The chief judge of the court of appeals.

7 (3) The judge of the tax court.

8 Sec. 4. The chief justice of the supreme court is the chair of the
9 advisory group.

10 Sec. 5. The advisory group shall meet at the call of the chair.

11 Sec. 6. The advisory group shall establish the policies and
12 procedures that the advisory group determines necessary to carry
13 out this chapter.

14 Sec. 7. (a) Upon request of a delegate or alternate delegate, the
15 advisory group shall advise the delegate or alternate delegate
16 whether there is reason to believe that an action or an attempt to
17 take an action by a delegate or alternate delegate would:

18 (1) violate the instructions established by a joint resolution
19 adopted under IC 2-8-4-1; or

20 (2) exceed the limits placed by the general assembly in a joint
21 resolution that calls for an Article V convention for the
22 purpose of proposing amendments to the Constitution of the
23 United States on the subjects and amendments that may be
24 considered by the Article V convention.

25 (b) The advisory group may render an advisory determination
26 under this section in any summary manner considered appropriate
27 by the advisory group.

28 (c) The advisory group shall render an advisory determination
29 under this section within twenty-four (24) hours after receiving a
30 request for a determination.

31 (d) The advisory group shall transmit a copy of an advisory
32 determination under this section in the most expeditious manner
33 possible to the delegate or alternative delegate who requested the
34 advisory determination.

35 (e) If the advisory group renders an advisory determination
36 under this section, the advisory group may also take an action
37 permitted under section 8 of this chapter.

38 Sec. 8. (a) On its own motion or upon request of the speaker of

1 the house of representatives, the president pro tempore of the
 2 senate, or the attorney general, the advisory group shall advise the
 3 attorney general whether there is reason to believe that a vote or
 4 an attempt to vote by a delegate or alternate delegate has:

5 (1) violated the instructions established by a joint resolution
 6 adopted under IC 2-8-4-1; or

7 (2) exceeded the limits placed by the general assembly in a
 8 joint resolution that calls for an Article V convention for the
 9 purpose of proposing amendments to the Constitution of the
 10 United States on the subjects and amendments that may be
 11 considered by the Article V convention.

12 (b) The advisory group shall issue the advisory determination
 13 under this section by one (1) of the following summary procedures:

14 (1) Without notice or an evidentiary proceeding.

15 (2) After a hearing conducted by the advisory group.

16 (c) The advisory group shall render an advisory determination
 17 under this section within twenty-four (24) hours after receiving a
 18 request for an advisory determination.

19 (d) The advisory group shall transmit a copy of an advisory
 20 determination under this section in the most expeditious manner
 21 possible to the attorney general.

22 **Sec. 9.** Immediately, upon receipt of an advisory determination
 23 under section 8 of this chapter that finds that a vote or attempt to
 24 vote by a delegate or alternate delegate is a violation described in
 25 section 8(a)(1) of this chapter or in excess of the authority of the
 26 delegate or alternate delegate, as described in section 8(a)(2) of this
 27 chapter, the attorney general shall inform the delegates, alternate
 28 delegates, the speaker of the house of representatives, the president
 29 pro tempore of the senate, and the Article V convention that:

30 (1) the vote or attempt to vote did not comply with Indiana
 31 law, is void, and has no effect; and

32 (2) the credentials of the delegate or alternate delegate who is
 33 the subject of the determination are revoked.

34 SECTION 2. IC 4-6-2-1.1, AS AMENDED BY P.L.126-2012,
 35 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2013]: Sec. 1.1. The attorney general has concurrent
 37 jurisdiction with the prosecuting attorney in the prosecution of the
 38 following:

- 1 (1) Actions in which a person is accused of committing, while a
- 2 member of an unlawful assembly as defined in IC 35-45-1-1, a
- 3 homicide (IC 35-42-1).
- 4 (2) Actions in which a person is accused of assisting a criminal
- 5 (IC 35-44.1-2-5), if the person alleged to have been assisted is a
- 6 person described in subdivision (1).
- 7 (3) Actions in which a sheriff is accused of any offense that
- 8 involves a failure to protect the life of a prisoner in the sheriff's
- 9 custody.
- 10 **(4) Actions in which a violation of IC 2-8-4-6 (concerning**
- 11 **constitutional convention delegates) has occurred.**

12 SECTION 3. IC 35-32-2-7 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2013]: **Sec. 7. A person may be tried for a violation of IC 2-8-4-6**
 15 **in:**

- 16 (1) Marion County; or
- 17 (2) the county where the person resides.

18 SECTION 4. IC 35-51-2-1, AS ADDED BY P.L.70-2011,
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2013]: Sec. 1. The following statutes define crimes in IC 2:
 21 IC 2-4-1-4 (Concerning legislative investigations).
 22 IC 2-7-6-2 (Concerning lobbying).
 23 IC 2-7-6-3 (Concerning lobbying).
 24 IC 2-7-6-4 (Concerning lobbying).
 25 **IC 2-8-4-6 (Concerning constitutional convention delegates).".**
 (Reference is to SB 224 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 4.

Long **Chairperson**