

To: Members of the Code Revision Commission and other interested parties  
From: Stephanie Lawyer, Attorney Editor, Office of Code Revision  
Re: Proposed Drafting Manual Revisions  
Date: August 28, 2012

The attached document updates the 1999 edition of the Form and Style Manual for Legislative Measures (the drafting manual), which sets forth the drafting and style guidelines used in the preparation of the general assembly's legislative documents. In an effort to track the revisions, the document has been color-coded as follows:

Text printed in black ink designates the original language of the 1999 drafting manual.

Text printed in grey ink designates language proposed to be removed from the 1999 drafting manual. A note of explanation has been included if a particular section has been moved from its original location and placed elsewhere in the drafting manual or if it has become outdated.

Text printed in blue ink designates language proposed to be added to the drafting manual. This includes page and Exhibit numbers for new internal references and cross-references yet to be updated.

Text printed in red ink designates a section yet to be updated.

Text printed in purple ink designates existing page numbers and internal references yet to be updated.

The document, as well as this cover sheet, will be made available in .PDF format on the Code Revision Commission's web page.

This updated version of the drafting manual has been reviewed by the staffs of the Office of Code Revision and the Office of Bill Drafting and Research, and it has been distributed to others who typically use the drafting manual, including the caucus attorneys, within the legislative branch of government. Everyone has been invited to respond to the proposed revision by September 28. We would like your input as well.

Any questions or comments you have may be directed to John Stieff at [JSTIEFF@iga.in.gov](mailto:JSTIEFF@iga.in.gov) or Stephanie Lawyer at [SLAWYER@iga.in.gov](mailto:SLAWYER@iga.in.gov). We look forward to hearing from you.

**FORM AND STYLE MANUAL  
FOR LEGISLATIVE MEASURES**

**DRAFTING MANUAL  
FOR THE  
INDIANA GENERAL ASSEMBLY**

**Prepared Under the Direction of the  
INDIANA CODE REVISION COMMISSION**

**By the  
OFFICE OF CODE REVISION  
LEGISLATIVE SERVICES AGENCY**

**Approved by the  
INDIANA LEGISLATIVE COUNCIL**

September 23, 1999 \_\_\_\_\_, 2012







## FOREWORD

This manual was prepared by the Indiana Legislative Services Agency under the direction of the Code Revision Commission (IC 2-5-1.1-10), which "functions as an advisory body to the legislative council ... [to] assist the council in developing and revising standards, techniques, and format to be used when preparing legislation for consideration by the Indiana general assembly ..." On September 23, 1999, \_\_\_\_\_, 2012, the Indiana Legislative Council met and approved this manual for use in the preparation and review of legislative measures.



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## Chapter 1. General Information

### A. INDIANA CONSTITUTION

#### (1) Introduction

The Constitution of the State of Indiana was approved in convention at Indianapolis on February 10, 1851, and was adopted by the electorate, effective November 1, 1851. It superseded the 1816 Constitution. The Constitution sets forth the basic structure of Indiana government and the rights, powers, privileges, and immunities granted the citizens of Indiana. Constitutional provisions supersede all other state law. The text of the Constitution can be found in the front of Volume I of the Indiana Code. Constitutional amendments adopted after 1998 2004 can be found in the annual cumulative supplement to the Indiana Code.

#### (2) Arrangement

The Constitution consists of a Preamble and 16 major groupings called Articles. Each Article is composed of smaller individual units called Sections. Material that is temporary, implementary, or transitional in nature is included in a schedule that immediately follows the particular Section of the Constitution to which it is related.

#### (3) Citations

To cite a particular Section of the Constitution, refer first to the Article and then to the Section.

**Example:** Article 1, Section 22 of the Constitution of the State of Indiana

### B. INDIANA CODE

#### (1) Introduction

The official Indiana Code (IC) was enacted by the general assembly and signed into law January 21, 1976. The [Indiana](#) Code contains all general and permanent statutory law. All statutes are considered to be of a general and permanent nature unless they:

- (a) are effective for a period of less than ~~five~~ **two** years;
- (b) provide for transitional, implementary matters in an otherwise permanent statute;
- (c) apply to special cases; or
- (d) terminate by implication when their purpose is fulfilled or ceases to exist.

All laws of a permanent and general nature are drafted as amendments to the [Indiana](#) Code. Statutory laws not included in the [Indiana](#) Code, such as transitory and temporary laws, are known as Noncode provisions ([See NONCODE PROVISIONS, page \\_\\_\\_\\_](#)).

[The Indiana Code is published in bound form, in DVD format, and online. The Noncode Acts are included in](#)

the DVD and online publications.

## **(2) Arrangement**

The Indiana Code consists of major groupings of law called titles that are numbered 1 through 36. Each title contains one or more articles, each article contains one or more chapters, and each chapter contains one or more sections.

## **(3) Citations**

The Indiana Code numbering scheme involves use of numbers separated by hyphens. A four-part numerical citation is used for statute sections. The contents of a chapter are indicated through use of a three-part citation and of an entire article by use of a two-part citation. Reference to a title is by a one-number citation.

**Example:** IC 4-3-2-1 refers to Title 4, Article 3, Chapter 2, Section 1.  
IC 4-3-2 refers to Title 4, Article 3, Chapter 2.  
IC 4-3 refers to Title 4, Article 3.  
IC 4 refers to Title 4.

The letters "IC" should always precede a citation to a [an Indiana](#) Code section, chapter, article, or title, except when using internal references ([See pages 29-30](#)).

## **C. SESSION LAWS (ACTS)**

### **(1) Introduction**

The legal provisions passed during each legislative session of the general assembly are referred to as "session laws" or "acts". The enrolled acts and enrolled joint resolutions of each legislative session that become law are enacted are bound together, assigned public law numbers published online, in DVD format, and in bound volumes by the Office of Code Revision. and The publication is referred to as "Acts 20\_\_ of the General Assembly". The most important use of the Acts is to locate temporary or special provisions that are not included in the Indiana Code. These Noncode provisions include almost all appropriations and transitional provisions as well as any other statutes effective for a period of less than five years. The Each publication of the Acts also includes an index and tables showing a table that identifies affected Indiana Code citations and tables that converting convert bill numbers to the corresponding public law numbers and public law numbers to the corresponding bill numbers.

### **(2) Arrangement**

The acts of each session are arranged into three two categories; first, Acts of a permanent nature that amend the Indiana Code; second, Acts that are temporary or special in nature and that do not amend the Code; and third, Enrolled Acts and joint resolutions. The text of all Acts that amend the Code is arranged, insofar as possible, in the order of the Code itself, i.e., Acts affecting Title 1 followed by Acts affecting Title 2, etc. Note, however, that this arrangement is determined only by the first provision affecting the Code within each Act, and later provisions of that Act may affect different sections, chapters, articles, or titles of the Code. The Technical Corrections bill and the recodification bill, if any, are usually published as Public Laws 1 and 2. All other enrolled acts are arranged, as far as possible, in the order in which the acts were signed by the governor or went into effect without the governor's signature.

### (3) Citations

If the occasion arises for using an "Acts" citation To refer to a Noncode provision or to identify a provision published in the session laws Acts, use one of the following forms:

- (a) For acts enacted before the 1971 Indiana Code, the proper citation form is as follows:

**Example:** Acts 1953, c.20, s.2

- (b) For acts enacted beginning with the enactment of the 1971 Indiana Code and through the 1982 Regular Session, the proper citation form is as follows:

**Example:** Acts 1982, P.L.33, SECTION 22

- (c) For acts enacted beginning with the 1982 Special Session, the proper form is as follows:

**Example:** P.L.74-1983, SECTION 10

To indicate a special session of the Indiana general assembly, use the designation "(ss)" after the year.

**Example:** Acts 1981(ss), P.L.1, SECTION 1

**Example:** P.L.3-1982(ss), SECTION 5

## D. INDIANA ADMINISTRATIVE CODE

### (1) Introduction

The Indiana Administrative Code (IAC), which is published under the authority of the Indiana Legislative Council, is a compilation of the text of all Indiana administrative rules. The first official edition of the Administrative Code was published in 1979. The 1996 last paper edition, the 2004 edition, consists of a base set of 14 11 volumes and is updated with an annual cumulative supplement and the Indiana Register. weekly when necessary. The Indiana Administrative Code is available on the -IR- Database web site (<http://www.in.gov/legislative/iac/iac> title).

### (2) Arrangement

The rules are organized according to adopting agency and classified under a numbering scheme with a four-part numerical citation. Each agency that has adopted rules has been assigned a title number with all rules of that agency classified under that title. Agencies with related subject matter are grouped together. Each title contains one or more articles, each article contains one or more rules, and each rule contains one or more sections.

### (3) Citations

Use a citation form containing the designation "IAC" following the title number to indicate that the Indiana Administrative Code is cited. Article, rule, and section numbers are separated by hyphens.

**Example:** 595 IAC 1-1-1 refers to Title 595, Article 1, Rule 1, Section 1

## E. INDIANA REGISTER

### (1) Introduction

The Indiana Register is a periodical publication of the full text of proposed rules, final rules, and other documents such as executive orders and attorney general's opinions. The Register has been published monthly since July 1, 1978, to July 1, 2006, and is now published weekly on the Internet. Final rules published in the Register are later codified in the Indiana Administrative Code. In a sense, the Indiana Register can be considered an "advance sheet" to the Indiana Administrative Code. However, executive orders and attorney general's opinions that are found in the Register are not subsequently published in the Indiana Administrative Code.

### (2) Arrangement

The Indiana Register is arranged with the publication of final rules first, followed by proposed rules, attorney general's actions, and nonrule policy documents. Also included in the Register are reference tables and an index.

### (3) Citations

Since July 2, 2006, each document that has been posted on the Indiana Register web site (<http://www.in.gov/legislative/iac/irtoc.htm>) has been assigned a unique document information number or "DIN". Each individual document posted on the Indiana Register web site is internally paginated and stored in a .PDF format. A typical DIN describes a final rule (FR) posted to the -IR-Database web site on a particular date.

**Example:** 20130726-IR-317012065FR

Following is a breakdown of the components in the example above:

2013	Year of posting on the Internet
07	Month of posting on the Internet
26	Day of posting on the Internet
-IR-	Indiana Register database
317	Entity identifier—either the IAC Title number or a three letter designation (A list of designations is available in the User's Guide to the -IR-Database.)
120065	A six digit document number assigned by the legislative services agency. The first two digits reference the year the number was assigned. The following four digits are assigned sequentially as documents are submitted to the legislative services agency for publishing throughout that calendar year. NOTE: Leading zeros are always included in the year, and, when necessary, in the sequential number when referring to the document number.
FR	Type of document being referenced. "FR" identifies a document as a "Final Rule". Another common type is "ER" or "Emergency Rule". A list of

suffixes for the various types of documents is available in the User's Guide to the -IR-Database.

To cite to a document published in the Indiana Register on or before July 1, 2006, use a citation form containing the designation "IR" following the volume number of the publication to indicate that the Indiana Register is cited. The page number of the publication follows the IR designation.

**Example:** 22 IR 1000

The example above refers to Volume 22, Page 1000.

#### **(4) (3) Voiding Administrative Rules**

(See Provisions that Void Rules or Require Rule Amendment, under SPECIFIC TYPES OF NONCODE PROVISIONS, page \_\_ for drafting information.)

## **F. TYPES OF LEGISLATIVE MEASURES**

### **(1) Introduction**

The creation of an introduced bill usually involves drafting a series of precursory documents. There are two forms in which legislative language can be drafted before it is put into bill format. The first form is a "Preliminary Draft" or "PD", which is the simplest form. The PD is used to show how statutory language would look and to finalize legislative concepts. It is often used as a tool for disseminating potential legal provisions and sometimes contains incomplete ideas that still need to be developed. The second type is the precursor to the bill format, and it is called an "LS". An LS contains language and ideas that are more finalized, although it is not uncommon for several LSs (and several PDs) to be created in honing a particular piece of potential legislation. When a legislator is ready to file a bill, it is the LS version of the bill that is filed. Upon filing, the LS is given its official bill number.

The general assembly may take action on bills, joint resolutions, concurrent resolutions, and simple resolutions. Any of these measures may be introduced in either house chamber, except that bills to raise revenue may be introduced only in the house of representatives (See Article 4, Section 17 of the Constitution of the State of Indiana).

### **(2) Bill**

A bill must be used to enact a law (See Article 4, Section 1 of the Constitution of the State of Indiana). To be enacted, a bill that passes must pass both houses chambers in identical form and must be presented to the governor for approval (See Article 5, Section 14 of the Constitution of the State of Indiana).

### **(3) Joint Resolutions**

A joint resolution, which must be adopted by both houses chambers to be effective, is used to:

- (a) amend the Constitution of the State of Indiana under Article 16;
- (b) ratify a proposed amendment to the United States Constitution of the United States;

- (c) apply to the Congress of the United States to call a constitutional convention to consider an amendment to the United States Constitution of the United States under Article V of the United States Constitution of the United States; or
- (d) remove state officers under Article 6, Section 7 of the Constitution of the State of Indiana.

Joint resolutions are not required to be presented to the governor. A joint resolution may be amended in committee and on second reading. (See Article 16, Section 1 of the Constitution of the State of Indiana).

#### **(4) Concurrent Resolutions**

A concurrent resolution, which must be adopted by both houses chambers to be effective, does not have the effect of law and is used to express the sentiment of the general assembly. A concurrent resolution cannot be amended. Concurrent resolutions are not required to be presented to the governor.

#### **(5) Simple Resolutions**

A simple resolution, which needs to be adopted by only one house chamber to be effective, does not have the effect of law and is used to express the sentiment of that house chamber. A simple resolution may also be used to deal with the internal affairs of the house chamber in which it is introduced. A simple resolution cannot be amended. Simple resolutions are not presented to the governor.

## Chapter 2. Drafting Rules

### A. INTRODUCTION

The essentials of good bill drafting are accuracy, brevity, clarity, and simplicity. The purpose and effect of a legislative measure should be evident from its language. Choose words that are plain and commonly understood (Article 4, Section 20 of the Constitution of the State of Indiana).

### B. STATUTORY AND CONSTITUTIONAL CONSIDERATIONS

When drafting legislation, a drafter should consider constitutional (both federal and state) restrictions on legislative measures. In addition, the drafter should be aware of statutory rules for drafting and construction of statutes.

#### INDIANA CONSTITUTIONAL PROVISIONS

The following is a list of commonly referred to [constitutional](#) provisions:

##### ARTICLE 1 BILL OF RIGHTS

- Art. 1, Sec. 24 Prohibition against ex post facto laws and laws impairing the obligation of contracts
- Art. 1, Sec. 25 Taking effect of laws may not be contingent on any other authority, other than that set out in the Constitution

##### ARTICLE 2 SUFFRAGE AND ELECTION

- Art. 2, Sec. 9 Prohibition against dual office holding

##### ARTICLE 3 SEPARATION OF POWERS

- Art. 3, Sec. 1 Separation of powers

##### ARTICLE 4 LEGISLATIVE

- Art. 4, Sec. 1 Enacting clause
- Art. 4, Sec. 17 Revenue raising statutes must originate in house bills
- Art. 4, Sec. 19 One subject matter requirement
- Art. 4, Sec. 20 Laws to be plainly worded
- Art. 4, Sec. 22 [Certain](#) special legislation prohibited
- Art. 4, Sec. 23 Laws to be general and of uniform operation throughout state
- Art. 4, Sec. 24 [Special relief legislation](#) [Right to sue the state; prohibition of special legislation authorizing suit against state](#)
- Art. 4, Sec. 28 No act to take effect until published and circulated, except in emergency; emergency clause required
- Art. 4, Sec. 30 Eligibility of legislators for other offices

##### ARTICLE 5 EXECUTIVE

- Art. 5, Sec.14 Passage of bills; action by governor; veto power; general assembly required to reconsider and vote on vetoed bills

##### ARTICLE 8 EDUCATION

Art. 8, Sec. 2	Fines assessed for breaches of state penal laws to be deposited in common school fund
Art. 8, Sec. 3	Principal of common school fund may not be diminished
Art. 8, Sec. 7	State trust funds may not be used for purposes other than that for which established
ARTICLE 10	FINANCE
Art. 10, Sec. 1	Uniform and equal rate of property assessment and taxation
Art. 10, Sec. 5	Incurring state debt prohibited, except in certain situations
Art. 10, Sec. 8	Authority to levy income tax
ARTICLE 11	CORPORATIONS
Art. 11, Sec. 12	Loaning credit of state prohibited
ARTICLE 13	INDEBTEDNESS
Art. 13, Sec. 1	Debt limitation
ARTICLE 15	MISCELLANEOUS
Art. 15, Sec. 2	Maximum term of office four years for office created by general assembly
ARTICLE 16	AMENDMENTS

## INDIANA CODE PROVISIONS

The following is a list of commonly referred to statutory provisions:

IC 1	GENERAL PROVISIONS
IC 1-1-1	Implementary Provisions for the Indiana Code
IC 1-1-1-5(f)	Headings of titles, articles, and chapters not part of law
IC 1-1-1-8	General severability provision
IC 1-1-2	Laws Governing the State
IC 1-1-3	Proclamation Date; Effective Dates of Session Laws
IC 1-1-3-3	Effective dates generally
IC 1-1-3.1	Effectiveness of Acts Passed Over the Governor's Veto
IC 1-1-3.5	Political Subdivisions Classified by Population; Effective Date of Decennial Census (See discussion concerning the use of <b>Population Parameters</b> , <a href="#">Page 36</a> ).
IC 1-1-4	Construction of Statutes
IC 1-1-4-1	Statutes to be given their plain meaning. Singular includes the plural. Masculine gender includes females.
IC 1-1-4-5	Definitions that apply to the construction of all Indiana statutes
IC 1-1-5	Effect of Repeal; Reservation of Legislative Authority
IC 1-1-7	Interpretation of Registered Mail as Certified Mail

IC 4	STATE OFFICES AND ADMINISTRATION
IC 4-1-1	Fiscal Year; <a href="#">Filing Annual Reports to Governor</a>
IC 4-1-8	State Requests for Social Security Numbers
IC 4-13-2	Financial Reorganization Act of 1947
IC 4-13-2-19	Reversion of funds at end of state fiscal year
IC 34-28-5-4	Infractions defined
IC 35-50	Criminal Sentencing Structure
<a href="#">IC 36-1-2</a>	<a href="#">Definitions of General Applicability in Local Government Law</a>
IC 36-1-3	Home Rule for Local Government Units

### C. **DRAFTING RULES**

#### **(1) Sentence Structure**

Use short, simple sentences. Avoid excessive use of dependent clauses, parallel clauses, compound sentences, and other complex sentence structures. [Avoid use of run-on sentences. Do not use sentence fragments.](#)

#### **(2) Subject of Sentence**

Unless it is clear from the context, use as the subject of each sentence the person or entity to whom a power, right, or privilege is granted or upon whom a duty, obligation, or prohibition is imposed.

#### **(3) Tense**

Use the present tense. However, when it is necessary to express a time relationship (such as when there is a condition precedent to the operation of the law), state the facts that are concurrent with the operation of the law as present facts and the facts precedent to its operation as past facts.

**Example:** If a person has finished the training, the person may . . .

When the future tense is appropriate, use "will".

**Example:** If the director determines that the computer system will cause problems, the director shall . . .

#### **(4) Mood**

Use the indicative mood.

**Don't Say:**  
The report shall include . . .

**Say:**  
The report must include . . .

A person shall be entitled . . .

A person is entitled . . .

**(5) Voice**

Use the active voice whenever possible.

In rare instances the passive voice may be used, such as when the subject of the sentence is the focus of some action to be implicitly taken by another person who is not mentioned in the sentence.

**Example:** A person who commits a Class D felony shall be imprisoned.

**(6) Number: Singular vs. Plural**

Use the singular instead of the plural, since **because** singular words apply to several persons or things as well as to one person or thing.

Use the plural if the persons or things can be described only in the plural.

**Example:** Five (5) of the members constitute a quorum.

**(7) Organization**

In general, draft general provisions before specific provisions, and organize provisions logically. Use chronological order in provisions that describe procedure.

**(7) (8) Gender**

To the extent possible, avoid words importing gender.

**(8) (9) Consistency**

Be consistent in the use of language throughout the legislative measure **and throughout existing law governing the topic in the legislative measure**. Do not use the same word or phrase to convey different meanings. Do not use different language to convey the same meaning.

Be consistent in the arrangement of comparable provisions. Arrange sections containing similar material in the same way.

**(9) (10) Brevity**

Omit unnecessary words.

If a word has the same meaning as a phrase, use the word.

Use the shortest sentence that conveys the intended meaning.

**(11) Preferred Spelling**

(See **EXHIBIT \_\_\_\_**, **Preferred Spelling List** on page \_\_\_\_.)

**(10) (12) Commanding, Authorizing, Forbidding, and Negating**

To create a right, say "is entitled to".

For example, "A member is entitled to reimbursement for expenses" means that the member has a right to receive the reimbursement.

To create discretionary authority, say "may".

For example, "A member may seek reimbursement for expenses" means that the member, at the member's discretion, is permitted or allowed to seek recovery of the reimbursement.

To create a duty, say "shall".

For example, "A member shall seek reimbursement for expenses" means that the member is commanded or directed to seek recovery of the reimbursement.

To create a condition precedent, say "must".

For example, "To receive reimbursement, a member must submit a form for expenses" means that the member is obliged or required to submit the form to recover the reimbursement.

To negate a right, say "is not entitled to".

For example, "A member is not entitled to seek reimbursement for expenses" means that the member has no right to seek recovery of the reimbursement.

To negate discretionary authority, say "may not".

For example, "A member may not seek reimbursement for expenses" means that the member is not permitted or allowed to seek recovery of the reimbursement.

To negate a duty or a mere condition precedent, say "is not required to".

For example, "A member is not required to seek reimbursement for expenses" means that the member may, but does not have to, seek recovery of the reimbursement.

To create a duty not to act, say "shall not".

For example, "A member shall not seek reimbursement for expenses" means that the member is commanded or directed to not seek recovery of the reimbursement.

[The guidelines above are taken from: Dickerson, F.R., Legal Drafting, West Publishing Company (1981), p.182]

Avoid false imperatives.

A false imperative attempts to create a duty but does not specify to whom the duty belongs or the consequences of the failure. Consider the following by Jerry Payne of *The Legislative Lawyer*:

*The solution to avoiding the false imperative is to substitute a short definition in place of the*

*imperative to determine if it makes sense. If the drafter would make the following mental substitutions, then the language will remain logical:*

*shall: has a duty to  
shall not: has a duty not to*

*If the drafter is considering using "shall" or "shall not," the drafter need merely substitute the definition and consider whether the definition makes sense. For example, "The commission shall keep a cash reserve," reads "The commission has a duty to keep a cash reserve." If the substitute phrase makes sense, then the use is proper. Here is another example, "Service shall be made on the parties," reads "Service has a duty to be made on the parties." This is nonsense. Service does not have volition. Service cannot even exist until it is made. Therefore, it is a command that service bring itself into existence. This provision needs to be rewritten.*

[Payne, Jerry. "The False Imperative." *The Legislative Lawyer*. National Conference of State Legislatures, 18 Dec. 2010. Web. 26 June 2012. <[www.ncsl.org](http://www.ncsl.org)>]

Avoid using hortatory qualifiers. in the text of a legislative measure.

Hortatory qualifiers include terms such as "will", "should", and "ought", and "want". Hortatory language urges a particular course of action or conduct. Rather than conveying information, it generally presents an argument for or against something and is better suited for use in documents and speeches intended to inspire or incite the audience. Note, however, that the use of "will" is acceptable when the future tense is appropriate. (See **Tense**, page \_\_\_\_.)

#### **(11) (13) And; Or; And/Or**

"And" usually stands for the conjunctive, connective, or additive; "or" for the disjunctive or alternative. An ambiguity occurs where it is not clear whether the inclusive "or" (A or B, or both) or the exclusive "or" (A or B, but not both) is intended. It is also not always clear whether the several "and" (A and B, jointly or severally) or the joint "and" (A and B, jointly but not severally) is intended. To avoid this ambiguity, say the following as appropriate:

- (a) "A or B" where the exclusive is intended.
- (b) "A or B, or both" where the inclusive is intended or where jointly or severally is intended.
- (c) "A and B" where the conjunctive, connective, or additive is intended.

Never use the term "and/or".

#### **(14) Assure; Ensure; Insure**

"Assure", "ensure", and "insure" are often equally correct. "Ensure" is preferred unless content—generally insurance law—clearly indicates that "insure" is appropriate. Avoid using "assure".

**Example:** The commission shall prescribe a format to ensure the standardization and readability of the data provided.

**Example:** The department shall insure the timber growers against all fraudulent acts of the registrant in purchasing and cutting the timber.

## (15) A; An; Any

Use the article "a" before words that begin with a consonant, words that begin with a consonant sound (like "y" or "w"), and words that begin with a sounded "h".

**Examples:** a tax; a driver's license; a uniform; a one time offer; a historical district; a hemisphere.

Use the article "an" before words that begin with a vowel and before words that begin with a silent "h".

**Examples:** an artist; an occupation; an honorary member; an hour

"Any" is an indefinite pronoun, which means that it does not refer to specific persons or things. It can be singular or plural depending on the noun to which it refers.

**Examples:** If any member applies.... ; If any members apply....

Other indefinite pronouns include: another, anyone, anything, each, either, everything, neither, no one, nothing, one.

"Any" can modify both countable and uncountable nouns. A countable noun is one that can be expressed in plural form, usually with an "s".

**Examples:** cat—cats; season—seasons; student—students

An uncountable noun is one that usually cannot be expressed in a plural form.

**Example:** milk, water, air, money, food

("He had a lot of moneys" doesn't usually make sense.)

## (12) (16) Such; Said

Use the articles "a", "an", and "the" instead of the words "such" or "said". It is appropriate to use "such" to express an example.

**Example:** The commission may take steps to provide compliance, such as ordering the applicant to submit a verified statement.

Also, Do not use "any", "each", "every", "all", or "some" if "a", "an", or "the" can be used with the same result.

## (17) Parallel Articles

Using the articles "a" and "an" before each item in a list is appropriate unless the use results in ambiguous or unclear language or an unintended meaning. In the alternative, tabulation can provide clarity. (See **Tabulation**, page \_\_.)

**Don't Say:** After the application's approval, an academic or a professor who studies ecology

may receive funding.

**Say:** After the application's approval:  
(1) an academic; or  
(2) a professor who studies ecology;  
may receive funding.

**OR**

After the application's approval:  
(1) an academic; or  
(2) a professor;  
who studies ecology may receive funding.

**OR**

The following may receive funding after the application's approval:  
(1) An academic.  
(2) A professor who studies ecology.

**OR**

The following may receive funding after the application's approval:  
(1) An academic who studies ecology.  
(2) A professor who studies ecology.

### (13) (18) Which; That

Use "which" and a comma to introduce **begin** a nonrestrictive clause. A nonrestrictive clause is a clause that is not needed to clarify **describes but does not identify or restrict** the meaning of the word **noun** that it modifies. **A nonrestrictive clause is set off by commas.**

**Example:** The application, which need not be verified, must be signed by the applicant.

Use "that" to introduce a restrictive clause. **modifying the nearest antecedent.** A restrictive clause is a clause that is needed to make clear **identifies or restricts** the meaning of the word **noun** that it modifies. **A restrictive clause is not set off by commas.**

**Example:** An application to renew a license that has been revoked must be signed by the applicant.

Another way to think about restrictive clauses is that a clause beginning with "that" singles out, or provides essential information about, the object being described.

**Example:** The book that is on the table is a good one.

In the example above, the book on the table is specified as being a good book, as opposed to some other book.

"That" can be used when referring to things or to a group of people.

Example: A band that tours frequently will please its fans.

### (19) By; Under

Use "by" when referencing a cite that specifically establishes or creates an entity.

**Example:** As used in this chapter, "department" refers to the department of education established by IC 20-19-3-1.

For the example above, IC 20-19-3-1 reads as follows:  
Sec. 1. The department of education is established.

Use "under" when referencing a cite that authorizes the establishment or creation of an entity.

**Example:** As used in this chapter, "committee" refers to a committee established under IC 2-5-21-10.

For the example above, IC 2-5-21-10 reads as follows:  
Sec. 10. (a) Subject to subsection (c), the chairman of the council, with the advice of the vice chairman of the council, shall appoint a committee to evaluate each of the following...

### (20) Person Who; Person That

If the term "person" is used in a criminal law provision, use "person who".

**Example:** A person who knowingly files a report that is fraudulent commits a Class D felony.

In all other provisions:

If the person referred to is an individual, use "person who".

**Example:** "Contestor" means a person who initiates a proceeding to contest the result of an election.

If the person referred to is an entity other than an individual, use "person that".

**Example:** "Organization" means a person that is not an individual. The term includes a business firm or corporation, a limited liability company, a labor organization, a religious organization, a political club, a trustee, a receiver, or any other type of association or group of individuals.

If the person referred to is either an individual or an entity other than a person, use "person that".

**Example:** "Permit holder" means a person that has received a permit from the commission. "Person" includes an individual, a corporation, a trust, a partnership, a limited liability company, a limited partnership, an association, a person, or other entity.

### (28) (21) Indiana; State

In general, do not use "the state of Indiana" unless referring to the state as a legal entity, which commonly occurs in the context of bringing or defending a legal action. In this case, capitalize as shown in the example below.

**Example:** The action must be brought in the name of the State of Indiana.

Use "Indiana" when referring to the geographic entity.

**Example:** resident of Indiana

Use "state" when referring to the political entity.

**Example:** departments of state government; real property owned by the state

Do not use "Indiana" when establishing a new department, agency, board, or commission unless doing so is necessary for clarification.

## (22) Words and Expressions—Preferred Use

(For a list of specific words and phrases, see EXHIBIT \_\_\_\_, Preferred Words and Language, page \_\_\_\_.)

### "People First" Language

"People First" language is a style of writing that names the person first and the person's disability or condition second when discussing people with disabilities. The aim is to indicate that the disability is a secondary attribute rather than a characteristic of the person's identity. Revisions have been made throughout the Indiana Code to replace outdated language with this style.

**Examples:** individual with a disability; person who is blind or visually impaired; person who is hearing impaired; person who is deaf, hard of hearing, or speech impaired; person who is mentally impaired.

**Don't Say:** "disabled person"; "blind individual"; "handicapped child"

A few exceptions to the People First rule are as follows:

1. Words or phrases used in interstate compacts, uniform acts, and model acts.
2. Wording or definitions based in federal law.
3. Words or phrases included in the names of agencies, facilities, or programs.
4. The terms "disabled American veteran" and "disabled Hoosier veteran license plate".

## (14) (23) Limitations, Exceptions, and Conditions

Limitations or exceptions to the coverage of the legislative measure or conditions placed on its application should be described in the first part of the legislative measure—i.e., at the beginning of the title, article, chapter, section, or Noncode provision. (See Bills, page 22.) If they the limitations, conditions, or

**exceptions** are numerous, notice of their existence should be given in the first part of the legislative measure, and they should be stated separately later in the legislative measure.

If a provision is limited in its application or is subject to an exception or condition, it generally promotes clarity to begin the provision with a statement of the limitation, exception, or condition or with a notice of its existence. Avoid using "notwithstanding" to express a limitation of a general provision of the same legislative measure.

**Don't Say:** (b) Notwithstanding subsection (a), ...

**OR**

(b) Except as provided in subsection (a), ...

**Say:** Sec. 1. (a) Except as provided in subsection (b), ...

"If", "when", and "whenever" are expressions of limitation or a condition. If the condition is limited by a single occurrence that may never occur, use "if" to introduce the condition.

**Example:** If the mayor resigns from office, the deputy mayor assumes the duties of the office.

If the condition will occur more than once, introduce the condition with "whenever".

**Example:** Whenever the operator answers a call, the operator shall . . .

If the condition is certain to occur, use "when".

**Example:** When the statute takes effect, the governor shall . . .

Do not use "where", "provided that", "provided; however, that", or similar proviso language. Use "but" instead of "except that".

**Don't say:** The term "person" means an individual, trust, or estate, where no corporation shall be considered to be a person.

**Say:** The term "person" means an individual, trust, or estate. The term does not mean a corporation.

**Don't say:** An individual may obtain a license provided that the individual is at least eighteen (18) years of age.

**Say:** If an individual is at least eighteen (18) years of age, the individual may obtain a license.

**Don't say:** The license expires one (1) year after the date of issuance; provided, however, that an initial license is valid for six (6) months after the date of issuance.

**Say:** The license expires one (1) year after the date of issuance. However, an initial license is valid for six (6) months after the date of issuance.

**(18) (24) Capitalization**

As a general rule, capitalization should be used sparingly.

**Do capitalize the following:**

(a) The first word in a sentence and the first word in tabulated items in the listing style.

(b) Geographic names.

**Examples:** Ohio River; Marion County; Hoosier National Forest

(c) Months and days of the week.

(d) Names of streets, roads, parks, and buildings.

**Examples:** the White House; U.S. Route Highway 50; Interstate Highway 69; Garfield Park

(e) Names of nationalities and languages.

**Examples:** Spanish-speaking people; Hispanic individuals; English language

(f) Political parties and religious denominations.

**Examples:** the Indiana Democratic Party; the Indiana Republican Party; the Methodist church; (but, First Methodist Church; The United Methodist Church

(g) Official titles of organizations and institutions.

**Examples:** Associated Press; Indiana University; Indiana State Medical Association

(h) Federal and international entities. Always use the correct name of an entity, and do not use acronyms as abbreviations.

**Examples:** United States Department of the Interior; United States House of Representatives; United States Senate; Federal Bureau of Investigation; World Bank; United Nations

(i) Titles of specific acts, federal laws, and other official documents.

**Examples:** Equal Rights Amendment; Internal Revenue Code; Social Security Act; the Constitution of the United States; the Constitution of the State of Indiana; Rules of Trial Procedure

(j) References to the "Indiana Code".

(k) Titles of honor and respect, when preceding the name.

**Examples:** Governor Frank O'Bannon; State Senator Robert D. Garton; State Representative John Gregg; Senator Richard Lugar (but, senator of Indiana); Queen Elizabeth (but, queen of England)

Governor John Doe; State Senator Jane Smith; State Representative Joe D. Brown; Senator Julie Johnson (but, senator of Indiana); Queen Elizabeth (but, queen of England)

- (l) Holidays, religious days, and historic events.

**Examples:** Fourth of July; Thanksgiving Day; Passover

- (m) Titles of books, magazines, newspapers, and periodicals.

**Examples:** the Indianapolis Star; the Indiana Register

- (n) The first word after each "Whereas" in a resolution.

**Example:** Whereas, The protection and welfare of the children of Indiana is of primary concern . . .

- (o) "Class" when referring to a criminal penalty or a type of infraction, such as a "Class B felony".

- (p) The second word of hyphenated titles, such as "Community-Board".

- (q) The first letter of all significant words in an Indiana Code chapter heading. **For prepositions, if the word is three letters or less, use lowercase. If it is four letters or more, use uppercase.**

**Example:** Chapter 2. Prohibitions in the Sale and Use of Certain Detergents  
Chapter 4. Juvenile Court Referees in Circuits With a Population of Less Than 50,000

- (r) Every letter in an Indiana Code title or article heading.

**Example:** ARTICLE 4. AIR AND WATER POLLUTION CONTROL

**Do not capitalize the following:**

- (a) Words such as "city", "county", "state", etc., when alone or with the word "of" preceding a specific name.

**Examples:** city of Indianapolis; second class city; the county (but, Lake County)

- (b) Directional parts of states and counties (except in surveyors' reports and other such documents).

**Examples:** northern Indiana; central Tippecanoe County; midwestern states

- (c) General designations of buildings.

**Examples:** library in Fort Wayne (but, the Fort Wayne Library); the county courthouse; the

## Indianapolis post offices

- (d) The words "government" or "federal" (except when "federal" is a part of the name of the agency or statute). However, use "United States" instead of "federal" when referring to a specific entity that does not have "federal" in the name. Always use the correct name of an agency.

**Examples:** United States government; **federal government**; federal agencies (but, Federal Bureau of Investigation); United States Department of Health and Human Services; United States Social Security Administration

- (e) Names of legislative, judiciary, and administrative bodies and government departments, unless the name refers to a federal body, department, etc.

**Examples:** Indiana general assembly; Indiana senate; department of state revenue (**but**, Congress of the United States; Supreme Court of the United States)

- (f) Official titles of state, county, or municipal officers, agencies, commissions, committees, or funds.

**Examples:** clerk of the circuit court; board of county commissioners; public employees' retirement fund; commission on the aging and aged; legislative services agency; state general fund

- (g) Substitutes for official titles when used without a proper name.

**Examples:** the governor; the commissioner; the speaker of the house

- (h) References to laws on a particular subject.

**Examples:** motor vehicle laws; federal election laws; federal tax laws (**but**, Internal Revenue Code)

- (i) Names of seasons of the year.

**Examples:** spring; summer session

- (j) Names of the state and federal flags.

**Examples:** the state flag (IC 1-2-2-1); the flag of the United States (18 U.S.C. 700)

## Capitalization Concerning the Armed Services

Follow these guidelines in determining whether to capitalize the names of the armed forces:

- (a) Do not change the style in existing Indiana Code or Noncode text.
- (b) In existing Indiana Code or Noncode text and in new text, follow the style used in the chapter being amended.
- (c) If there is no style already existing in the Indiana Code or Noncode text being amended, add the words "United States" and capitalize the name of the armed service. Exception: Capitalize

"Merchant Marine" but do not insert "United States" in front of it.

**Example:** "Armed force" refers to the following:  
United States Army.  
United States Air Force.  
United States Navy.  
Merchant Marine.  
Indiana National Guard.  
Indiana Air National Guard.

(d) Capitalize the name of the armed force when "United States" appears before the colon in a listing tabulation.

**Example:** "Member" means a member of one (1) of the following branches of the armed forces of the United States:  
(1) Army.  
(2) Navy.

### (19) (25) Commas

Words, phrases, or clauses in a series are separated by commas, including a comma before the conjunction connecting the last two members of a series.

**Example:** The report shall be filed with the auditor of state, the treasurer of state, and the state board of tax commissioners. The report must contain all debits, credits, and profits of the corporation.

If a sentence consists of two independent clauses, each with subject and predicate, use a comma before the conjunction.

**Example:** The commission shall submit a report, and the governor shall review the report.

If a sentence has a compound predicate, a comma is unnecessary unless required for clarity.

**Example:** The treasurer shall file the report before June 30 and shall submit copies of the report to each member of the commission.

A comma is **Commas are** used to set off a nonrestrictive adjective clause.

**Example:** The director **of the foundation**, who may not have other employment, is entitled to receive a salary.

**Example:** **The driver involved in that accident, who has been convicted of drunken driving,** should lose his driver's license.

A comma is not used to set off a restrictive clause.

**Example:** The registrar shall assign a student identification number to each student who enters Purdue University.

Enclose a parenthetical phrase or clause with two commas.

**Example:** The treasurer shall, before June 30 of each fiscal year, submit copies of the report to each member of the commission.

Adverbial phrases, introductory participial phrases, and long introductory, long subordinate clauses should be set off by commas.

**Examples:** Because of the need for a more effective welfare program, the chairman ordered an extensive study of the present program. Until further notice is given, the present rules remain in effect. the restrictions remain in effect. After the commission completes the investigation, the commission shall submit a report to the governor.

## (20) (26) Parentheses

Avoid parentheses except when they are more reliable than commas in setting off a phrase where there is possible uncertainty as to how the ideas that follow the phrase are linked to the ideas that precede it.

**Example:** When it is necessary to order individuals to active duty (other than for training) without their consent, . . . (See Dickerson, F. Reed, Legislative Drafting, West Publishing Company (1981), p.71)

Parentheses may also be used if necessary to make clear a reference to another statutory provision by indicating the nature of the referenced provision or to include the Code cite relevant to the provision.

**Example:** IC 35-42-3-2 (kidnapping)  
As used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:  
(1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.  
(2)....

The department shall deny a license to an applicant who has been convicted of any of the following felonies:  
(1) Kidnapping (IC 35-42-3-2).  
(2) ....

Parentheses should be used to set off an internal reference to the citation where a term is defined.

**Example:** "System" means:  
(1) a computer (as defined in IC 36-8-15-4);  
(2) a communications system (as defined in IC 36-8-15-3(1)); or  
(3) mobile or remote equipment that is coordinated by or linked with a computer or communications system.

Parentheses should also be used to set forth number or dollar amounts.

**Example:** five thousand four hundred dollars (\$5,400)

**Example:** twenty-one (21) years of age

## (21) (27) Brackets

Do not use brackets as punctuation. Brackets are reserved for designating SECTION effective dates.

**Example:** SECTION 1. IC 5-14-1.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) Public notice...

Brackets are also used, most often in a Preliminary Draft (PD), to identify incomplete ideas being drafted and to highlight any questions yet to be addressed.

**Example:** The state board shall monitor changes that occur after the fall count of ADM in the number of students enrolled in programs for children with disabilities. The state board shall make an adjusted count of students enrolled in programs for children with disabilities. [WHAT CRITERIA SHOULD BE USED TO MAKE THE ADJUSTMENT?]

## (22) (28) Apostrophes

The possessive case of a singular or plural noun not ending in "s" is formed by adding an apostrophe and "s".

**Examples:** attorney's fees; children's hospital; man's; women's; worker's compensation

Although the possessive case of a singular noun ending in "s" or with an "s" sound is formed by adding an apostrophe and "s", this situation should be avoided by redrafting the language.

**Example:** tires of the bus (NOT bus's tires)

The possessive case of a plural noun ending in "s" or with an "s" sound is formed by adding an apostrophe.

**Example:** public employees' retirement fund

An apostrophe should not be used after the names of countries and other organized bodies ending in "s" or after words more descriptive than possessive.

**Example:** department of veterans affairs; prosecuting attorneys council

In compound nouns, the "s" or "s'" is added to the element nearest the object possessed.

**Examples:** attorney general's appointments; secretary of state's agenda soldiers and sailors' home

**Do not** use an apostrophe in phrases such as the following:

**Examples:** thirty (30) days notice; ten (10) years experience

## (23) (29) Semicolons

Generally, only use semicolons in the sentence style of tabulation.

**Example:** A school corporation may grant a teacher, on written request, a sabbatical for improvement of professional skills through:

- (1) advanced study;
- (2) work experience;
- (3) teacher exchange programs; or
- (4) approved educational travel.

#### (24) (30) Colons

Use a colon to introduce a series.

**Example:** THE FOLLOWING ARE REPEALED: IC 17; IC 18; IC 19.

Use a colon to introduce a series of items, such as in the listing style of tabulation. (See [Tabulation](#), page \_\_\_)

**Example:** Sec. 1. The application must include the following information:

- (1) The applicant's name.
- (2) The name of the sponsoring agency.

Use a colon to introduce a long quotation or the text of a form or other document.

**Example:** The consent form must be in the following form:  
"I give my permission for \_\_\_\_\_ (name of day care center or home) to report the name and birth date of my child...."

#### (25) (31) Quotation Marks

Quotation marks should be used **only** to enclose defined words or phrases **or to set forth the form information must take**. Commas, periods, and question marks should be placed outside the quotation marks unless the punctuation is included as part of the quoted material. Commas are also placed outside quotation marks when in the middle of a sentence.

**Examples:** As used in this section, "ad valorem tax" means . . .

**Example:** "Revenue bonds", as used in this subsection, refers to bonds issued under IC 36-9-31-10. . . .

#### (26) (32) Hyphens

Avoid hyphens. **because** Many words that once were hyphenated are now written as one word or as two words without a hyphen. **It is easier to perform computer searches if hyphens are not used.**

**Examples:** statewide; attorney general; reelect; lieutenant governor; bipartisan; vice president; cooperate; anticoagulant; nonresident

(See [EXHIBIT \\_\\_\\_](#), [Preferred Spelling List](#), page \_\_\_ for additional examples.)

## (27) (33) Expression of Numbers

### Introduction

Integers, dollar amounts, percentages, and fractions (except dates, times, and numbers within the text of a bill digest or a resolution) should be expressed in words followed by figures in parentheses. Style policy is less restrictive for the digest and resolutions, and journalistic style normally should be followed. (See [Digest Style Guidelines](#), page \_\_\_\_, for specific digest style rules and [CONCURRENT RESOLUTIONS](#), page \_\_\_\_, and [SIMPLE RESOLUTIONS](#), page \_\_\_\_\_, for specific resolution styles.)

### Style for Numbers Expressed in Words

**Examples:** twenty-four (24)  
one hundred ten (110)  
eight hundred ninety-eight (898)  
one thousand six hundred fifty (1,650)  
eighty-four thousand (84,000)

Note: The word "and" does not appear in the examples above.

**Exception:** Write grades as numerals.

**Examples:** grades 1 and 3; kindergarten through grade 12

Numbers may be expressed in figures if length would prohibit expressing them in both words and figures, especially in tables.

<b>Examples:</b>	County government share	\$15
	State government share	\$34

### Age

Use "at least", "less than", and "years of age" or "weeks of age" when referring to age.

Avoid drafting in a manner that creates ambiguous language.

**Don't Say:** An applicant must be between fifteen (15) years of age and eighteen (18) years of age.

**Example:**

**Say:** An applicant must be at least fifteen (15) years of age but less than eighteen (18) years of age.

**Don't Say:** A person who is more than sixty-five (65) years of age is entitled to a pension.

**Example:**

**Say:** A person who is at least sixty-five (65) years of age is entitled to a pension.

**Don't Say:** A person must be sixty-five (65) years of age to receive to a pension.

**Say:** A person must be at least sixty-five (65) years of age to receive a pension.

Avoid drafting in a manner that does not use the preferred drafting style.

**Don't Say:** A recipient must be at least sixteen (16) years old.

**Say:** A recipient must be at least sixteen (16) years of age.

**Don't Say:** A veterinarian must provide a rabies vaccine to each dog that is at least twenty (20) weeks old.

**Say:** A veterinarian must provide a rabies vaccine to each dog that is at least twenty (20) weeks of age.

### **Fractions**

Percentages are preferred to fractions whenever practicable.

**Don't Say:**  
one-half (1/2)  
three-fourths (3/4)

**Say:**  
fifty percent (50%)  
seventy-five percent (75%)

However, for purposes involving fractions that cannot be expressed as a terminating decimal (i.e., a decimal that has a finite number of digits after the decimal point) use of the fraction may be preferable, particularly when the need for precision is illusory.

Consider the following as an example: A bill creates a new board, and the bill's author tells the drafter that two-thirds of the board members must be present at meetings for a quorum to exist. The general rule encourages use of percentages rather than fractions, but because two-thirds lies in between .66 and .67 at .66666..., there is no exact equivalent percentage—neither 66% nor 67% is accurate. Use of the fraction is thus appropriate.

Use care when truncating or rounding a decimal as it may affect the final outcome of a calculation.

Compound fractions should be expressed as follows:

**Examples:** three and one-half (3 1/2)  
four and three-eighths (4 3/8)

### **Percentages**

Decimals are preferred whenever practicable.

**Examples:** one-tenth of one percent (0.1%)  
sixty-two and one-half percent (62.5%)

### **Ordinals**



three thousand five hundred dollars (\$3,500)  
ten thousand eight hundred fifty-seven dollars (\$10,857)

When using dollars and cents, use the word "and" and decimal points to separate dollars and cents.

**Examples:** eighty-five cents (\$0.85)  
five hundred twenty-five dollars and fifty cents (\$525.50)  
six hundred seventy-five thousand nine hundred eighty-two dollars and eleven cents (\$675,982.11)

When using cents and fractions of cents, use the following format:

**Examples:** one cent (\$0.01)  
one tenth of a cent (\$0.001)  
one one-hundredth of a cent (\$0.0001)  
one one-thousandth of a cent (\$0.00001)

### **Rounding**

When rounding, use the following format:

**Examples:** rounded to the nearest one percent (1%)  
rounded to the nearest one-tenth percent (0.1%)  
rounded to the nearest one-hundredth percent (0.01%)  
rounded to the nearest one-thousandth percent (0.001%)  
rounded to the nearest ten-thousandth percent (0.0001%)

rounded to the nearest tenth (0.1)  
rounded to the nearest one-hundredth (0.01)  
rounded to the nearest one-thousandth (0.001)  
rounded to the nearest ten-thousandth (0.0001)

### **Formulas**

In general, use the STEP method of tabulation rather than numerators and denominators (See Formulas, Page 14.)

Numerators and denominators are sometimes used in provisions concerning tax law and local government funding.

**Example:** The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in Indiana during the taxable year, and the denominator of which is the total sales of the taxpayer everywhere during the taxable year.

### **Fiscal Year**

When referring to the state fiscal year, use "beginning July 1" and "ending June 30" (See IC 4-1-1-1).

**Example:** The appropriation covers the state fiscal year beginning July 1, 2013, and ending June 30, 2014.

### **(34) Deadlines**

When setting a deadline, use "not later than...after".

**Don't Say:** The board shall hold the meeting within thirty (30) days of the vacancy.

**Say:** The board shall hold the meeting not later than thirty (30) days after the vacancy occurs.

### **(35) Renaming or Eliminating an Entity**

When renaming or eliminating a department, an agency, a commission, a fund, or any other entity, a Folio search is required to locate all references to that entity.

Search Folio for the following:

- (a) The official name of the entity.
- (b) Unofficial and incorrect versions of the entity's name.
- (c) Key words of the entity's name.
- (d) The cite establishing the entity.
- (e) Any unofficial name by which the entity is known.

**Example:** Say that a bill proposes to change the name "department of education". A Folio search would be conducted for "department of education", as well as for terms like "state department of education", "Indiana department of education", and, within Titles 20 and 21, "department". A search for the establishing cite (IC 20-19-3-1) would also be conducted.

(See **EXHIBIT** \_\_\_\_, **Using Folio**, page \_\_\_\_ for a discussion of the Folio program and its functions.)

### **(15) (36) Designation of Sections, Subsections, Subdivisions, Clauses, and Items**

Use short **When feasible, draft short and concise** sections. Use a separate section for each separate topic.

For paragraph divisions of a section (called subsections), use "(a)", "(b)", "(c)", etc. All paragraphs whether in new or existing provisions, **in sections containing two or more paragraphs must be designated**. When drafting a new section or when adding new subsections to an existing section, do not create more than eight subsections, because if there are that many ideas, they are probably best expressed in separate sections and because the ninth subsection "(i)" is easily confused with the division known as "item (i)".

Do not use divisions below items, because a separate sentence should probably be used in that case.

1: **When designating subdivisions, clauses, and items in a section that has subsections**, use the following style (in the left hand margin is the italicized text below provides a description of the different levels of tabulation shown):

*Subsection*—          
Sec. 1. (a) ..... :

*Subdivision*—      
(1) ..... ;  
(2) ..... :

*Clause*—          
(A) ..... ; and (or)  
(B) ..... :

*Item*—          
(i) ..... ; and (or)  
(ii) ..... ; and (or)

*Subdivision*—          
(3) ..... .

*Subsection*—          
(b) ..... .

2: **When designating subdivisions and clauses in a section that has no subsections**, use the following style:

Sec. 1. .... :

*Subdivision*—          
(1) ..... ;  
(2) ..... ; and (or)  
(3) ..... :

*Clause*—          
(A) ..... ; and (or)  
(B) ..... .

*Item*—          
(i) ..... ; and (or)  
(ii) ..... .

**(16) (37) Redesignation**

Within a section, renumber or reletter an already designated provision of that section only if:

- (a) there is little probability that an Indiana Code designation is relied on by users of the Code; and

- (b) a computer search has been conducted using FOLIO (software that is capable of searching statutes for certain words, phrases, and numerals) to locate sections containing internal references to the Code provisions to be redesignated.

When striking or adding subsections, subdivisions, clauses, or items within a section, renumber the subsequent designations. Also perform a Folio search for references requiring an update in other parts of the Indiana Code.

(See EXHIBIT \_\_\_\_, Using Folio, page \_\_\_\_ for a discussion of the Folio program and its functions.)

Do not renumber or redesignate provisions in uniform laws or interstate compacts. It is permissible to renumber or redesignate provisions in model acts.

## (17) (38) Tabulation

### Introduction

The purpose of tabulation is to break down the elements of a sentence into readily identifiable components as an aid to understanding. Break a sentence into its parts and present them in tabular form **only** if this makes the meaning substantially clearer. There are two **basic types styles** of tabulation, listing and sentence. It is important to remember, however, that no matter which style is used, the introductory language preceding the tabulated material must apply to all of the elements because those elements are a part of the whole thought.

Often it is possible to use either style of tabulation. Use the style that works best within the context.

Avoid **Consider** beginning a new sentence after a tabulation. If the sentence is not a part of the tabulated series, it is **sometimes** better practice to draft it as a separate subsection or section.

Tabulation should not go beyond the "item" level of designation.

### Listing Style

The first style of tabulation is known as a listing. As the name implies, each element is listed after the **introductory clause lead-in line** and begins with a capital letter and ends with a period. When a listing is used, the introductory language must include the words "as follows" or "the following". **Conjunctions (i.e., "and", "or", etc.) are not used in listing style tabulation.**

**Example:** Sec. 1. The application must include the following information:  
(1) The applicant's name.  
(2) The name of the sponsoring agency.  
(3) The name of the city in which the event is to take place.

Each listed element can have subelements, but each element must end with a period even if it has subelements.

**Example:** Sec. 1. The application must include the following information:  
(1) The applicant's name and personal information, including the following:

- (A) The applicant's business address.
- (B) The applicant's business telephone number.
- (2) The name of the sponsoring agency.

## Sentence Style

The second style of tabulation is known as sentence style. In this style, is best envisioned by thinking of a sentence with containing a series of elements where is reformatted so that each element is given a line of its own, where each element has some type of designation before it, and where the commas are replaced with semicolons.

Use the following sentence for an example:

"To be entitled to vote, a person must be a resident of Indiana, at least eighteen (18) years of age, and registered with the county election board."

When this sentence is tabulated as follows in sentence style, it is easier for the reader to quickly identify the three qualifying elements:

**Example:**            Sec. 1. To be entitled to vote in Indiana, a person must be:  
                              (1) a resident of Indiana;  
                              (2) at least eighteen (18) years of age; and  
                              (3) registered with the county election board.

Note that the conjunction always follows the next to last element in the tabulation, and that the only permissible conjunctions are "and" or "or" (not "and/or"). The conjunction, however, applies to each element in the tabulation and not just to the last two elements.

In the sentence This style of tabulation, can be expanded with each of the elements having element of a sentence may be divided into subelements. Each tabulated element must relate to the word or phrase immediately preceding the colon.

## Mixing Tabulation Styles

Avoid mixing the tabulation styles within a single provision. For instance, do not use listing style tabulation within sentence style.

**Don't Say:**        The project plan must include:  
                              (1) an application that does the following:  
                                  (A) States the name of the project.  
                                  (B) States the intended use of the project; and  
                              (2) an application fee.

**Say:**                The project plan must include:  
                              (1) an application that states:  
                                  (A) the name of the project; and  
                                  (B) the intended use of the project; and  
                              (2) an application fee.

**OR**

The project plan must include:

- (1) an application; and
- (2) an application fee.

The project plan application must state the name of the project and the intended use of the project.

### Listings Without Numbering or Lettering

When the listing style of tabulation is used, the numbering or lettering of a listing of listed elements when using listing style is not required when: if:

- (a) the elements may be listed in order (such as alphabetical order, numerical order, or Indiana Code cite order);
- (b) it is likely that the listing will be frequently modified; and
- (c) there is no need to cite to a particular element within the listing.

**Example:** Sec. 2. The following drugs are controlled substances:  
Acetylmethadol  
Allylprodine  
Alphacetylmethadol  
Betameprodine  
Betamethadol  
Betaprodine.

**Example:** Sec. 1. The following agencies are not abolished:  
Indiana department of administration (IC 4-13-1-2 ).  
Legislative council (IC 2-5-1.1-1).  
Regional planning commissions (IC 36-7-7).

In the examples above, note the use of a period after the final entry in the first list and the use of a period after each entry in the second. Some existing Indiana Code provisions containing tabulated lists use a period after each entry, and some do not. When adding an entry to an existing list of this type, follow the existing style. When drafting a new tabulated list that will not use numbering or lettering, use this rule of thumb: if the list is short, include a period after each entry; if the list is long, use a period only after the final entry.

### Formulas

A variation of the listing style of tabulation is the style of tabulation used when writing formulas. The style is the same as the listing style except that the word "STEP" followed by the appropriate numeral written out in capital letters is substituted as the first appropriate division. This style is most frequently used for tax, school finance, pension, and mathematical computations. Tabulation should not go beyond the "item" level of designation or indentation.

**Example:** Sec. 2. The amount of credit a taxpayer is entitled to under this chapter is determined in STEP FIVE of the following formula:  
STEP ONE: Add:  
(A) the costs paid by the taxpayer for the qualified energy system; and

(B) the cost paid for its installation and materials used in its installation.  
STEP TWO: Subtract five hundred dollars (\$500) from the sum determined under STEP ONE.  
STEP THREE: Multiply the remainder determined under STEP TWO by two (2).  
STEP FOUR: Divide the product determined under STEP THREE by three (3).  
STEP FIVE: Determine the lesser of the following:  
(A) The quotient determined under STEP FOUR.  
(B) One thousand dollars (\$1,000).

**Example:** (e) An issuing body may enter into a swap agreement only under the following conditions:

(1) If entering into the swap agreement would not cause the percentage determined in STEP FOUR of the following STEPS to exceed twenty percent (20%):

STEP ONE: Determine the aggregate amount of the outstanding notional amounts of the issuing body's outstanding swap agreements.

STEP TWO: Determine the difference between:

- (i) the aggregate amount of all the outstanding obligations of the issuing body; minus
- (ii) the aggregate amount of the outstanding obligations of the issuing body for which no tax revenues nor special assessments were pledged as a means to repay the obligations.

STEP THREE: Determine the sum of:

- (i) the STEP TWO result; plus
- (ii) the amount of obligations not yet issued but for which one (1) or more swap agreements have been entered into by the issuing body.

STEP FOUR: Determine the quotient of:

- (i) the STEP ONE result; divided by
- (ii) the STEP THREE result.

(2) The issuing body has adopted a comprehensive swap agreement policy at a public meeting.

## D. EDITING ROMAN TEXT

### (1) General Clean Up

A limited number of items can be corrected or updated in existing Indiana Code or Noncode text without making a substantive change. Limit any clean-up to the following:

- (a) Updating agency and entity names.
- (b) Removal of section headings. Note: The headings in IC 36-7-4, the local planning and zoning law, are not section headings but relate to applicability. They should be stricken only when a change in applicability is desired. (See IC 36-7-4-101, IC 36-7-4-102, and IC 36-7-4-103.)
- (c) Removal of gender references.

- (d) Resolution of ambiguities.
- (e) Removal of provisos. (e.g., Provided, however, that...)
- (f) Removal of provisions that by their own terms have expired.
- (g) Changing "which" to "that" only if "which" is incorrect AND there are several other amendments being made in close proximity to that word.
- (h) Correcting any technical errors.
- (i) Updating a section reference within a chapter to match the preferred drafting style.

**Example:** Say the following section appears in IC 24-2-1:

Sec. 9. The secretary shall keep a record of all registrations received under IC 24-2-1-8.

As amended under the general clean up guidelines, the section would be amended to read as follows:

Sec. 9. The secretary shall keep a record of all registrations received under ~~IC 24-2-1-8~~: **section 8 of this chapter.**

## **(2) General Style and Striking Rules**

### **(a) Adding Provisions to Existing Text**

**When adding an entire subsection, subdivision, clause, or item,** retain the alphabetic or numeric designation at the beginning of the text being added.

**Example:** Sec. 7. (a) The tax court shall render its decisions in writing.  
**(b) Written decisions of the tax court may be published and distributed in the manner prescribed by the supreme court.**  
~~(b)~~ **(c)** A decision of the tax court remanding the matter of assessment of property to the Indiana board of tax review shall specify the issues on remand.

### **(b) Striking Provisions from Existing Text**

**When striking an entire subsection, subdivision, clause, or item,** strike the entirety of the subsection, subdivision, clause, or item, including the alphabetic or numeric designation. If applicable, reletter or renumber any subsequent subsection, subdivision, clause, or item. Follow the same guidelines for striking multiple designations of text.

**Example:** Sec. 2. ~~(a) One (1) activity report shall be filed not later than May 31, covering the period from November 1 of the immediately preceding calendar year through April 30.~~  
~~(b)~~ **(a)** Subject to subsection ~~(c)~~; **(b)**, the commission shall impose a penalty of ten dollars (\$10) per day for each day that the person fails to file a report required by this chapter.

(c) **(b)** If the person...

**Example:** (2) have satisfied section 3-1(a)(2) of this chapter and have had continuous active experience for one (1) year immediately preceding the application as a licensed salesperson in Indiana; and  
**(2) have a high school diploma or a general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18; and**  
(3) have successfully completed an approved broker course of study as prescribed in ~~IC 25-34.1-5-5(b)~~; **IC 25-34.1-5-5.**

**Example:** (G) Settlement procedures.  
~~(H) Other courses approved by the commission.~~  
(~~F~~) **(H)** Appraising.  
(~~J~~) **(I)** Property management.

**Example:** (i) One (1) member to represent large businesses.  
(ii) One (1) member to represent small businesses.  
(iii) **(i)** One (1) member to represent banking and finance.  
**(ii) One (1) member to represent the public at large.**

**If there is no subsequent subsection, subdivision, clause, or item, and the subsection, subdivision, clause, or item being stricken is the only such one that remains, strike that text's designation as well. Undo any tabulation that becomes unnecessary.**

**Example:** (a) The council consists of **five (5) members, three (3) of whom must be recommended by the commission.**  
(b) The commission shall appoint members from different geographic areas of Indiana.

**Example:** Sec. 1. Copies of  
(1) ~~all papers filed with;~~ and  
(2) all records, exhibits, ~~and~~ awards, **and orders** made by the board are competent evidence.

**When striking a partial subsection, subdivision, clause, or item, retain the alphabetic or numeric designation at the beginning of the text being stricken.**

**Example:** Sec. 3. (a) ~~At the demand of the owner of the exempt property,~~ The warehouseman shall release the exempt property to the owner.  
(b) A waiver of this section is void.

### **(c) Striking References**

**To strike an internal reference to a subsection, subdivision, clause, or item, strike only the letter or number designation. Correct existing punctuation or language as needed.**

**Example:** Money received under subsection (~~b~~) **(c)** may be used to pay administrative expenses.

- Example:** Evidence that an organization satisfies subsection ~~(a)(1)(C)(iii)~~ **(a)(1)(C)(ii)** includes evidence of the organization's continued use of a service mark or trademarked logo.
- Example:** The department must comply with reporting requirements under subsection ~~(d)(4)~~ **(d)(5)** through (d)(7).
- Example:** The department shall make payments to local corporations under ~~clauses (A), (B), and (C)~~ **clause (D)** only after approval by the state board.
- Example:** Produce shall be distributed in accordance with guidelines under items (i), (ii), **and (iv)**, ~~and (v)~~.

**To strike an external reference to a subsection, subdivision, clause, or item, strike the entire reference.**

- Example:** A patron dealing cards under ~~IC 4-32.2-5-14(b)~~ **IC 4-32.2-5-14(b)(1) or IC 4-32.2-5-14(c)** is not considered a worker for purposes of this article.
- Example:** A student may be licensed to practice in a vocational rehabilitation center under ~~IC 12-12-1-4.1(a)(1)(B)(ii)~~ **IC 12-12-1-4.1(a)(1)**.

#### **(d) Section References**

If the reference is to "section" and a number, consider the entire reference to be one word. If the section reference being stricken is in a list, strike just the section number. Correct existing punctuation or language as needed.

- Example:** The report must be filed in accordance with ~~section 3~~ **section 2** of this chapter.
- Example:** Retirement dates specified under sections 2 ~~3~~, and 4 of this chapter may not be more than six (6) months before the date application is received by the board.
- Example:** Retirement dates specified under ~~sections 2 3~~, **and section 4** of this chapter may not be more than six (6) months before the date application is received by the board.

#### **(e) Criminal or Civil Offense Classes**

In criminal and civil law statutes, the word "Class" and the letter designating the classification of the crime should be considered one word. Correct existing punctuation or language as needed.

- Example:** A person who commits an offense described in this subsection commits a ~~Class C~~ **Class B** misdemeanor.

#### **(f) Punctuation**

Punctuation always appears in the same type face as the text it precedes.

**Example:** This chapter shall be administered by the ~~director~~: **commissioner**.

**Example:** This chapter shall be administered by the ~~director~~: **commissioner or chairperson of the board**.

Note that roman punctuation must be deleted, not stricken, if the preceding word is not stricken.

**Example:** This chapter shall be administered by the director ~~commissioner~~, and superintendent.

**(g) Numbers**

When striking numbers, it is acceptable to strike the entire existing number and add the new number.

**Example:** This chapter applies to a county having more than ~~one hundred forty-eight thousand (148,000)~~ **one hundred fifty-three thousand (153,000)** registered vehicles.

**Example:** This chapter applies to a county having more than one hundred ~~forty-eight~~ **fifty-three** thousand ~~(148,000)~~ **(153,000)** registered vehicles.

## Chapter 3. Bills

### A. PRINCIPAL COMPONENTS OF BILL

#### (1) Introduction

The principal components of a bill are the following:

**Digest**

**Title**

**Enacting Clause**

**Body**

The body of a bill may contain amendments to and additions to of the Indiana Code, repealers of Indiana Code provisions and Noncode provisions, and amendments to and additions of Noncode provisions.

#### (2) Drafting a Provision as Indiana Code Text or Noncode Text

**The following types of provisions should be drafted as Indiana Code provisions:**

- (a) An applicability provision.  
An applicability provision is used to specify the persons, things, or occurrences to which a statute applies or to limit the time frame to which the statute applies.
- (b) A provision that does not contain an expiration date.
- (c) A provision that is in effect for more than two years.  
A provision that staggers the initial terms of members of a board or commission is an exception and may be drafted as Noncode. Provisions that make construction appropriations, concern bond authorization approvals, or are other budget act related SECTIONS are also exceptions.
- (d) A provision that phases in a legal requirement over time, even if the phase-in period is shorter than two years.
- (e) A provision that creates substantive rights and obligations.
- (f) A Medicaid waiver provision.
- (g) A provision that creates a study committee, task force, etc., if the law creating the entity does not expire or expires later than the end of the year of enactment.
- (h) A provision that transfers rules from one agency or entity to another.
- (i) A provision that is a legalizing provision.

- (j) A provision that is a savings clause.

(See **SPECIFIC TYPES OF INDIANA CODE PROVISIONS**, page \_\_\_\_\_, for additional information about Indiana Code provisions and examples.)

**The following types of provisions should be drafted as Noncode Provisions:**

- (a) A provision that applies to only one person or entity and that does not have ongoing applicability.
- (b) A provision that is transitional or self-terminating.
- (c) A provision that voids a rule on a specific date or that requires an agency to amend a rule by a specific date.
- (d) A provision concerning the applicability of tax laws.
- (e) A provision of Noncode applicability.
- (f) A provision that will be in effect for two years or less, unless the provision should be included in the Indiana Code, per the section above. Examples include legislation authorizing interim administrative rules (i.e., "emergency rules"), creating a temporary appropriation, or creating a temporary study committee that expires before January 1 of the year following enactment.
- (g) A provision that makes a construction appropriation, concerns a bond authorization approval, or is another budget act related SECTION, even if the provision is in effect for more than two years.
- (h) An emergency clause.

(See **SPECIFIC TYPES OF NONCODE PROVISIONS**, page \_\_\_\_\_, for additional information about Noncode provisions and examples.)

As outlined above, certain types of provisions are usually drafted as Noncode provisions. However, it may be desirable to place the provisions in the Indiana Code rather than draft it as a Noncode provision.

**The following types of provisions may be drafted as either Indiana Code provisions or Noncode provisions:**

- (a) A provision that will be used by many people.

**Example:**

Sec. 7. (a) After June 30, 2013, a reference in any law, rule, contract, or other document or record to the state department of toxicology established under IC 21-45-3 shall be treated as a reference to the department.

(b) On July 1, 2013, the property and obligations of the state department of toxicology established under IC 21-45-3 are transferred to the department.

(c) This section expires July 1, 2014.

- (b) A provision containing an expiration date that is several years in the future.

**Example:**

Sec. 3.5. (a) The Jackson superior court is not expanded to two (2) judges

until January 1, 2013.

(b) The governor shall appoint a person under IC 3-13-6-1(f) to serve as the initial judge added to the Jackson superior court by section 3 of this chapter before January 1, 2013.

(c) The term of the initial judge appointed under subsection (b) begins January 1, 2013, and ends December 31, 2015.

(d) The initial election of the judge of the Jackson superior court added by section 3 of this chapter is the general election on November 2, 2015. The term of the initially elected judge begins January 1, 2016.

(e) This section expires January 1, 2022.

**(2) (3) Order of Provisions in a Bill Adding a New Chapter or Article**

The following is suggested as the order of provisions in a bill that adds a new chapter or article:

**Indiana Code Provisions**

- (a) Applicability (including scope, exceptions, and exclusions)
- (b) Definitions
- (c) Creation of entity
- (d) Administrative and procedural provisions
- (e) Substance (state requirements in order of time, importance, or other logical sequence)
- (f) Prohibitions and penalties
- (g) Legalizing provisions
- (h) Savings provisions
- (i) Severability provisions
- (j) Appropriations

**Noncode Provisions**

- (g) Repeals
- (h) (k) Transitional provisions
- (i) Legalizing provisions
- (j) Savings provisions
- (k) Severability provisions
- (l) Appropriations

(m) Implementation provisions

(n) Emergency clause

Before the 2012 session, repealers were drafted as Noncode provisions located just after a bill's Indiana Code provisions and before any other Noncode SECTIONS. The procedure was changed to require that repealers be inserted in a bill in Indiana Code cite order. (See **REPEALERS**, page \_\_\_\_.)

## **B. BILL DIGEST**

### **(1) Introduction**

The rules of each house chamber require that each bill contain a brief digest stating the nature of the proposed legislation. The digest is not part of the bill, and it does not become law. The purpose of the digest is to tell the casual reader in laymen's easily understandable terms what the bill does, avoiding legal jargon and technical terminology. It simply outlines the major ideas contained within the bill.

### **(2) Components of a Digest**

Follow these general rules when preparing a digest: There are three main digest components: the citations affected, the synopsis, and the effective date.

#### **(a) Citations Affected**

The first part of a digest should list the Indiana Code citations affected. Each entry should be separated by a semi-colon and a period should be placed at the end of the list. List the entries in Indiana Code cite order.

If a single section within a chapter is affected, cite to the section. If more than one section in a chapter is affected, cite to the chapter level.

**Example:** Citations Affected: IC 2-3-5-7; IC 6-1.1-3-5; IC 6-1.1-3-6.

becomes

**Citations Affected:** IC 2-3-5-7; IC 6-1.1-3.

If more than one chapter is affected, cite to the article level.

**Example:** Citations Affected: IC 8-1-3-8; IC 8-1-4-5; IC 8-1-9-4.

becomes

**Citations Affected:** IC 8-1.

If the bill also amends existing Noncode provisions, list those provisions after the Indiana Code citations. Do not list the Noncode provisions being added.

**Example:**       **Citations Affected:** IC 1-2-3-4; IC 5-6-7; IC 8-9; P.L.193-2010, SECTION 6; P.L.145-2012, SECTION 2.

If the bill only adds Noncode provisions, write "None (noncode)". "Noncode".

**Example:**       **Citations Affected:** Noncode.

If the bill only amends Noncode provisions, list the P.L. numbers and SECTIONS being amended.

**Example:**       **Citations Affected:** P.L.193-2010, SECTION 6; P.L.145-2012, SECTION 2.

If the bill affects so many Indiana Code provisions that it would be impractical to list them all, use the phrase "Numerous citations throughout the Indiana Code."

**Example:**       **Citations Affected:** Numerous citations throughout the Indiana Code.

## **(b) Synopsis**

The second part of a digest is the synopsis. The synopsis is a brief summary of the contents of the bill. The synopsis should be as short as possible. The digest is intended to be a general summary of the bill and not a point by point outline. Keep the digest reasonable in length. Extremely long digests are sometimes skimmed over.

### **Short synopsis**

The first sentence in the synopsis is the "short synopsis", which should summarize the entire bill. in a topic sentence of five to eight words. The short synopsis is displayed on the electronic voting boards in the house and senate when a bill is up for a vote or discussion. It also appears on a number of computer-generated reports and summaries, so the drafter should carefully consider how the short synopsis should be worded. The short synopsis may not be longer than 62 characters, including spaces, and does not contain a verb.

**Example:**       **Synopsis:** Small breweries.

**Example:**       **Synopsis:** Merit system for Marion County sheriff deputies.

### **Long synopsis**

The other sentences in the synopsis for a bill amending the Code should begin with a verb followed by a brief explanation of the proposed change. The body of the synopsis should summarize the major provisions of the bill. Each sentence should begin with a verb and be followed by a brief explanation of the proposed change. The sentences should be arranged in a way that will make sense to the reader, such as the order the provisions appear in the bill or grouped together by subject matter.

**Example:**       Establishes a merit system and procedures for discipline and removal for deputies of a sheriff's department in Marion County. Provides that the merit system applies to full-time, fully paid employees of the department. Removes the limitation that the sheriff of Marion County appoint only special deputies to serve as county jail guards.

If, however, so many changes are being made that a complete listing would be impractical, the following language may be used:

**Example:**

**Sample Boilerplate:** "Makes numerous other changes in the law of ...".

**Example:**

Makes various changes to motor vehicle law concerning registration of vehicles, traffic safety and driver education programs, interstate compacts and agreements, fees, and watercraft titling and registration.

(d) The digest of each bill containing an appropriation should state the appropriated amount in the synopsis.

### **Appropriations**

If money is appropriated in the bill, it should be mentioned in the digest. Either explain the specifics of the appropriation or include the phrase "Makes an appropriation". If the phrase is used, it is usually one of the last items listed in the digest.

**Example:** Establishes the statewide 911 fund (fund). Provides that the fund is a dedicated fund and that no transfers may be made from the fund by the board of finance or budget agency. Appropriates money in the fund to local boards.

**Example:** Imposes a legal services fee on parties filing certain actions. Specifies that the handling and expenditure of the pro bono legal services fees received by the Indiana Bar Foundation are subject to audit by the state board of accounts. Makes an appropriation.

(e) The digest of each bill containing a repealer should provide a description of the repealed provision in the synopsis. If an appropriation is in the current law, and the appropriation is unchanged, do not include the appropriation language in the digest or the title.

### **Repealers**

If a provision is repealed by the bill, it should be described or explained in the digest.

**Example:** Repeals the laws allowing for a consolidated sales and withholding tax return.

**Example:** Provides that the parole board shall transfer a long term inmate to a transitional program if the inmate meets certain criteria, and specifies that the parole board shall release a long term inmate who has completed a transitional program if the inmate satisfies certain conditions, including successful completion of a transitional program. Repeals superseded provisions.

### **Current Law**

If it would be helpful for the reader to know that a current provision is being changed (rather than a new provision being established), use a parenthetical to explain the change.

- Example:** Provides that licenses issued under this article are issued for three years. (Currently, licenses are issued for two years.)
- Example:** Authorizes the department of transportation to adopt rules to establish and designate a highway as an extra heavy duty highway. (Under current law, extra heavy duty highways are designated by statute.)
- Example:** Requires a second or third class city to adopt a salary ordinance not later than November 1 (instead of September 30) for the ensuing budget year.

### Technical Corrections

If a technical correction is made in the bill, the phrase "Makes a technical correction" should be included in the digest. This is usually one of the last items listed in the digest.

- Example:** Makes a technical change regarding the details for the amount of an E85 deduction.
- Example:** Provides for a continuous abatement notice regarding weeds and vegetation. Adjusts the maximum levy for Clark County. Makes a technical correction.

### Delayed Effective Date

If a provision in the bill will not take effect until some date in the future, mention the delayed effective date in the digest.

- Example:** Requires, after December 31, 2017, the dairy council to add seven members to the council's committee on daily dairy matters.
- Example:** As of July 1, 2018, voids any rules or policies enacted by a state agency before, on, or after June 30, 2017, concerning transportation of plastics within Indiana.

### (f) Bill Preparation by a Committee or Commission

At the end of the synopsis, there may be inserted a statement that the bill was prepared at the request of a particular committee or commission, if:

- (A) the bill was prepared under the direction of an interim study committee established by the Legislative Council or by a commission established by the general assembly with legislative members; and
- (B) the committee or commission agrees to insert such a statement.

The statement must be in the following form:

**Sample Boilerplate:** (The introduced version of this bill was prepared by the \_\_\_\_\_.)

This statement may not be inserted in the bill synopsis if the author makes any unauthorized substantive changes in the bill for introduction after committee or commission action.

**Example:** Right to defend against unlawful entry. Permits a person to resist the unlawful entry into a dwelling by a law enforcement officer under certain conditions. (The introduced version of this bill was prepared by the Legislative Council Barnes v. State Subcommittee.)

**Correcting Conflicts** This is outdated.

If a bill contains text that corrects a conflict between two bills enacted during the previous session of the general assembly, the digest should contain the following statement at the end of the synopsis:

Reconciles conflicts between statutes enacted by the [year] general assembly (shown in italicized type).

### (g) (c) Effective Date

The third part of each digest is a statement of the bill's effective date or dates. Each effective date in the bill must be mentioned, even the uniform effective date (IC 1-1-3-3) of July 1. If there are multiple effective dates, one of which is "upon passage", "upon passage" should always be listed first, even if one or more dates is retroactive. The remaining dates should be in chronological order from earliest to latest. Each entry should be separated by a semi-colon, and a period should be placed at the end of the list.

**Example:** **Effective:** Upon passage; January 1, 2010 (retroactive); April 30, 2012 (retroactive); July 1, 2013; December 31, 2013; July 1, 2016.

### (3) Digest Style Guidelines

Use the guidelines below in drafting a bill's digest. Remember that the keys to writing a digest are brevity and clarity.

#### Use of "Indiana"

In general, avoid using "Indiana" in agency names, unless excluding "Indiana" from the digest would create confusion between an Indiana agency and a federal or other jurisdiction agency.

#### Don't Say:

Indiana board of pharmacy  
medical licensing board of Indiana

#### Say:

board of pharmacy  
medical licensing board

### Defined Terms, Short Names, and Acronyms

If a particular agency or entity will be repeatedly referenced in the digest, use the full name the first time the agency or entity is mentioned, then define the term or state the short name or acronym in parentheses, and use the defined term, short name, or acronym throughout the rest of the digest. Do not use quotation marks around the defined term, short name, or acronym. Avoid using the defined term, short name, or acronym in the short synopsis, unless the short synopsis becomes lengthy otherwise.

**Example:** Extra heavy duty highways. Authorizes the department of transportation (INDOT) to adopt rules to establish and designate a highway as an extra heavy

duty highway. Requires INDOT to include in the rules: (1) highways designated by statute as extra heavy duty highways; and (2) statutory size and weight limits. Provides that statutory extra heavy duty highway designations and size and weight limits expire on the date on which INDOT's rules are finally adopted.

If a term is newly defined or changed in the bill, do not describe the definition in the digest unless the addition or change is a key point of the bill.

**Example:** Water utility resource data. Authorizes the Indiana utility regulatory commission to adopt rules to implement certain reporting requirements. Excludes an underground aquifer or water in an underground aquifer from the definition of "watercourse".

If a commonly used acronym or shortened version of a phrase is available and will not confuse the reader, use the shortened term.

**Example:** Increases state highway speeds from 60 mph to 65 mph.

## Numbers

Write out numbers zero through nine. Use numerals for all other numbers.

**Example:** Requires the information to be submitted not later than seven days after it is received. Provides for an additional 14 day extension.

Do not write out dollar amounts.

<b>Don't Say:</b>	<b>Say:</b>
one hundred dollars	\$100
fifty-two cents	\$0.52

When able, use percentages rather than fractions. Do not write out percentages.

<b>Don't Say:</b>	<b>Say:</b>
five percent OR five percent (5%)	5%
one-tenth of one percent (0.1%)	0.1%

Write out fractions, but do not write out compound fractions.

<b>Don't Say:</b>	<b>Say:</b>
three and one-half	3 1/2
four and three-eighths	4 3/8

## Practices to Avoid

Avoid overly broad statements and run-on sentences.

**Don't Say:** Changes motor vehicle law concerning safety.

**Don't Say:** Revises provisions governing the use of golf carts on certain roadways in Clay County by providing that an ordinance adopted by the county authorizing the use of golf carts in the county may be adopted only after consultation with the sheriff of the county and must require that an individual who operates a golf cart in the county hold a driver's license for at least three years prior to operating the golf cart on the roadway and that a penalty required to be paid for violation of the driver's license provision must be deposited in the general fund of the county.

Avoid misleading or stilted language, jargon, and language that may be construed as one-sided or argumentative.

**Don't Say:** Repeals oppressive and unnecessary laws.

**Don't Say:** Requires that staffing services agencies adopt better guidelines for interviewing and hiring temporary employees.

**Don't Say:** Provides that any member who comports him or herself most indecorously must relinquish all association with the board posthaste.

Avoid using the words "clarifies", "improves", "reforms", and "streamlines".

**Don't Say:** Improves the cemetery access law to provide that a visitor is allowed access to a cemetery located on privately owned land at least ten days each year rather than one day.

Avoid "popular" names.

Avoid giving a popular name to a bill, or naming a bill or statute after an individual or event. Doing so may lead to public misunderstanding of the bill's contents or what the bill proposes to do. For instance, a name like "John Doe's Bill" may not provide a clear explanation of the subject matter of the bill, and a name like "The Freedom From Oppressive Taxation Law" is not neutral. Such names should be avoided.

## **(2) (4) Form of a Digest**

A sampling of the various forms a digest can take is provided below. (See also **EXHIBIT 1, Bill Digest**, on page \_\_\_\_.)

**Example:** Bill contains at least two sections being amended in IC 1-1-1 as of July 1 of the current session year and one section being repealed at a future date.

DIGEST

**Citations Affected:** IC 1-1-1; IC 5-10-6-2.

**Synopsis:** State holidays and sick time. Requires the governor to establish five new holidays for state employees. Repeals a provision prohibiting state employees from being paid for unused sick leave.

**Effective:** July 1, 20\_\_; January 1, 20\_\_. July 1, 2013; January 1, 2014.

**Example:** Bill contains only a new Noncode provision that goes into effect on July 1 of the current session year.

DIGEST

**Citations Affected:** None (noncode). Noncode.

**Synopsis:** Indiana statehood commission. Establishes the commission on the bicentennial of Indiana statehood.

**Effective:** July 1, 20\_\_. July 1, 2013.

**Example:** Bill contains only an existing Noncode provision being amended as of a future date.

DIGEST

**Citations Affected:** P.L.365-1995, SECTION 1.

**Synopsis:** Extends the agent orange birth defects study. Appropriates \$500,000 to the agent orange fund from the state general fund.

**Effective:** December 1, 20\_\_. December 1, 2013.

**Example:** Bill contains multiple amendments to a single article, to take effect upon passage or on a retroactive effective date.

## DIGEST

**Citations Affected:** IC 6-1.1.

**Synopsis:** County options for delinquent property taxes. Provides that the fiscal body of a county may adopt an ordinance authorizing the county treasurer to accept a minimum bid on real property subject to sale for delinquent taxes equal to the lesser of: (1) the costs; or (2) 75% of the property's gross assessed value. Provides that the fiscal body of a county may adopt an ordinance to require waiver of penalties on delinquent taxes on real property in the county if: (1) part of the delinquent taxes on the real property were first due and payable before January 1, 2010; and (2) all of the delinquent taxes on the real property are paid after June 30, 2012, and before July 1, 2013. Applies statewide the authority that currently applies only in Lake County allowing the county auditor to remove real property from a tax sale if the county treasurer and the taxpayer agree to a mutually satisfactory arrangement. Establishes a period during which a taxpayer who fails to make a payment under the arrangement may not enter into another arrangement.

**Effective:** Upon passage; January 1, 2012 (retroactive).

### C. BILL TITLE

#### (1) Introduction

The rules of each house chamber require each bill to contain a title that expresses the subject matter of the bill in concise terms in order to acquaint the reader with the general subject matter under consideration. The title should not state what the bill does but should provide a short, general statement of the subject matter of the bill. [Follow the guidelines below when drafting a bill title.](#)

- (a) Usually, the title should be worded the same as the title of the Indiana Code being amended. The following form should be followed for bills that amend the Indiana Code by amending a provision or adding a provision:
- (b) Avoid using an Indiana Code title's name if the wording would be misleading to the reader.

For instance, if the bill amends Title 8 concerning transportation but nothing within the bill deals with utilities:

**Don't Say:** "A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation."

**Say:** "A BILL FOR AN ACT to amend the Indiana Code concerning transportation."

Acceptable bill titles include "pensions", "gaming", "property tax", "income tax", "the lottery", "local government", "utilities", "natural resources", "economic development", and "Medicaid".

- (c) Avoid putting more than two subjects in the bill title.

## (2) Amendment of Indiana Code

If the bill amends the Indiana Code by amending an Indiana Code provision or adding an Indiana Code provision, use the following form:

**Sample Boilerplate:** A BILL FOR AN ACT to amend the Indiana Code concerning . . .

**Example:** A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The above form is also used if Noncode is added, amended, or repealed in the bill in addition to any Indiana Code amendment being made.

## (5) Noncode Bill (3) Amendment of Noncode

The title of a Noncode bill, which is a bill that contains only Noncode provisions [being amended or added](#), should appear as follows:

**Sample Boilerplate:** A BILL FOR AN ACT concerning . . .

**Example:** A BILL FOR AN ACT concerning natural and cultural resources.

If the bill amends only an existing Noncode act, use one of the following (See **Session Law Citations**, [Page 2](#)):

**Sample Boilerplate:** A BILL FOR AN ACT to amend Acts \_\_\_\_, c. \_\_\_\_, s. \_\_\_\_, concerning . . .

**Sample Boilerplate:** A BILL FOR AN ACT to amend Acts \_\_\_\_, P.L. \_\_\_\_, SECTION \_\_\_\_, concerning . . .

**Sample Boilerplate:** A BILL FOR AN ACT to amend P.L. \_\_-19 \_\_, SECTION \_\_\_\_, concerning . . .

## (4) Repeal of Indiana Code and Noncode Provisions

A repealer is not mentioned in the title, except when the sole purpose of a bill is to repeal existing legislation (i.e., the bill does not contain any new Indiana Code provisions and does not contain amendatory provisions). In that case the title of the bill is prepared by reciting the fact of the repeal and setting forth what is repealed.

**Examples: Example:** A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning . . . [civil procedure](#).

**Example:** A BILL FOR AN ACT to repeal certain provisions of the Indiana Code concerning . . . [local government](#).

If the bill only repeals a Noncode law, recite the fact of the repeal and set forth the area of law in which text is being repealed.



**Boilerplate:**

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

**F. INTRODUCTORY CLAUSE LEAD-IN LINE**

**(1) Introduction**

The body of a bill is divided into segments known as "SECTIONS". If a SECTION of a bill affects the Indiana Code, the SECTION must begin with an introductory clause (also referred to as a lead-in line, which identifies by Indiana Code citation the part of the law being altered. amended. This is followed by the content of the proposed law. Only one section of an existing law may be amended in a single SECTION of an amendatory bill. However, if a new title, article, or chapter is being added, the entire title, article, or chapter should be put into one SECTION.

The following general rules apply to all introductory clauses: lead-in lines:

- (a) The entire lead-in line is in capital letters.
- (b) An introductory clause A lead-in line to a section of the Indiana Code must include both the Indiana Code citation for that section and the designation of the last act that added the section to the Indiana Code or that last amended the section, if the addition or amendment was enacted after the last complete set of the Indiana Code was published in 2004. (See Amendments to the Indiana Code Examples below.)
- (c) The introductory clause lead-in line must indicate in brackets when the affected SECTION is effective (See EFFECTIVE DATES, Pages 47-49).

**Example:** SECTION 1. IC 1-2-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

**(2) Amendments to the Indiana Code**

The text below is outdated.

To amend a section that has not been amended or added since the publication of the 1998 Edition of the Indiana Code, say:

SECTION \_\_. IC 1-2-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

To amend a section that has been added or amended in the 1999 Regular Session or since, show only the addition (or the latest amendment to the section) as follows:

SECTION \_\_. IC 1-2-3-4, AS ADDED (AMENDED) BY P.L. \_\_-19\_\_, SECTION \_\_\_\_, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

- (a) To amend a section that was added or amended in 2004 or earlier and not subsequently amended:

**Example:** SECTION 1. IC 16-1.2-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. ...

(b) To amend a section added after 2004:

**Example:** SECTION 3. IC 15-1-18-7, AS ADDED BY P.L.199-2005, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. ...

(c) To amend a section amended after 2004:

**Example:** SECTION 4. IC 7.1-1-13.5-8, AS AMENDED BY P.L.17-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. ...

(See **ALTERING PROVISIONS ADDED OR AMENDED EARLIER IN THE SAME SESSION**, Page 69, for a discussion of introductory clauses **lead-in lines** for a section previously added or amended during a **the same** legislative session.)

Note that a colon must follow the effective date's closing bracket.

### (3) Additions to the **Indiana Code**

For each new section, new chapter, new article, or new title added to the Indiana Code, an introductory clause a **lead-in line** is needed as follows:

(a) To add a **new section** to a chapter, say:

**Example:** SECTION 1. IC 1-2-3-4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

(b) To add a **new chapter** to an article, say:

**Example:** SECTION 2. IC 5-6-7 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

(c) To add a **new article** to a title, say:

**Example:** SECTION 3. IC 8-9 IS ADDED TO THE INDIANA CODE AS A **NEW ARTICLE** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

(d) To add a **new title** to the **Indiana Code**, say:

**Example:** SECTION 4. IC 37 IS ADDED TO THE INDIANA CODE AS A **NEW TITLE** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Again, note that a colon must follow the effective date's closing bracket.

### (4) Repealers

A repealer does not have a separate introductory clause as does legislation amending existing law or adding new provisions. The repealer itself indicates the law to be repealed and there is no need to set forth the text. **The lead-in line of a repealer states that a particular title, article, chapter, section, or Noncode**

SECTION is being repealed and provides the effective date of the repeal. Before the 2012 legislative session, no text of any affected provision was set forth. The procedure was changed to require that if a title, article, or chapter is to be repealed, the heading must be included. If a section or Noncode SECTION is to be repealed, the section text must be set forth and stricken. (See **REPEALERS**, page \_\_\_ for more information and examples.)

## **(5) Noncode Provisions**

### **Additions**

If a Noncode provision is being added, an introductory clause a lead-in line is not required because the provision does not amend the Indiana Code. Note that, unlike with Indiana Code provisions, a colon is not included after the effective date.

**Example:** SECTION \_\_. [EFFECTIVE JANUARY 1, 2013] (a) The board...

See:

**EXHIBIT 15, Adding a Noncode SECTION, page \_\_\_\_.**

### **Amendments**

If a Noncode provision is being amended, one of the following introductory clauses lead-in lines is required to properly identify the Noncode provision. The P.L. referred to in the introductory clause lead-in line should be a reference to the latest P.L. amending the Noncode provision.

(a) For Noncode provisions in acts enacted beginning with the 1982 Special Session:

**Sample Boilerplate:** SECTION \_\_. P.L. \_\_-19\_\_, SECTION \_\_, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000 \_\_\_\_\_]:

(b) For Noncode provisions in acts enacted beginning with the 1971 Session and through the 1982 Regular Session:

**Sample Boilerplate:** SECTION \_\_. ACTS \_\_, P.L. \_\_, SECTION \_\_, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000 \_\_\_\_\_]:

(c) For Noncode provisions in acts enacted before 1971:

**Sample Boilerplate:** SECTION \_\_. ACTS \_\_, C. \_\_, S. \_\_, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000 \_\_\_\_\_]:

See:

**EXHIBIT 14, Amendment of a Noncode Act, page \_\_\_\_.**

**EXHIBIT \_\_, Determining the Latest Version of a Noncode Provision, page \_\_\_\_.**

## **G. INDIANA CODE PROVISIONS GENERALLY**

### **(1) Numbering System**

#### **Sections**

The first section to be added to a **new** chapter is numbered "1" and the remaining sections are numbered consecutively. The only exceptions to this numbering scheme are found in the following:

- (a) The fuel tax laws (IC 6-6).
- (b) [First Lien Mortgage Lending \(IC 24-4.4\)](#).
- (c) The Uniform Consumer Credit Code (IC 24-4.5).
- (d) [Special Provisions Concerning Certain Transactions \(IC 24-4.6\)](#).
- (e) The Uniform Commercial Code (IC 26-1).
- (f) [Uniform Electronic Transactions Act \(IC 26-2-8\)](#).
- (g) The local planning and zoning law (IC 36-7-4).

A decimal citation should be used only if it is clearly the best placement for understanding **or when adding a new term or definition to an existing list that is in alphabetical order**.

#### **Chapters and Articles**

As with sections, **new** articles and chapters are to be numbered consecutively, starting with "1". Since the introduction of the Indiana Code, decimal numbers for various articles and chapters have been used; however, a placement that would result in A new chapter or article having a decimal **Indiana** Code citation should be used only if it is clearly the best placement for understanding.

**Numbering of Definitions** This is addressed in the Definitions section.

(See **Definitions**, Pages 33-35.)

#### **Use of Repealed **or Expired** Sections, Chapters, Articles, and Titles**

To avoid confusing references after a section, chapter, article, or title has been repealed **or has expired**, do not place new text at that Indiana Code location.

### **(2) Headings**

#### **Titles, Articles, Chapters**

Title, article, and chapter headings are inserted by legislation. The heading should be as broad as possible without being misleading. **Once a title, article, or chapter heading has been adopted, however, it cannot be changed by legislation.** When it appears that a title, article, or chapter heading change is needed, contact the Office of Code Revision. **because IC 1-1-1-5(f) provides that title, article, and chapter headings are not**

a part of the law and may be changed by the lawful compilers to more accurately reflect the text.

Title and article headings should be added using all capital letters. A period should be placed after the title or article number.

**Example:**       **TITLE 37. SPACE EXPLORATION**

**Example:**       **ARTICLE 11. CONSUMER LEGAL FUNDING**

For chapter headings, capitalize the first letter of all significant words. For prepositions, if the word is three letters or fewer, use lowercase. If it is four letters or more, use uppercase. A period should be placed after the chapter number.

**Example:**       **Chapter 30. SNAP Assistance for Individuals With Drug Convictions**

### **Sections**

Section headings which do become a part of the law, are not to be used in bills, even when a new section is being added to a chapter that has sections with existing headings. Furthermore, when an existing section that contains a heading is amended, the heading should be stricken, even in uniform laws.

**Don't Say:**       SECTION 1. IC 15-19-7-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 41. Hindering performance of duty. A person who impedes, hinders, or otherwise obstructs the state chemist in performance of the state chemist's duty...**

**OR**

SECTION 1. IC 15-19-7-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 41. HINDERING PERFORMANCE OF DUTY. A person who impedes, hinders, or otherwise obstructs the state chemist in performance of the state chemist's duty...**

**Say:**               SECTION 1. IC 15-19-7-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 4. A person who impedes, hinders, or otherwise obstructs the state chemist in performance of the state chemist's duty...**

Note: The headings in IC 36-7-4, the local planning and zoning law, are not section headings but relate to applicability. They should be stricken only when a change in applicability is desired. (See IC 36-7-4-101, IC 36-7-4-102, and IC 36-7-4-103.)

### **(3) Printing Style**

#### **Amending a Section**

When an existing section of the Indiana Code is amended, the latest version of text is set forth in regular roman type (roman type). Material to be deleted is stricken through (~~stricken type~~); and material to be

added is set in bold type (**bold type**). If multiple versions of a particular section exist and are to be merged into a single version, the combined text is indicated in italics (*italics*).

See:

**EXHIBIT 2, Bill Amendment by Adding New Language**, page \_\_\_\_.

**EXHIBIT 3, Bill Amendment by Striking Existing Language**, page \_\_\_\_.

**EXHIBIT 4, Bill Amendment by Combining Additions and Deletions in a Subsection**, page \_\_\_\_.

**EXHIBIT 5, Bill Amendment by Adding a Subsection**, page \_\_\_\_.

**EXHIBIT 6, Bill Amendment by Striking a Subsection**, page \_\_\_\_.

**EXHIBIT 7, Merging Multiple Sections, with Emergency Clause**, page \_\_\_\_.

### **New Title, Article, Chapter, or Section**

When a new title, article, chapter, or section is added to the Indiana Code, the entire title, article, chapter, or section is set in bold type.

See:

**EXHIBIT 8, Adding a Section**, page \_\_\_\_.

**EXHIBIT 9, Adding a Chapter**, page \_\_\_\_.

**EXHIBIT 10, Adding an Article**, page \_\_\_\_.

**EXHIBIT 11, Adding a Title**, page \_\_\_\_.

### **Repealed Title, Article, Chapter, or Section**

As of the 2012 legislative session, the procedure for repealing provisions of the Indiana Code and Noncode changed. (For information about repealer printing style, see **REPEALERS**, page \_\_\_\_.)

## **(4) Internal References**

### **Internal References to Indiana Code Provisions**

If one provision makes reference to another Indiana Code provision, the form specified in Chapter 1 (see [Pages 2-3](#)) is to be followed, except as follows:

- (a) A reference to the title in which the reference occurs should be expressed as "this title".

**Example:** A board regulating a profession under this title may not require continuing education as a condition of certification.

- (b) A reference to the article in which the reference occurs should be expressed as "this article".

**Example:** "Committee" refers to a commission, a committee, or another body established under this article.

- (c) A reference to the chapter in which the reference occurs should be expressed as "this chapter".

**Example:** Sec. 1. This chapter applies only to a licensed psychologist who has received a health service provider endorsement.

- (d) A reference to the section in which the reference occurs should be expressed as "this section".
- Example:** (c) A proceeding under this section may be begun by filing a report with the court.
- (e) A reference to the subsection in which the reference occurs should be expressed as "this subsection".
- Example:** (g) The department may contract with a person to conduct inspections to test the emissions or emission control devices of motor vehicles. If inspections are conducted by a contractor under this subsection, the inspections shall be conducted under the direction of the department.
- (f) A reference to the subdivision in which the reference occurs should be expressed as "this subdivision".
- Example:** (1) The director shall appoint two (2) members to the board. The members appointed under this subdivision may not be members of the same political party.
- (g) A reference to the clause in which the reference occurs should be expressed as "this clause".
- Example:** (B) The commission may make a grant to an approved racetrack. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack.
- (h) A reference to the item in which the reference occurs should be expressed as "this item".
- Example:** (i) Fifty percent (50%) of the excess reserves shall be transferred to the pension plans of the state police and prosecuting attorneys. The funded amount for each plan described in this item is to be determined as of June 30 of the immediately preceding year.
- (f) (i) A reference to another section or sections in the same chapter should be expressed as "section \_\_\_ of this chapter", "sections \_\_\_ and \_\_\_ of this chapter", or "sections \_\_\_ through \_\_\_ of this chapter".
- Example:** An applicant must pay the fees under section 5 of this chapter to be eligible for a license.
- Example:** The prevailing party is entitled to the remedies described in sections 4 and 6 of this chapter.
- Example:** A person who satisfies the requirements of sections 1 through 3 of this chapter may take the examination.
- (g) (j) A reference to a specific subsection in the same section should be expressed, for example, as "subsection (a)" or "subsections (a) through (d)". See the "multiple subsections in the same section" entry below for additional information and examples.

**Example:** (a) A person with a temporary permit issued under subsection (b)(3) may engage in the practice of occupational therapy.

**Example:** (d) The property referred to in subsections (e) through (g) is not subject to levy.

(h) (k) A reference to a **specific** subsection in the same chapter but not in the same section should be cited, for example, as "section 5(b) of this chapter".

**Example:** Sec. 1. A grant under section 5(b) of this chapter must be matched by an equal amount of money from sources other than the state.

(l) A reference to two subsections in the same section but not in the section containing the reference should be cited, for example, as "section 5(b) and 5(c) of this chapter".

**Example:** Sec. 6. When a provider provides additional forensic services under section 5(b) and 5(c) of this chapter, the provider shall furnish the services without charge.

(i) (m) A reference to multiple subsections in the same section should be as follows: In referencing multiple subsections in the same section, whether the term "subsection" is singular or plural depends on the conjunction used.

**Examples:** subsections (a) and (b) [PLURAL]  
subsection (a) or (b) [SINGULAR]  
subsections (a) through (d) [PLURAL]

When "and" is used, the term is plural.

**Example:** Subsections (a) and (b) do not apply to real property that is owned by the state.

When "through" is used, the term is plural.

**Example:** Subsections (a) through (c) do not apply to real property that is owned by the state.

When "or" is used, the term is singular.

**Example:** A child may qualify for a benefit under subsection (a) or (b).

However, if different subdivisions are referred to within the same subsection, the drafter should use the SINGULAR because it is the same subsection.

**Examples:** (d) The fund may not be used for any purpose under subsection (a)(1) and (a)(3).

(b) The fee must be paid by an applicant listed in subsection (a)(1) through (a)(3).

Unless the context necessitates reference to a specific subsection, refer to the section as a whole.

- (n) If a statute refers, by citation, to a group of provisions in a different **Indiana** Code unit, the references should be cited as follows:

For a group of titles, cite as "IC 2 through IC 6".

For a group of articles, cite as "IC 2-3 through IC 2-5".

For a group of chapters, cite as "IC 5-4-7 through IC 5-4-8".

For a group of sections, cite as "IC 5-4-3-2 through IC 5-4-3-9".

For a group of subsections, cite as "IC 5-4-3-7(a) through IC 5-4-3-7(c)".

### **A Note Concerning the Use of "And" and "Through" in Internal References**

Several explanations and examples provided in the section above reference the use of the terms "and" and "through" in specific contexts. The following guidelines provide additional direction in determining the appropriate term:

**Use "and" in describing internal references if there are only two sections, subsections, subdivisions, clauses, or items being described.**

**Example:** A person must pay the taxes described in sections 2 and 3 of this chapter.

**Use "through" in describing internal references if more than two sections, subsections, subdivisions, clauses, or items being described, and the sections, subsections, subdivisions, clauses, or items appear in the text consecutively.**

**Example:** The affected agencies are the agencies listed in subdivisions (3) through (5).

**Use "and" in describing internal references if there are more than two sections, subsections, subdivisions, clauses, or items being described, and the sections, subsections, subdivisions, clauses, or items do not appear in the text consecutively.**

**Example:** The voting members are the members described in subdivisions (1), (4), (9), and (10).

### **Confusing References to Statutes**

Existing references to "the preceding section", "the next section", "the following section", "above", "below", "herein", "hereinafter", "therein", or "hereinbefore" must be clarified by replacing the reference with the corresponding Indiana Code citation.

### **"IC 1971" References**

A reference to "IC 1971," should be dealt with by striking "1971,.". The "1971," reference has been superseded.

**Example:** The exemption does not apply unless the association is organized under IC ~~1971~~, 15-1-3.

## Internal References to Effective Dates

An internal reference to an effective date of an Indiana statute, usually in the form of "the effective date of this act [chapter](#)", should be stricken if obsolete. Otherwise, it must be replaced with a specific date as follows:

- (a) If an act has a specific effective date, substitute that date for the reference.
- (b) If an act declares an emergency and provides that it takes effect upon passage, insert the approval date, which is found in the Acts after the chapter or public law number.
- (c) For an act passed beginning in 1852 and through 1978, if the act contains no emergency clause or specific effective date, use the promulgation date for that year's laws. The promulgation dates for the acts are listed in the prefatory pages of [each the Indiana Code volume containing Title 1](#).
- (d) For an act passed beginning in 1852 and through 1978, if there is no declaration of emergency and the specific effective date is before promulgation, insert the promulgation date for that year (Article 4, Section 28 of the Constitution of the State of Indiana).
- (e) For an act passed during or after 1979, see **EFFECTIVE DATES**, [Pages 47-49](#).

If the occasion arises for using an effective date reference in [an Indiana Code provision](#), do not use the phrase "upon the effective date of this act". Instead, insert a definite date reference, [unless the provision goes into effect upon passage](#).

## Confusing Internal References to Effective Dates

The words "now", "existing", "present", "currently", "already", "heretofore", and "hereafter" are inherently ambiguous in statutes, though they usually relate to the time when the provision took effect. These words should be either replaced by a definite date reference or eliminated.

## Internal References to Federal Statutes

When citing to a federal law, use the United States Code reference. [If it is useful for understanding, the short title of the federal act may be used.](#)

**Example:** 16 U.S.C. 201

**Example:** [federal Telecommunications Act of 1996 \(47 U.S.C. 151 et seq.\)](#)

Convert federal Public Law numbers and references to the Statutes at Large to U.S.C. references when found in existing statutes. If there is no U.S.C. citation, use the Public Law designation with the designation from the Statutes at Large.

**Example:** P.L.85-864 (64 Stat. 514)

[Avoid referring to a federal law "as amended". One way to avoid doing so is to refer to the law as in effect on a date certain. \(See IC 3-5-4-7 and IC 6-3-1-11.\)](#)

## Internal References to Federal Regulations

When citing to a federal regulation, use the Code of Federal Regulations reference.

**Example:** 24 CFR 201

### **Internal References to Indiana Agency Rules**

When citing to an Indiana administrative rule, use the Indiana Administrative Code reference.

**Example:** 310 IAC 2-18-1

When citing to an Indiana administrative rule not in the Indiana Administrative Code, use the Indiana Register reference. (See "Citations" in the **INDIANA REGISTER** section, page \_\_\_)

Use the following style to reference Indiana Register documents published before July 1, 2006:

**Example:** 5 IR 1000

Use the following style to reference Indiana Register documents published on or after July 1, 2006:

**Example:** 20130726-IR-317050065FR

### **Internal References Within the UCC, UCCC, and Certain Model and Uniform Acts and Compacts**

The form of internal references specified in Chapter 1 (see Page 1) is **not** ordinarily used in the Uniform Commercial Code (IC 26-1), Uniform Consumer Credit Code (IC 24-4.5), state compacts, and certain model and uniform acts. Contact the Office of Code Revision for guidelines on the proper citation format in these statutes.

### **Other Internal References**

Refer to the latest edition of A Uniform System of Citation (also known as The Bluebook) for other internal reference citations. [The manual is available in the Indiana Supreme Court Law Library.](#)

## **H. SPECIFIC TYPES OF INDIANA CODE PROVISIONS**

In 2011, the Code Revision Commission adopted guidelines for use in considering whether to draft legislation as an Indiana Code provision or Noncode provision when the legislation is not applicable throughout Indiana generally or is a temporary, transitional, or self-terminating provision. There was consensus on two points:

1. The law should be accessible to the public and to practitioners as much as possible.
2. The law should be drafted in a way that is transparent.

To achieve consistency with these points, the vast majority of legislation should be placed in the Indiana Code.

If a provision is not applicable throughout Indiana generally or is a temporary, transitional, or self-terminating provision, consider the factors set forth under **NONCODE PROVISIONS GENERALLY**, page \_\_\_\_, and **SPECIFIC TYPES OF NONCODE PROVISIONS**, page \_\_\_\_, in deciding whether to place the provision in the

Indiana Code or to draft the provision as a Noncode statute.

### (1) Short Titles

Short titles are not to be used except for short titles included in uniform laws drafted by the Conference of Commissioners on Uniform State Laws.

### (2) Purpose Provisions (See also **BILL PREAMBLE**, [Page 25](#))

A well-drafted act requires no statement of what it seeks to accomplish or the reasons prompting its enactment. [In general](#), do not include language stating the purpose of an act or reciting the facts upon which an act is predicated unless the included language would be useful in upholding the act against constitutional attack or is necessary to give meaning to a provision for liberal construction. [Note that problems can arise if a purpose provision conflicts with other parts of the statute.](#)

### (3) Applicability Provisions

An applicability provision is used to specify the persons, things, or occurrences to which the statute applies or to limit the time frame to which the statute applies.

**Example:** This chapter applies to taxable years beginning after December 31, 2013, and ending before January 1, 2015.

[Do not use an applicability provision for a criminal law statute unless there is a specific need for one. \(See \*\*Criminal and Civil Penalties\*\*, page \\_\\_\\_\\_.\)](#)

Do not use definitions to limit a statute's application when a substantive statement in an applicability provision would be clearer.

An applicability provision should be placed at the beginning of a title, article, section, or subsection, rather than [at the end](#).

### (4) Definitions

#### Introduction [Definition Usage Rules](#)

#### Use definitions only:

- (a) when a word is used in the sense of one of several dictionary meanings or is used in a technical manner;
- (b) to avoid repetition of a lengthy phrase; or
- (c) to limit or extend the meaning of a word for the provisions of the statute.

#### (a) **DO NOT: Practices to Avoid:**

- (a) **Do not** write substantive or applicability provisions into definitions.

**Example:** "Applicant" means a person [an individual](#) who:

- (1) applies for a license from the department;
- (2) has at least twenty (20) hours training at an accredited school;
- (3) has at least twenty (20) hours of clinical experience; and
- (4) pays the prescribed fee.

**Explanation:** The definition should have stopped with subdivision (1)—i.e. "Applicant" means a person **an individual** who applies for a license from the department. Subdivisions (2), (3), and (4) are substantive requirements that should be addressed separately as conditions of licensure.

This example is outdated

**Example:** "Medicaid waiver" refers to a waiver from compliance with the requirements of the federal Medicaid law, which the state department must request from the federal Department of Health and Human Services, in writing, before December 31, 2000.

**Explanation:** The definition should have stopped after "law"—i.e. "Medicaid waiver" refers to a waiver from compliance with the requirements of the federal Medicaid law. The requirements that the waiver be requested: (1) in writing, and (2) before December 31, 2000, should be put in separate, substantive provisions.

**(b) DO NOT:**

- (b) **Do not** use a word in a sense foreign to a dictionary meaning.

**Example:** "Wheat" means wheat, rye, and barley.

**(c) DO NOT:**

- (c) **Do not** develop and use an artificial concept.

**Example:** See Acts 1967, Ch. 283, SEC.2, in which the concept of "local time" is developed.

**(d) DO NOT:**

- (d) **Do not** use a definition if the defined term is used once or very few times.

- (e) **Do not** define a particular word or phrase but use a variation of it in the text.

### **Definition Form Generally**

Use quotation marks and the following style when defining a term:

- (a) Use **"means"** to indicate that there is an exact equivalency between the defined term and the description.

**Example:** Sec. 1. "Executive" means the mayor of a city.

- (b) Use **"includes"** to indicate items that are marginally included within a nonexhaustive definition.

**Example:** Sec. 2. "License" includes permit.

Avoid the phrase "includes but is not limited to". **"Includes" is used in a nonexhaustive definition. Use of the phrase "includes but is not limited to" in this context is redundant. The phrase is typically seen when**

a subject is first described generically and then several examples are added to illustrate the general description, which avoids the application of the legal concept "eiusdem generis".

**Example:** The committee shall study all topics relating to widgets, including, but not limited to, the following:

- (1) The design of widgets.
- (2) The manufacture of widgets.
- (3) The marketing of widgets.
- (4) The sale of widgets.
- (5) The use of widgets.

Use of the phrase "includes but is not limited to" can be obviated by inverting the order of the description, as follows:

The committee shall study the following:

- (1) The design of widgets.
- (2) The manufacture of widgets.
- (3) The marketing of widgets.
- (4) The sale of widgets.
- (5) The use of widgets.
- (6) Any other topic the committee considers necessary to understand widgets.

This formulation retains the identification of the specific topics that the committee is to study and also expresses explicitly the intent that the committee is authorized to study other necessary related topics. This renders the "includes but is not limited to" phrase unnecessary.

(c) Use "**refers to**" when adopting a shortened version of a term for use throughout a statute.

**Example:** Sec. 3. "Population" refers to the population according to the most recent federal special or decennial census.

**Example:** Sec. 4. There is established the Elkhart superior court (referred to as "the court" in this chapter).

Sec. 1. This chapter applies to Boone, Johnson, Hamilton, Hancock, Hendricks, Morgan, and Shelby counties (referred to as counties in this chapter) and to the cities or towns of Carmel, Fishers, Greenfield, Lebanon, Noblesville, Westfield, and Zionsville that are located in those counties (referred to as municipalities in this chapter).

(d) Use "**has the meaning set forth in IC . . .**" or "**(as defined in IC x-x-x-x)**" to reference an existing definition.

**Example:** Sec. 5. "Products" has the meaning set forth in IC 6-1.1-3-13.

**Example:** The form may be distributed to any agency (as defined in IC 2-5-21-1).

(e) The elements of a definition may be tabulated.

**Example:** "Child" of an individual refers to any of the following:

- (1) A natural child of the individual.
- (2) A child of the individual's spouse.
- (3) An adopted child of the individual.

**Example:** "Assist" means to:  
 (A) help; or  
 (B) aid;  
 a person.

### **Definition Form in New Articles**

When adding a new article, put the definitions for that article in one chapter with each definition in a separate section in alphabetical order. The first section in the definitions chapter should be an applicability section. as follows:

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

The definition sections themselves should begin with the defined term itself.

**Example:** **Sec. 2. "Incorporated entity" means a . . .**

Each definition section should begin with the defined term.

**Example:** **ARTICLE 1. LOBBYISTS**  
**Chapter 1. Definitions**  
**Sec. 1. The definitions in this chapter apply throughout this article.**  
**Sec. 2. "Activity report" means the activity report required by the board under IC 2-7-3.4-8.**  
**Sec. 3. "Candidate" refers to a candidate for election to the general assembly.**  
**Chapter 2. Registration Statements**  
**Sec. 1. (a) Each lobbyist shall file annually with the commission a registration statement under oath accompanied by the registration fee required by this section.**  
**(b) ...**

### **Definition Form in New Chapters**

When adding a new chapter, put each of the definitions in separate sections at the beginning of the chapter in alphabetical order. Each definition section should begin with a statement of applicability.

**Example:** **Sec. 2. As used in this chapter, "incorporated entity" means a . . .**  
**Chapter 3. Continuing Education**  
**Sec. 1. As used in this chapter, "continuing education course" means instruction designed to directly enhance the knowledge and skill of a dental hygienist.**  
**Sec. 2. As used in this chapter, "license period" means the two (2) year period during which a dental hygienist's license is valid.**  
**Sec. 3. A dental hygienist must complete at least fourteen (14) credit hours in continuing education courses each license period.**

## Definition Form in New Sections

When adding a new section, put each of the definitions in separate subsections at the beginning of the section in alphabetical order. Each definition subsection should begin with a statement of applicability.

- Example:**
- Sec. 3. (a) As used in this section, "licensee" refers to an individual who is licensed or certified as set forth in section 2 of this chapter.**
- (b) As used in this section, "personal information" means public information that identifies an individual, including the individual's name, address, and telephone number.**
- (c) The licensing agency shall report the personal information of a licensee to the state department.**

A listing format can also be used to list the section's definitions in a single subsection.

- Example:**
- Sec. 3. (a) The following definitions apply throughout this section:**
- (1) "Licensee" refers to an individual who is licensed or certified as set forth in section 2 of this chapter.**
- (2) "Personal information" means public information that identifies an individual, including the individual's name, address, and telephone number.**
- (b) The licensing agency shall report the personal information of a licensee to the state department.**

## Definition Form in Existing Articles, Chapters, and Sections

When it is necessary to add a new definition to an existing chapter or article, the manner in which the definition is added will depend upon the definitions style that is used in that chapter or article. [The same is true when adding definitions to an existing section.](#)

### Definitions in New and Recodified Titles:

When adding a [new title](#) or recodifying a [new an existing title](#), all definitions used in the title should be inserted in alphabetical order in a chapter at the beginning of the title. Definitions should not be inserted throughout the rest of the title.

### Definitions in Certain Recently Recodified Titles:

Recently Recodified titles include Titles [3](#), [9](#), [10](#), [12](#), [13](#), [14](#), [15](#), [16](#), [20](#), [21](#), [31](#), [32](#), [33](#), and [34](#). These titles have all been recently recodified under the supervision of the Code Revision Commission. In addition, Title [12](#) was substantively amended and reorganized in 1992. The Code Revision Commission has slightly varied the format for definitions in recodified titles over the years.

[In Titles 3, 13, 31, and 34](#), all definitions should go in the general definitions chapter at the beginning of the title and not in the chapter in which the definition applies.

[In Titles 9, 12, 14, and 16](#), all definitions used in a title appear at the beginning of the title. However, if a definition is used in only one chapter or one section of the title, the text of the definition appears in the chapter or section and only a reference to the term is placed in the Definitions Chapter at the beginning of the title (e.g. Sec. 1. "Computer" has the meaning set forth in IC...(the body of the title)".) [the definitions](#)

go in the general definitions at the beginning of the title if the definition is used in more than one chapter. If the definition is used in only one chapter, the definition goes in that chapter, and a reference to the definition goes in the general definitions chapter in the beginning of the title. (For an example of a definition used in only one chapter, see IC 16-18-2-16.)

In Titles 10, 20, and 32, definitions are found in the article or chapter in which they are used.

In Title 33, there are some title-wide definitions. However, most Title 33 definitions are found in the article or chapter in which they are used.

In the most recently recodified titles, Titles 31 and 34, all definitions appear in alphabetical order at the beginning of the title. None of the definitions appear throughout the text of the title.

**Adding a Definition to a Recodified/Revised Title:**

(Title **3, 9, 10, 12, 13, 14, 15, 16, 20, 21, 31, 32, 33, or 34**)

The new definition should be added in alphabetical order **in the appropriate location**, as a decimal point section if necessary.

**Indiana Code Definitions and Construction Provisions**

IC 1-1-4 contains a list of definitions and construction provisions that apply to all **Indiana Code** provisions and incorporates by reference the criminal law definitions set forth in **IC 35-41. IC 35-31.5. (See IC 1-1-4-5(30).)** Avoid defining these terms differently in other parts of the Indiana Code.

**(5) Creation of Agency, Board, Commission, or Office**

Use simple language in the present tense to create or establish an agency, **board**, commission, or office. **If the entity is to have a short duration, draft the language as a Noncode provision. (See SPECIFIC TYPES OF NONCODE PROVISIONS, Pages 45-47.)**

**Example:**

**Sample Boilerplate:** The office of \_\_\_\_\_ is [created] established in the department of \_\_\_\_\_.

**Example:** The state recount commission is established.

**Example:** There is **created** **established** within the Indiana finance authority a clean coal technology program.

**(6) Criminal and Civil Penalties**

**Crimes**

Felonies and misdemeanors constitute crimes under Indiana law **and need to be proven beyond a reasonable doubt.** Crimes carry a potential penalty of imprisonment. **Article 8, Section 2 of the Constitution of the State of Indiana requires** any fines imposed on persons convicted of crimes must be deposited in the common school fund.

IC 35-50-2 describes the four classes of felonies, and IC 35-50-3 describes the three classes of misdemeanors.

All crimes **criminal offenses** should be classified into one of these statutory classes. (See **EXHIBIT 20, Page 97.**) Note: This chart is updated every few years, and it may have been revised since the publication of this Drafting Manual.

When listing applicable classes, repeat the word "Class".

**Example:** Arson (IC 35-43-1-1) as a Class A or Class B felony.

Ordinarily, a culpability standard **describing the mental state of the individual** should be included in the provision defining a crime. The standards recognized in Indiana are "intentionally", "knowingly", and "recklessly". (See IC 35-41-2-2 for descriptions of these standards.)

In drafting criminal statutes, identify each provision that should have a criminal penalty rather than citing to the entire chapter or article.

**Don't Say:** A violation of this chapter is a crime.

**OR**

A violation of this article is a crime.

**Say:** Sec. 14. A person who knowingly violates section 10 or 12 of this chapter commits a Class C misdemeanor.

Avoid including an applicability provision for a criminal statute unless there is a specific need to include the provision. For example, don't say: "Sec. 0.1. The amendments made to section 3 of this chapter by legislation enacted in the 2013 regular session of the general assembly apply only to crimes committed after June 30, 2013." This type of applicability provision simply states the obvious, i.e. that criminal law statutes can't be ex post facto laws.

IC 35-51 is composed of lists of criminal statutes codified outside Title 35, with each Indiana Code title having its own chapter. It is not an exhaustive compilation of all criminal statutes codified outside that title, as other criminal statutes may be found throughout the Indiana Code, but it is useful to the legislative services agency and to outside agencies to catalog the statutes.

If a new criminal provision is drafted outside Title 35, amend the appropriate IC 35-51 chapter to add the new provision's cite and include a general description of the person, entity, or concept to which it relates. The lists are not numbered. Additions should be placed in Indiana Code cite order.

**For example,** a bill establishes a Class C misdemeanor in IC 12-13-14-4.5(c) concerning restricted access to cash assistance benefits at certain ATMs and point of sale terminals. IC 35-51-12 contains the list of Title 12 statutes containing criminal provisions, so in the same bill, IC 35-51-12-1 is amended to add the provision to the list of crimes for Title 12, as shown below:

Sec. 1. The following statutes define crimes in IC 12:  
IC 12-10-13-20 (Concerning long term care ombudsman program).  
IC 12-11-13-16 (Concerning statewide waiver ombudsman).  
**IC 12-13-14-4.5 (Concerning electronic benefits transfer).**  
IC 12-14-22-8 (Concerning family assistance services).

Likewise, if a criminal statute outside Title 35 is repealed, amend IC 35-51 to remove the repealed statute from the list.

## **Civil Violations**

Infractions and ordinance violations constitute civil violations. They are not criminal offenses (for which a person can be imprisoned). ~~and do not need to be proved~~ **Proof** beyond a reasonable doubt **is not required for infractions**. Infractions are defined by state statutes, while ordinance violations are defined by local government ordinances. The procedures governing civil violations are set forth in IC 34-28-5.

### **Infractions**

There are four classes of infractions (see IC 34-28-5), and the amounts collected as judgments for violations of statutes defining infractions are deposited in the state general fund (**but see IC 9-21-5-11(e) and IC 34-28-5-5(e)**). Do not draft provisions describing a violation of a local ordinance as an infraction, since infractions carry state penalties.

### **Ordinance Violations**

Counties, cities, towns, and some other local governmental entities, such as hospital corporations and airport authorities, have the power to provide penalties for violation of their own ordinances. Counties, cities, and towns are limited in this area by IC 36-1-3-8. Do not include a specific penalty for violating a local ordinance in a statute. The local entity should provide penalties for violations in its own ordinances, and these ordinances should specify the fund in which fines should be deposited.

### **Mens Rea**

There is no mens rea requirement for an infraction.

A statute that defines a misdemeanor or felony requires a culpability standard (knowingly, intentionally, recklessly) describing the mental state a person must have had to commit the crime.

### **Immunity and Limited Immunity from Civil Liability**

IC 34-30 is the Indiana Code's main repository for statutes granting immunity from civil liability, and IC 34-31 catalogs statutes granting limited immunity from civil liability. Lists of specific statutes granting immunity and limited immunity but codified outside Title 34 are listed in IC 34-30-2 and IC 34-31-2, respectively. Neither is an exhaustive compilation of all such provisions in the Indiana Code, but it is useful to the legislative services agency, outside agencies, and to others to catalog these statutes.

If a new immunity or limited immunity provision is drafted outside Title 34, add an entry to the corresponding chapter— i.e., IC 34-30-2 for immunity and IC 34-31-2 for limited immunity. Draft a new section that references the cite and includes a general description of the concept to which the immunity relates. Add the section to the chapter based on the Indiana Code cite order of the existing entries, using a decimal if necessary.

**For example:** IC 5-2-17-8(b) is drafted in a bill concerning missing persons. It states the following:

**(b) A health care provider that discloses information in good faith under subsection (a) is immune from civil liability for disclosing the information. This subsection does not**

**apply to an act or omission constituting gross negligence or willful or wanton misconduct.**

Because the provision grants immunity, a new section is added in the same bill at IC 34-30-2-11.5 to catalog the immunity, as shown below:

**Sec. 11.5. IC 5-2-17-8 (Concerning health care providers for disclosure of dental records or skeletal x-rays to a law enforcement agency).**

### **Form Generally**

Properly drafted felony, misdemeanor, and infraction provisions are shown by the following examples:

**Example:** A person who recklessly kills another human being commits reckless homicide, a Class D felony.

**Example:** A person who knowingly serves as a member of a precinct election board in violation of IC 3-6-6-10 commits a Class A misdemeanor.

**Example:** A person operating a vehicle who fails to dim bright or blinding lights when meeting another vehicle or pedestrian commits a Class B infraction.

### **Do Not Criminalize Violation of Entire Chapter, Article, or Title**

Avoid providing a general penalty for violation of any provision of a chapter, article, or title, [or in a section in which there is more than one crime](#). General penalty provisions can be overly broad and may produce unintended results, [such as the provision being stricken down for being overly broad or vague](#).

**Example:** A person who violates this chapter commits a Class A felony.

See:

**EXHIBIT 23, Criminal and Civil Penalties**, page \_\_\_\_.

### **Effective Date of Criminal Laws**

Criminal law provisions should not be given an "upon passage" effective date. It does not provide sufficient notice.

A criminal law may not be made to take effect retroactively. (See Article 1, Section 24 of the Constitution of the State of Indiana.)

### **(7) Population Parameters**

A population parameter is a description of a political subdivision, class of political subdivisions, or other geographic region using the population of the political subdivision, class of political subdivisions, or geographic region.

Population parameters are typically used to limit the application of a statute either to:

- (1) a class of political subdivisions based on population; or

(2) one or more specific political subdivisions.

**Example:** a city having a population of more than thirty-five thousand (35,000) but less than six hundred thousand (600,000)

The description above currently describes several Indiana cities, known as "second class cities".

**Example:** a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)

The description above currently describes Lake County.

In statutes similar to those using population parameters as illustrated in the second case, population parameters have been used as a way to ensure that the courts would find the limitation of the statute constitutional under Article 4, Sections 22 and 23 of the Constitution of the State of Indiana concerning special and local legislation. In recent years, the courts have ruled that the use of population parameters does not ensure that a statute limited in its application conforms with Article 4, Sections 22 and 23. When drafting legislation, the application of which will be limited to one or more specific political subdivisions, carefully consider whether to use the names of the political subdivisions or their population parameters, and talk to the author and determine how the author would like to have the text presented in the bill. Whether the name of a political subdivision or the subdivision's population parameter is used in legislation to be limited to the political subdivision, consider and discuss with the author whether the bill should be drafted to include findings to justify limitation of the law for the situation the law addresses. However, note that Article 4, Section 22 absolutely prohibits use of local or special legislation under circumstances described in that Section; legislative findings will not immunize a statute from challenges under that Section.

When using a population parameter, the drafter must take great care to ensure that the population parameters are the most current parameters. The drafter should not rely on population figures contained in outside drafts. Note that rapidly growing areas are often subject to a special census. (See IC 1-1-3.5.)

## **(8) Appropriation Provisions**

There are two types of appropriations, **continuing** and **temporary**. Both types of appropriations should be reflected in the title of the bill.

Since most appropriations are temporary in nature, they are drafted as Noncode provisions. A few types of appropriations are ongoing and are drafted as Code provisions. Both types are discussed under the heading **SPECIFIC TYPES OF NONCODE PROVISIONS**, Pages 45-47.

Information on continuing appropriations is now provided here, under the Code section. Information on temporary appropriations, which are drafted as Noncode, is now provided under the relevant Noncode section.

### **Continuing**

A continuing appropriation is an annual and continuing appropriation or an appropriation that exceeds two years. This type of appropriation should be drafted as an Indiana Code provision.

The general assembly usually likes to retain control over agencies through the appropriations process and, therefore, does not want legislation that annually appropriates money without an affirmative legislative act. Occasionally, the general assembly will want to provide an ongoing appropriation known as a continuing

appropriation. If properly drafted, a continuing appropriation appropriates money to an agency without further action by the general assembly. Of course, the general assembly can always change its mind and remove the continuing appropriation language or supersede it in a budget act. A continuing appropriation is drafted as follows:

**Sample Boilerplate:**            **Sec. \_\_. There is continuously appropriated to [1] [2] from [3] for its use in [4].**

**Explanation:**

- [1] Insert the full statutory title of the agency to receive the funds.
- [2] Insert the amount of money to be appropriated. If there is no definite dollar amount, insert:
  - (A) the method to be used to compute the maximum possible amount of the appropriation;
  - or
  - (B) language that expresses the idea that an amount is appropriated sufficient to carry out the purposes for which the funds are appropriated. (See IC 5-10.4-6-1.)
- [3] Insert the source of the money, such as "the state general fund".
- [4] Insert the purposes for which the funds are to be used. This purpose may be expressed in general terms such as "carrying out the purposes of this chapter".

**Don't Say:**            The general assembly shall appropriate . . .

**OR**

                                 The general assembly may appropriate . . .

These phrases are significant only to the extent that they indicate the present intent of the general assembly as to future funding. Since one general assembly cannot bind another, these phrases do not themselves provide for funding.

**Temporary**

A temporary appropriation is for a specific period not to exceed two years. This type of appropriation should be drafted as a Noncode provision. (See **SPECIFIC TYPES OF NONCODE PROVISIONS**, page \_\_\_\_.)

**(9) Funds**

A fund is a sum of money segregated for the purpose of carrying on specific activities or attaining certain objectives. Because the budget agency usually treats a fund as an account and financial statements consolidate them with other general fund money, a fund is rarely needed. (See the fuller discussion of this point under "**Accounts**", below.) If it is necessary to establish a fund, the following form sets forth the issues that should be considered:

**Sample Boilerplate:**            **Sec. \_\_. (a) The [1] is established for the purpose of [2]. The fund shall be administered by [3].**

- (b) The fund consists of [4].**
- (b) (c) (The expenses of administering the fund shall be paid from money in the fund. [4] [5])**
- (c) (d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. (Interest that accrues from these investments shall be deposited in the fund. [5] [6])**
- (d) (e) Money in the fund at the end of a state fiscal year does not revert to the state general fund. [6] [7] (However, if the amount of money in the fund at the end of a particular fiscal year exceeds [7] [8], the treasurer shall transfer the excess from the fund into the [8] [9].)**

**Explanation:**

- [1] Insert the name of the fund.
- [2] Insert the purpose of the fund, such as to:
- (A) receive taxes or other revenues for specific uses;
  - (B) provide for the production or distribution of saleable goods, [money](#), and services; or
  - (C) receive, hold, and disburse [funds money](#) as a fiduciary.
- [3] Insert the name of the entity that is to administer the fund.
- [4] [Insert the source of money in the fund \[appropriations from the general assembly, gifts, and grants to the fund, etc.\]](#).
- [4] [5] This is an optional provision. Its use should be discussed with the author.
- [5] [6] This is an optional provision that should only be used in the case of trust funds, where specifically requested by the legislator, or where required by federal law.
- [6] [7] If this language does not appear, the money remaining in the fund at the end of a [state](#) fiscal year automatically reverts to the state general fund if the money was originally appropriated from the state general fund (IC 4-13-2-19).
- [7] [8] This is an optional "scrape-off" or "spill-over" provision. Insert the dollar amount over which the fund should not grow.
- [8] [9] If an optional "scrape-off" provision is used, insert the name of the fund into which the excess money is to be deposited.

Keep in mind that merely establishing a new fund does not permit an agency to actually spend the money in the fund: an appropriation is also required before the money can be spent. (See Article 10, Section 3 of the Constitution of the State of Indiana.) (See **Appropriation Provisions**, page \_\_\_\_.)

Avoid naming a fund as a "trust" fund. The state board of finance is authorized to transfer money between various state funds. However, the authority to make these transfers does not apply to "trust funds" (See

IC 4-9.1-1-7). A fund named as such but that is established using the boilerplate language creates confusion as to whether the fund truly is a trust fund held for special purpose or whether the money within is subject to the powers of the state board of finance.

## **(10) Accounts**

Only major funds are reported separately in the Auditor of State's annual financial statement, with all other funds combined into a single column. As a result, establishment of an account within the general fund or another existing fund, rather than the establishment of a separate fund, is the preferred drafting style, particularly when dealing with less than 5% to 10% of the budget. Because each account within a fund maintains a separate balance, creation of an account within a fund rather than a separate fund will usually meet a legislator's needs. An exception to the general rule exists when there is a need for a strong audit trail to track receipts and disbursements, such as a legal requirement imposed by the federal government. Similarly, money flowing through a proprietary fund (a fund used to account for a government's ongoing organizations and activities that are similar to those often found in the private sector) or a fiduciary fund (a fund used to account for assets held by a government in a trustee capacity or as an agency for individuals, private organizations, or other governmental units) would not be commingled with the accounts in the general fund or another governmental type fund.

An account is a subset of a fund. It can be established within a specific fund or within the state general fund. To establish an account, use the following form:

**Sample Boilerplate:**

**Sec. 1. (a) The [1] is established in the [2] fund to [3]. The account shall be administered by [4].**

**(b) The account consists of [5].**

**(c) Money in the account is continuously appropriated for purposes of this section.**

**(d) The [6] shall annually prepare a plan for the expenditure of the money in the account.**

**(e) Money in the account may be spent for [7].**

**(f) The expenses of administering the account shall be paid from money in the account. [8]**

**(g) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. [9]**

**(h) Money that is in the account at the end of a state fiscal year does not revert to the state general fund. [10]**

### **Explanation:**

- [1] Insert the name of the account.
- [2] Insert the name of the fund in which the account is established.
- [3] Insert the purpose of the account.
- [4] Insert the name of the entity that is to administer the account.
- [5] Insert the source of money in the account.

- [6] If a plan is to be prepared for the account, insert the name of the entity creating the plan.
- [7] Insert, if applicable, specific uses for the account.
- [8] This is an optional provision. Its use should be discussed with the author.
- [9] This is an optional provision that should be used only when specifically requested by the legislator or where required by federal law.
- [10] If this language does not appear, the money remaining in the fund at the end of a state fiscal year automatically reverts to the state general fund if the money was originally appropriated from the state general fund (IC 4-13-2-19).

Merely establishing a new account does not permit an agency to actually spend the money in the account: an appropriation is also required before the money can be spent. (See Article 10, Section 3 of the Constitution of the State of Indiana.)

Provisions transferring money from one account or fund to another or otherwise specifying procedures for closing an account should be drafted as Noncode. (See **Transferring Money and Closing Accounts**, page \_\_\_\_.)

#### **(10) (11) Legislative Oversight**

The budget committee, which consists primarily of legislators, cannot "approve" executive branch actions but can "review" and "recommend" executive branch actions.

In budgetary matters, if oversight by the state budget committee is desired, the drafter should use language similar to that found in the following statutes, because of separation of powers considerations: IC 4-34-3-2(c); IC 4-34-3-4; IC 5-10.4-2-5; IC 6-3.1-15-17; IC 21-6.1-2-8(d); IC 36-7-31-12.

#### **(11) (12) Executive Committees and Commissions: Travel Expenses, Per Diem, Membership, Voting Practices, and Other Procedural Matters**

When establishing a committee or commission **an executive committee or commission**, the drafter must determine what, if any, per diem is to be provided to the committee or commission members. In addition, because of separation of powers considerations, legislative members on executive committees should be nonvoting members. **Legislators may vote if the committee's function is purely advisory. It is also important to mention who appoints which members.**

Discuss with the author any requirement that the Governor select appointees from a list of nominees submitted by a private organization. Some administrations have taken the position that such a provision is unconstitutional.

The following language should be used for a committee, **or commission, or task force** that will be controlled by the executive branch functions. **Note that the following boilerplate language is drafted assuming the establishment of an executive committee.** (Note: Delete inappropriate subsections):

**Sample Boilerplate:**

**Chapter** \_\_. [Name of Entity]  
**Sec. 1. (a)** As used in this section **chapter**, "[committee]" ["commission"] refers to the [insert name of [committee] commission].  
**Sec. 2. (b)** There is established the \_\_\_\_\_ [committee] [commission] on \_\_\_\_\_ [insert subject matter]. The [committee][commission] consists of the following members:  
    (1) ... .  
    (2) ... . (et cetera)  
**Sec. 3. (c)** \_\_\_\_\_ [Insert appointing authority] shall appoint \_\_\_\_\_ the chairperson of the [committee][commission].  
**Sec. 4. (d)** The [committee][commission] shall [ insert the [committee's] duties].  
**Sec. 5. (e)** The \_\_\_\_\_ shall staff the [committee] [commission].  
**Sec. 6. (f)** The expenses of the [committee][commission] shall be paid from [insert fund or other source of payment].  
**Sec. 7. (g)** Each member of the [committee] [commission] who is not a state employee is [is not] entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also [is, however,] entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.  
**Sec. 8. (h)** Each member of the [committee] [commission] who is a state employee [but who is not a member of the general assembly] is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.  
**Sec. 9. (i)** Each member of the [committee] [commission] who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.  
**Sec. 10. (j)** Each member of the [committee] [commission] who is a member of the general assembly is a nonvoting member.  
**Sec. 11. (k)** The affirmative votes of a majority of the voting members appointed to the [committee] [commission] are required for the [committee] [commission] to take action on any measure, including final reports.  
**[Sec. 12. This chapter expires \_\_\_\_\_.]**

See:

**EXHIBIT 21, Establishing an Executive Committee, page \_\_\_\_\_.**

**(12) (13) Legislative Committees and Commissions: Travel Expenses, Per Diem, Membership, and Other Procedural Matters**

IC 2-5 is the repository for the establishment of and provisions concerning all legislative study commissions, committees, task forces, and other such entities. The first chapter of each article provides for the rules governing

the entities created thereunder, and each entity established is provided its own chapter within the article.

Each year the Legislative Council establishes the procedures for legislative study committees, which provide for the appointment of the **chairman, chairperson**, the number of members, per diem and mileage **allowed**, funding, and other matters.

When establishing a legislative study committee or commission, the following language should be used.

**If the provision creating a legislative study committee, task force, commission, etc., does not expire or expires after December 31 of the year of enactment, use the following language to draft the provision as a provision of the Indiana Code.** Note that the following boilerplate language is drafted assuming the establishment of a legislative committee and that membership may need to be specified. (Note: Delete inappropriate subsections.)

**Sample Boilerplate:**

SECTION \_\_. IC \_\_\_\_\_ IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE \_\_\_\_\_]: Sec.

**1. (a) As used in this section, "[committee]" refers to the interim study [committee] on [insert subject matter] established by this section.**

**(b) There is established the interim study [committee] on [insert subject matter]. The [committee] shall study\_\_\_\_\_.**

**(c) The [committee] shall operate under the policies governing study committees adopted by the legislative council.**

**(d) The affirmative votes of a majority of the voting members appointed to the [committee] are required for the [committee] to take action on any measure, including final reports. [1]**

**(e) This section expires [insert date].**

**Explanation:**

[1] The Legislative Council requires that the affirmative votes of a majority of the voting members appointed to a legislative committee or commission are necessary for the legislative committee or commission to take action on any measure, including final reports. This language must be included whenever a permanent or temporary legislative commission or committee is established by statute.

**If the provision creating a legislative study committee, task force, commission, etc., expires on or before December 31 of the year of enactment, use the following language to draft the provision as a Noncode provision.** Note that the following boilerplate language is drafted assuming the establishment of a legislative committee and that membership may need to be specified. (Note: Delete inappropriate subsections.)

**Sample Boilerplate:**

SECTION \_\_. [EFFECTIVE \_\_\_\_\_] **(a) As used in this SECTION, "[committee]" refers to the interim study [committee] on [insert subject matter] established by this SECTION.**

**(b) There is established the interim study [committee] on [insert subject matter]. The [committee] shall study\_\_\_\_\_.**

**(c) The [committee] shall operate under the policies governing study committees adopted by the legislative council.**

**(d) The affirmative votes of a majority of the voting members appointed to the [committee] are required for the [committee] to take action on any measure, including final reports. [1]**

**(e) This SECTION expires [insert date].**

**Explanation:**

[1] The Legislative Council requires that the affirmative votes of a majority of the voting members appointed to a legislative committee or commission are necessary for the legislative committee or commission to take action on any measure, including final reports. This language must be included whenever a permanent or temporary legislative commission or committee is established by statute.

See:

**EXHIBIT 20, Indiana Code Establishing a Legislative (Interim) Study Committee**, page \_\_\_\_.  
**EXHIBIT 20, Noncode Act Establishing a Legislative (Interim) Study Committee, with Emergency Clause**, page \_\_\_\_.

**(14) Reports to Legislative Entities**

IC 5-14-6 requires a report submitted to the entire membership of the general assembly, the legislative services agency, or the legislative council to be in an electronic format. A provision requiring such a report must contain language that substantively states the following:

**Sample Boilerplate:**      **A report to the [legislative entity name] must be submitted in an electronic format under IC 5-14-6.**

If a legislator wants to require that a state agency submit a report to the entire general assembly, draft the bill to require that the report be submitted to the executive director of the legislative services agency. Note that IC 5-14-6 does not apply to reports submitted by legislative branch entities or reports submitted to the governor. IC 5-14-6 does not apply to reports submitted to committees or commissions having legislative members (other than the legislative council).

**(14) (15) Administrative Rules**

To allow or to require an agency to adopt administrative rules, the following form should be used:

**Sample Boilerplate:**      **Sec. \_\_. The [name of the agency] may [shall] adopt rules under IC 4-22-2 to implement this [section, chapter, article, title].**

To prohibit an agency from adopting administrative rules on a certain matter, the following form may be used:

**Example:**                      The ~~air pollution control~~ board may not adopt a rule requiring vehicle emission testing in certain counties.

Note: (See **Transfer of Responsibilities to Successor Agencies**, [Page 43](#), for provisions transferring rules from one agency to another.)

**(15) (16) Construction Provisions**

Construction provisions state the manner in which statutes are to be construed. IC 1-1-4 sets forth rules of construction that apply throughout the Indiana Code. Individual construction provisions may be used only if a matter cannot be clarified in the substance of the bill itself or in a preamble to the bill. In that case, the construction provision should be drafted as a [an Indiana Code](#) provision. (See the discussion of **Preamble and Purpose Provisions** on [Pages 25 and 32](#).)

**Example:** Sec. 26. This chapter may not be construed to reduce or modify an energy utility's obligation to provide energy service.

**Example:** (f) This section may not be construed to impair the director's authority to reclassify or reorganize positions in the state civil service as long as the reclassification or reorganization is not based on a classified employee's misconduct or poor performance.

**Example:** Sec. 2. This article shall be liberally construed so that the article's purposes and policies may be accomplished as equitably and expeditiously as possible.

### (17) Severability Provisions

A severability provision (also sometimes referred to as a separability clause) provides that if any part of an act is found invalid the remainder of the act should be upheld. The Indiana Code contains a general severability provision at IC 1-1-1-8 (b) that applies to all Indiana statutes. If a severability provision is required to be included in a bill, it should be drafted as a Noncode provision since the Code already contains the general severability provision. [an Indiana Code provision](#).

**Example:** SECTION 1. IC 8-1-5-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 14. The provisions of this chapter are severable in the manner provided by IC 1-1-1-8(b).**

### (16) (18) Nonseverability Provisions

Under IC 1-1-1-8(b) each part of every statute is severable unless a nonseverability provision is included in the statute. If a statute contains a nonseverability provision and if any part of that statute is declared invalid, the whole statute is void. Whether [or not](#) a nonseverability provision should be drafted as amendatory of the Indiana Code [or not](#) depends upon the situation. For example, a nonseverability provision must be inserted in the [Indiana Code](#) whenever it is necessary to indicate that one provision of the [Indiana Code](#) should be void if another is held invalid or unconstitutional. If the amendments made by a particular act to an existing [Indiana Code](#) section are to be void if the amendments made by another SECTION of that act to another existing [Indiana Code](#) section are held invalid, the nonseverability provision should be drafted as a [an Indiana Code](#) provision. If, on the other hand, one Noncode provision is to be void if another Noncode SECTION of a bill is held invalid, the nonseverability provision should be drafted as a Noncode provision.

#### Examples:

**Sample Boilerplate:** Sec. \_\_. For the purposes of IC 1-1-1-8, if any part of this chapter [title, article, or section] is held invalid, the entire chapter [title, article, or section] is void.

**Sample Boilerplate:** Sec. \_\_. For the purposes of IC 1-1-1-8, if section [chapter] \_\_ of this chapter [article] is held invalid, section [chapter] \_\_ is also void.

**Sample Boilerplate:** Sec. \_\_. For the purposes of IC 1-1-1-8, if the amendments to section \_\_ of this chapter made by SEA [HEA] 23-2000 \_\_\_\_\_, SECTION \_\_, are held invalid, the amendments to section \_\_ of this chapter made by SEA [HEA] 23-2000 \_\_\_\_\_, SECTION \_\_, are void.

**Sample Boilerplate:** SECTION \_\_. For the purposes of IC 1-1-1-8, if any part of this SECTION is held invalid, SECTION \_\_ of this act is also void.

## (17) (19) Expiration Provisions

### Introduction

If a provision does not have an expiration provision, it should be drafted as an Indiana Code provision.

A provision that is in effect for more than two years should be drafted as an Indiana Code provision. A provision that staggers the initial terms of a board or commission is an exception and may, but does not need to, be drafted as a Noncode provision. Provisions that make construction appropriations, concern bond authorization approvals, or are other budget act related SECTIONS are also exceptions.

If a provision is to expire on a certain date and that date is more than five two years after enactment so that the provision may not be drafted as a Noncode provision, the provision must contain a statement of its expiration.

For If an article, chapter, or section is set to expire, an expiration section [or subsection] is required at the end of the article, chapter, or section.

Sec. \_\_. This article [chapter] expires \_\_\_\_\_, 20 \_\_.

(g) This section expires \_\_\_\_\_, 20 \_\_.

**Example:** Sec. 10. This article expires July 1, 2022.

**Example:** Sec. 12. This chapter expires December 31, 2024.

**Example:** (g) This section expires March 15, 2033.

**Example:** (c) This subsection expires July 1, 2027.

Often, however, applicability provisions are clearer. (See [Applicability Provisions](#), page 32.)

## (20) Applicability Provisions

An applicability provision sets forth the specific agencies, groups, or things to which a bill's added, amended, or repealed provisions apply. Unless the subject is tax law, this type of provision should be drafted as an Indiana Code provision.

**Example:** SECTION 2. IC 36-10-2-1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 1. IC 20-14-2-3 (before its repeal), as in effect on June 30, 2013, applies to the establishment of a public library that is initiated after June 30, 2013, under IC 20-14-2-3(b) (before its repeal), as in effect June 30, 2013.**

**Example:** SECTION 37. IC 36-8-11-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 0.1. The addition of section 26 of this chapter applies only to purchases that occur after June 30, 2013.**

## **(21) Legal Requirement Phase-In Provisions**

A provision that phases in a legal requirement over time, even if the phase-in period is shorter than two years, should be drafted as an Indiana Code provision.

## **(22) Substantive Right and Obligation Provisions**

A provision that creates a substantive right or obligation should be drafted as an Indiana Code provision.

## **(23) Medicaid Waiver Provisions**

Draft a Medicaid waiver as an Indiana Code provision. When the Medicaid waiver program was established, all Medicaid waivers expired after a few years. At that time, drafting the provisions as Noncode provisions was appropriate. Over the years, the waiver laws have changed, and many waivers are in existence for several years.

See:

**EXHIBIT \_\_\_\_**, **Medicaid Waiver**, page \_\_\_\_.

## **(24) Rules Transfer Provisions**

A provision transferring rules from one agency or entity to another should be drafted as an Indiana Code provision and must be clear as to what is being transferred.

**Example:** Sec. 7. (a) The rules adopted by the Indiana department of administration before July 1, 2013, concerning the state land office are considered, after June 30, 2013, rules of the commission.

**Example:** Sec. 8. The rules adopted by the stream pollution control board before April 1, 2013, concerning solid waste management are considered, after March 31, 2013, rules of the solid waste management board.

Avoid drafting in such a way as to result in any of the following situations:

- (a) A bill repeals a cite establishing an agency with existing rules, but it is silent as to whether the rules transfer to another authority or it transfers the rules but fails to transfer the authority to use the rules.
- (b) Two bills rename an agency with existing rules, but the new names do not match. Authority to use the rules is transferred but not the rules themselves.
- (c) Existing rules are transferred by subject matter rather than by Indiana Code cite. It can be difficult for agencies to determine what must transfer and what must remain.
- (d) A transfer provision uses vague language, such as "shall be treated as". The provision should specify that the rules of one entity become the rules of another entity.

## **(25) Transfer of Responsibilities, Property, Liabilities, and Funds to Successor Agencies**

A provision transferring rules from one agency or entity to another may be written as follows:

**Example:** SECTION \_\_. [EFFECTIVE UPON PASSAGE] The rules adopted by the stream pollution control board before April 1, 2000, concerning solid waste management are considered, after March 31, 2000, rules of the solid waste management board.

A provision transferring property and from one agency or entity to another may be written as follows:

**Example:** SECTION \_\_. [EFFECTIVE JANUARY 1, 1997] On January 1, 1997, the state department of public welfare becomes the owner of all the personal property of the county departments of public welfare abolished by this act.

A well-written provision setting forth the transfer of property, assets, liabilities, and rules between entities is as follows:

**Example:** **Sec. 1. (a) As used in this section, "entity" means the following:**

- (1) The Indiana development finance authority.**
- (2) The state office building commission.**
- (3) The Indiana transportation finance authority.**
- (4) The recreational development commission.**

**(b) On May 15, 2013, all powers, duties, agreements, and liabilities of each entity are transferred to the authority, as the successor agency.**

**(c) On May 15, 2013, all records and property of each entity, including appropriations and other funds under the control or supervision of the entity, are transferred to the authority, as the successor agency.**

**(d) After May 14, 2013, any amounts owed to an entity before May 15, 2013, are considered to be owed to the authority, as the successor agency.**

**(e) After May 14, 2013, a reference to an entity in a statute, rule, or other document is considered a reference to the authority, as the successor agency.**

**(f) All powers, duties, agreements, and liabilities of an entity with respect to bonds issued by that entity in connection with any trust agreement or indenture securing those bonds are transferred to the authority, as the successor agency. The rights of the trustee under any trust agreement or indenture and the rights of the bondholders of an entity remain unchanged, although the powers, duties, agreements, and liabilities of the entity have been transferred to the authority, as the successor agency.**

In addition to the matters covered in the example above, consider whether to transfer the employees of the former entity to the new entity and whether the employment rights of those individuals are unchanged by the transfer.

**Example:** **Sec. 4. Employees of the division of services for crippled children of the department of child services who are employed on June 30, 2013, and who become employees of the state department of health under section 3 of this chapter are entitled to have their service under the division of services for crippled children of the department of child services included for purposes of computing:**

- (1) retention points under IC 4-15-2-32 in the event of a layoff; and**
- (2) all other applicable employment and retirement benefits.**

Other considerations include:

(a) whether to specify that pending proceedings are transferred to the successor entity and must be treated

as if the successor entity were the original party;

- (b) whether to allow board members of a dissolved board to become the initial members of a successor board; and
- (c) whether to specify that a license or permit issued by the former entity is considered a license or permit issued by the successor entity.

**Example:**            **Sec. 10. Section 7 of this chapter shall not affect actions on or proceedings pending on June 30, 1987, brought by or against the people of the state of Indiana or the public service commission of Indiana or by any other person, firm, or corporation, under the provisions of the statutes establishing or conferring power upon the public service commission of Indiana, but the same may be prosecuted and defended with the same effect as though the name of the commission had not been changed, except the same shall be continued and carried on by the Indiana utility regulatory commission.**

**Example:**            **(f) The members appointed before July 1, 2013, to the professional standards board:**  
                              **(1) become members of the advisory board for the division of professional standards established by section 2 of this chapter; and**  
                              **(2) may serve until the expiration of the term for which the members were appointed.**  
**(g) A license or permit issued by the professional standards board before July 1, 2013, shall be treated after June 30, 2013, as a license or permit issued by the department.**

## **(26) Legalizing Provisions**

A legalizing provision is a statute passed to:

- (a) cure defects in prior law; or
- (b) validate legal proceedings, instruments, or acts of public and private administrative authorities;

that, in the absence of the legalizing provision, would be void for want of conformance with existing legal requirements, but that would have been valid if the statute had so provided at the time of the action. Because the purpose of a legalizing provision is fulfilled on its effective date, the provision should be drafted as a Noncode provision.

**Example:**            **Sec. 11. Actions taken under this chapter after December 31, 2008, and before the passage of legislation amending this chapter enacted during the 2013 session of the general assembly are legalized and validated to the extent that those actions would have been legal and valid if the legislation amending this chapter enacted during the 2013 session of the general assembly had been enacted before January 1, 2009.**

For examples of some legalizing provisions, see P.L.10-1988, SECTION 239, and P.L.42-1988, SECTION 5.

Statutes may be retrospective only if:

- (a) contract rights are not impaired (Article 1, Section 24 of the Constitution of the State of Indiana); or
- (b) existing rights are not affected.

The constitutional prohibition against ex post facto laws applies only to criminal statutes.

## **(27) Savings Provisions**

### **Introduction**

A savings provision is designed to preserve rights or liabilities that have already accrued. There is a general savings provision located at IC 1-1-5-1 that preserves penalties, forfeitures, or liabilities. It states that:

Sec. 1. . . . the repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing act shall so expressly provide; and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action, or prosecution for the enforcement of such penalty, forfeiture, or liability.

Note that this provision does not have the effect of saving rights accrued under a statute. Generally, it is not the intent of the general assembly to perpetuate rights under repealed provisions, but if that is the intent in a particular instance, a specific savings provision is required.

A savings clause should be included in a bill only if the general savings clause is not adequate and there is some uncertainty that cannot be removed in the specific language of the bill.

**Example:**                    **Sec. 17. The amendments to this chapter made by legislation enacted during the 2012 session of the general assembly do not affect:**

- (1) rights or liabilities accrued;**
- (2) penalties incurred;**
- (3) crimes committed; or**
- (4) proceedings begun;**

**before July 1, 2013. Those rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced under the law in effect before July 1, 2013, as if the legislation amending this chapter enacted during the 2012 session of the general assembly had not been enacted.**

### **Codification Recodification of a Title**

(For an example of a savings clause inserted in a recodified title, see **EXHIBIT 22, Savings Clause for a Recodified Title**, page \_\_\_\_.)

## **(18) (28) Vehicle Bills**

The Rules and Legislative Procedures Committee of the house of representatives and members of the Indiana senate may introduce vehicle bills. A vehicle bill contains no amended text but may be amended later in the legislative process [with a committee report](#) in order to insert the desired text. (If a drafter receives a request for a vehicle bill, contact the director of [the drafter's office the Office of Bill Drafting and Research](#). No drafting is

required, as Model vehicle bills are available through the legislative services agency's bill drafting system.)

**Example:**

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

*Be it enacted by the general assembly of the State of Indiana:*

**SECTION 1. [EFFECTIVE JULY 1, 2013] IC 14 is amended concerning natural and cultural resources.**

A vehicle bill can also be prepared for a joint resolution.

See:

**EXHIBIT 17, Vehicle Bill**, page \_\_\_\_.

**EXHIBIT \_\_\_\_, Vehicle Bill for a Joint Resolution**, page \_\_\_\_.

**I. REPEALERS**

Before the 2012 session, repealers were drafted as Noncode provisions located just after a bill's Indiana Code provisions and before any other Noncode SECTIONS. The procedure was amended to require that if a title, article, or chapter is to be repealed, the heading must be included. If a section or Noncode section is to be repealed, the section text must be set forth and stricken. Repealers are placed within the text of a bill in Indiana Code cite order. Explanations and examples are provided below.

**(1) Format for Repealing Indiana Code and Noncode Provisions**

**(1) (a) Indiana Code Provisions**

A repealer SECTION may not repeal less than an entire Indiana Code section. If less than an entire Indiana Code section must be removed from the law, the text should be stricken by amendment. A separate SECTION is used for each section, chapter, article, and title that is repealed.

The text below is outdated.

The repealer for a single Indiana Code provision should be written as follows (note that capital letters are used):

SECTION \_\_. IC \_\_\_\_\_ IS REPEALED [EFFECTIVE JULY 1, 2000].

The repealer for two or more Code provisions should be written as follows:

SECTION \_\_. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2000]: IC \_\_\_\_; IC \_\_\_\_;  
IC \_\_\_\_; IC \_\_\_\_; IC \_\_\_\_.

If an entire title, article, or chapter is to be repealed, the repealer should not list each of the Code sections within the title, article, or chapter.

**Repealing a Chapter, Article, or Title**

The heading of the chapter, article, or title being repealed is included in parentheses after the repealer statement. Because the heading of a chapter, article, or title is not part of the statute, the parenthetical language can be edited by the drafter if doing so aids in understanding the material being repealed. For instance, without context, it is difficult to know what is contained in a chapter titled "Miscellaneous Provisions". The text of the chapter, article, or title is not included. The repealer statement must be in all capital letters. One period follows the bracketed effective date and another goes after the heading, outside the parentheses.

**For the repeal of a chapter, article, or title that is not in conflict**, include the chapter, article, or title heading in parentheses. Omit additional text.

**Example:** SECTION 4. IC 25-4-1 IS REPEALED [EFFECTIVE JULY 1, 2013].  
(Regulation of Architects Generally - Creation of Board).

**Example:** SECTION 7. IC 25-4 IS REPEALED [EFFECTIVE JULY 1, 2013].  
(Architects).

**Example:** SECTION 5. IC 25 IS REPEALED [EFFECTIVE JULY 1, 2013].  
(PROFESSIONS AND OCCUPATIONS).

**If a NEW chapter, article, or title is added with a delayed effective date, and the NEW provision is to be repealed in another bill, follow the same procedure, but do not use a delayed effective date.**

**For the repeal of a chapter, article, or title that is in conflict** (which happens when two chapters, articles, or titles are added at the same Indiana Code location), print a repealer for each version, identifying the version being repealed in the lead-in line.

**Example:** SECTION 15. IC 12-15-45, AS ADDED BY P.L.123-2011, SECTION 17, IS REPEALED [EFFECTIVE JULY 1, 2013]. (Medicaid Waivers).  
SECTION 16. IC 12-15-45, AS ADDED BY P.L.47-2011, SECTION 53, IS REPEALED [EFFECTIVE JULY 1, 2013]. (Medicaid Waivers; Disability Determination).

See:  
**EXHIBIT 13, Repealing a Chapter**, page \_\_\_\_.

### **Repealing an Indiana Code Section**

The section's repealer statement must be followed by the complete text of the section. The section's text must be in stricken type. The repealer statement must be in all capital letters. A period follows the bracketed effective date.

#### **No Delayed Effective Date**

**For a section not in conflict**, include the section's text in stricken type. The lead-in line should not contain "AS AMENDED BY P.L...." or "AS ADDED BY P.L....".

**Example:** SECTION 3. IC 1-2-3-4 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 4:  
The authority shall...~~

**For a section in conflict that appears in the Technical Corrections bill**, use the version of the section that appears in the drafters data base, change any bold text or italic text to roman, and strike the text, identifying the Technical Corrections bill's HEA, SEA, or P.L. number and SECTION in the lead-in line. In the example below, the Technical Corrections bill is designated as "P.L.1-2013".

**Example:** SECTION 3. IC 1-2-3-4, AS AMENDED BY P.L.1-2013, SECTION 1, IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec: 4: The authority may...~~

**For a section in conflict that DOES NOT appear in the Technical Corrections bill**, include each version of the section and strike the text, identifying the version being repealed in the lead-in line.

**Example:** SECTION 1. IC 5-10.2-4-6, AS AMENDED BY P.L.124-2008, SECTION 2, IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec: 6: (a) A member who becomes disabled while receiving a salary or employer provided income protection benefits or who is on leave under the Family and Medical Leave Act may retire for the duration of the member's disability if...~~

SECTION 2. IC 5-10.2-4-6, AS AMENDED BY P.L.131-2008, SECTION 1, IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec: 6: (a) A member who becomes disabled while receiving a salary or employer provided income protection benefits or who is on leave under the Family and Medical Leave Act may retire for the duration of the member's disability if...~~

### Delayed Effective Date

**To repeal a NEW section that is added with a delayed effective date**, include the section's text in stricken type, but do not use a delayed effective date. The lead-in line should not contain "AS AMENDED BY P.L...." or "AS ADDED BY P.L....".

**Example:** SECTION 3. IC 1-2-3-4 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec: 4: The authority shall...~~

**To repeal a section that has a delayed effective date, and the effective date of the repealer is on or after the delayed effective date**, include the section's text in stricken type. Note that in this situation, the version currently in effect is not printed because that version will be superseded by the delayed effective date version when the repealer takes effect. The lead-in line should not contain "AS AMENDED BY P.L...." or "AS ADDED BY P.L....". If the effective date of the repealer is ON the delayed effective date, add a Noncode SECTION stating the general assembly's intention to repeal the section. ( See **Resolving Repealer Conflicts**, page \_\_\_\_ . )

**Example:** SECTION 3. IC 1-2-3-4 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec: 4: The authority shall...~~

**To repeal a section that has a delayed effective date, and the effective date of the repealer is before the delayed effective date**, include both the version currently in effect and the delayed effective date version. The effective date of the repealer must be the same in both versions. In the example below, the first section is currently in effect, and the second section is not yet in effect. The lead-in line for both versions must contain "AS AMENDED BY P.L...." or "AS ADDED BY P.L....".

**Example:** SECTION 7. IC 6-1.1-3-6, AS AMENDED BY P.L.67-2009, SECTION 12, IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec: 4: The authority shall....~~

SECTION 8. IC 6-1.1-3-6, AS AMENDED BY P.L.157-2011, SECTION 3, IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 4. The authority may adopt....~~

**Follow this procedure and print all versions in the following situations:**

1. To repeal a section with conflicting versions currently in effect but also with a delayed effective date version, and the effective date of the repealer is before the delayed effective date.
2. To repeal a provision currently in effect but also with delayed effective date versions that are in conflict, and the effective date of the repealer is before the delayed effective date.

**Negating the Effect of a Delayed Effective Date Repealer**

**To negate the effect of a delayed effective date repealer**, repeal the SECTION in the bill or P.L. containing the repealer and include the stricken text. The effective date of the repealer may not be a delayed effective date. Notify the Office of Code Revision concerning the repealer's negation. A repealer cannot be retroactively repealed. The law must be reenacted at a different Indiana Code cite.

**Example:** SECTION 34. P.L.217-2011, SECTION 2, IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~SECTION 2. IC 5-10.2-4-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 6: (a) A member who becomes disabled while receiving a salary or employer provided income protection benefits or who is on leave under the Family and Medical Leave Act may retire for the duration of the member's disability if...~~

**Changing the Effective Date of a Delayed Effective Date Repealer**

**To change the effective date of a delayed effective date repealer**, repeal the Noncode SECTION containing the repealer, and reenact the repealer with the new effective date. Print the text of each section to be repealed as of the new effective date. The effective date of the Noncode SECTION containing the repealer may not be a delayed effective date, but the reenacted repealer may have a delayed effective date

**Example:** SECTION 21. P.L.93-2011, SECTION 21, IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~SECTION 21: THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2014]: IC 6-1.1-8-7; IC 6-1.1-8-19; IC 6-1.1-11-3.~~  
SECTION 22. IC 6-1.1-8-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 7: The commission shall adopt...~~  
SECTION 23 IC 6-1.1-8-19 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 19: After the petition is signed...~~  
SECTION 24. IC 6-1.1-11-3 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 3: The director shall...~~

See:

**EXHIBIT 11, Repealing a Section**, page \_\_\_\_.

**EXHIBIT 12, Repealing Multiple Sections, with Other Amendments**, page \_\_\_\_.

**(2) (b) Noncode Provisions**

A repealer SECTION may not repeal less than an entire Noncode SECTION. If less than an entire Noncode

SECTION must be removed from the law, the text should be stricken by amendment. A separate SECTION is used for each SECTION that is repealed.

### Repealing a Noncode SECTION

The repealer statement should be followed by the complete text of the Noncode SECTION. The section's text should be in stricken type. The repealer statement should be in all capital letters. A period follows the bracketed effective date.

**Example:** SECTION 10. P.L.24-2011, SECTION 12, IS REPEALED [EFFECTIVE JULY 1, 2013]. SECTION 12. [EFFECTIVE JULY 1, 2013]: The commission on the study of aging is established. The...

To repeal a Noncode provision with a delayed effective date, print the Noncode SECTION, and strike the text. The effective date of the repealer may not be a delayed effective date.

**Example:** SECTION 43. P.L.37-2011, SECTION 14, IS REPEALED [EFFECTIVE JULY 1, 2013]. SECTION 14. [EFFECTIVE JULY 1, 2014]: The public funds study committee is established. The...

### Noncode Statute Repealers Forms for Noncode Acts Enacted Before 1982 Special Session

The text below is outdated.

The repealer for a Noncode provision added beginning with the 1982 Special Session should be written as follows:

SECTION \_\_. P.L. \_\_-19 \_\_, SECTION \_\_, IS REPEALED [EFFECTIVE JULY 1, 1996].

The following examples illustrate the form of Noncode statute repealers enacted before the 1982 special session.

The repealer for a Noncode provision added beginning in 1971 and through the 1982 Regular Session should be written as follows:

**Example:** SECTION 2. ACTS 1978 , P.L.3, SECTION 17, IS REPEALED [EFFECTIVE JULY 1, 2013]. (a) The committee on...

The repealer for Noncode provisions in acts enacted before 1971 should be written as follows:

**Example:** SECTION 14. ACTS 1969, C.59, S.1, IS REPEALED [EFFECTIVE JULY 1, 2013]. (a) As used in this...

See:

**EXHIBIT 16, Repealing a Noncode SECTION, page \_\_\_\_.**

## (2) Finding and Amending References to Cites Being Repealed

An important part of repealing a provision is determining what, if any, references throughout the Indiana Code and Noncode need to be redesignated, removed, or replaced because of the repeal. Legislative services agency drafters should follow the guidelines below to help ensure thorough clean-up of a repeal.

## 1. Do a Folio search for references to the repealed cite.

### Searching for References to a Repealed Section

**Example:** Say IC 1-3-2-3 is to be repealed. **To search for references to that section, search Folio for the following:**

**(a) The full Indiana Code cite reference.**

Type into Folio search window: 1-3-2-3

**OR**

**The chapter cite plus an asterisk.**

Type into Folio search window: 1-3-2\*

Either search command will locate all instances of the section, including variations that contain subsections, subdivisions, etc. The second option will also return hits for all other sections in that chapter, any variations of the chapter citation (such as one with a decimal), and any other number in the Indiana Code containing that figure.

**(b) The cite's section number with the phrase "of this chapter", within the chapter.**

Type into Folio search window: [group 1-3-2] 3 "of this chapter"

### Searching for References to a Repealed Chapter

**Example:** Say IC 1-3-2 is to be repealed. **To search for references to that chapter, search Folio for the full Indiana Code cite reference plus an asterisk.**

Type into Folio search window: 1-3-2\*

This search will return all references to the chapter and to all sections within that chapter. It will also return hits for other variations of the chapter citation (such as one with a decimal) and any other number in the Indiana Code containing that figure.

### Searching for References to a Repealed Article

**Example:** Say IC 1-3 is to be repealed. **To search for references to that article, search Folio for the full Indiana Code cite reference plus an asterisk.**

Type into Folio search window: 1-3\*

This search will return all references to that article, all of its chapters, and all the sections within those chapters. It will also return hits for other variations to the article citation (such as one with a decimal) and any other number in the Indiana Code containing that figure.

## 2. Do a Folio search for references to any entity established or term defined within the repealed cite.

This search will not always be necessary, but if the cite being repealed establishes a board, commission, or other entity, or defines a term used elsewhere in the Indiana Code, the search must be done and the found references removed, redesignated, or replaced.

**Example:** Say IC 2-5-18 is to be repealed. The administrative rules oversight committee is established in that chapter, and the committee is referenced in many locations outside that chapter.

If the proper Indiana Code cite search has been carried out for that chapter, a number of references to the committee have been found. However, not all references to the committee contain a chapter, or even a section, reference: only the name of the committee appears. It is best to do a separate search for the name of the committee (and sometimes a variation or part of the name) to help ensure that all references are located.

See EXHIBIT \_\_\_\_, Using Folio, page \_\_\_\_ for a list of search commands.

### (3) Resolving Repealer Conflicts

If the situation arises in which a particular chapter or article is repealed in one bill and a section within that chapter or article is added or amended in another bill, the intent of the general assembly must be made clear. To make it clear that the intent is that the repeal prevails, draft a Noncode SECTION as follows:

**Sample Boilerplate:** SECTION \_\_. [EFFECTIVE \_\_\_\_\_] (a) In repealing [IC cite repealed] by this act, the general assembly recognizes that [IC cite added or amended] was [added/amended] by [SEA or HEA citation]. The general assembly intends to repeal that provision.  
(b) This SECTION expires \_\_\_\_\_.

**Example:** SECTION 5. [EFFECTIVE JULY 1, 2013] (a) In repealing IC 1-2-3 by this act, the general assembly recognizes that IC 1-2-3-4 was amended by SEA 127-2013, SECTION 12. The general assembly intends to repeal that provision.  
(b) This SECTION expires December 31, 2013.

### (4) Repealers and Outstanding Obligations

Unless specifically terminated, bonds remain binding after the establishing provision is repealed. Boilerplate language should be drafted in a Noncode SECTION to reaffirm the continued existence of the obligation. The SECTION effective date must be the same as that of the repeal.

**Sample Boilerplate:** SECTION \_\_. [EFFECTIVE \_\_\_\_\_] Notwithstanding the repeal of IC \_\_\_\_\_ by this act, the following provisions apply to bonds issued under IC \_\_\_\_\_ before \_\_ [insert SECTION effective date]\_\_:  
(1) The bonds remain valid and binding obligations of the \_\_ [issuing entity]\_\_ that issued them, as if IC \_\_\_\_\_ had not been repealed.

**(2) Each year that a debt service levy is needed for the bonds, the \_\_ (issuing entity) \_\_ that issued the bonds shall reduce its total property tax levy for the \_\_ (issuing entity)'s \_\_ other funds in an amount equal to the property tax levy needed for debt service on the bonds.**

## **(5) Expired Provisions**

Under IC 1-1-5-10 the effect of an expiration of a statute is the same as the repeal of a statute. Do not amend a provision that is expired.

## **J. NONCODE PROVISIONS GENERALLY**

### **(1) Defined**

Noncode provisions are acts or parts of acts that are not included in the Indiana Code. Provisions that are not part of the general and permanent statute law of Indiana are ordinarily excluded from the [Indiana Code](#).

If a provision does not apply to the state generally, but instead applies only to a particular situation or class, it is "special" legislation (Article 4, Section 22 of the Constitution of the State of Indiana) and not included in the [Indiana Code](#). Examples include property transfer acts, where the state authorizes the sale or transfer of a particular piece of land that it owns, and amendments to pre-1852 charters of corporations for towns, churches, cemeteries, or businesses.

If a provision has a general application, but is not permanent law, it is considered "temporary" legislation and may be drafted as a Noncode provision. Generally, temporary provisions include those that:

- (a) contain a specific termination date that is within ~~five (5)~~ **two** years of the date of passage of the act (~~unless the provision should be drafted as an Indiana Code provisions—see **SPECIFIC TYPES OF INDIANA CODE PROVISIONS**, page \_\_\_\_~~);
- (b) provide for transitional or implementary matters in an otherwise permanent act; or
- (c) ~~make a construction appropriation, concern a bond authorization approval, or are another budget act related SECTION (even if in effect for more than two years); or~~
- (d) terminate by implication when their purpose is fulfilled or ceases to exist.

The drafter should not place a temporary, transitional, or self-terminating provision in the Indiana Code unless there are compelling articulable reasons (including time constraints during critical points during the legislative session) for doing so.

Noncode provisions are sometimes called "fall-away" SECTIONS, since these SECTIONS are included in the bound session laws (~~the Acts~~), but "fall away" after that and are not included in the Indiana Code or its supplements. ~~The Noncode provisions are included in the Indiana Code DVD and online publications.~~ Noncode SECTIONS are often set forth in annotated, unofficial publications of the Indiana Code (published by West and Burns [LexisNexis](#)) in notes following the related [Indiana Code](#) sections.

### **(2) Expiration Date**

Include a statement of expiration in each temporary Noncode provision for which the expiration date is known.

**Example:** (b) This SECTION expires July 1, 2013.

### **(3) As Applicable to Referenced Indiana Code Cite**

Because a Noncode provision often explains the applicability of an Indiana Code provision that is added or amended in a bill, or provides for "clean-up" of a repealed provision, it is sometimes necessary to distinguish between the pre-amendment and post-amendment text of a statute, or to note if the provision is being added to the Indiana Code.

If a reference to a particular provision relates to the provision as amended or repealed by the bill, then a phrase saying as much should be included after each reference—either "as amended by" or "as repealed by". An "as added by" phrase should be included after each reference to a new provision. If a reference does not relate to the provision as it has been amended or repealed in the bill—in other words, it relates to the version of text currently in effect—no such phrase is needed unless the provision is being repealed.

**Example:** SECTION 47. [EFFECTIVE JULY 1, 2013] (a) IC 27-1-15.7-2(a) and IC 27-1-15.7-2(e), both as amended by this act, apply to an insurance producer license renewal occurring after December 31, 2013.  
(b) IC 27-1-15.7-5, as amended by this act, applies to insurance producer preclicensing self-study or instruction provided after December 31, 2013.  
(c) This SECTION expires December 31, 2014.

**Example:** SECTION 2. [EFFECTIVE JULY 1, 2013] (a) IC 6-2.3-4-7, as added by this act, applies to taxable years beginning after December 31, 2013.  
(b) This SECTION expires January 1, 2016.

**Example:** SECTION 68. [EFFECTIVE JULY 1, 2013] (a) Not later than July 5, 2013, the auditor of state shall transfer the balance that remains on June 30, 2013, in the career college student assurance fund established under IC 21-17-3-8, as repealed by this act, as follows:  
(1) Three hundred thousand dollars (\$300,000) to the career college student assurance fund established by IC 21-18.5-6-6, as added by this act.  
(2) The remainder of the money not transferred under subdivision (1) to the student assurance fund established by IC 22-4.1-21-18, as added by this act.  
(b) This SECTION expires January 1, 2014.

**Example:** SECTION 63. [EFFECTIVE JULY 1, 2013] (a) An individual certified as:  
(1) an emergency medical technician-basic advanced (as defined in IC 16-18-2-112.5, before its repeal by this act); or  
(2) an emergency medical technician-intermediate (as defined in IC 16-18-2-112.7, before its repeal by this act);  
on June 30, 2013, must comply with the requirements for certification under IC 16-31-3, as amended by this act, no later than June 30, 2014.  
(b) This SECTION expires July 1, 2014.

## K. SPECIFIC TYPES OF NONCODE PROVISIONS

### (1) Provisions that apply to only one person or entity and that do not have ongoing applicability

For instance, if the legislation creates a new superior court, and the desire is to make a magistrate of the existing superior court the initial judge of the new superior court, the specification of the magistrate as the initial superior court judge can be done in a Noncode statute with an expiration date.

Other examples of this sort of provision are:

- (1) an extension of time to late-file for a tax exemption, deduction, etc., if the action is taken by the eligible taxpayers within a specified time;
- (2) a tax levy appeal that applies to one unit; and
- (3) one time property transfers.

### (1) (2) Transitional or Self-Terminating Provisions

#### Initial Terms; Staggered Terms

These provisions for initial terms of officers or members set forth the procedure for staggering the terms or for making the transition from one entity to another entity. Note that this sort of provision is drafted as a Noncode provision even though it expires more than two years after the date of enactment.

**Example:** SECTION 6. [EFFECTIVE JULY 1, 2013] (a) The initial terms of office for the four (4) individuals appointed to the bureau of motor vehicles commission by the governor under IC 9-15-1-2 are as follows:

- (1) One (1) member for a term of one (1) year.
- (2) One (1) member for a term of two (2) years.
- (3) One (1) member for a term of three (3) years.
- (4) One (1) member for a term of four (4) years.

(b) The initial terms begin July 1, 2013.  
(c) This SECTION expires July 1, 2017.

**Example:** SECTION 8. [EFFECTIVE JULY 1, 2013] (a) Notwithstanding IC 33-5-8-1(b), as added by this act, the judge of the Bartholomew county court on June 30, 2013, is entitled to serve as the initial judge of the Bartholomew superior court No. 2 for a term beginning July 1, 2013, and ending December 31, 2014.

(b) The initial election of a judge of the Bartholomew superior court No. 2 is the general election to be held November 6, 2014. The person elected in that election takes office January 1, 2015.  
(c) This SECTION expires January 2, 2015.

#### Transferring Money and Closing Accounts

Provisions transferring money from one account or fund to another or otherwise specifying procedures for closing an account should be drafted as Noncode. A provision transferring funds from one agency or entity to

another may be written as follows:

**Example:** SECTION \_\_. [EFFECTIVE JULY 1, 2013] (a) The balance of the funds that remain remaining in a county's county welfare fund and the county welfare trust clearance fund on December 31, 2013, that are is attributable to administration, facilities, supplies, and equipment, as determined by the state board of tax commissioners, shall be transferred to the state and deposited in the state welfare fund.  
(b) This SECTION expires January 1, 2014.

A provision that establishes an account should be drafted as an Indiana Code provision. (See **Accounts**, page \_\_\_\_.)

### **Provisions that Void Rules or Require Rule Amendment**

Draft as a Noncode statute a provision that voids a rule on a specific date or that requires an agency to amend a rule by a specific date. Note that it is a more efficient process for the legislature to declare an administrative provision void than to require an agency to go through the amendment procedure to delete the provision.

To void an administrative rule, the following language should be used:

**Sample Boilerplate:** SECTION \_\_. [EFFECTIVE JULY 1, 20\_\_] (a) 410 IAC [410 IAC 4] [410 IAC 4-1] [410 IAC 4-1-1] **[Insert citation or provision]** is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove this title [article] [rule] [section] [provision] from the Indiana Administrative Code.  
(b) This SECTION expires \_\_\_\_\_.

**Example:** SECTION 6. [EFFECTIVE JULY 1, 2013] (a) 68 IAC 2-2-1(c)(8) is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove this subsection from the Indiana Administrative Code.  
(b) This SECTION expires July 1, 2014.

**Example:** SECTION 133. [EFFECTIVE JULY 1, 2013 ] (a) The administrative rule concerning proof by an individual that a residence is the individual's principal place of residence for purposes of the homestead standard deduction that is set forth at 50 IAC 24-3-2 is void. The publisher of the Indiana Administrative Code shall remove 50 IAC 24-3-2 from the Indiana Administrative Code.  
(b) This SECTION expires July 1, 2014.

**Example:** SECTION 1. [EFFECTIVE UPON PASSAGE] (a) Before May 1, 2013, the solid waste management board shall amend 329 IAC 10-2 to incorporate the following definitions of terms used in 329 IAC 10-2-99:  
(1) Hazardous waste.  
(2) Solid waste.  
(b) This SECTION expires May 2, 2013.  
SECTION 2. An emergency is declared for this act.

**Example:**

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) It is the intent of the general assembly that all sections of 49 CFR 383, including 49 CFR 383.3, be incorporated into the Indiana Administrative Code, as required by IC 9-24-6-2, as amended by this act.

(b) 140 IAC 7-3-16 is therefore void. The publisher of the Indiana Administrative Code and the Indiana Register shall remove this section from the Indiana Administrative Code.

(c) The bureau of motor vehicles shall carry out the duties imposed upon it under IC 9-24-6-2, as amended by this act, under interim written guidelines approved by the commission of the bureau of motor vehicles.

(d) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 9-24-6-2, as amended by this act.

(2) December 31, 2013.

SECTION 3. An emergency is declared for this act.

**Interim Administrative Rules**-This section is incorrect and obsolete.

Under the administrative rule adoption procedure (IC 4-22-2), it usually takes six months or more for a rule to progress from its proposed form to its taking effect. Occasionally it is necessary to draft a temporary provision to provide that interim guidelines apply while formal rules are being adopted under IC 4-22-2. This temporary provision should be a Noncode SECTION. The following form is suggested:

**Example:** SECTION \_\_. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC \_\_\_\_\_, as added [amended] by this act, the state fire marshal [or other agency] shall carry out the duties imposed upon it under IC \_\_\_\_\_ under interim written guidelines approved by the state fire marshal [or other agency head].

(b) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC \_\_\_\_\_.

(2) \_\_\_\_\_ [a date by which rules can be reasonably adopted].

Note that IC 4-22-2-19 permits agencies to begin the rulemaking process before the statute authorizing the rule becomes effective.

**\*\* Emergency Rules and Rulemaking --Information to be inserted after its approval.**

## (5) Appropriation Provisions

There are two types of appropriations, **continuing** and **temporary**.

### Continuing

A continuing appropriation is an annual and continuing appropriation or an appropriation that exceeds five two years. This type of appropriation should be drafted as an Indiana Code provision. (See **SPECIFIC TYPES OF INDIANA CODE PROVISIONS**, page \_\_\_\_.)

The following text has been moved to the section noted in the line above:

The general assembly usually likes to retain control over agencies through the appropriations process and, therefore, does not want legislation that annually appropriates money without an affirmative act. Occasionally, however, the general assembly will want to provide an ongoing appropriation known as a continuing appropriation. If properly drafted, a continuing appropriation appropriates money to an agency without further action by the general assembly. Of course, the general assembly can always change its mind and remove the continuing appropriations language or supersede it in a budget act. A continuing appropriation is drafted as amendatory of the Code as follows:

**Sec. \_\_. There is annually appropriated to [1] [2] from [3] for its use in [4].**

**Explanation:**

- [1] Insert the full statutory title of the agency to receive the funds.
- [2] Insert the amount of money to be appropriated. If there is no definite dollar amount, insert the method to be used to compute the maximum possible amount of the appropriation.
- [3] Insert the source of the money, such as "the state general fund".
- [4] Insert the purposes for which the funds are to be used. This purpose may be expressed in general terms such as "carrying out the purposes of this chapter".

**Don't say:**

The general assembly shall appropriate . . .

**or**

The general assembly may appropriate . . .

These phrases are significant only to the extent that they indicate the present intent of the general assembly as to future funding. Since one general assembly cannot bind another, these phrases do not themselves provide for funding.

**Temporary**

A temporary appropriation is for a specific period of time not to exceed **five two** years. This type of appropriation should be drafted as a Noncode provision. The following form should be followed for a temporary appropriation:

**Sample Boilerplate:** SECTION \_\_. [EFFECTIVE JULY 1, 2013] **There is appropriated to [1] [2] from [3] for its use in [4] [5].**

**Explanation:**

- [1] Insert the full statutory title of the agency to receive the funds.
- [2] Insert the amount of money to be appropriated. If there is no definite dollar amount, insert the method to be used to compute the maximum possible amount of the appropriation.
- [3] Insert the source of the money, such as "from the state general fund".
- [4] Insert the purpose for which the funds are to be used. This purpose may be expressed in general terms such as "carrying out the purposes of IC \_\_\_\_\_".
- [5] Insert the period of time (not to exceed **five two** years) for which the appropriation is made. For example, for a state fiscal year say, "beginning July 1, 20\_\_, and ending June 30, 20\_\_". For most

appropriations, it is best to appropriate the money at the start of a [state fiscal year](#)]. However, do not use "fiscal year" and the specific dates of the fiscal year together since that would be redundant.

In the appropriation, note if [whether](#) it is in addition to or in place of money appropriated in a budget act. However, do this only if you know [it is certain](#) that the budget act made an appropriation for the same purpose.

### Reversion of Appropriated Funds

Appropriated funds that are not used or encumbered during the fiscal year or fiscal biennium for which they are appropriated revert to the state general fund unless otherwise provided by the appropriation or unless specifically covered by IC 4-13-2-19. Do not state the fiscal year if reversion is not desired. If reversion is not desired, insert the following language:

**Sample Boilerplate:**

**The money appropriated by this section [SECTION] [act] does not revert to the state general fund at the close of any fiscal year but remains available to the state department of health [insert name of agency] until the purpose for which it was appropriated is fulfilled.**

Note, however that some administrations have redirected funds through administrative action permitted under IC 4-12-1 rather than relying on IC 4-13-2-19.

### Other Transitional or Self-Terminating Provisions

Provisions requiring that refunds be given or maximum property tax levy limits be recalculated should be drafted as Noncode provisions.

(2) **Legalizing Provisions** This is now drafted as Code--section has been moved.

A legalizing provision is a statute passed to:

- (a) cure defects in prior law; or
- (b) validate legal proceedings, instruments, or acts of public and private administrative authorities;

that, in the absence of the legalizing provision, would be void for want of conformance with existing legal requirements, but that would have been valid if the statute had so provided at the time of the action. Because the purpose of a legalizing provision is fulfilled on its effective date, the provision should be drafted as a Noncode provision. For examples of some legalizing provisions, see P.L.10-1988, SECTION 239, and P.L.42-1988, SECTION 5.

Statutes may be retrospective only if:

- (a) contract rights are not impaired (Article 1, Section 24 of the Constitution of the State of Indiana); or
- (b) existing rights are not affected.

The constitutional prohibition against ex post facto laws applies only to criminal statutes.

(3) **Savings Provisions** This is now drafted as Code--section has been moved.

## Introduction

A savings provision is designed to preserve rights or liabilities that have already accrued. There is a general savings provision located at IC 1-1-5-1 that preserves penalties, forfeitures, or liabilities. It states that:

Sec. 1. . . . the repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing act shall so expressly provide; and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action, or prosecution for the enforcement of such penalty, forfeiture, or liability.

Note that this provision does not have the effect of saving rights accrued under a statute. Generally, it is not the intent of the general assembly to perpetuate rights under repealed provisions, but if that is the intent in a particular instance, a specific Noncode savings provision is required.

A savings clause should be included in a bill only if the general savings clause is not adequate and there is some uncertainty that cannot be removed in the specific language of the bill. In such a case, the savings provision should be made Noncode.

**Example:** SECTION \_\_. [EFFECTIVE UPON PASSAGE] **This act does not affect:**  
**(1) rights or liabilities accrued;**  
**(2) penalties incurred;**  
**(3) crimes committed; or**  
**(4) proceedings begun;**  
**before the effective date of this act. Those rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced under prior law as if this act had not been enacted.**

## Codification

See **EXHIBIT 22, Page 100**, as an example of a savings clause inserted in a recodified title.

### **(3) Tax Law Applicability**

A provision concerning the applicability of tax laws should be drafted as Noncode. Examples include provisions identifying the initial taxable event, taxable year, registration year, reporting period, filing date, deposit date, or assessment date to which a change in the law applies. Related transitional provisions, such as formulas for calculating tax rates for a particular taxable year may be included with a noncode applicability provision for a tax law. The provision must include an expiration clause containing a date that occurs after the later of the end of the affected period or the first day of the year following the year that a final return related to the period must be filed.

In the example below, note that returns are usually filed in June 2012 for the April 2012 reporting period but annual filers would file in January 2013.

**Example:** SECTION 106. [EFFECTIVE UPON PASSAGE] **(a) For purposes of:**  
**(1) IC 6-2.5-7-3; and**  
**(2) IC 6-2.5-7-5;**  
**as amended by this act, all transactions, except the furnishing of public utility, telephone or related services, cable television or similar video and related services, cable radio, satellite television, or satellite radio services and related**

commodities by retail merchants described in IC 6-2.5-4-5, IC 6-2.5-4-6, and IC 6-2.5-4-11, shall be considered as having occurred after March 31, 2012, to the extent that delivery of the property or services constituting selling at retail is made after that date to the purchaser or to the place of delivery designated by the purchaser. However, a transaction shall be considered as having occurred before April 1, 2012, to the extent that the agreement of the parties to the transaction was entered into before April 1, 2012, and payment for the property or services furnished in the transaction is made before April 1, 2012, notwithstanding the delivery of the property or services after March 31, 2012.

(b) With respect to a transaction constituting the furnishing of public utility, telephone or related services, cable television or similar video and related services, cable radio, satellite television, or satellite radio services and related commodities, only transactions for which the charges are collected upon original statements and billings dated after April 30, 2012, shall be considered as having occurred after March 31, 2012.

(c) This SECTION expires January 1, 2014.

In the example below, note that individual income tax filers ordinarily file by April 15, 2011, for the 2010 taxable year, and fiscal year filers ordinarily file by October 15, 2011, for the 2010-2011 taxable year.

**Example:** SECTION 2. [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)] (a) IC 6-3-2-3.7, as amended by this act, applies only to taxable years beginning after December 31, 2011.

(b) This SECTION expires January 1, 2014.

In the example below, note that taxes are due and payable in 2013 for a 2012 assessment date.

**Example:** SECTION 106. [EFFECTIVE UPON PASSAGE] (a) IC 6-1.1-21.1, as added by this act, applies to property taxes imposed for an assessment date after January 15, 2012.

(b) This SECTION expires January 1, 2014.

#### **(4) Nonseverability Provisions**

Nonseverability provisions can be drafted as Noncode provisions when the bill is a Noncode bill. (See [Nonseverability Provisions, Page \\_\\_\\_\\_](#).)

#### **(5) Emergency Clauses**

Article 4, Section 28 of the Constitution of the State of Indiana specifies that an act may take effect before it is published and circulated in all counties only if the general assembly declares an emergency in the act. An emergency clause is required if the earliest effective date in an act precedes June 30 of the year of enactment.

An emergency clause is drafted as a Noncode provision and must be in the following form:

**Sample Boilerplate:** SECTION \_\_\_\_ . An emergency is declared for this act.

## (6) Special Relief Bills

A bill for special relief on behalf of a citizen to redress an alleged wrong of the state or a state agency may be drafted in such a manner that it is not in conflict with Article 4, Section 24 of the Constitution of the State of Indiana. Use the following form:

### Example:

#### DIGEST

**Citations Affected:** None (noncode). Noncode.

**Synopsis:** Provides special relief for \_\_\_ [insert the name of the person to receive the relief].

**Effective:** July 1, 2013.

A BILL FOR AN ACT for the special relief of \_\_\_ [insert the name of the person to receive the relief].

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

SECTION 1. [EFFECTIVE JULY 1, 2013] **(a) There is appropriated to \_\_ [insert claimant's name], \$\_\_ from the state general fund for special relief. This money is not appropriated for payment of damages but is provided solely out of humanitarian consideration for the wrongs done to \_\_ [insert claimant's name].**

**(b) This SECTION expires December 31, 2013.**

See:

**EXHIBIT 18, Bill for Special Relief, page \_\_\_\_.**

(7) **Medicaid Waiver Provisions:** See EXHIBIT 21, Page 98, for an example.

## (7) Complex or Voluminous Legislation

A bill request, especially a request that is made close to the bill request deadline, sometimes creates a situation in which several hundred sections of law need to be amended in a very short time to create the bill before the filing deadline.

Consider the following as an example: On the day before the bill request deadline, a legislator requests a bill to change the name of the department of state revenue to the "Indiana revenue service". There are almost 400 sections of the Indiana Code that contain a reference to the "department of state revenue" and almost 1,000 sections of the Indiana Code in Title 6 that contain a reference to "department"—most of which are references to the department of state revenue. The drafter assigned to this project will have a very difficult time meeting the bill filing deadline if all the sections containing a reference to "department of state revenue" and "department" must be changed to "Indiana revenue service" and "service".

With the approval of the director of the Office of Bill Drafting and Research and the director of the Office of Code Revision, a much shorter version of the bill may be created to carry out the substantive intent of the legislator and to require the legislative services agency to prepare conforming legislation for introduction in the next legislative session. The text requiring the legislative services agency to create legislation to make conforming changes may be drafted in the following form:

**Sample Boilerplate:** SECTION \_\_\_\_. [EFFECTIVE JULY 1, 20\_\_] (a) The legislative services agency shall prepare legislation for introduction in the 20\_\_ regular session of the general assembly to make appropriate changes in statutes that are required by this act.  
(b) This SECTION expires December 31, 20\_\_.

**Sample Boilerplate:** SECTION 32. [EFFECTIVE JULY 1, 2013] (a) The legislative services agency shall prepare legislation for introduction in the 2014 regular session of the general assembly to organize and correct statutes affected by this act.  
(b) This SECTION expires December 31, 2013.

## L. EFFECTIVE DATES

IC 2-2.1-1 governs Indiana's legislative sessions and procedures. Each term of the general assembly consists of two "regular" session years. The first occurs during odd numbered years. It is a long session that adjourns sine die no later than April 29 and in which the two year budget is made and approved. The second is a short session, adjourning sine die no later than March 14. The governor has the ability to call a "special" session (designated as "ss" in section history and lead-in lines) during the interim to finish any matters left unresolved (usually budgetary) during a regular session.

The system for determining and assigning different types of effective dates revolves around the procedure outlined above. Every SECTION or "act" must have an effective date. Certain types of effective dates require the inclusion of an emergency clause. (See **Emergency Clauses**, page \_\_\_\_, for information on emergency clauses and formatting specifics.)

### (1) Types of Effective Dates

#### (1) (a) Uniform Effective Date

IC 1-1-3-3 provides for a uniform effective date of July 1 for acts passed at a regular session of the general assembly. The uniform effective date should be included in the lead-in line for a SECTION, if the SECTION is to take effect on that date. The uniform effective date should be used whenever possible. (An exception is the tax area.) If the effective date needs to be a delayed effective date, follow the guidelines set forth in **Delayed Effective Dates**, page \_\_\_\_.

An emergency clause is not required for a uniform effective date.

**Example:** SECTION 1. IC 4-2-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. A person who..

### (2) Other Effective Dates

Effective dates other than the uniform date should be included in the lead-in line of the SECTION affected.

#### (3) (b) Early Effective Dates

Article 4, Section 28 of the Constitution of the State of Indiana specifies that an act may take effect before it is published and circulated in all counties only if the general assembly declares an emergency in the act.

A separate Noncode provision containing an emergency clause is required in the following cases:  
**If a bill contains a SECTION that takes effect before June 30 immediately following the sine die adjournment of the regular session in which the bill was enacted, the bill requires an emergency clause.**

(a) The session is a long session and the effective date of an act precedes June 15.

(b) The session is a short session and the effective date of an act precedes May 1.

The Noncode provision must be in the following form:

SECTION \_\_. An emergency is declared for this act.

**(c) Retroactive Effective Dates**

A "retroactive" effective date is one that occurs before the bill is signed by the governor.

**(11) Retroactivity**

If a SECTION is to take effect retroactively, say: include "(RETROACTIVE)" within the effective date brackets.

**Example:** SECTION 5. IC 4-21.5-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2011 (RETROACTIVE)]: Sec. 4. A person who...

**If a bill contains a SECTION that takes effect retroactively, the bill requires an emergency clause.**

**(7) (d) Upon Passage Effective Dates Upon Passage**

For a bill to take effect at the earliest possible time say: the governor signs the bill or files it without the governor's signature, use the effective date "upon passage".

**Example:** SECTION 10. IC 4-21.5-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A person who...

The language "upon passage" has been interpreted to mean that the bill takes effect when signed by the governor or on the eighth day after presentment to the governor if the governor refuses to sign or veto the bill (Article 5, Section 14 of the Constitution of the State of Indiana). Ordinarily, however, it is best to provide for a specific effective date.

**If a bill contains a SECTION that takes effect upon passage, the bill requires an emergency clause.**

**(9) (e) Delayed Effective Dates**

A "delayed" effective date is a date that falls after the July 1 uniform effective date. Avoid providing for using an effective date beyond July 1 of the year following the year of enactment. a delayed effective date except when drafting in the tax area. Providing for such a date leads to creation of multiple versions of a single law. Instead, it may be more practical to insert dates of application use the July 1 uniform effective date and either state the delayed effective date in the Indiana Code text of the section or draft a Noncode an Indiana Code provision of applicability.

In the following samples, assume the session year as 2013 with a uniform effective date of July 1, 2013. The differences are noted in underlined type.

**Don't Say:** SECTION 1. IC 9-15-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. The commissioner shall **not** oversee the department.

**Say:** SECTION 1. IC 9-15-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. **(a) Until July 1, 2020**, the commissioner shall oversee the department.  
**(b) Beginning July 1, 2020**, the commissioner shall not oversee the department.

An emergency clause is not required for a delayed effective date.

## (2) Form Generally

Each SECTION must contain an effective date. The effective date is inserted in the SECTION's lead-in line.

### (4) (a) Effective Dates for Indiana Code Provisions

An effective date affecting a an Indiana Code provision must be inserted in brackets in all roman capital letters before the colon in the lead-in line. as follows:

**Example:** SECTION 4. IC 33-5-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The court...

### (6) (b) Effective Dates for Noncode Provisions

An effective date affecting a Noncode provision—other than an amendment of another Noncode provision—must be inserted in brackets in all roman capital letters after the SECTION number. as follows: Note that no colon is used after the effective date of a new Noncode provision.

**Example:** SECTION 5. [EFFECTIVE JANUARY 1, 2013] (a) The initial members...

The effective date clause for the amendment of a Noncode provision must be prepared in the same style as the effective date clause for a an Indiana Code provision.

**Example:** SECTION 6. P.L.18-1991, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: SECTION 1...

### (5) (c) Effective Dates for Repealers

An effective date affecting a repealer must be inserted in brackets in all roman capital letters after the word "REPEALED". as follows: A period must be placed after the closing bracket.

The text below is outdated.

SECTION \_\_. IC 33-5-25-1 IS REPEALED [EFFECTIVE JULY 1, 2000].  
SECTION \_\_. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2000]: IC 1-7-5-6;  
IC 12-17-4-3.

**Example:** IC 33-5-25-1 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 1. The department shall report...~~

**Example:** SECTION 16. IC 12-22-4 IS REPEALED [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]. (Dawn Project).

**Example:** SECTION 14. P.L.8-1999, SECTION 14, IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~SECTION 14. A commissioner may...~~

### (3) Other Effective Date Considerations

#### (8) (a) Effective Dates to be Avoided

Avoid the use of "effective upon passage".

In long sessions, avoid effective dates from January 1 to May 14 of that year.

In short sessions, avoid effective dates from January 1 to March 31 of that year.

#### (10) (b) Fiscal Years

Often if an appropriation is involved, the bill will need to take effect at the beginning of the next fiscal year. Each state fiscal year runs from July 1 of one year through June 30 of the following year.

In the example below, assume the current session year to be 2013.

**Example:** SECTION 3. [EFFECTIVE JULY 1, 2013] **One million dollars (\$1,000,000) is appropriated...**

Note: The fiscal year for political subdivisions is January 1 through December 31, but the budget making process for local government begins July 1 of the preceding year.

#### (c) Effective Contingent on Some Event

It is possible to draft legislation that will be applicable upon the occurrence or nonoccurrence of some future event. In drafting such a provision, comply with Article 1, Section 25 of the Constitution of the State of Indiana, which voids any act taking effect on any "authority outside that provided in the Constitution".

**Example:** If a majority of the votes cast in the referendum favor the election of the members of the governing body, then IC 20-3-19 applies to the school corporation.

**Don't Say:** If the United States Congress appropriates money to provide states with funding for the rehabilitation of historic courthouses, this section applies.

**Say:** If the state historic preservation officer notifies the governor that the United States Congress has appropriated money to provide states with funding for the rehabilitation of historic courthouses, the governor shall file an affidavit with the secretary of state that states that the money has been appropriated. This section applies upon the filing of the governor's affidavit.

Provisions that might fail to comply with the constitutional requirement are as follows:

**Don't Say:** This act becomes effective when the Association of Electricians adopts standards to govern the installation of wiring.

**OR**

This act becomes effective when the United States Drug Enforcement Agency adds the substances listed in this article to its list of controlled substances.

**(d) Effective Dates of Acts Passed Over Governor's Veto**

If an act is passed by the house of representatives and senate over the governor's veto, the effective date of the act might be different from the date stated in the act. (See IC 1-1-3.1.)

**(e) Drafting Effective Dates During a Special Session**

If the session is a special session, consult with an attorney in the Office of Code Revision.

## Chapter 4. Joint Resolutions

### A. INTRODUCTION

A joint resolution may be used to amend, add, or repeal provisions of the Constitution of the State of Indiana, to ratify a proposed amendment to the Constitution of the United States, or to call a United States Constitutional Convention. A joint resolution of the house of representatives is known as an "HJ", and a senate joint resolution is known as an "SJ".

### A. B. AMENDING THE CONSTITUTION OF THE STATE OF INDIANA

#### (1) Introduction

Amendments to the Constitution of the State of Indiana must be agreed to by two separately elected general assemblies. Once a joint resolution has passed one general assembly, it must then be presented to a second general assembly. If the same language is agreed to by the second general assembly, the amendment must be placed on the state election ballot and ratified by a majority of the voters (Article 16 of the Constitution of the State of Indiana).

#### (2) Printing Style Types

Amendments and additions to the Constitution of the State of Indiana are set forth in the same type style as are amendments and additions to the Indiana Code.

#### (3) Form

State the substance of the resolution and the action to date in the synopsis of the digest of a joint resolution. On the effective line of the digest, state the action still needed. The forms for first and second presentation are identical, except for differences in the digest and descriptive SECTION as noted:

##### (a) Digest

##### Example:

##### DIGEST

**Citations Affected:** Article \_\_\_\_, Section \_\_\_\_ of the Constitution of the State of Indiana.

**Synopsis:** Removes the ban on lotteries. This proposed amendment has been agreed to by one general assembly. [OR: This proposed amendment has not been previously agreed to by a general assembly.]

**Effective:** This proposed amendment must be agreed to by a second general assembly [OR: two consecutive general assemblies] and ratified by a majority of the state's voters voting on the question to be effective.

**(b) Title**

**Amendment**

**Example:**

**Sample Boilerplate:**

A JOINT RESOLUTION proposing an amendment to Article \_\_\_\_, Section \_\_\_\_ of the Constitution of the State of Indiana concerning \_\_\_\_.

**Addition**

**Example:**

**Sample Boilerplate:**

A JOINT RESOLUTION proposing an amendment to Article \_\_\_\_ of the Constitution of the State of Indiana by adding a new Section concerning \_\_\_\_.

**Repealer**

**Example:**

**Sample Boilerplate:**

A JOINT RESOLUTION proposing an amendment by striking out Article \_\_\_\_, Section \_\_\_\_ of the Constitution of the State of Indiana.

Note: The title upon second presentation is identical.

**(c) Resolving Clause**

**Example:**

**Sample Boilerplate:**

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

Note: The resolving clause upon second presentation is identical.

**(d) Body**

**Descriptive SECTION on First Presentation**

**Example:**

**Sample Boilerplate:**

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the \_\_\_\_ [insert in words the number of that general assembly, e.g., One Hundred Eighteenth] General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

**Descriptive SECTION on Second Presentation**

**Example:**

**Sample Boilerplate:**

SECTION 1. The following proposed amendment to the Constitution of the State of Indiana, which was agreed to by the [insert in words the number of the preceding general assembly, e.g., One Hundred Seventeenth] General Assembly and referred to this General Assembly for reconsideration and agreement, is agreed to by this the \_\_\_ [insert in words the number of the current general assembly] \_\_\_ General Assembly of the State of Indiana.

**Amendatory Provisions**

**(i) Amendment**

**Example:**

**Sample Boilerplate:**

SECTION 2. ARTICLE \_\_\_, SECTION \_\_\_ OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section \_\_\_ [insert a number] \_\_\_ [insert the actual amended language of the Constitution].

**(ii) Addition**

**Example:**

**Sample Boilerplate:**

SECTION 2. ARTICLE \_\_\_ OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A **NEW** SECTION TO READ AS FOLLOWS: Section \_\_\_ [insert a number] \_\_\_ [insert the new section's text].

**(iii) Repealer**

**Example:**

**Sample Boilerplate:**

SECTION 2. THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY STRIKING OUT ARTICLE \_\_\_, SECTION \_\_\_

Note: The only difference between the first and second presentation in the body is in the descriptive section.

**(iv) Lead-in Line for Joint Resolution SECTION adding a Schedule**

**Sample Boilerplate:**

SECTION 7. THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING THE FOLLOWING SCHEDULE:

**SCHEDULE**

[insert the text of the schedule]

**(v) Reference to Laws or Rules Outside Constitution**

Do not cite to a statute, rule, or any other text extraneous to the Constitution of the State of Indiana in a joint resolution.

## B. C. RATIFYING A PROPOSED AMENDMENT TO THE UNITED STATES CONSTITUTION

To ratify a proposed amendment to the United States Constitution of the United States under Article V of the United States Constitution of the United States, the form is as follows:

### Example:

#### DIGEST

**Citations Affected:** Article \_\_\_\_, Section \_\_\_\_, Clause \_\_\_\_ of the United States Constitution.

**Synopsis:** [Insert a brief description of the proposed change]

**Effective:** This United States Constitutional amendment must be ratified by 3/4 **three-fourths** of the states to be effective.

---

A JOINT RESOLUTION providing for ratification of the proposed amendment to the Constitution of the United States concerning \_\_\_\_ [insert in concise terms the subject matter of the proposed change].

*Whereas, Both Houses of the \_\_\_\_ [insert in words the number of the particular United States Congress, i.e., One Hundredth, etc.] \_\_\_\_ Congress of the United States of America, at the \_\_\_\_ [insert the number of that session] session of that Congress, adopted a Joint Resolution proposing to amend the Constitution of the United States in the following words:*

#### "JOINT RESOLUTION

[Insert in quotation marks the EXACT text of the official document furnished by the federal General Services Administration] "

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

SECTION 1. That this proposed amendment to the Constitution of the United States of America is ratified by the general assembly of the State of Indiana.

SECTION 2. That certified copies of this Joint Resolution be forwarded by the Governor of Indiana to the Administrator of General Services, National Archives and Records Administration, as required by 1 U.S.C. 106(b), as well as to the Secretary of State of the United States, to the President of the United States Senate, and to the Speaker of the House of Representatives of the United States.

## C. D. CALLING A UNITED STATES CONSTITUTIONAL CONVENTION

Article V of the United States Constitution of the United States provides for two approaches to calling a constitutional convention to consider an amendment to the United States Constitution of the United States:

### (1) Approach 1: Specific Language

#### Example:

#### DIGEST

**Citations Affected:** Article \_\_\_, Section \_\_\_, Clause \_\_\_ of the United States Constitution.

**Synopsis:** [Insert a brief description of the proposed change]

**Effective:** A constitutional convention is called when two-thirds of the state legislatures make application to the Congress to call a constitutional convention to consider an amendment to the Constitution of the United States.

A JOINT RESOLUTION directing the United States Congress to call a constitutional convention to propose an amendment to the Constitution of the United States concerning \_\_\_ [insert in concise terms the subject matter of the proposed amendment].

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

SECTION 1. That the Congress of the United States is directed to call a constitutional convention for the purpose of proposing the following amendment to the Constitution of the United States:

"ARTICLE ...

[Insert in quotation marks the text of the proposed amendment]"

SECTION 2. That certified copies of this resolution be sent to the presiding officers of the Congress of the United States, to the Secretary of the Senate and the Clerk of the United States House of Representatives, and to the presiding officer of each chamber of each state legislature in the United States [and, possibly, to the members of the Congress of the United States from Indiana].

## (2) Approach 2: General Subject Matter

### Example:

#### DIGEST

**Citations Affected:** Article \_\_\_, Section \_\_\_, Clause \_\_\_ of the United States Constitution.

**Synopsis:** [Insert a brief description of the proposed change]

**Effective:** A constitutional convention is called when  $2/3$  **two-thirds** of the state legislatures make application to the Congress to call a constitutional convention to consider an amendment to the Constitution of the United States.

A JOINT RESOLUTION requesting the Congress to call a constitutional convention for the purpose of proposing an amendment to the Constitution of the United States concerning \_\_\_ [insert in concise terms the subject of the proposed amendment].

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

SECTION 1. That the general assembly of the State of Indiana makes application to the Congress of the United States for a convention under Article V of the Constitution of the United States for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States \_\_\_ [insert in general terms a description of the purpose of the amendment].

SECTION 2. That certified copies of this resolution be sent to the presiding officers of the Congress of the United States, to the Secretary of the Senate and the Clerk of the United States House of Representatives, and to the presiding officer of each chamber of each state legislature in the United States [and possibly, to the members of the Congress of the United States from Indiana].

## Chapter 5. Concurrent Resolutions

### A. INTRODUCTION

A concurrent resolution must be agreed to by both the house of representatives and the senate. A house concurrent resolution is known as an "HC" and a senate concurrent resolution is known as an "SC". A concurrent resolution may be used for a variety of purposes, including the following:

1. Urging the United States Congress and the President of the United States to take action.
2. Urging the legislative council to establish a study committee, interim study committee, or commission.
3. Memorializing important individuals and events.
4. Offering congratulations, praise, and gratitude.

The text of a concurrent resolution may be written in a less formal style than that required for legislative measures. However, adherence to the rules of grammar, spelling, and readability apply to all resolutions. Keep each "Whereas" clause as concise as possible. Seek consistency throughout the text of the resolution.

### A. B. GENERAL FORM

A concurrent resolution has a digest with a concise statement of the proposed resolution. Use the following form to draft a concurrent resolution:

#### Example:

A CONCURRENT RESOLUTION (congratulating, memorializing, urging, etc.)... [Insert in the title a concise statement of the proposed resolution].....

*Whereas, ..... [Insert the preamble; it is not indispensable; as in the case of a simple resolution, its purpose is to give reasons for the resolution.];*

*Whereas, ..... ;*

*Whereas, ..... ; and*

*Whereas, ..... : Therefore,*

*Be it resolved by the House of Representatives [Senate] of the General Assembly of the State of Indiana, the Senate [House of Representatives] concurring:*

SECTION 1. That .....

[Insert the text of the resolution; like the body of a bill, the body is divided into SECTIONS numbered SECTION 1, SECTION 2, etc.]

SECTION 2. That .....

SECTION 3. That .....

**B. C. INTERIM STUDY COMMITTEE FORM**

If a legislator wants the general assembly to go on record in favor of establishing a particular interim study committee, a resolution may be adopted. Use the following form in that case:

**Example:**

A CONCURRENT RESOLUTION urging the establishment of an interim study committee on .....

*Whereas, ..... [if desired, insert the reasons the committee is needed]: Therefore,*

*Be it resolved by the House of Representatives [Senate] of the General Assembly of the State of Indiana, the Senate [House of Representatives] concurring:*

SECTION 1. That the legislative council is urged to establish an interim study committee to \_\_\_\_ [Insert a concise statement of the purpose of the proposed study committee].

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

## Chapter 6. Simple Resolutions

The legislative services agency does not ordinarily prepare simple resolutions. These are usually prepared on floor motion forms by the majority or minority attorneys. A digest and title are not used in a simple resolution. However, a salutation is placed before the preamble.

Simple resolutions may be used for the same purposes as concurrent resolutions: urging the United States Congress and President of the United States to take action; urging the legislative council to establish study committees, interim study committees, and commissions; memorializing individuals and events; and offering congratulations, praise, and gratitude. Simple resolutions may also be used to urge the governor and various state entities to take action. Simple resolutions are adopted by only one chamber of the general assembly. A simple resolution of the house of representatives is known as an "HR" and a senate simple resolution is known as an "SR".

The text of a simple resolution may be written in a less formal style than that required for legislative measures. However, adherence to the rules of grammar, spelling, and readability apply to all resolutions. While a simple resolution does not require the inclusion of a "Whereas" clause, keep any "Whereas" clause as concise as possible. Seek consistency throughout the text of the resolution.

(See [EXHIBIT 35 \(Page 124\)](#) and [EXHIBIT 36 \(Page 127\)](#) for forms used in drafting examples of a simple resolution.)

## Chapter 7. Post-Introductory Drafting

### A. INTRODUCTION

Post-introductory drafting consists of drafting proposed committee amendments, amendments, committee reports, motions, Joint Rule 20 motions, Joint Rule 21 motions, and conference committee reports. Each amendment, after it has been passed, is incorporated into the appropriate bill by way of a computer program that reads the amendment's contents and, line by line, makes each change.

#### Types of Amendatory Documents

It is helpful to understand the differences between the various types of documents produced by the general assembly, as well as the commonly used abbreviated name for each. The most common post-introductory documents are listed below. The designation used in the footer of each document type is also included.

##### **Proposed Committee Amendment** or "AM"

This is a document that is presented to a committee to change the wording of a bill or Joint Resolution.

See:

**EXHIBIT \_\_\_, Proposed Committee Amendment, page \_\_\_\_.**

##### **Committee Report** or "CR"

This is a document showing bill or Joint Resolution changes that are approved by a committee. The committee report is filed in the appropriate chamber to be voted on. A committee report may incorporate one or more amendments into a bill, or it may leave the bill as it is, in which case the bill is marked "Do Pass" or "DP". A bill that is approved after the committee report amendments have been included is marked "Do Pass Amended" or DPA".

See:

**EXHIBIT \_\_\_, Committee Report of the Senate: Do Pass, First Printing, First Chamber, page \_\_\_\_.**

**EXHIBIT \_\_\_, Committee Report of the House: Do Pass, First Chamber, page \_\_\_\_.**

**EXHIBIT \_\_\_, Committee Report of the Senate: Do Pass, Second Chamber, page \_\_\_\_.**

**EXHIBIT \_\_\_, Committee Report of the House: Do Pass, Second Chamber, page \_\_\_\_.**

**EXHIBIT \_\_\_, Committee Report of the Senate: Amended with Reassignment on First Printing in Second Chamber, page \_\_\_\_.**

**EXHIBIT \_\_\_, Committee Report of the House: Do Pass Amended on First Printing, page \_\_\_\_.**

##### **Motion** or "MO"

This is a document proposing a change to a bill or Joint Resolution during second or third reading, which is made on the floor of a chamber. Note that the house and senate also prepare motions. The footer of such a document would contain the designation "RS", "DS", "RH", or "DH".

See:

**EXHIBIT \_\_\_, Motion of the Senate: First Chamber, Second Reading, page \_\_\_\_.**

**EXHIBIT \_\_\_, Motion of the House: First Chamber, Second Reading, page \_\_\_\_.**

**EXHIBIT** \_\_\_\_\_, **Motion of the Senate: Second Chamber, Third Reading**, page

**EXHIBIT** \_\_\_\_\_, **Motion of the House: Second Chamber, Third Reading**, page

## A. B. REFERENCE LINES

When preparing to amend a bill at any stage of the legislative process, the first thing the drafter must do is to note which version of the bill is to be amended, i.e., the introduced version, the first printing, or the engrossed printing. **Always be sure to amend the latest printing of the bill.** The amendment itself must contain a statement at the end (known as the reference line) of the document indicating which version of the bill is being amended. This statement (known as the "reference line") is one of the most important parts of a post-introductory amendatory document. It signals to the reader and to the computer program which printing of the document is to be amended. The reference line always ends with a period and is enclosed in parentheses.

### (1) Introduced Version (First House Chamber Committee Amendments)

If the introduced version of the bill is to be amended by the first house a committee, a reference line must be inserted at the end of the amendment as follows:

**Sample Boilerplate:** (Reference is to SB [HB] \_\_\_\_\_ as introduced.)

**Example:** (Reference is to SB 100 as introduced.)

### (2) First Printing (First House Chamber Committee Amendments and Floor Amendments and Second House Chamber Committee Amendments)

After an introduced bill is passed out of the first house chamber committee and the committee report is adopted on the floor, the bill is printed for the first time. This version **The first printing** of the bill may be amended on second or third reading in the first house or chamber. **If it was not amended in the first chamber, the bill can be amended** by a second house committee of the second chamber and then printed engrossed.

#### (a) Second or Third Reading Floor Amendments

If the first printing is to be amended on second or third reading in the first house chamber, the amendment must contain a reference line as follows:

**Sample Boilerplate:** (Reference is to SB [HB] \_\_\_\_\_ as printed \_\_\_\_\_, 20\_\_.)

**Example:** (Reference is to HB 1003 as printed January 15, 2013.)

#### (b) Second House Chamber Committee Amendments

#### No Floor Amendments

If the first printing of the bill is not amended on second or third reading **in the first chamber** and the bill is passed out of the first house chamber, it is the first printing of the bill that the second house

committee of the second chamber will consider the last printed version. If the second house committee of the second chamber is to amend amends the bill, the amendment must contain a reference line referring to the first printing last printed version as follows:

**Sample Boilerplate:** (Reference is to SB [HB] \_\_\_\_ as printed \_\_\_\_\_, 20\_\_.)

**Example:** (Reference is to SB 131 as printed January 10, 2013.)

### (3) Reprinted First Printing (Second House Committee of the Second Chamber Amendments)

Sometimes a bill will be reprinted to incorporate second reading amendments. This reprinted version will be printed on yellow paper and will contain the date on which it was reprinted. If a second house committee is to amend a reprinted bill, the amendment must contain a reference line as follows:

A bill amended on second or third reading in the first chamber will be reprinted to incorporate the amendments. The reprinted version will be printed on yellow paper and will contain the next business day's date. If a bill is reassigned to a committee and if the second chamber committee amends the reprinted bill, the amendment must contain a reference line as follows:

**Sample Boilerplate:** (Reference is to SB [HB] \_\_\_\_ as reprinted \_\_\_\_\_, 20\_\_.)

**Example:** (Reference is to HB 1323 as reprinted February 15, 2013.)

Note: Sometimes the house or senate requires a bill to be printed with a different date than the next business day's.

### Unincorporated Floor Amendments

If:

- (i) the first printing of the bill was amended on second or third reading;
- (ii) the bill was passed out of the first house chamber;
- (iii) the second or third reading amendments are not incorporated into a reprinted version of the bill; and
- (iv) the second house committee a committee in the second chamber is to amend the bill;

the amendment must contain a reference line referring to the first printing and to the unincorporated first house chamber floor amendments as follows:

**Sample Boilerplate:** (Reference is to SB [HB] \_\_\_\_ as printed \_\_\_\_\_, 20\_\_, and as amended on motion of Senator [Representative] \_\_\_\_\_ adopted \_\_\_\_\_, 20\_\_, and on motion of Senator [Representative] \_\_\_\_\_ adopted \_\_\_\_\_, 20\_\_.)

**Example:** (Reference is to HB 1310 as printed January 17, 2013, and as amended on motion of Representative Jones adopted January 25,

2013, and on motion of Representative Abernathy adopted January 29, 2013.)

### **Unincorporated Committee of One Report**

If there are unincorporated changes that are made in the committee report of a Committee of One, the reference line should read as follows:

**Sample Boilerplate:** (Reference is to SB [HB] \_\_\_\_ as printed \_\_\_\_\_, 20\_\_, and as amended by the committee report of the committee of one adopted \_\_\_\_\_, 20\_\_.)

**Example:** (Reference is to SB 330 as printed January 17, 2013, and as amended by the committee report of the committee of one adopted January 20, 2013.)

### **Unincorporated Technical Corrections**

If there are unincorporated changes that are made by Senate Rule 34 35 or House Rule 67 technical corrections, the reference line should read as follows:

**Sample Boilerplate:** (Reference is to SB [HB] \_\_\_\_ as printed \_\_\_\_\_, 20\_\_, and as corrected under Senate Rule 34 35 [House Rule 67] \_\_\_\_\_, 20\_\_.)

**Example:** (Reference is to HB 1434 as printed January 27, 2013, and as corrected under House Rule 67 January 29, 2013.)

### **(4) Engrossed Printing (Second House Floor Committee of the Second Chamber Amendments)**

After a bill is passed out of the second house chamber committee and the committee report is adopted on the floor, the bill is again printed This version of the bill is referred to as the engrossed printing. The engrossed printing is referred to as an engrossed senate bill (ESB) or an engrossed house bill (EHB).

#### **(a) Second Reading Amendments and Third Reading Amendments**

If the engrossed bill is to be amended on second reading or third reading in the second house chamber, the amendment must contain a reference line as follows:

**Sample Boilerplate:** (Reference is to ESB [EHB] \_\_\_\_ as printed \_\_\_\_\_, 20\_\_.)

**Example:** (Reference is to ESB 313 as printed March 5, 2013.)

#### **(b) Incorporated Floor Amendments**

If the engrossed bill is amended by the second house chamber on second reading or third reading and the bill is reprinted (on yellow paper) to incorporate those amendments, any further amendment of the bill (such as on third reading, by Joint Rule 20 motion, or by a conference committee) must contain

a reference line as follows:

**Sample Boilerplate:** (Reference is to ESB [EHB] \_\_\_\_ as reprinted \_\_\_\_\_, 20\_\_.)

**Example:** (Reference is to EHB 1178 as reprinted March 12, 2013.)

**(c) Unincorporated Second Reading Floor Amendments**

If the engrossed bill is amended by the second house chamber on second reading and the bill is not reprinted to incorporate those amendments, any further amendment of the bill (such as on third reading or by a conference committee) must contain a reference line as follows:

**Sample Boilerplate:** (Reference is to ESB [EHB] \_\_\_\_ as printed \_\_\_\_\_, 20\_\_, and as amended on motion of Representative [Senator] \_\_\_\_ adopted \_\_\_\_\_, 20\_\_, and on motion of Representative [Senator] \_\_\_\_ adopted \_\_\_\_\_, 20\_\_.)

**Example:** (Reference is to ESB 323 as printed February 24, 2013, and as amended on motion of Representative Jones adopted February 26, 2013, and on motion of Representative Abernathy adopted February 28, 2013.)

**Sample Boilerplate:** (Reference is to ESB [EHB] \_\_\_\_ as printed \_\_\_\_, 20\_\_, and as amended by the committee report of the Committee of One adopted \_\_\_\_, 20\_\_.)

**Example:** (Reference is to EHB 1514 as printed February 20, 2013, and as amended by the committee report of the Committee of One adopted February 25, 2013.)

**(d) Unincorporated Technical Corrections**

If there are unincorporated changes that are made by Senate Rule 33(c) 35 or House Rule 67 technical corrections, the reference line must read as follows:

**Sample Boilerplate:** (Reference is to ESB [EHB] \_\_\_\_ as printed \_\_\_\_\_, 20\_\_, and as corrected under House Rule 67 [Senate Rule 33(c) 35] \_\_\_\_\_, 20\_\_.)

**Example:** (Reference is to ESB 225 as printed March 1, 2013, and as corrected under House Rule 67 March 5, 2013.)

Note: Check the current house and senate rules to ascertain that the Rule numbers provided above are correct.

**B. C. DRAFTING TERMINOLOGY**

After a bill is introduced, drafting most often involves the creation of "page and line" commands that are

essentially a very specific set of instructions. Use the following terminology whenever amending a bill. These instructions usually set forth the page number and line number on which a particular addition or amendment will be made. These instructions are for the benefit of the legislative printer, printing staff, who must follow the instructions literally. **It is very important to use the correct command terminology and include beginning and ending quotation marks when using quotation marks. around text that is to be inserted, deleted, or otherwise altered.**

Note: any page and line commands drafted must reference the page and line numbers, and SECTION numbers, as they appear in the printed bill to be amended. Do not reference the "new" or anticipated numbers.

(See **AMENDMENT OF PROVISIONS NOT FOUND IN A PRINTED BILL**, Page \_\_\_\_ for additional rules affecting bills in the second house a committee of the second chamber.)

A summary of commonly used drafting commands may be found in **EXHIBIT 23, Commonly Used Drafting Commands**, page \_\_\_\_.

### (1) Altering Introductory Clauses **Lead-in Lines**

To cause material to be removed, use "delete".

**Example:** Page 1, line 1, delete "AMENDED".

To cause material to be added, use "insert".

**Example:** Page 1, line 1, delete "AMENDED" and insert "ADDED".

### (2) Altering Nonamendatory **SECTIONS of a Bill** (i.e., changes in a SECTION of the bill adding entirely new material such as a new section, a new chapter, and the text of a Noncode SECTION.)

To cause material to be removed from text, use "delete".

**Example:** Page 1, line 6, delete "article".

To cause material to be added to the text, use "insert".

**Example:** Page 1, line 6, delete "article" and insert "**chapter**".

### (3) Altering Amendatory **SECTIONS of a Bill** (i.e., changes in text of a SECTION of the bill that amends a section of existing law.)

To cause material in bold type to be removed from text, use "delete".

**Example:** Page 1, line 6, delete "article".

Note: All text being deleted should be shown in roman text, even if the text is bold in the bill to be amended.

To cause material in roman type to appear in cancelled **stricken** type, use "strike".

**Example:** Page 1, line 7, strike "1979,".

To cause material to be added in bold type, use "insert".

**Example:** Page 2, line 7, after "director" insert "**or deputy**".

**Example:** Page 4, line 10, strike "agency" and insert "**commission**".

**Example:** Page 5, line 15, delete "district" and insert "**authority**".

In the examples above, note that the referencing text "director", "agency", and "district" is always shown in roman text. It is not necessary to indicate whether referencing text is bold, stricken, or italicized in the bill to be amended.

To cause material in cancelled ~~stricken~~ type to be reset in roman type, use "reset in roman".

**Example:** Page 3, line 8, reset in roman "commissioner".

Note: Do not show the stricken material as stricken in the instruction to reset in roman.

#### (4) Adding New SECTIONS to a Bill

To add an amendatory Indiana Code provision, use "insert:" and indicate the necessary typefaces. show the SECTION as it should appear in the bill showing all typefaces.

**Example:** Page 1, between the enacting clause and line 1, begin a new paragraph and insert:  
"SECTION 1. IC 5-6-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. A person is ~~authorized to~~ **may** ...".

To add a new Indiana Code provision or a Noncode provision, use "insert:" and indicate the necessary typefaces. show the SECTION as it should appear in the bill showing all typefaces.

**Example:** Page 6, between lines 21 and 22, begin a new paragraph and insert:  
"SECTION ... IC 5-6-7-10 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. ....**".

#### IMPORTANT NOTES:

- (a) Always check the Daily Action file the Table of Amendments, Repeals, and Additions, and the Comprehensive Citation Report to determine whether there are conflicts with other legislation.
- (b) Make certain that all succeeding SECTIONS, and internal references, to SECTIONS and sections in the bill are renumbered accordingly. Also, Adding a "RENUMBER ALL SECTIONS" command at the end of the bill will automatically cause all SECTIONS to be renumbered. A quick search through the bill should uncover any internal references or section numbers that need to be updated.

- (c) Check the title, and, if necessary, recommend a title amendment to the majority attorney of the chamber considering the bill.

## (5) Altering the Entire Body of a Bill by Bill Stripping

For inserting an entirely new body of text into a bill, use the following language:

**Sample Boilerplate:** Delete everything after the enacting clause and insert the following:  
[Insert text exactly as it should appear in the bill.]

Note that the text that is inserted after this command does NOT begin and end with quotation marks.

Because the subject matter of the new material is often different from that in the original bill, determine if a title amendment is necessary.

Avoid "stripping" a bill if the amendment can be done by use of line and page references [page and line commands](#). If the drafter or legislator decides that bill stripping is still the best approach, check the rules of each [house chamber](#) to determine its policy on bill stripping before proceeding.

Also keep in mind at conference committee time that if a conference committee inserts a totally new subject matter into a bill (material that has not previously been passed by one of the [houses chambers](#)), the senate rules require that the conference committee report be referred to the Senate Committee on Rules and Legislative Procedures. If that committee approves the report, the bill is then placed on a special calendar for consideration.

## (6) Changing a Title

To amend an existing title or to add an entirely new title, say:

**Sample Boilerplate:** Delete the title and insert the following:  
A BILL FOR AN ACT . . .

Note that the text of a title amendment does NOT begin and end with quotation marks.

Avoid overly specific titles. Say "A BILL FOR AN ACT concerning local government" rather than "... concerning the fire protection district tax of the town of Spring Grove".

**Don't Say:** A BILL FOR AN ACT concerning the fire protection district tax of the town of Spring Grove.

**Say:** A BILL FOR AN ACT concerning local government.

## (7) Use of Quotation Marks

Material to be inserted in a bill should be enclosed by quotation marks, except when a bill is stripped. [To insert a paragraph, for instance, use the following:](#)

**Example:** Page 8, between lines 9 and 10, begin a new paragraph and insert:

"(b) As used in this section, "person" means an individual, a corporation, or a partnership."

## **(8) Renumbering SECTIONS of a Bill**

To renumber the SECTIONS of a bill when a SECTION is added or removed, the drafter should renumber all of the SECTIONS of the bill by adding a renumbering command immediately before the reference line as the last command in the document as follows:

**Sample Boilerplate:**                      Renumber all SECTIONS consecutively.

Whenever SECTIONS are renumbered, carefully check for any internal references to those SECTIONS that should be changed.

## **(9) Emergency Clause**

If an amendatory document adds a SECTION with an effective date that requires an emergency clause or changes an existing effective date to an effective date that requires an emergency clause:

- (a) be sure that the bill already contains an emergency clause; or
- (b) add an emergency clause to the bill.

Likewise, if an amendatory document removes a SECTION with an effective date that requires an emergency clause or changes an existing effective date that requires an emergency clause to an effective date that does NOT require an emergency clause, and no other SECTION in the bill requires an emergency clause, be sure to remove the emergency clause from the bill.

(See **Early Effective Dates**, [Page 48](#).)

## **(9) (10) Changing Effective Dates in One or More SECTIONS**

Whenever an effective date is changed in a SECTION, the drafter can use individual line and page references or the drafter can change several consecutive SECTIONS of the bill at once. Remember that a separate Noncode SECTION may be needed to declare an emergency. in some cases. (See **Early Effective Dates**, [Page 48](#).)

### **(a) Replacing Effective Dates in Several SECTIONS**

Assume that [Consider the following as an example](#): A bill contains 15 SECTIONS and that SECTION 3 has been removed. To change the effective date in the remaining SECTIONS, use the following form:

**Example:**                      Replace the effective dates in SECTIONS 4 through 15 with "[EFFECTIVE JULY 1, 2013]".

Note: When this command is used, it must be the first command in the document, except for a title amendment. Note also that when this command is used, the references to the SECTIONS in the bill are the SECTIONS that appear in the printed bill being amended.

**(b) Replacing an Effective Date in Only One SECTION**

**Example:** Page 3, line 16, delete "[EFFECTIVE JANUARY 1, 2013]" and insert "[EFFECTIVE SEPTEMBER 1, 2013]".

or

**Example:** Replace the effective date in SECTION 3 with "[EFFECTIVE JANUARY 1, 2013]".

Note: When this command is used, it must be the first command in the document, except for a title amendment. Note also that when this command is used, the reference to the SECTION in the bill is the SECTION that appears in the printed bill being amended.

**(10) (11) Miscellaneous Drafting Commands**

**(a) To delete new material from or strike material in part of a line:**

**Don't Say:** Page 1, line 6, after "an" delete [strike] the rest of the line.

**Say:** Page 1, line 6, delete [strike] "individual who wishes to ride the".

**(b) To delete or strike an entire line, say:**

**Example:** Page 1, delete [strike] line 6.

**(c) To delete or strike two or more consecutive lines, say:**

**Example:** Page 2, delete [strike] lines 1 through 2.

**(d) To strike an entire subsection or subdivision, strike the numeric or alphabetic designation at the beginning of the text being stricken.**

**Example:** ...the following:  
(1) Name of corporation.  
(2) Address.  
**(2) State where incorporated.**

**(e) To delete one entire page, say:**

**Example:** Delete page 2.

**(f) To delete two or more entire pages, say:**

**Example:** Delete pages 2 through 5.

**(g) To begin a new paragraph, say:**

**Example:** Page 3, between lines 6 and 7, begin a new paragraph and insert:  
**"(b) A house trailer may be taxed once a year."**

**(h) To block indent, say:**

**Example:** Page 4, line 6, after "or" begin a new line block indented and insert:  
"(1)".

**(i) To double block indent, say:**

**Example:** Page 5, line 10, after "year." begin a new line double block indented and insert:  
"(C) A license must be renewed each year.".

**(i) (j) To triple block indent, say:**

**Example:** Page 7, line 14, after "chapter." begin a new line triple block indented and insert:  
"(iii) A finder's fee.".

**(j) (k) To have a line return to the left margin, say:**

**Example:** Page 5, line 6, block left beginning with "commits" begin a new line blocked left.

Note: Be sure to include a "begin a new line" command after adding tabulation in the middle of existing text.

**(k) (l) To begin a new line at the left margin, say:**

**Example:** Page 10, line 5, begin a new line blocked left and insert:  
"must renew the license each year.".

**(l) (m) To have two lines run together that are separated by some type of indentation, say:**

**Example:** Page 1, run in lines 20 through 21.  
Page 5, run in line 42 through page 6, line 1.

**(m) (n) To have two lines run together after an intervening line has been deleted, say:**

**Example:** Page 2, run in lines 30 and through 32.

**(n) (o) To run in two lines that are being amended:**

Be sure to make any necessary amendments to the lines being run in before using the run in command.

**Example:** Page 1, line 1, strike "agency:".  
Page 1, line 2, strike "(1) employee".  
Run in lines 1 through 2.

A run in command is necessary only if the indentation is to be changed, such as when two subdivisions are removed from a list of three. In that instance, any text after the remaining subdivision would be left standing alone unless a command is added to run it together.

**Example:** Page 1, line 2, strike "(1) reading;".

1 A teacher must teach:  
2 ~~(1) reading;~~  
3 (2) writing; and  
4 (3) social science;  
5 skills to students.

Striking subdivision (1) does not require the indentation levels to be changed for subdivisions (2) and (3)—it requires only that the remaining subdivisions be renumbered and that the punctuation be changed accordingly.

Striking two subdivisions does require a change in indentation for the blocked left "skills to students", and so a run in command is needed.

1 A teacher must teach:  
2 ~~(1) reading;~~  
3 ~~(2) writing; and~~  
4 ~~(3) social science;~~  
5 skills to students.

Page 1, line 1, delete "teach:" and insert "teach".

Page 1, line 2, strike "(1) reading;".

Page 1, line 3, strike "(2) writing; and".

Page 1, line 4, strike "(3)".

Page 1, line 4, delete "science;" and insert "science".

Page 1, run in lines 1 through 5.

The resulting text will look like this:

1 A teacher must teach social science skills to students.

**(o) (p) To delete or strike a word or numeral that appears more than once in a line, the command must identify which occurrence of the word or numeral is to be deleted or stricken.**

**Example:**

If page 4, line 15, reads as follows: "Sec. 1. Before July 1 of each year" and you wish to change July 1 to July 31,

**Don't Say:** Page 4, line 15, delete [strike] "1" and insert "31".

**Say:** Page 4, line 15, delete [strike] "July 1" and insert "July 31".

**OR**

Page 4, line 15, after "July" delete [strike] "1" and insert "31".

**(p) (q) To add indentation or tabulation to a paragraph text, say the following:**

**Example:**

1       The applicant must submit an affidavit that the applicant has completed the  
2       training required under section 3 of this chapter and pay the annual fee  
3       prescribed by the department before the department may issue a license to the  
4       applicant.

**To insert indentation or tabulation in the above paragraph text, use the following commands:**

Page 1, line 1, after "must" insert ":

**(1)**".

Page 1, line 2, after "chapter" insert ";

Page 1, line 2, after "and" insert:

**"(2)**".

Page 1, line 3, after "department" insert ";

Page 1, line 3, beginning with "before" begin a new line blocked left.

**The resulting paragraph text will look like this:**

1       The applicant must:  
2       **(1)** submit an affidavit that the applicant has completed the training  
3       required under section 3 of this chapter; and  
4       **(2)** pay the annual fee prescribed by the department;  
5       before the department may issue a license to the applicant.

**To insert additional indentation or tabulation in the above text, use the following commands:**

Page 1, line 2, after "completed" insert ":

**(A)**".

Page 1, between lines 3 and 4, begin a new line double block indented and insert:

**"(B) nine (9) hours of community service approved by the commissioner; and"**.

**The resulting text will look like this:**

1       The applicant must:  
2       **(1)** submit an affidavit that the applicant has completed:  
3       **(A)** the training required under section 3 of this chapter; and  
4       **(B) nine (9) hours of community service approved by the**  
5       **commissioner; and**  
6       **(2)** pay the annual fee prescribed by the department;  
7       before the department may issue a license to the applicant.

[Note: Item (b) or (c) [Page 64] may be combined with item (h), (i), (j), or (k) in a single command.]

**(r) To undo tabulation:**

The example below shows how to remove existing tabulation and amendment from a provision.

**Example:**

1 If the employer has rejected the notification:  
2 (1) subsection (b) does not apply to the **new** employee; and  
3 (2) the employee must promptly notify:  
4 (A) the fire chief or other officer in charge of the fire department; or  
5 (B) the officer in charge of the emergency medical services  
6 association;  
7 of the rejection of the notice.

Page 1, line 1, delete ":" and insert ",".  
Page 1, line 2, strike "(1)".  
Page 1, line 2, delete "new".  
Page 1, line 2, delete ";" and insert ",".  
Page 1, line 2, strike "and".  
Page 1, line 3, strike "(2)".  
Page 1, line 3, delete ":".  
Page 1, strike line 4.  
Page 1, line 5, strike "(B)".  
Page 1, line 6, delete ";".  
Page 1, run in lines 1 through 7.

After the bill has passed, the resulting paragraph will look like this:

1 If the employer has rejected the notification, subsection (b) does not apply to  
2 the employee, and the employee must promptly notify the officer in charge of  
3 the emergency medical services association of the rejection of the notice.

**(q) (12) Drafting Command Reminders and Notes**

**When amending an Indiana Code provision or Noncode provision, you may either:**

- (a) amend by using page and line commands; or
- (b) amend by deleting the entire SECTION from a bill and then reinserting that SECTION with the necessary changes included.

**DO NOT DELETE PART OF A SECTION.**

**To facilitate the smooth running of computer programs, Avoid the term "before" in an amendatory command whenever possible.**

The computer program searches text, and inserts commands, from back to front. Requiring the program to make changes "before" a word can cause the program to fail.

**Example:**

1       The applicant must submit an affidavit that the applicant has completed the  
2       training required under section 3 of this chapter and pay the annual fee  
3       prescribed by the department before the department may issue a license to the  
4       applicant.

**Don't Say:**     Page 1, line 1, before "completed" insert "**fully**".

**Say:**            Page 1, line 1, after "has" insert "**fully**".

**Avoid drafting commands based on a single word or phrase that appears more than one time in a line of text.**

The program executes a command on the first instance it finds, which may not be the correct location.

**Example:**

1       The applicant must submit an affidavit that the applicant has completed the  
2       training required under section 3 of this chapter and pay the annual fee  
3       prescribed by the department before the department may issue a license to the  
4       applicant.

In the paragraph above, line 3 contains three instances of the word "the". To change the first occurrence of "department" to "state department":

**Don't Say:**     Page 1, line 3, after "the" insert "**state**".

**Say:**            Page 1, line 3, after "by the" insert "**state**".

**Avoid deleting roman text unless:**

1. the text is in the lead-in line;
2. the text is being deleted in the course of deleting an entire SECTION; or
3. the text is deleted and re-inserted in order to remove or change punctuation or to change the first letter of a word from uppercase to lowercase or vice versa.

**Make sure to amend the latest version of the printed bill.**

**Make sure that every command ends with a period and that the period goes outside any quotation marks used at the end of the command.**

**Make sure to determine whether the amendments made or effective dates changed require the addition of an emergency clause.**

**Make sure to check the Daily Action files for any errors or technical corrections that should be addressed.**

## **C. D. AMENDMENT OF PROVISIONS NOT FOUND IN A PRINTED BILL (SECOND HOUSE CHAMBER COMMITTEE AMENDMENTS); TECHNICAL CORRECTIONS**

Use the following techniques in preparing a committee amendment in the second **house chamber** that affects floor amendments or technical corrections made earlier but not incorporated into the latest printed version of the bill. If an unincorporated amendment or correction is to be deleted entirely, begin the committee amendment by deleting the unincorporated amendment or correction. Also review the discussion on reference lines (See pages 58-60.) in this chapter.

### **(1) Deleting a Second Reading Amendment**

To delete a second reading amendment in its entirety, say:

**Sample Boilerplate:** Delete the amendment made on motion of Senator [Representative] \_\_\_\_\_ adopted \_\_\_\_\_, 20\_\_.

**Example:** Delete the amendment made on motion of Representative Abernathy adopted February 1, 2013.

### **(2) Deleting a Part of a Second Reading Amendment**

**Technique 1:** Delete the entire motion and then put back those parts of the amendment desired to be retained. This method is most useful when:

- (a) the committee wants to retain only a small part of a lengthy floor amendment; or
- (b) it is difficult to understand the effect of the amendment using page and line numbers.

**Technique 2:** The second method is to assume that the amendment is a part of the bill and to then remove the language that is to be deleted.

**Example:**

Assume that a second reading motion had made ten amendments and that one of them was the following:

Page 10, line 7, after "account." insert "**The commissioner shall publish an annual fiscal report.**".

Now assume that the second **house chamber** committee agreed with all the other changes in the second reading amendment **of the first chamber**, but the committee disagreed with the amendment enumerated above. That part of the amendment could be removed as follows:

Page 10, line 7, after "account." delete "The commissioner shall publish an annual fiscal report." as inserted on motion of Senator [Representative] \_\_\_\_\_ adopted \_\_\_\_\_, 20\_\_.

If the second **house chamber** committee wanted only to remove the word "fiscal" so that an annual report not limited to fiscal matters is required, the amendment could be amended as follows:

Page 10, line 7, after "annual" delete "fiscal" as inserted on motion of Senator [Representative] \_\_\_\_\_ adopted \_\_\_\_\_, 20\_\_.

### **(3) Restoring Language Stricken in a Second Reading Amendment**

#### **Example:**

Assume that a second reading amendment strikes language in a bill as follows:

Page 7, line 11, strike "and towns".

To restore this language say:

Page 7, line 11, reset in roman "and towns" as stricken on motion of Senator [Representative] \_\_\_\_\_ adopted \_\_\_\_\_, 20\_\_.

### **(4) Reinserting Language Deleted by a Second Reading Motion in an Amendatory SECTION.**

#### **Example:**

Assume new language in an amendatory SECTION was removed on second reading as follows:

Page 5, line 21, delete "incorporated".

To restore this deleted language, say:

Page 5, line 21, after "applies to" insert "**incorporated**" as deleted on motion of Senator [Representative] \_\_\_\_\_ adopted \_\_\_\_\_, 20\_\_.

### **(5) Reinserting Language Deleted by a Second Reading Motion in a Nonamendatory SECTION.**

The procedure to be followed when an earlier amendment has deleted language shown in bold in a nonamendatory bill is similar to reinserting language deleted by a second reading motion for an amendatory SECTION as described in item (4) above.

### **(6) Deleting Language that Includes an Amendment**

If a second **house chamber** committee decides to delete or strike several lines or an entire SECTION of a bill, and the part to be deleted or stricken was affected by a second reading amendment, say:

#### **Sample Boilerplate:**

Page \_\_\_\_, delete [strike] lines 14 \_\_\_ through 25 , including the amendment to line \_\_\_ made on motion of Senator [Representative] \_\_\_\_\_ adopted \_\_\_\_\_, 20\_\_.

#### **Example:**

Page 2, delete lines 14 through 25, including the amendment to line 17 made on motion of Senator Johnson adopted March 12, 2013.

## **(7) Technical Corrections**

If language in a bill is altered by a technical correction (Senate Rule 34 35 or House Rule 67) and the language is affected by later committee action, treat it in the same manner as floor amendments but make reference to the rule itself.

**Sample Boilerplate:** Page 10 \_\_, line 7 \_\_, delete [strike] "incorporated"  
\_\_\_\_\_ as inserted under Senate Rule 34 35 [House Rule 67]  
\_\_\_\_\_, 20\_\_.

**Example:** Page 10, line 7, delete "incorporated" as inserted under Senate Rule 35 March 27, 2013.

Note: Check the current house and senate rules to ascertain that the Rule numbers provided above are correct.

To delete a technical correction in its entirety, say:

**Sample Boilerplate:** Delete the technical correction made under Senate Rule 34 35  
[House Rule 67] \_\_\_\_\_, 20\_\_.

**Example:** Delete the technical correction made under House Rule 67  
March 22, 2013.

Note: Check the current house and senate rules to ascertain that the Rule numbers provided above are correct.

## **D. E. CONFERENCE COMMITTEE REPORTS**

### **(1) The Two Alternative Forms**

A conference committee report (also known as a "CC" or "CCR") is created to resolve conflicts when two different versions of the same bill are passed by the chambers. It may take either of two forms: the "delete everything" form or the "page and line command" form.

#### **(a) The "Delete Everything" Form**

In the delete everything form, the conference committee report deletes the entire body of the bill and inserts new content in its entirety (which may in fact be only a slightly different revised version of the bill's former contents). This form is used when more than three page and line commands would have been necessary to make the proposed changes to the bill.

A conference committee report in this form contains the following command:

**Sample Boilerplate:** Delete everything after the enacting clause and insert the following:

After this command, the conference committee report sets forth the proposed new content of the bill.

Note: The proposed new content of the bill is not enclosed in quotation marks.

See:

**EXHIBIT \_\_\_, Conference Committee Report, Senate Version, Delete Everything Format, page \_\_\_\_.**

**EXHIBIT \_\_\_, Conference Committee Report, House Version, Delete Everything Format, page \_\_\_\_.**

### **(b) The "Page and Line Command" Form**

A conference committee report in the page and line command form does not replace the entire body of the bill. Instead, it alters the contents of the latest printed version of the bill through page and line commands. However, a conference committee report may not be drafted in this style unless it contains no more than three page and line commands.

**Example:**                   Page 1, line 3, strike "department" and insert "bureau".  
                                  Page 5, line 25, delete "or the director".  
                                  Page 14, delete lines 6 through 18.

See:

**EXHIBIT \_\_\_, Conference Committee Report, Senate Version, Page and Line Command Format, page \_\_\_\_.**

**EXHIBIT \_\_\_, Conference Committee Report, House Version, Page and Line Command Format, page \_\_\_\_.**

### **(1) Introduction**

### **(2) Steps of Conference Committee Report Preparation**

Follow these steps when drafting a conference committee report:

- (a) Examine the Daily Action file to determine if further amendments are necessary to the latest printing of the engrossed bill. whether any unincorporated amendments have been adopted since the latest printing of the engrossed bill. Any unincorporated amendment will have to be recognized in the reference line of the conference committee report. A conference committee report in the delete everything form must include a command deleting the unincorporated amendments. A conference committee report in the page and line command form must include a command deleting the unincorporated amendments and then, if the author of the conference committee report so wishes, another command re-inserting the content of the unincorporated amendments back into the bill.
- (b) If further amendments are necessary: No matter whether the conference committee report will be in the "delete everything" form or the "page and line command" form, determine whether a title amendment is needed. If so, add the title amendment to the conference committee report.
- (i) (c) insert a new title if needed; and If the conference committee report will be in the "delete everything" form, insert the "delete everything" command and immediately after it insert the new content of the bill as proposed by the author of the conference committee report. Do not enclose the new content within quotation marks. Insert whole SECTIONS, including stricken and bold text, just as in a bill.

- (ii) (d) use page and line reference If the conference committee report will be in the "page and line command" form, the changes that the author of the conference committee report proposes to be made in the bill must be made using three or fewer "page and line" reference amendments to the selected latest printing of the bill. These amendments might include unincorporated amendments, language from other bills, or entirely new material.
- (e) End the conference committee report with a comprehensive reference line that recognizes the latest printing of the bill and any unincorporated amendments adopted since the latest printing.
- (f) Remember, If a conference committee report on a bill other than an appropriation bill "contains subject matter not previously passed by at least one house", the drafter must notify the Senate Majority Attorney of that fact. (See Senate Rule 86(e). Note: Check the current senate rules to ascertain that the Rule number provided is correct.)
- (g) Check the Daily Action file, and correct any problems that are noted there.
- (c) (h) Examine Check the Comprehensive Citation Report to determine if any SECTIONS of the bill—as it would be amended by the conference committee report—would conflict with the same Indiana Code provisions amended in other bills. If a conflict exists, notify the Office of Code Revision before proceeding.

The text below is incorporated elsewhere.

## (2) Checklist for a Conference Committee Report

A conference committee report must:

- (a) refer to the latest printing of a bill;
- (b) delete all unincorporated amendments and corrections;
- (c) list all changes to that version that have been agreed to by the conferees; and
- (d) include a comprehensive reference line.

(See EXHIBIT 33, Page 118, and EXHIBIT 34, Page 121, for examples.)

## (3) Conference Committee Reports if there are Unincorporated Third Reading Amendments

When a conference committee report is prepared for a bill with an unincorporated third reading amendment, use this form as the first command:

**Sample Boilerplate:** Delete the amendment made by the committee report for the committee of one adopted \_\_\_\_\_, 20\_\_.

**Example:** Delete the amendment made by the committee report for the committee of one adopted February 27, 2013.

The second command should be the following:

**Sample Boilerplate:** Delete everything after the enacting clause and insert the

following:

Use the following reference line:

**Sample Boilerplate:** (Reference is to EHB [ESB] \_\_\_ as reprinted \_\_\_\_\_, 20\_\_\_, and as amended by the committee report of the committee of one adopted \_\_\_\_\_, 20\_\_\_.)

**Example:** (Reference is to EHB 1613 as reprinted February 15, 2013, and as amended by the committee report of the committee of one adopted February 27, 2013.)

## **E. F. ALTERING PROVISIONS ADDED OR AMENDED EARLIER IN THE SAME SESSION**

### **(1) Introduction**

If a section of the Indiana Code is added or amended, the introductory clause **lead-in line** and text for a later amendment to that section during the same session must reflect the prior addition or amendment. A reference to the prior amendment should be to the bill number and the year of the session in which it was enacted, separated by a hyphen. Bills enacted in a special session should also parenthetically reference the special session.

### **(2) Introductory Clause **Lead-in Line****

#### **Amendment of Section Previously Amended**

**Example:** SECTION \_\_\_. IC 5-10-3-34, AS AMENDED BY SEA [HEA] 23-2013, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

#### **Amendment of Section Previously Added**

**Example:** SECTION \_\_\_. IC 5-10-3-34, AS ADDED BY SEA [HEA] 23-2013, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

This is outdated.

#### **Addition of a Provision to a Previously Added Chapter, Article, or Title**

If a new section, chapter, or article is to be added to a chapter, article, or title previously added in the same session, it is necessary to refer to the legislation that added the new provision. For example, if HEA 1123-2000 added a new chapter at IC 4-12-9 and the addition of a new section 12 is desired, the lead in line should appear as follows:

SECTION \_\_\_. IC 4-12-9-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO THE NEW CHAPTER ADDED BY HEA 1123-2000, TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

### **(3) Text (Amendments Only)**

The text set forth must be the latest version with all canceled **stricken** type deleted and all bold type

inserted in roman. The changes to be made by the later amendment should then be set forth in canceled **stricken** or bold type.

#### **(4) Effective Date**

The later addition or amendment should be drafted so that it will not take effect before the prior addition or amendment.

### **F. G. JOINT RULE 20 CORRECTIONS**

#### **(1) Introduction**

In Indiana, the legal effect of enacting two acts that technically conflict with each other is unsettled. However, **During each legislative session, hundreds of sections of the Indiana Code are altered in different ways by two or more bills, resulting in technical conflicts.** The joint rules of the house and senate contain an extraordinary mechanism for making last-minute corrections to bills for the purpose of avoiding technical conflicts between **acts. bills.** Under Joint Rule 20 (**also known as a "JR 20"**), a technical conflict exists when any of the following situations occurs:

- (a) If two bills amending the same section of the Indiana Code are approved in the same session of the general assembly and neither bill recognizes the existence of the other.
- (b) If one bill amends a section of the Indiana Code and another bill repeals that section with an effective date preceding the effective date of the amendment.
- (c) If two bills each add a new provision to the Indiana Code at the same **Indiana** Code citation without either bill recognizing the addition made by the other and both bills are approved in the same session of the general assembly.

#### **(2) Committee Action**

In any of the above situations, Joint Rule 20 provides that one of the two bills may be corrected at enrollment to recognize the existence of the other. The correction must be approved by both the Committee on Rules and Legislative Procedures of the house of representatives and the Committee on Rules and Legislative Procedure of the senate. However, a correction under the rule is limited to the extent necessary to resolve the technical conflict and may not be made unless the report of each of the two committees includes the written consent of the respective committee's ranking minority member. In addition, the committee report in each **house chamber** must include the written consent of the corrected bill's author or sponsor, as the case may be.

#### **(3) Preparation**

The Office of Code Revision consults with the authors, sponsors, **Office of Bill Drafting and Research, caucus attorneys, the Daily Action files, and the conflicts report** house and senate attorneys regarding all technical conflict situations. A Joint Rule 20 correction should be prepared only after agreement has been reached that there is no other way to resolve a technical conflict. Follow these steps when drafting a Joint Rule 20 correction:

- (a) Determine the simplest, most direct, **and most easily understood** way to resolve the technical

conflict. Avoid methods that will require extensive changes to the text of one of the bills. Also avoid making changes that might appear to substantively affect one of the bills.

- (b) Use page and line reference amendments to the latest printing of the bill being corrected. These amendments might also need to include changes to unincorporated amendments, earlier technical corrections, or conference committee reports.
- (c) Recheck the comprehensive citation report to be certain that no new technical conflicts will be created by resolving an existing [one. conflict.](#)
- (d) Notify the staff of the [house chamber](#) of origin that a Joint Rule 20 correction needs to be made to the bill at enrollment. The house or senate staff may have to make special arrangements to have the enrolled act printed with the Joint Rule 20 changes incorporated.

**Example:**           Page 15, line 1, delete "P.L.1-2010," and insert "HEA 1090-2013, SECTION 16,".  
                          Page 15, line 2, delete "SECTION 33,".  
                          Page 16, line 4, after "section" insert "10.1 or".  
                          Page 16, line 17, after "section" insert "10.1 or".  
                          (Reference is to ESB 147 as reprinted February 28, 2013.)

**(4) Form:**

**Example:**

JOINT RULE 20 CORRECTION

TO HB 1387

COMMITTEE REPORT

Mr. Speaker [Mr. President]: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures [Committee on Rules and Legislative Procedure], to which was referred Engrossed House Bill 1387 because it amends the same sections of the law as Senate Enrolled Act 461 and House Enrolled Act 1075 [conflicts with SEA 461-2013 and HEA 1075-2013](#) without properly recognizing the existence of those Acts, has had House Bill 1387 under consideration and begs leave to report back to the House [Senate] with the recommendation that House Bill 1387 be corrected as follows:

Page 56, line 39, delete "P.L.103-2013" and insert "SEA 461-2013,".

Page 56, line 40, delete "1985, SECTION 13,".

Page 56, line 44, delete "The docket" and insert "**These fees**".

Page 58, line 31, delete "P.L.167-2013" and insert "HEA 1075-2013,".

Page 58, line 32, delete "1984, SECTION 75,".

Page 59, line 1, delete "and".

Page 59, line 4, delete "." and insert "; **and**".

Page 59, between lines 4 and 5, begin a new line block indented and insert:

**"(5) a redocketing fee, if any, of five dollars (\$5)."**

Page 59, line 9, delete "said" and insert "**the**".

(Reference is to EHB 1387 as printed March 11, 2013.)

**(5) Form:**

**Example:**

## **COMMITTEE REPORT**

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1005 because it conflicts with SEA 127-2013 without properly recognizing the existence of SEA 127-2013, has had Engrossed House Bill 1005 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1005 be corrected as follows:

Page 10, line 20, delete "P.L.130-2008," and insert "SEA 127-2013, SECTION 109,".

Page 10, line 21, delete "SECTION 2,".

Page 12, line 6, delete "public employees' retirement fund.".

Page 12, line 6, reset in roman "Indiana".

Page 12, reset in roman line 7.

(Reference is to EHB 1005 as printed February 24, 2013.)

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Representative Torr, Chairperson

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Representative Austin, R.M.M.

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Representative Mahan, Author

See EXHIBIT \_\_\_\_, Joint Rule 20 Motion for a Senate Bill, page \_\_\_\_.

## G. H. JOINT RULE 21 CORRECTIONS

### (1) Introduction

If a bill has been passed by both houses chambers and does not contain a needed emergency clause, the bill can be corrected at enrollment under Joint Rule 21. As is the case with Joint Rule 20 corrections, A Joint Rule 21 correction must be approved by the Rules Committee of the house and senate.

### (2) JOINT RULE 21 HOUSE FORM

#### Example:

#### COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 21, your Committee on Rules and Legislative Procedures, to which was referred Senate [House] Bill \_\_\_\_ because it does not contain a needed emergency clause, has had Senate [House] Bill \_\_\_\_ under consideration and begs leave to report back to the House with the recommendation that Senate [House] Bill \_\_\_\_ be corrected as follows:

Page 36, after line 21, begin a new paragraph and insert:

**"SECTION 46. An emergency is declared for this act."**

Re-number all SECTIONS consecutively.

(Reference is to ESB [EHB] \_\_\_\_ as reprinted April 10, 2013.)

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Representative \_\_\_\_\_, Chairperson

---

Representative \_\_\_\_\_, R.M.M.

---

Representative \_\_\_\_\_, Sponsor [Author]

**(3) JOINT RULE 21 SENATE FORM**

**Sample Boilerplate:**

**COMMITTEE REPORT**

Mr. President: Pursuant to Joint Rule 21, your Committee on Rules and Legislative Procedures, to which was referred Senate [House] Bill \_\_\_\_ because it does not contain a needed emergency clause, has had Senate [House] Bill \_\_\_\_ under consideration and begs leave to report back to the Senate with the recommendation that Senate [House] Bill \_\_\_\_ be corrected as follows:

Page 36, after line 21, begin a new paragraph and insert:

**"SECTION 46. An emergency is declared for this act."**

Re-number all SECTIONS consecutively.

(Reference is to ESB [EHB] \_\_\_\_ as reprinted April 10, 2013.)

\_\_\_\_\_  
Senator \_\_\_\_\_, Chairperson

\_\_\_\_\_  
Senator \_\_\_\_\_, R.M.M.

\_\_\_\_\_  
Senator \_\_\_\_\_, Sponsor [Author]

See **EXHIBIT \_\_\_\_**, **Joint Rule 21 Motion for a Senate Bill**, page \_\_\_\_.

## **Chapter 8. Post-Session Issues**

### **A. CONFLICTING ENROLLED ACTS**

If two or more acts amend the same section in different ways, add different provisions to the same Indiana Code citation, or amend and repeal the same Indiana Code citation and do not recognize the existence of the other act or acts, a technical conflict is created. When confronted with this situation, courts generally try to give effect to all versions of the law. The general rule is that if all versions cannot be given effect, the version last passed prevails.

### **B. TECHNICAL SESSION**

The house of representatives and senate may, by passing a concurrent resolution, assign a day to bring the general assembly into a Technical Session for the purpose of correcting technical errors. (See IC 2-2.1-1-2.5.)

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EXHIBIT 1, Sample PD, No. 3020

See also "Introduction", page \_\_\_\_.

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**PRELIMINARY DRAFT  
No. 3020**

**PREPARED BY  
LEGISLATIVE SERVICES AGENCY  
2013 GENERAL ASSEMBLY**

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DIGEST

**Citations Affected:** IC 5-30-1-11.

**Synopsis:** Design-build projects. Specifies that a fire protection district is a public agency that may use the design-build contracting method for carrying out public projects.

**Effective:** July 1, 2013.



First Regular Session 118th General Assembly (2013)

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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 5-30-1-11, AS AMENDED BY P.L.166-2011,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 11. (a) "Public agency" means:  
4           (1) a state agency (as defined in IC 4-13-1-1);  
5           (2) a state educational institution;  
6           (3) a unit (as defined in IC 36-1-2-23);  
7           (4) a body corporate and politic created by state statute;  
8           (5) a school corporation (as defined in IC 20-26-2-4); ~~or~~  
9           (6) a conservancy district established for a purpose described in  
10          IC 14-33-1-1(a)(4) or IC 14-33-1-1(a)(5); **or**  
11          **(7) a fire protection district established under IC 36-8-11.**  
12          (b) The term does not include the Indiana department of  
13          transportation.



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EXHIBIT 2, Sample LS, No. 6016. Created from PD 3020.

See also "Introduction", page \_\_\_\_.

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## HOUSE BILL No. \_\_\_\_\_

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-30-1-11.

**Synopsis:** Design-build public works projects. Specifies that a fire protection district is a public agency that may use the design-build contracting method for carrying out public projects.

**Effective:** July 1, 2013.

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**Messmer**

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\_\_\_\_\_, read first time and referred to Committee on

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20131060

2013

LS 6016/DI 11+



Introduced

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.

# HOUSE BILL

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 5-30-1-11, AS AMENDED BY P.L.166-2011,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 11. (a) "Public agency" means:  
4 (1) a state agency (as defined in IC 4-13-1-1);  
5 (2) a state educational institution;  
6 (3) a unit (as defined in IC 36-1-2-23);  
7 (4) a body corporate and politic created by state statute;  
8 (5) a school corporation (as defined in IC 20-26-2-4); ~~or~~  
9 (6) a conservancy district established for a purpose described in  
10 IC 14-33-1-1(a)(4) or IC 14-33-1-1(a)(5); ~~or~~  
11 **(7) a fire protection district established under IC 36-8-11.**  
12 (b) The term does not include the Indiana department of  
13 transportation.





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EXHIBIT 3, Sample House Bill, No. 1016. Created from LS 6016.

See also "Introduction", page \_\_\_\_.

January 25, 2013

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## HOUSE BILL No. 1016

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DIGEST OF HB 1016 (Updated January 24, 2013 11:34 am - DI 87)

**Citations Affected:** IC 5-30.

**Synopsis:** Design-build projects. Specifies that a fire protection district is a public agency that may use the design-build contracting method for carrying out public projects.

**Effective:** July 1, 2013.

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**Rhoads, Messmer, VanNatter**

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January 9, 2013, read first time and referred to Committee on Government and Regulatory Reform.  
January 25, 2013, reported — Do Pass.

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HB 1016—LS 6016/DI 11+



January 25, 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.

## HOUSE BILL No. 1016

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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 5-30-1-11, AS AMENDED BY P.L.166-2011,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 11. (a) "Public agency" means:  
4 (1) a state agency (as defined in IC 4-13-1-1);  
5 (2) a state educational institution;  
6 (3) a unit (as defined in IC 36-1-2-23);  
7 (4) a body corporate and politic created by state statute;  
8 (5) a school corporation (as defined in IC 20-26-2-4); **or**  
9 (6) a conservancy district established for a purpose described in  
10 IC 14-33-1-1(a)(4) or IC 14-33-1-1(a)(5); **or**  
11 **(7) a fire protection district established under IC 36-8-11.**  
12 (b) The term does not include the Indiana department of  
13 transportation.

HB 1016—LS 6016/DI 11+





Page \_\_\_\_\_

**EXHIBIT 4, Bill Digest**

See also "BILL DIGEST", page \_\_\_\_\_.

Introduced Version

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**HOUSE BILL No. \_\_\_\_\_**

DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-3.1-34.

**Synopsis:** Tax credit for farm building insulated curtains. Provides a tax credit against state tax liability for expenditures by a farmer for insulated curtains installed in a farm building located in Indiana. Provides that the amount of the tax credit is 11% of the cost of the insulated curtains and associated installation costs.

**Effective:** July 1, 2013.

**Lehe**

\_\_\_\_\_, read first time and referred to Committee on \_\_\_\_\_



**EXHIBIT 5, Bill Amendment by Adding New Language**

See also "Amending a Section", page\_\_\_\_.

January 23, 2013

Second 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.

## HOUSE BILL No. 1186

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

- 1 SECTION 1. IC 5-31-2-4, AS ADDED BY P.L.111-2007,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 4. "Health care provider" means:  
4 (1) a physician, a hospital, a health facility (including health  
5 facilities under IC 16-28), a psychiatric hospital, an emergency  
6 ambulance service, a dentist, a registered or licensed practical  
7 nurse, a pharmacist, a pharmacy, a physician assistant, a  
8 optometrist, a podiatrist, a chiropractor, a physical therapist, a  
9 respiratory care practitioner, an occupational therapist, a  
10 psychologist, a **licensed** paramedic, or an emergency medical  
11 technician; and  
12 (2) an agent of a person or an entity described in subdivision (1).

HB 1186—LS 6790/DI 11+



**EXHIBIT 6, Bill Amendment by Striking Existing Language**

See also "Amending a Section", page \_\_\_\_.

January 25, 2013

Second 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.

## HOUSE BILL No. 1169

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

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

1           SECTION 1. IC 20-33-8-15, AS ADDED BY P.L.1-2005,  
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 15. In addition to the grounds specified in section  
4 14 of this chapter, a student may be suspended or expelled for engaging  
5 in ~~unlawful~~ activity on or off school grounds if:  
6           (1) the ~~unlawful~~ activity may reasonably be considered to be an  
7           interference with school purposes or an educational function; or  
8           (2) the student's removal is necessary to restore order or protect  
9           persons on school property;  
10          including an ~~unlawful~~ activity during weekends, holidays, other school  
11          breaks, and the summer period when a student may not be attending  
12          classes or other school functions.

HB 1169—LS 6866/DI 11+



**EXHIBIT 7, Bill Amendment by Combining Additions and Striking**

See also "Amending a Section", page \_\_\_\_\_.

January 11, 2013

Second 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.

## HOUSE BILL No. 1019

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

- 1 SECTION 1. IC 31-9-2-64, AS AMENDED BY P.L.145-2006,
- 2 SECTION 198, IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2013]: Sec. 64. "Interested person", for
- 4 purposes of IC 31-19-20 and IC 31-19-24, means any of the following:
- 5 (1) An adoptee.
- 6 (2) A birth parent.
- 7 (3) An adoptive parent.
- 8 (4) A relative of a birth parent.
- 9 (5) A relative of an adoptive parent.
- 10 (6) **A relative of an adoptee.**
- 11 (7) **A pre-adoptive sibling (as defined in section 93 of this**
- 12 **chapter).**
- 13 ~~(8)~~ (8) The department or a county office of family and children.
- 14 ~~(7)~~ (9) An adoption agency.
- 15 ~~(8)~~ (10) A court.



**EXHIBIT 8, Bill Amendment by Adding a Subsection**

See also "Amending a Section", page \_\_\_\_.

January 25, 2013

Second 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.

## HOUSE BILL No. 1134

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

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

1           SECTION 1. IC 20-27-5-2, AS ADDED BY P.L.1-2005, SECTION  
2           11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3           2013]: Sec. 2. **(a)** The governing body of a school corporation may  
4           provide transportation for students to and from school.  
5           **(b) If the governing body of a school corporation:**  
6           **(1) provides transportation; or**  
7           **(2) contracts with an educational service center (as defined by**  
8           **IC 20-20-1-2) to provide transportation;**  
9           **no fee may be charged to a parent or student for transportation to**  
10          **and from school.**

HB 1134—LS 6597/DI 11+



**EXHIBIT 9, Bill Amendment by Striking a Subsection**

See also "Amending a Section", page \_\_\_\_.

January 24, 2013

Second 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.

## SENATE BILL No. 131

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

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

- 1 SECTION 1. IC 13-18-12-2, AS AMENDED BY P.L.159-2011,
- 2 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2013]: Sec. 2. (a) A person may not transport, treat, store, or
- 4 dispose of septage in violation of this chapter.
- 5 (b) A person may not engage in:
- 6 (1) the cleaning of sewage disposal systems; or
- 7 (2) the transportation, treatment, storage, or disposal of septage;
- 8 without a septage management permit unless the person is exempted
- 9 under section 7 of this chapter.
- 10 ~~(c) A person may not operate a vehicle for the transportation of~~
- 11 ~~septage without a septage management vehicle identification number~~
- 12 ~~issued under this chapter.~~
- 13 ~~(c)~~ (c) A person may not dispose of septage by land application
- 14 without first obtaining approval of the land application site under this
- 15 chapter.
- 16 ~~(e)~~ (d) The department may issue a septage management permit.

SB 131—LS 6492/DI 11+



**EXHIBIT 10, Conflict Resolution Merging Multiple Versions  
of the Same Section**

See also "Amending a Section", page \_\_\_\_\_.

January 23, 2013

Second 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.

## HOUSE BILL No. 1009

---

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

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

1 SECTION 1. IC 5-10.2-2-6, AS AMENDED BY P.L.13-2012,  
2 SECTION 3, AS AMENDED BY P.L.22-2012, SECTION 1, AND AS  
3 AMENDED BY P.L.23-2012, SECTION 9, IS CORRECTED AND  
4 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
5 PASSAGE]: Sec. 6. (a) The retirement allowance account consists of  
6 the retirement fund, exclusive of the annuity savings account. *The*  
7 *retirement allowance account also includes any amounts received*  
8 *under IC 5-10.3-12-24(b).* For the public employees' retirement fund,  
9 separate accounts within the retirement allowance account shall be  
10 maintained for contributions made by *the state and by each political*  
11 *subdivision.* ~~each contribution rate group.~~

12 (b) The retirement allowance account of the 1996 account consists  
13 of the 1996 account, exclusive of the annuity savings account. *For the*  
14 *1996 account, separate accounts within the retirement allowance*  
15 *account shall be maintained for contributions made by the state, by*  
16 *each school corporation, and by each institution.*

17 SECTION 2. **An emergency is declared for this act.**

**HB 1009—LS 6231/DI 11+**



**EXHIBIT 11, Adding a Section**

See also "New Title, Article, Chapter, or Section", page \_\_\_\_.

January 27, 2013

Second 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.

## HOUSE BILL No. 1195

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

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

1           SECTION 1. IC 6-1.1-15-18 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2013]: **Sec. 18. (a) This section applies to an appeal to which this**  
4 **chapter applies, including any review by the board of tax review or**  
5 **the tax court.**  
6           **(b) This section applies to any proceeding pending or**  
7 **commenced after June 30, 2012.**  
8           **(c) To accurately determine uniformity and true tax value, a**  
9 **taxpayer may introduce evidence of the assessments of comparable**  
10 **properties.**



**EXHIBIT 12, Adding a Chapter**

See also "New Title, Article, Chapter, or Section", page \_\_\_\_.

Introduced

Second 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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

## SENATE BILL No. 84

---

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

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

1 SECTION 1. IC 20-26-14.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]:

4 **Chapter 14.5. Interscholastic Basketball**  
5 **Sec. 1. As used in this chapter, "association" has the meaning set**  
6 **forth in IC 20-26-14-1.**

7 **Sec. 2. A school corporation may participate in:**  
8 **(1) an association; or**  
9 **(2) an athletic event conducted, organized, sanctioned, or**  
10 **sponsored by an association;**  
11 **only if the association complies with this chapter.**

12 **Sec. 3. An association may not conduct, organize, sanction, or**  
13 **sponsor boys' or girls' interscholastic basketball games in which**  
14 **teams are divided into classes or other divisions during regular**  
15 **season, postseason, or championship games.**



**EXHIBIT 13, Adding an Article**

See also "New Title, Article, Chapter, or Section", page \_\_\_\_.

Introduced

Second 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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

# HOUSE BILL No. 1206

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

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

1 SECTION 1. IC 24-11 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2013]:

4 **ARTICLE 11. PROHIBITED LEGAL FUNDING**

5 **Chapter 1. Definitions**

6 **Sec. 1. (a) As used in this article, "legal action" means:**

7 (1) a bona fide civil action or statutory claim in which  
8 damages may be awarded; or

9 (2) a cause of action or legal claim upon which a civil action  
10 or statutory claim described in subdivision (1) may be based.

11 **(b) The term includes:**

12 (1) any settlement or negotiations toward settlement of a civil  
13 action described in subsection (a)(1); or

14 (2) any agreement or negotiations toward an agreement under  
15 which a civil action based upon a cause of action described in  
16 subsection (a)(2) would not be initiated.

17 **Sec. 2. As used in this article, "legal funding transaction" means**



- 1 a transaction in which:
- 2 (1) a lender provides legal funding to another person; and
- 3 (2) the person receiving the legal funding assigns to the lender
- 4 the contingent right to receive a part of the proceeds of the
- 5 settlement, insurance payment, or award of damages obtained
- 6 in the person's legal action.
- 7 Sec. 3. As used in this article, "lender" means a person or entity
- 8 that enters into a legal funding transaction with a person.
- 9 Sec. 4. As used in this article, "person" means an individual, a
- 10 partnership, a corporation, a limited liability company, or another
- 11 organization.
- 12 Chapter 2. Legal Funding
- 13 Sec. 1. (a) A lender may not enter into a legal funding
- 14 transaction with another person.
- 15 (b) A legal funding contract entered into in violation of this
- 16 section is void.
- 17 Sec. 2. (a) A violation of this chapter is a deceptive act that is
- 18 actionable by the attorney general.
- 19 (b) The attorney general may bring an action under this article
- 20 to obtain any or all of the following:
- 21 (1) An injunction to enjoin future violations of this chapter.
- 22 (2) A civil penalty of not more than ten thousand dollars
- 23 (\$10,000) per deceptive act.
- 24 (3) The attorney general's reasonable costs in:
- 25 (A) the investigation of the deceptive act; and
- 26 (B) maintaining the action.



**EXHIBIT 14, Adding a Title**

See also "New Title, Article, Chapter, or Section", page \_\_\_\_.

Introduced

Second 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.

# HOUSE BILL No. 1209

A BILL FOR AN ACT to amend the Indiana Code concerning space exploration.

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

1 SECTION 1. IC 37 IS ADDED TO THE INDIANA CODE AS A  
2 **NEW TITLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:**  
3 **TITLE 37. SPACE EXPLORATION**  
4 **ARTICLE 1. INDIANA DEPARTMENT OF AERONAUTICS**  
5 **AND SPACE ADMINISTRATION**  
6 **Chapter 1. Definitions**  
7 **Sec. 1. As used in the article, "commissioner" refers to the**  
8 **commissioner of IDASA appointed under IC 37-1-2-3.**  
9 **Sec. 2. As used in this article, "Indiana department of**  
10 **aeronautics and space administration" or "IDASA" means the**  
11 **department established by IC 37-1-2-1.**  
12 **Sec. 3. As used in this article, "knowledge program" refers to**  
13 **the statewide educational knowledge program developed by**  
14 **IDASA under IC 37-2-1.**  
15 **Sec. 4. As used in this article, "rocket ship" refers to a**  
16 **spacecraft powered and propelled by rockets.**  
17 **Chapter 2. Indiana Department of Aeronautics and Space**



1       **Administration**  
2       **Sec. 1. The Indiana department of aeronautics and space**  
3       **administration is established.**  
4       **Sec. 2. IDASA is established to promote understanding of the**  
5       **realms of outer space and the universe.**  
6       **Sec. 3. The governor shall appoint a commissioner to**  
7       **administer IDASA. The commissioner may appoint employees**  
8       **and fix their compensation, subject to the approval of the budget**  
9       **agency under IC 4-12-1-13.**  
10       **ARTICLE 2. IDASA EDUCATION PROGRAMS**  
11       **Chapter 1. Blast-off with Knowledge Program**  
12       **Sec. 1. The commissioner shall work with the state**  
13       **superintendent of public instruction to develop the blast-off with**  
14       **knowledge program for children in grades 1 through 5.**  
15       **Sec. 2. At least one (1) educational aspect of the knowledge**  
16       **program must involve the building or use of a model rocket ship.**  
17       **Sec. 3. The knowledge program may be funded through the use**  
18       **of donations and grants.**



Page \_\_\_\_\_

**EXHIBIT 15, Repealing a Section**

See also "Repealing an Indiana Code Section", page \_\_\_\_.

January 11, 2013

Second Regular Session 118th General Assembly (2013)

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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.

## SENATE BILL No. 11

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A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning criminal law and procedure.

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

1           SECTION 1. IC 35-46-3-10 IS REPEALED [EFFECTIVE JULY 1,  
2           2013]. ~~Sec. 10. A person who knowingly or intentionally attends a~~  
3           ~~fighting contest involving animals commits cruelty to an animal, a~~  
4           ~~Class A misdemeanor. However, except for a conviction under section~~  
5           ~~1 of this chapter, the offense is a Class D felony if the person has a~~  
6           ~~prior unrelated conviction under this chapter.~~

SB 11—LS 6055/DI 11+



**EXHIBIT 16, Repealing Multiple Sections, with Other Amendments**

See also "Repealing an Indiana Code Section", page \_\_\_\_

Introduced

Second Regular Session 118th General Assembly (2013)

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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.

## SENATE BILL No. 194

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

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

- 1 SECTION 1. IC 27-2-15-2 IS REPEALED [EFFECTIVE JULY 1,
- 2 2013]. ~~Sec. 2: As used in this chapter, "city" refers to a first class or~~
- 3 ~~second class city, as classified under IC 36-4-1-1.~~
- 4 SECTION 2. IC 27-2-15-4.2 IS ADDED TO THE INDIANA CODE
- 5 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 6 1, 2013]: **Sec. 4.2. As used in this chapter, "municipality" has the**
- 7 **meaning set forth in IC 36-1-2-11.**
- 8 SECTION 3. IC 27-2-15-4.5 IS AMENDED TO READ AS
- 9 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.5. ~~(a) As used in this~~
- 10 ~~section, "city" refers to a city having a population of more than~~
- 11 ~~thirty-five thousand (35,000) that is located in a county having a~~
- 12 ~~population of more than four hundred thousand (400,000) but less than~~
- 13 ~~seven hundred thousand (700,000):~~
- 14 ~~(b) An insurer that:~~
- 15 ~~(1) issued an insurance policy:~~
- 16 ~~(A) covering a building or other structure that is:~~
- 17 ~~(†) (i) located in a city; **municipality**; and~~



1                   (2) (ii) damaged by a fire or explosion; and  
2                   **(B) that was in effect at the time the fire or explosion**  
3                   **occurred;**  
4                   **(2) receives notice of a claim by the insured for damage to the**  
5                   **building or other structure; and**  
6                   **(3) determines that the available insurance proceeds exceed**  
7                   **seventy percent (70%) of the actual cash value payable to the**  
8                   **insured under the policy;**  
9 shall notify the enforcement authority of the city state fire marshal  
10 about the existence of the policy. However, an insurer is not required  
11 to notify the enforcement authority under this section if the policy  
12 issued by the insurer is not in effect at the time of the fire or explosion  
13 that damages the building or structure.  
14                   SECTION 4. IC 27-2-15-5 IS REPEALED [EFFECTIVE JULY 1,  
15 2013]. Sec. 5: (a) If:  
16                   (1) a fire or explosion damages a building or other structure  
17                   located in a city; and  
18                   (2) the enforcement authority of the city certifies to an insurer that  
19                   issued a policy covering the building or structure the amount of  
20                   demolition or rehabilitation expenses that the city anticipates  
21                   incurring or has incurred under IC 36-7-9 in connection with the  
22                   building or structure;  
23 the insurer shall remit to the city or the enforcement authority the  
24 amount determined under subsection (c).  
25                   (b) To require the remittance of money under this section, an  
26 enforcement authority must:  
27                   (1) provide the certification under subsection (a) within thirty (30)  
28                   days after the fire or explosion that damages the building or  
29                   structure; and  
30                   (2) comply with subsection (c).  
31 However, it is not necessary for the enforcement authority to provide  
32 the certification within thirty (30) days after the fire or explosion if the  
33 insurer fails to provide notice to the enforcement authority under  
34 section 4.5 of this chapter within ten (10) days after the fire or  
35 explosion.



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**EXHIBIT 17, Repealing a Chapter**

See also "Repealing a Chapter, Article, or Title", page \_\_\_\_.

January 20, 2013

Second 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.

## SENATE BILL No. 24

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A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning human services.

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

1           SECTION 1. IC 12-22-4 IS REPEALED [EFFECTIVE JULY 1,  
2           2013]. (Dawn Project).

SB 24—LS 6070/DI 11+



**EXHIBIT 18, Amendment of a Noncode Act**

See also "Noncode Provisions", page \_\_\_\_.

Reprinted  
March 18, 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.

**ENGROSSED**  
**SENATE BILL No. 444**

A BILL FOR AN ACT concerning drugs and controlled substances.

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

1 SECTION 1. P.L.28-2004, SECTION 191, IS AMENDED TO  
2 READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: SECTION 191.  
3 (a) As used in this SECTION, "division" refers to the division of mental  
4 health and addiction.  
5 (b) Except as provided in ~~subsection (e)~~ **subsections (c) and (d)**,  
6 notwithstanding IC 12-23-1-6(4), IC 12-23-14-7, and  
7 440 IAC 4.4-2-1(e), the division may not grant specific approval to be  
8 a new provider of any of the following:  
9 (1) Methadone.  
10 (2) Levo-alpha-acetylmethadol.  
11 (3) Levo-alpha-acetylmethadol.  
12 (4) Levomethadyl acetate.  
13 (5) LAAM.  
14 (6) Buprenorphine.  
15 (c) The division may not grant specific approval to be a new  
16 provider of one (1) or more of the drugs listed under subsection (b)  
17 unless:

ES 444—LS 7875/DI 11+



- 1 (1) the drugs will be provided in a county with a population of
- 2 more than forty thousand (40,000);
- 3 (2) there are no other providers located in the county or in a
- 4 county contiguous to the county where the provider will provide
- 5 the drugs; and
- 6 (3) the provider supplies, in writing:
- 7 (A) a needs assessment for Indiana citizens under guidelines
- 8 established by the division; and
- 9 (B) any other information required by the division.
- 10 **(d) Notwithstanding subsection (c), the division may grant**
- 11 **specific approval to be a new provider of one (1) or more of the**
- 12 **drugs listed under subsection (b) in a county contiguous to a county**
- 13 **in which an existing provider is located if:**
- 14 **(1) the drugs will be provided in a county with a population of**
- 15 **more than forty thousand (40,000);**
- 16 **(2) there are no other providers of the drugs listed under**
- 17 **subsection (b) in the county in which the provider is seeking**
- 18 **approval; and**
- 19 **(3) the provider supplies, in writing:**
- 20 **(A) a needs assessment for Indiana citizens under**
- 21 **guidelines established by the division that demonstrates:**
- 22 **(i) a heroin or opiate problem exists in the county in**
- 23 **which the provider is seeking approval; and**
- 24 **(ii) a need exists for a heroin or an opiate treatment**
- 25 **program in the county; and**
- 26 **(B) any other information required by the division.**
- 27 **(~~d~~) (e) Except as provided in subsection (~~f~~); (k), the division shall**
- 28 **prepare a report by June 30 of each year concerning treatment offered**
- 29 **by methadone providers that contains the following information:**
- 30 **(1) The number of methadone providers in the state.**
- 31 **(2) The number of patients on methadone during the previous**
- 32 **year.**
- 33 **(3) The length of time each patient received methadone and the**
- 34 **average length of time all patients received methadone.**
- 35 **(4) The cost of each patient's methadone treatment and the**
- 36 **average cost of methadone treatment.**
- 37 **(5) The rehabilitation rate of patients who have undergone**
- 38 **methadone treatment.**
- 39 **(6) The number of patients who have become addicted to**
- 40 **methadone.**
- 41 **(7) The number of patients who have been rehabilitated and are**
- 42 **no longer on methadone.**



- 1 (8) The number of individuals, by geographic area, who are on a  
2 waiting list to receive methadone.
- 3 (9) Patient information as reported to a central registry created by  
4 the division.
- 5 ~~(e)~~ (f) Each methadone provider in the state shall provide  
6 information requested by the division for the report under subsection  
7 ~~(d)~~: (e). The information provided to the division may not reveal the  
8 specific identity of a patient.
- 9 ~~(f)~~ (g) The information provided to the division under subsection ~~(e)~~  
10 (f) must be based on a calendar year.
- 11 ~~(g)~~ (h) Failure of a certified provider to submit the information  
12 required under subsection ~~(e)~~ (f) may result in suspension or  
13 termination of the provider's certification.
- 14 ~~(h)~~ (i) The division shall report to the governor and the legislative  
15 council the failure of a certified provider to provide information  
16 required by subsection ~~(e)~~: (f).
- 17 ~~(i)~~ (j) The division shall distribute the report prepared under  
18 subsection ~~(d)~~ (e) to the governor and legislative council.
- 19 ~~(j)~~ (k) The first report the division is required to prepare under  
20 subsection ~~(d)~~ (e) is due not later than September 30, 1999.
- 21 ~~(k)~~ (l) The division shall establish a central registry to receive the  
22 information required by subsection ~~(d)~~(9): (e)(9).
- 23 ~~(l)~~ (m) **A report distributed under this SECTION to the**  
24 **legislative council must be in an electronic format under IC 5-14-6.**
- 25 ~~(m)~~ (n) This SECTION expires July 1, 2014.



**EXHIBIT 19, Adding a Noncode SECTION**

See also "Noncode Provisions", page \_\_\_\_.

January 18, 2013

Second 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~~.

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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.

## SENATE BILL No. 148

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A BILL FOR AN ACT concerning taxation.

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

- 1           SECTION 1. [EFFECTIVE JULY 1, 2013] (a) **The balance of the**  
2 **funds remaining in a county's county welfare fund and the county**  
3 **welfare trust clearance fund on December 31, 2013, that is**  
4 **attributable to administration, facilities, supplies, and equipment,**  
5 **as determined by the state board of tax commissioners, shall be**  
6 **transferred to the state and deposited in the state welfare fund.**  
7           (b) **This SECTION expires January 1, 2014.**



**EXHIBIT 20, Repealing a Noncode SECTION**

See also "Repealing a Noncode SECTION", page \_\_\_\_.

January 18, 2013

Second Regular Session 118th General Assembly (2013)

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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.

## SENATE BILL No. 149

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A BILL FOR AN ACT to repeal a provision concerning taxation.

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

1 SECTION 1. P.L137-2012, SECTION 126, IS REPEALED  
2 [EFFECTIVE JULY 1, 2013]. SECTION 126. (a) IC 6-1.1-12-26.1, as  
3 added by this act, applies to property taxes first due and payable after  
4 2013. A deduction statement filed before September 1, 2012, under  
5 IC 6-1.1-12-27.1, as amended by this act, is considered timely filed for  
6 purposes of obtaining the deduction under IC 6-1.1-12-26.1, as added  
7 by this act, in 2012 for property taxes first due and payable in 2013.  
8 (b) This SECTION expires January 1, 2014.

SB 149—LS 6438/DI 11+



Page \_\_\_\_

**EXHIBIT 21, Vehicle Bill of the House**

(Similar form is used for the Senate.)

See also "Vehicle Bills", page \_\_\_\_.

Introduced Version

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## **HOUSE BILL No. 1376**

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** The Indiana Code.

**Synopsis:** Vehicle Bill.

**Effective:** July 1, 2013.

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## **Rules and Legislative Procedures**

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January 17, 2013, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

Second Regular Session 118th General Assembly (2013)

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## HOUSE BILL No. 1376

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A BILL FOR AN ACT to amend the Indiana Code.

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

1           SECTION 1. [EFFECTIVE JULY 1, 2013] **The Indiana Code is**  
2 **amended.**



**EXHIBIT 22, Bill for Special Relief**

See also "Special Relief Bills", page \_\_\_\_.

Introduced

Second 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~~.

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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.

## HOUSE BILL No. 1442



A BILL FOR AN ACT for the special relief of Bill Backer.

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

- 1 SECTION 1. [EFFECTIVE JULY 1, 2013] (a) **There is**
- 2 **appropriated to Bill Backer one thousand dollars (\$1,000) from the**
- 3 **state general fund for special relief. This money is not**
- 4 **appropriated for payment of damages but is provided solely out of**
- 5 **humanitarian consideration for the wrongs done to Bill Backer.**
- 6 (b) **This SECTION expires December 31, 2013.**



**EXHIBIT 23, Noncode Bill with Preamble and Emergency Clause**

See also "BILL PREAMBLE", page \_\_\_\_.

Introduced

Second 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~~.

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Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

## **HOUSE BILL No. 1130**

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A BILL FOR AN ACT concerning the general assembly.

*Whereas, the Governor appointed the Blue Ribbon Commission on Local Government Reform ("the Kernan-Shepard Commission") to develop recommendations to reform and restructure local government in Indiana in order to increase the efficiency and effectiveness of its operations and reduce its costs to Hoosier taxpayers;*

*Whereas, the Governor appointed former Governor Joseph E. Kernan and Chief Justice Randall T. Shepard as co-chairs of the Kernan-Shepard Commission;*

*Whereas, the Kernan-Shepard Commission issued a report on December 11, 2012;*

*Whereas, the report of the Kernan-Shepard Commission contains twenty-seven (27) recommendations;*

*Whereas, the primary focus of the 2013 Session of the Indiana General Assembly will be devoted to the important issues relating to property taxes;*

*Whereas, the 2013 Session of the Indiana General Assembly must adjourn not later than April 29, 2013; and*

2013

IN 1130—LS 6921/DI 11+



*Whereas, there will be insufficient time to develop legislation to implement the comprehensive and far-reaching recommendations of the Kernan-Shepard Commission: Therefore,*

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

- 1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this  
2 SECTION, "committee" refers to the interim study committee  
3 established by this SECTION to implement the Kernan-Shepard  
4 report.  
5 (b) As used in this SECTION, "report" refers to the report  
6 issued on December 11, 2012, by the Blue Ribbon Commission on  
7 Local Government Reform established by the governor.  
8 (c) The interim study committee to implement the  
9 Kernan-Shepard report is established.  
10 (d) The committee shall do the following:  
11 (1) Review and discuss the recommendations contained in the  
12 report.  
13 (2) Determine which recommendations of the report require  
14 action by the general assembly.  
15 (3) Draft legislation to implement those recommendations of  
16 the report that require action of the general assembly.  
17 (e) The committee may make recommendations regarding any  
18 of the legislation drafted under subsection (d)(3) that the  
19 committee considers advisable.  
20 (f) The committee shall operate under the policies governing  
21 study committees adopted by the legislative council.  
22 (g) The affirmative votes of a majority of the voting members  
23 appointed to the committee are required for the committee to take  
24 action on any measure, including final reports.  
25 (h) This SECTION expires November 1, 2013.  
26 SECTION 2. An emergency is declared for this act.



**EXHIBIT 24, Noncode Act Establishing a Legislative (Interim) Study Committee, with Emergency Clause (Expires before January 1 of the year after the year of enactment)**

See also "Legislative Committees and Commissions", page \_\_\_\_.

January 27, 2013

Second 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.

## **HOUSE BILL No. 1047**

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A BILL FOR AN ACT concerning education.

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

- 1           SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this  
2 SECTION, "committee" refers to the education issues interim  
3 study committee established under subsection (b).  
4           (b) The legislative council, under IC 2-5-1.1-5(a)(2), shall  
5 establish an interim study committee to be known as the education  
6 issues interim study committee. The committee shall do the  
7 following:  
8           (1) Study the feasibility of establishing a process by which  
9 residents of a part of an existing school corporation may elect  
10 to disannex from an existing school corporation and either  
11 annex to another existing school corporation or establish a  
12 new school corporation.  
13           (2) Study any additional topics the legislative council  
14 considers necessary.  
15           (c) The committee shall operate under the policies governing  
16 study committees adopted by the legislative council. The committee  
17 shall submit a final report to the legislative council and the

HB 1047—LS 6264/DI 11+



1       **governor.**  
2       **(d) This SECTION expires December 31, 2013.**  
3       **SECTION 2. An emergency is declared for this act.**



**EXHIBIT 25, Indiana Code Act Establishing a Legislative  
(Interim) Study Committee (Expires after December 31  
of the year of enactment)**

See also "Legislative Committees and Commissions, page \_\_\_\_.

January 25, 2013

Second Regular Session 118th General Assembly (2013)

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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.

## **HOUSE BILL No. 1031**

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

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

1 SECTION 1. IC 2-5-35 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2013]:

4 **Chapter 35. Interim Study Committee on Self-Service Roll Your  
5 Own Cigarettes at Retail Establishments**

6 **Sec. 1. As used in this chapter, "committee" refers to the  
7 interim study committee on self-service roll your own cigarettes at  
8 retail establishments established by section 2 of this chapter.**

9 **Sec. 2. The interim study committee on self-service roll your  
10 own cigarettes at retail establishments is established.**

11 **Sec. 3. (a) Except as provided in this chapter, the committee  
12 shall operate under the policies governing study committees  
13 adopted by the legislative council.**

14 **(b) The committee consists of nine (9) members, who shall be  
15 appointed as follows:**

16 **(1) Two (2) members of the senate, appointed by the president  
17 pro tempore of the senate.**

**HB 1031—LS 6180/DI 11+**



- 1           **(2) Two (2) members of the senate, appointed by the minority**
- 2           **leader of the senate.**
- 3           **(3) Two (2) members of the house of representatives,**
- 4           **appointed by the speaker of the house of representatives.**
- 5           **(4) Two (2) members of the house of representatives,**
- 6           **appointed by the minority leader of the house of**
- 7           **representatives.**
- 8           **(5) One (1) member of the general assembly, appointed by the**
- 9           **chairman of the legislative council.**
- 10          **(c) The member appointed under subsection (b)(5) shall serve as**
- 11          **chairman of the committee.**
- 12          **Sec. 4. The affirmative votes of a majority of the voting**
- 13          **members appointed to the committee are required for the**
- 14          **committee to take action on any measure, including final reports.**
- 15          **Sec. 5. The committee shall study and make recommendations**
- 16          **to the legislative council concerning the following:**
- 17               **(1) The operation of roll your own cigarettes retail**
- 18               **establishments.**
- 19               **(2) Tax consequences of roll your own cigarettes retail**
- 20               **establishments.**
- 21          **Sec. 6. Before November 1, 2013, the committee shall issue an**
- 22          **initial report to the legislative council containing information**
- 23          **concerning the committee's deliberations. Before November 1,**
- 24          **2014, the committee shall issue a final report to the legislative**
- 25          **council containing the findings and recommendations of the**
- 26          **committee.**
- 27          **Sec. 7. This chapter expires December 31, 2014.**



**EXHIBIT 26, Establishing an Executive Committee**

See also "Executive Committees and Commissions", page \_\_\_\_.

February 6, 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~~.

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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.

## SENATE BILL No. 346

A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.

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

- 1 SECTION 1. IC 2-6-3 IS ADDED TO THE INDIANA CODE AS
- 2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2013]:
- 4 **Chapter 3. Lake Management Work Group**
- 5 **Sec. 1. The lake management work group is established.**
- 6 **Sec. 2. The activities of the work group must be directed to**
- 7 **problems and issues associated with lakes that meet the definition**
- 8 **of a public freshwater lake under IC 14-26-2-3.**
- 9 **Sec. 3. (a) The work group consists of twenty-six (26) members**
- 10 **appointed as follows:**
- 11 **(1) Four (4) members of the general assembly consisting of:**
- 12 **(A) two (2) members of the house of representatives who**
- 13 **may not be members of the same political party, appointed**
- 14 **by the speaker of the house of representatives; and**
- 15 **(B) two (2) members of the senate who may not be**
- 16 **members of the same political party, appointed by the**
- 17 **president pro tempore of the senate.**

SB 346—LS 6481/DI 11+



- 1 (2) Three (3) representatives of the department of natural  
2 resources, at least one (1) of whom must be an officer in the  
3 division of law enforcement, appointed by the governor.  
4 (3) The commissioner of the department of environmental  
5 management or the commissioner's designee.  
6 (4) One (1) representative of the Indiana Lake Management  
7 Society or a similar organization of citizens concerned about  
8 lakes, appointed by the governor.  
9 (5) One (1) representative of the Natural Resources  
10 Conservation Service of the United States Department of  
11 Agriculture appointed by the governor upon the  
12 recommendation of the Natural Resources Conservation  
13 Service.  
14 (6) One (1) representative of soil and water conservation  
15 districts organized under IC 14-32 or IC 13-3-1 or IC 14-32-3  
16 (before their repeal), appointed by the governor.  
17 (7) Ten (10) members appointed by the governor, each of  
18 whom is:  
19 (A) a participant in lake related recreational activities;  
20 (B) a resident of a lake area;  
21 (C) the owner or operator of a lake related business; or  
22 (D) interested in the natural environment of Indiana lakes.  
23 (8) One (1) representative of the United States Army Corps of  
24 Engineers appointed by the governor upon the  
25 recommendation of the commander of the Louisville District  
26 of the United States Army Corps of Engineers.  
27 (9) One (1) representative of an agricultural organization,  
28 appointed by the governor.  
29 (10) One (1) representative of an environmental organization,  
30 appointed by the governor.  
31 (11) Two (2) other individuals appointed by the governor as  
32 at-large members.  
33 (b) When appointing two (2) members of the house of  
34 representatives to the work group under subsection (a)(1)(A), the  
35 speaker of the house of representatives shall appoint one (1)  
36 representative to serve as chairperson of the work group beginning  
37 July 1, 2013, and ending June 30, 2014.  
38 (c) To fill the positions created by subsection (a)(7), the  
39 governor shall appoint at least one (1) resident to represent each  
40 congressional district in Indiana. Each individual who was  
41 appointed by the governor as a member of the work group under  
42 P.L.65-2000 (before its expiration) is appointed to serve on the



- 1 work group until the governor appoints a successor.
- 2 Sec. 4. The work group shall meet at the call of the chairperson
- 3 but may not meet more than four (4) times each year.
- 4 Sec. 5. The work group shall do the following:
- 5 (1) Monitor, review, and coordinate the implementation of the
- 6 work group's recommendations issued under P.L.239-1997
- 7 and P.L.65-2000.
- 8 (2) Facilitate collaborative efforts among commonly affected
- 9 state, county, and local governmental entities in cooperation
- 10 with lake residents and related organizations.
- 11 (3) Conduct public meetings to hear testimony and receive
- 12 written comments concerning lake resource concerns and the
- 13 implementation of the work group's recommendations.
- 14 (4) Develop proposed solutions to problems concerning the
- 15 implementation of the work group's recommendations.
- 16 (5) Review, update, and coordinate the implementation of new
- 17 and existing recommendations by communicating with the
- 18 public, the general assembly, and other governmental entities
- 19 concerning lake resources.
- 20 (6) Review and coordinate the development and maintenance
- 21 of an Internet web site that includes information on the
- 22 management of lake and watershed resources.
- 23 (7) Issue reports to the natural resources study committee
- 24 when directed to do so.
- 25 (8) Review all funding that is used for Indiana's waterways,
- 26 including potential funding sources that could be used by the
- 27 general assembly to correct funding problems.
- 28 (9) Issue a final report before July 1, 2014.
- 29 Sec. 6. The work group shall make its reports available to:
- 30 (1) the natural resources study committee;
- 31 (2) the department of natural resources;
- 32 (3) members of the house agriculture, natural resources, and
- 33 rural development standing committee and the senate natural
- 34 resources standing committee; and
- 35 (4) the public.
- 36 Sec. 7. The work group is under the direction of the department
- 37 of natural resources. The department may contract with a
- 38 facilitator to facilitate the work of the work group. The department
- 39 of natural resources shall staff the work group.
- 40 Sec. 8. (a) Each member of the work group who is not a state
- 41 employee is not entitled to the minimum salary per diem provided
- 42 by IC 4-10-11-2.1(b). The member is, however, entitled to



1 reimbursement for traveling expenses as provided under  
2 IC 4-13-1-4 and other expenses actually incurred in connection  
3 with the member's duties as provided in the state policies and  
4 procedures established by the Indiana department of  
5 administration and approved by the budget agency.

6 (b) Each member of the work group who is a state employee but  
7 who is not a member of the general assembly is entitled to  
8 reimbursement for traveling expenses as provided under  
9 IC 4-13-1-4 and other expenses actually incurred in connection  
10 with the member's duties as provided in the state policies and  
11 procedures established by the Indiana department of  
12 administration and approved by the budget agency.

13 (c) Each member of the work group who is a member of the  
14 general assembly is entitled to receive the same per diem, mileage,  
15 and travel allowances paid to legislative members of interim study  
16 committees established by the legislative council.

17 Sec. 9. (a) Except as provided in subsection (b), per diem,  
18 mileage, travel allowances, and other expenses paid to committee  
19 members shall be paid from appropriations made to the  
20 department of natural resources.

21 (b) Per diem, mileage, and travel allowances paid to committee  
22 members who are members of the general assembly shall be paid  
23 from appropriations made to the legislative council or the  
24 legislative services agency.

25 Sec. 10. This chapter expires July 1, 2014.



**EXHIBIT 27, Savings Clause for a Recodified Title**

See also "Savings Provisions", page \_\_\_\_.

January 25, 2013

Second Regular Session 118th General Assembly (2013)

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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.

## **SENATE BILL No. 190**

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

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

1 SECTION 1. IC 15-10 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2013]:

4 **ARTICLE 10. EFFECT OF RECODIFICATION OF TITLE 15**  
5 **Chapter 1. Effect of Recodification by the Act of the 2013**  
6 **Regular Session of the General Assembly**

7 **Sec. 1. As used in this chapter, "prior law" refers to the statutes**  
8 **concerning agriculture and animals that are repealed or amended**  
9 **in the recodification act of the 2013 regular session of the general**  
10 **assembly as the statutes existed before the effective date of the**  
11 **applicable or corresponding provision of the recodification act of**  
12 **the 2013 regular session of the general assembly. The term includes**  
13 **statutes that are recodified outside this title by the recodification**  
14 **act of the 2013 regular session of the general assembly, such as law**  
15 **related to veterinarians and destruction of animals.**

16 **Sec. 2. The purpose of the recodification act of the 2013 regular**  
17 **session of the general assembly is to recodify prior law in a style**

SB 190—LS 6551/DI 11+



1 that is clear, concise, and easy to interpret and apply. Except to the  
2 extent that:

3 (1) the recodification act of the 2013 regular session of the  
4 general assembly is amended to reflect the changes made in a  
5 provision of another bill that adds to, amends, or repeals a  
6 provision in the recodification act of the 2013 regular session  
7 of the general assembly; or

8 (2) the minutes of meetings of the code revision commission  
9 during 2007 expressly indicate a different purpose;

10 the substantive operation and effect of the prior law continue  
11 uninterrupted as if the recodification act of the 2013 regular  
12 session of the general assembly had not been enacted.

13 Sec. 3. Subject to section 2 of this chapter, sections 4 through 9  
14 of this chapter shall be applied to the statutory construction of the  
15 recodification act of the 2013 regular session of the general  
16 assembly.

17 Sec. 4. (a) The recodification act of the 2013 regular session of  
18 the general assembly does not affect:

19 (1) any rights or liabilities accrued;

20 (2) any penalties incurred;

21 (3) any violations committed;

22 (4) any proceedings begun;

23 (5) any bonds, notes, loans, or other forms of indebtedness  
24 issued, incurred, or made;

25 (6) any tax levies made or authorized;

26 (7) any funds established;

27 (8) any patents issued;

28 (9) the validity, continuation, or termination of any contracts,  
29 easements, or leases executed;

30 (10) the validity, continuation, scope, termination, suspension,  
31 or revocation of:

32 (A) permits;

33 (B) licenses;

34 (C) certificates of registration;

35 (D) grants of authority; or

36 (E) limitations of authority; or

37 (11) the validity of court decisions entered regarding the  
38 constitutionality of any provision of the prior law;

39 before the effective date of the recodification act of the 2013  
40 regular session of the general assembly (July 1, 2013). Those rights,  
41 liabilities, penalties, violations, proceedings, bonds, notes, loans,  
42 other forms of indebtedness, tax levies, funds, patents, contracts,



1 easements, leases, permits, licenses, certificates of registration,  
2 grants of authority, and limitations of authority continue and shall  
3 be imposed and enforced under prior law as if the recodification  
4 act of the 2013 regular session of the general assembly had not  
5 been enacted.

6 (b) The recodification act of the 2013 regular session of the  
7 general assembly does not:

8 (1) extend or cause to expire a permit, license, certificate of  
9 registration, or other grant or limitation of authority; or

10 (2) in any way affect the validity, scope, or status of a license,  
11 permit, certificate of registration, or other grant or limitation  
12 of authority;

13 issued under the prior law.

14 (c) The recodification act of the 2013 regular session of the  
15 general assembly does not affect the revocation, limitation, or  
16 suspension of a permit, license, certificate of registration, or other  
17 grant or limitation of authority based in whole or in part on  
18 violations of the prior law or the rules adopted under the prior law.

19 Sec. 5. The recodification act of the 2013 regular session of the  
20 general assembly shall be construed as a recodification of prior  
21 law. Except as provided in section 2(1) and 2(2) of this chapter, if  
22 the literal meaning of the recodification act of the 2013 regular  
23 session of the general assembly (including a literal application of  
24 an erroneous change to an internal reference) would result in a  
25 substantive change in the prior law, the difference shall be  
26 construed as a typographical, spelling, or other clerical error that  
27 must be corrected by:

28 (1) inserting, deleting, or substituting words, punctuation, or  
29 other matters of style in the recodification act of the 2013  
30 regular session of the general assembly; or

31 (2) using any other rule of statutory construction;  
32 as necessary or appropriate to apply the recodification act of the  
33 2013 regular session of the general assembly in a manner that does  
34 not result in a substantive change in the law. The principle of  
35 statutory construction that a court must apply the literal meaning  
36 of an act if the literal meaning of the act is unambiguous does not  
37 apply to the recodification act of the 2013 regular session of the  
38 general assembly to the extent that the recodification act of the  
39 2013 regular session of the general assembly is not substantively  
40 identical to the prior law.

41 Sec. 6. Subject to section 9 of this chapter, a reference in a  
42 statute or rule to a statute that is repealed and replaced in the same



1 or a different form in the recodification act of the 2013 regular  
2 session of the general assembly shall be treated after the effective  
3 date of the new provision as a reference to the new provision.  
4 Sec. 7. A citation reference in the recodification act of the 2013  
5 regular session of the general assembly to another provision of the  
6 recodification act of the 2013 regular session of the general  
7 assembly shall be treated as including a reference to the provision  
8 of prior law that is substantively equivalent to the provision of the  
9 recodification act of the 2013 regular session of the general  
10 assembly that is referred to by the citation reference.  
11 Sec. 8. (a) As used in the recodification act of the 2013 regular  
12 session of the general assembly, a reference to rules adopted under  
13 any provision of this title or under any other provision of the  
14 recodification act of the 2013 regular session of the general  
15 assembly refers to either:  
16 (1) rules adopted under the recodification act of the 2013  
17 regular session of the general assembly; or  
18 (2) rules adopted under the prior law until those rules have  
19 been amended, repealed, or superseded.  
20 (b) Rules adopted under the prior law continue in effect after  
21 June 30, 2013, until the rules are amended, repealed, or suspended.  
22 Sec. 9. (a) A reference in the recodification act of the 2013  
23 regular session of the general assembly to a citation in the prior  
24 law before its repeal is added in certain sections of the  
25 recodification act of the 2013 regular session of the general  
26 assembly only as an aid to the reader.  
27 (b) The inclusion or omission in the recodification act of the  
28 2013 regular session of the general assembly of a reference to a  
29 citation in the prior law before its repeal does not affect:  
30 (1) any rights or liabilities accrued;  
31 (2) any penalties incurred;  
32 (3) any violations committed;  
33 (4) any proceedings begun;  
34 (5) any bonds, notes, loans, or other forms of indebtedness  
35 issued, incurred, or made;  
36 (6) any tax levies made;  
37 (7) any funds established;  
38 (8) any patents issued;  
39 (9) the validity, continuation, or termination of contracts,  
40 easements, or leases executed;  
41 (10) the validity, continuation, scope, termination, suspension,  
42 or revocation of:



1                   (A) permits;  
2                   (B) licenses;  
3                   (C) certificates of registration;  
4                   (D) grants of authority; or  
5                   (E) limitations of authority; or  
6                   (11) the validity of court decisions entered regarding the  
7                        constitutionality of any provision of the prior law;  
8                   before the effective date of the recodification act of the 2013  
9                   regular session of the general assembly (July 1, 2013). Those rights,  
10                   liabilities, penalties, violations, proceedings, bonds, notes, loans,  
11                   other forms of indebtedness, tax levies, funds, patents, contracts,  
12                   easements, leases, permits, licenses, certificates of registration,  
13                   grants of authority, and limitations of authority continue and shall  
14                   be imposed and enforced under prior law as if the recodification  
15                   act of the 2013 regular session of the general assembly had not  
16                   been enacted.  
17                   (c) The inclusion or omission in the recodification act of the  
18                   2013 regular session of the general assembly of a citation to a  
19                   provision in the prior law does not affect the use of a prior  
20                   conviction, violation, or noncompliance under the prior law as the  
21                   basis for revocation of a license, permit, certificate of registration,  
22                   or other grant of authority under the recodification act of the 2013  
23                   regular session of the general assembly, as necessary or  
24                   appropriate to apply the recodification act of the 2013 regular  
25                   session of the general assembly in a manner that does not result in  
26                   a substantive change in the law.



**EXHIBIT 28, Medicaid Waiver**

See also "Medicaid Waiver Provisions", page \_\_\_\_.

February 18, 2013

First Regular Session 118th General Assembly (2013)

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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.

## **SENATE BILL No. 490**

---

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

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

- 1           SECTION 1. IC 12-15-1.3-6 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
3 **1, 2013]: Sec. 6. (a) The office shall develop a federal Medicaid**  
4 **waiver application under which a prescription drug program may**  
5 **be established or implemented to provide access to prescription**  
6 **drugs for low income senior citizens.**  
7           **(b) Before the office may submit an application for a federal**  
8 **Medicaid waiver that will affect the Indiana prescription drug**  
9 **program established under IC 12-10-16, the following must occur:**  
10           **(1) The office shall submit the proposed Medicaid waiver to**  
11 **the prescription drug advisory committee.**  
12           **(2) The prescription drug advisory committee must review,**  
13 **allow public comment on, and approve the proposed Medicaid**  
14 **waiver.**  
15           **(c) A prescription drug program established or implemented by**  
16 **the office or a contractor of the office under this section may not**  
17 **limit access to prescription drugs for prescription drug program**

SB 490—LS 7488/DI 11+



- 1 recipients, except under the following circumstances:
- 2 (1) Access may be limited to the extent that restrictions were
- 3 in place in the Medicaid program on March 26, 2002.
- 4 (2) Except as provided by IC 12-15-35.5-3(b) and
- 5 IC 12-15-35.5-3(c), access may be limited to:
- 6 (A) prevent:
- 7 (i) fraud;
- 8 (ii) abuse;
- 9 (iii) waste;
- 10 (iv) overutilization of prescription drugs; and
- 11 (v) inappropriate utilization of prescription drugs; or
- 12 (B) implement a disease management program.
- 13 IC 12-15-35.5-7 applies to a limit implemented under this
- 14 subdivision.
- 15 (d) Changes to a prescription drug program that:
- 16 (1) is established or implemented by the office or a contractor
- 17 of the office under this section; and
- 18 (2) uses money from the Indiana prescription drug account
- 19 established under IC 4-12-8-2;
- 20 must be approved by the prescription drug advisory committee.
- 21 (e) The office shall apply to the United States Department of
- 22 Health and Human Services for approval of any waiver necessary
- 23 under the federal Medicaid program to provide access to
- 24 prescription drugs for low income senior citizens.
- 25 (f) A Medicaid waiver developed under this section must limit
- 26 a prescription drug program's state expenditures to funding
- 27 appropriated to the Indiana prescription drug account established
- 28 under IC 4-12-8-2 from the Indiana tobacco master settlement
- 29 agreement fund.
- 30 (g) The office may not implement a waiver under this section
- 31 until the office files an affidavit with the governor attesting that the
- 32 federal waiver applied for under this section is in effect. The office
- 33 shall file the affidavit under this subsection not later than five (5)
- 34 days after the office is notified that the waiver is approved.
- 35 (h) If the office receives a waiver under this section from the
- 36 United States Department of Health and Human Services and the
- 37 governor receives the affidavit filed under subsection (g), the office
- 38 shall implement the waiver not more than sixty (60) days after the
- 39 governor receives the affidavit.



**EXHIBIT 29, Post-Introductory Amendment Process Resulting  
in the First Printing of the Bill**

Component 1: Introduced Bill

See also "Post-Introductory Drafting", page \_\_\_\_

Introduced

First Regular Session 118th General Assembly (2013)

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Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

## HOUSE BILL

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

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

1 SECTION 1. IC 34-30-4-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. Notwithstanding any  
3 other provision of or any other law, an individual:  
4 (1) who:  
5 (†) **(A) is employed by; or**  
6 **(B) serves without compensation as a volunteer or** volunteer  
7 director of:  
8 ~~(A)~~ a nonprofit corporation operating under IC 12-29-3-6, ~~or (B)~~  
9 an agency providing services under IC 12-12-3, **or a nonprofit**  
10 **organization that is exempt from federal taxation under**  
11 **Section 501(c)(3) of the Internal Revenue Code; and**  
12 (2) exercises reasonable care in the performance of the  
13 **individual's duties of a director; as an employee, a volunteer, or**  
14 **a volunteer director of an entity described in subdivision (1);**  
15 is immune from civil liability arising out of the performance of those  
16 duties.



**EXHIBIT 29, CONTINUED**

Component 2: Committee Report to Amend the Introduced Bill

Adopted	Rejected
---------	----------

## COMMITTEE REPORT

YES:	12
NO:	0

**MR. SPEAKER:**

Your Committee on   **Judiciary**  , to which was referred   House Bill 1126  , 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:

- 1           Page 1, line 2, after "Sec. 2." insert "**(a) This section does not**
- 2           **apply to a health care provider as defined in IC 34-18-2-14.**
- 3           **(b)**".
- 4           Page 1, line 2, strike "Notwithstanding any".
- 5           Page 1, line 3, strike "other provision of or any other law,".
- 6           Page 1, line 3, delete "an" and insert "An".
- 7           Page 1, line 3, after "individual" delete ":".
- 8           Page 1, line 4, delete "(1)".
- 9           Page 1, run in lines 3 through 4.
- 10          Page 1, line 5, beginning with "(1)" begin a new line block indented.
- 11          Page 1, line 5, reset in roman "(1)".
- 12          Page 1, line 5, delete "(A) is employed by; or".
- 13          Page 1, line 6, delete "(B)".
- 14          Page 1, run in lines 5 through 6.
- 15          Page 1, line 8, beginning with "(A)" begin a new line double block
- 16          indented.

Page \_\_\_\_

**EXHIBIT 29, CONTINUED**

Component 2, CONTINUED

2

- 1 Page 1, line 8, reset in roman "(A)".
- 2 Page 1, line 8, delete "," and insert ";".
- 3 Page 1, line 8, beginning with "(B)" begin a new line double block
- 4 indented.
- 5 Page 1, line 8, reset in roman "(B)".
- 6 Page 1, line 9, delete "," and insert ";".
- 7 Page 1, line 9, after "or" begin a new line double block indented
- 8 and insert:
- 9 "(C)".
- 10 Page 1, line 13, delete "an employee,".
- 11 Page 1, line 13, after "volunteer" delete ",".
- 12 (Reference is to HB 1126 as introduced.)

**and when so amended that said bill do pass.**

---

Representative Foley

EXHIBIT 29, CONTINUED

Component 3: Introduced Bill, Marked per Committee Report

Introduced Feb 15

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 this style type or this style type reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

# HOUSE BILL No. 1126

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

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

(a) This section does not apply to a health care provider as defined in IC 34-18-2-14.

(b)

run in [ 3  
run in [ 5

SECTION 1. IC 34-30-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. ~~Notwithstanding any other provision of or any other law~~ an individual:

(1) who: ~~an~~ (A) is employed by; or (B) serves without compensation as a volunteer or volunteer director of:

(A) a nonprofit corporation operating under IC 12-29-3-6 or (B) an agency providing services under IC 12-12-3-3 or a nonprofit organization that is exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code; and

(2) exercises reasonable care in the performance of the individual's duties of a director; as an employee, a volunteer, or a volunteer director of an entity described in subdivision (1); is immune from civil liability arising out of the performance of those duties.

DBI

DBI (c)



**EXHIBIT 29, CONTINUED**

Component 4: Bill's First Printing, with Incorporated Amendments

February 15, 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.

## HOUSE BILL No. 1126

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

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

1 SECTION 1. IC 34-30-4-2 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) **This section**  
 3 **does not apply to a health care provider as defined in**  
 4 **IC 34-18-2-14.**  
 5 (b) **Notwithstanding any other provision of or any other law, An**  
 6 **individual who:**  
 7 (1) serves ~~without compensation~~ as a **volunteer or** volunteer  
 8 director of:  
 9 (A) a nonprofit corporation operating under IC 12-29-3-6; ~~or~~  
 10 (B) an agency providing services under IC 12-12-3; **or**  
 11 (C) **a nonprofit organization that is exempt from federal**  
 12 **taxation under Section 501(c)(3) of the Internal Revenue**  
 13 **Code; and**  
 14 (2) exercises reasonable care in the performance of the  
 15 **individual's duties of a director; as a volunteer or a volunteer**  
 16 **director of an entity described in subdivision (1);**  
 17 is immune from civil liability arising out of the performance of those  
 18 duties.

HB 1126—LS 7618/DI 11+



Page \_\_\_\_

**EXHIBIT 30, Proposed Committee Amendment to a Senate Bill**

See also "Post-Introductory Drafting", page \_\_\_\_.

# PROPOSED AMENDMENT

## SB 6 # 1

### DIGEST

Proposed amendment to SB 6. Prepared for the Senate Committee on Corrections, Criminal, and Civil Matters.

---

- 1           Page 1, line 4, after "a" insert "**detachable**".
- 2           Page 1, line 6, strike "propelled" and insert "**ejected from the**
- 3 **handle as a projectile**".
- 4           Page 1, line 7, strike "hand pressure applied to a button, device
- 5 containing" and insert "**means of**".
- 6           Page 1, line 7, after "gas," insert "**a**".
- 7           Page 1, line 7, after "or" insert "**any**".
- 8           Page 1, line 8, after "device" insert "**contained**".  
(Reference is to SB 6 as introduced.)

Page \_\_\_\_

**EXHIBIT 31, Committee Report of the Senate: Do Pass,  
First Printing, First Chamber**

See also "Post-Introductory Drafting", page \_\_\_\_.

# **COMMITTEE REPORT**

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## **MADAM PRESIDENT:**

**The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 232, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.**

(Reference is made to Senate Bill 232 as introduced.)

Committee Vote: Yeas 8, Nays 2.

---

**Senator Boots, Chairperson**

Page \_\_\_\_

**EXHIBIT 32, Committee Report of the House: Do Pass,  
First Chamber**

See also "Post-Introductory Drafting", page \_\_\_\_.

Adopted	Rejected
---------	----------

## COMMITTEE REPORT

<b>YES:</b>	<b>11</b>
<b>NO:</b>	<b>0</b>

**MR. SPEAKER:**

*Your Committee on Education, to which was referred House Bill 1150, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.*

---

Representative Behning

Page \_\_\_\_

**EXHIBIT 33, Committee Report of the Senate: Do Pass,  
Second Chamber**

See also "Post-Introductory Drafting", page \_\_\_\_.

# **COMMITTEE REPORT**

---

## **MADAM PRESIDENT:**

**The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1196, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.**

(Reference is made to House Bill 1196 as printed January 26, 2013 .)

Committee Vote: Yeas 8, Nays 0.

---

**Senator Steele, Chairperson**

Page \_\_\_\_

**EXHIBIT 34, Committee Report of the House: Do Pass,  
Second Chamber**

See also "Post-Introductory Drafting", page \_\_\_\_.

Adopted	Rejected
---------	----------

## COMMITTEE REPORT

<b>YES:</b>	<b>11</b>
<b>NO:</b>	<b>0</b>

**MR. SPEAKER:**

*Your Committee on Courts and Criminal Code, to which was referred Senate Bill 246, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.*

---

Representative Steuerwald

Page \_\_\_\_

**EXHIBIT 35, Committee Report of the Senate: Do Pass Amended  
on an Introduced Senate Bill**

See also "Post-Introductory Drafting", page \_\_\_\_.

## **COMMITTEE REPORT**

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### **MADAM PRESIDENT:**

**The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 6, 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           Page 1, line 4, after "a" insert "**detachable**".
- 2           Page 1, line 6, strike "propelled" and insert "**ejected from the**
- 3           **handle as a projectile**".
- 4           Page 1, line 7, strike "hand pressure applied to a button, device
- 5           containing" and insert "**means of**".
- 6           Page 1, line 7, after "gas," insert "**a**".
- 7           Page 1, line 7, after "or" insert "**any**".
- 8           Page 1, line 8, after "device" insert "**contained**".  
(Reference is to SB 6 as introduced.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 8, Nays 0.

---

**Senator Steele, Chairperson**

Page \_\_\_\_

**EXHIBIT 36, Committee Report of the House: Do Pass Amended  
on an Introduced House Bill**

See also "Post-Introductory Drafting", page \_\_\_\_.

Adopted	Rejected
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## COMMITTEE REPORT

YES:	8
NO:	3

**MR. SPEAKER:**

*Your Committee on Commerce, Small Business and Economic Development*, to which was referred House Bill 1171, 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:

- 1 Page 3, line 1, delete "This subsection expires December 31, 2015."  
(Reference is to HB 1171 as introduced.)

**and when so amended that said bill do pass.**

---

Representative Stemler

Page \_\_\_\_

**EXHIBIT 37, Committee Report of the Senate: Amended with  
Reassignment in Second Chamber**

See also "Post-Introductory Drafting", page \_\_\_\_.

## **COMMITTEE REPORT**

### **MADAM PRESIDENT:**

**The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1269, 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 Page 3, line 35, delete "shall" and insert "**may**".  
(Reference is to HB 1269 as printed January 25, 2013.)

**and when so amended that said bill be reassigned to the Senate Committee on Appropriations.**

Committee Vote: Yeas 7, Nays 3.

---

**Miller**

**Chairperson**

Page \_\_\_\_

**EXHIBIT 38, Motion of the Senate: First Chamber, Second Reading**

See also "Post-Introductory Drafting", page \_\_\_\_.

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 110 be amended to read as follows:

- 1           Page 20, line 24, delete "two percent (2%)" and insert "**five percent**
- 2           **(5%)**".
- 3           Page 22, line 22, delete "two percent (2%)" and insert "**five percent**
- 4           **(5%)**".  
              (Reference is to SB 110 as printed January 13, 2013.)

---

Senator HOLDMAN

Page \_\_\_\_

**EXHIBIT 39, Motion of the House: First Chamber, Second Reading**

See also "Post-Introductory Drafting", page \_\_\_\_.

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1376 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 taxation and to make an appropriation.
- 4 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 5 "SECTION 1. IC 4-10-22 IS REPEALED [EFFECTIVE JANUARY
- 6 1, 2013 (RETROACTIVE)]. (Use of Excess Reserves).".
- 7 Delete pages 2 through 3.
- 8 Page 4, delete lines 1 through 6.
- 9 Page 4, line 30, delete "seven hundred thousand dollars" and insert
- 10 "**one million three hundred thousand dollars (\$1,300,000)**".
- 11 Page 4, delete line 31.
- 12 Page 5, line 16, delete "ten million dollars (\$10,000,000)," and
- 13 insert "**twenty-two million dollars (\$22,000,000)**".
- 14 Page 5, line 19, delete "(\$10,000,000)".
- 15 Renumber all SECTIONS consecutively.  
(Reference is to HB 1376 as printed January 27, 2013.)

---

Representative DeLaney

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1326 be amended to read as follows:

- 1           Page 20, line 40, after "31." insert "**Except as provided in**  
2           **subsection (f), a school building remains on the department's list**  
3           **for two (2) years after the date the school building was placed on**  
4           **the list.**"
- 5           Page 21, line 9, after "subsection." insert "**If the governing body**  
6           **does not reclaim the school building, the school building remains**  
7           **on the department's list under subsection (e) for two (2) years after**  
8           **the date on which the reclamation period under this subsection**  
9           **expires.**"
- 10          Page 21, line 34, strike "least forty-eight (48) months," and insert  
11          "**least:**
- 12                **(1) two (2) years, for a school building that is not subject to**  
13                **subsection (f); or**
- 14                **(2) four (4) years, for a school building that is subject to**  
15                **subsection (f);"**
- 16          Page 21, line 34, beginning with "the" begin a new line blocked left.  
(Reference is to EHB 1326 as printed February 24, 2013.)

---

Senator SCHNEIDER

Page \_\_\_\_

**EXHIBIT 41, Motion of the House: Second Chamber, Third Reading**

See also "Post-Introductory Drafting", page \_\_\_\_.

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 12 be amended to read as follows:

- 1 Page 13, between lines 20 and 21, begin a new paragraph and insert:
  - 2 **"Sec. 16. This chapter expires July 1, 2015."**
  - 3 Page 15, between lines 26 and 27, begin a new paragraph and insert:
  - 4 **"Sec. 12. This chapter expires July 1, 2015."**
  - 5 Page 19, between lines 1 and 2, begin a new paragraph and insert:
  - 6 **"Sec. 12. This chapter expires July 1, 2015."**
  - 7 Page 19, between lines 36 and 37, begin a new paragraph and insert:
  - 8 **"Sec. 7. This chapter expires July 1, 2015."**
- (Reference is to ESB 12 as printed February 17, 2013.)

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Representative Brown C

Page \_\_\_\_

**EXHIBIT 42, Conference Committee Report, Senate Version,  
Page and Line Command Format**

See also "CONFERENCE COMMITTEE REPORTS", page \_\_\_\_.

**CONFERENCE COMMITTEE REPORT  
DIGEST FOR ESB 22**

**Citations Affected:** IC 14-33-5-16.

**Synopsis:** Conservancy district director compensation. Conference committee report for ESB 22. Provides compensation for directors of conservancy districts commensurate with their workload and responsibilities. Provides that compensation may not be based upon a tax assessment imposed by the district. **(This conference committee report removes a provision that requires that a petition filed by freeholders to establish a conservancy district be signed by at least 50% of freeholders owning land in the proposed district.)**

**Effective:** July 1, 2013.

## CONFERENCE COMMITTEE REPORT

***MADAM PRESIDENT:***

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 22 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, delete lines 1 through 17.
- 2 Page 2, delete line 1.
- 3 Page 2, line 28, after "expenses" insert ",".
- 4 Renumber all SECTIONS consecutively.  
(Reference is to ESB 22 as reprinted February 24, 2013.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 22**

**S**igned by:

\_\_\_\_\_  
Senator Nugent  
Chairperson

\_\_\_\_\_  
Representative McMillin

\_\_\_\_\_  
Senator Young R

\_\_\_\_\_  
Representative Dobis

**Senate Conferees**

**House Conferees**

Page \_\_\_\_

**EXHIBIT 43, Conference Committee Report, House Version,  
Page and Line Command Format**

See also "CONFERENCE COMMITTEE REPORTS", page \_\_\_\_.

**CONFERENCE COMMITTEE REPORT  
DIGEST FOR ESB 22**

**Citations Affected:** IC 14-33-5-16.

**Synopsis:** Conservancy district director compensation. Conference committee report for ESB 22. Provides compensation for directors of conservancy districts commensurate with their workload and responsibilities. Provides that compensation may not be based upon a tax assessment imposed by the district. **(This conference committee report removes a provision that requires that a petition filed by freeholders to establish a conservancy district be signed by at least 50% of freeholders owning land in the proposed district.)**

**Effective:** July 1, 2013.

Adopted	Rejected
---------	----------

## CONFERENCE COMMITTEE REPORT

**MR. SPEAKER:**

*Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 22 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, delete lines 1 through 17.
- 2 Page 2, delete line 1.
- 3 Page 2, line 28, after "expenses" insert ",".
- 4 Renumber all SECTIONS consecutively.  
(Reference is to ESB 22 as reprinted February 24, 2013.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 22**

**S**igned by:

\_\_\_\_\_  
Senator Nugent  
Chairperson

\_\_\_\_\_  
Representative McMillin

\_\_\_\_\_  
Senator Young R

\_\_\_\_\_  
Representative Dobis

**Senate Conferees**

**House Conferees**

Page \_\_\_\_

**EXHIBIT 44, Conference Committee Report, Senate Version,  
Delete Everything Format**

See also "CONFERENCE COMMITTEE REPORTS", page \_\_\_\_.

**CONFERENCE COMMITTEE REPORT  
DIGEST FOR ESB 296**

**Citations Affected:** IC 20-51.

**Synopsis:** Certified scholarship program eligibility. Conference committee report for ESB 296. Provides that an individual who initially received a scholarship from a scholarship granting organization in grade 8 is ineligible for a choice scholarship. **(This conference committee report adds a provision which provides that an individual who receives a scholarship from a scholarship granting organization in grade 8 is ineligible for a choice scholarship.)**

**Effective:** July 1, 2013.

## CONFERENCE COMMITTEE REPORT

**MADAM PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 296 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

1 Delete everything after the enacting clause and insert the following:  
2 SECTION 1. IC 20-51-3-1.5 IS ADDED TO THE INDIANA  
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2013]: **Sec. 1.5. An individual who received**  
5 **a scholarship from a scholarship granting organization under this**  
6 **chapter as a result of meeting the condition under**  
7 **IC 20-51-1-5(5)(E) does not qualify to become an eligible individual**  
8 **for purposes of the choice scholarship program under**  
9 **IC 20-51-1-4.5(5)(B).**

(Reference is to ESB 296 as reprinted March 1, 2013.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 296**

**S**igned by:

\_\_\_\_\_  
Senator Leising  
Chairperson

\_\_\_\_\_  
Representative Behning

\_\_\_\_\_  
Senator Skinner

\_\_\_\_\_  
Representative Smith V

**Senate Conferees**

**House Conferees**

Page \_\_\_\_

**EXHIBIT 45, Conference Committee Report, House Version,  
Delete Everything Format**

See also "CONFERENCE COMMITTEE REPORTS", page \_\_\_\_.

**CONFERENCE COMMITTEE REPORT  
DIGEST FOR ESB 296**

**Citations Affected:** IC 20-51.

**Synopsis:** Certified scholarship program eligibility. Conference committee report for ESB 296. Provides that an individual who initially received a scholarship from a scholarship granting organization in grade 8 is ineligible for a choice scholarship. **(This conference committee report adds a provision which provides that an individual who receives a scholarship from a scholarship granting organization in grade 8 is ineligible for a choice scholarship.)**

**Effective:** July 1, 2013.

Adopted	Rejected
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## CONFERENCE COMMITTEE REPORT

**MR. SPEAKER:**

*Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 296 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 20-51-3-1.5 IS ADDED TO THE INDIANA
- 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2013]: **Sec. 1.5. An individual who received**
- 5 **a scholarship from a scholarship granting organization under this**
- 6 **chapter as a result of meeting the condition under**
- 7 **IC 20-51-1-5(5)(E) does not qualify to become an eligible individual**
- 8 **for purposes of the choice scholarship program under**
- 9 **IC 20-51-1-4.5(5)(B).**

(Reference is to ESB 296 as reprinted March 1, 2013.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 296**

**S**igned by:

\_\_\_\_\_  
Senator Leising  
Chairperson

\_\_\_\_\_  
Representative Behning

\_\_\_\_\_  
Senator Skinner

\_\_\_\_\_  
Representative Smith V

**Senate Conferees**

**House Conferees**

## COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 114 because it conflicts with HEA 1009-2013 without properly recognizing the existence of HEA 1009-2013, has had Engrossed Senate Bill 114 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 114 be corrected as follows:

1           Page 1, delete lines 1 through 13, begin a new paragraph and insert:  
2           "SECTION 1. IC 9-24-19-2, AS AMENDED BY HEA 1009-2013,  
3           SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           UPON PASSAGE]: Sec. 2. A person who: ~~operates a motor vehicle~~  
5           ~~upon a highway when the person~~  
6           **(1) knows that the person's driving privilege, license, or permit is**  
7           **suspended or revoked; and**  
8           **(2) commits a Class A misdemeanor if; operates a motor vehicle**  
9           **upon a highway less than ten (10) years before after** the date on  
10           **which the person operates the motor vehicle knowing that the**  
11           **person's driving privilege, license, or permit is suspended or**  
12           **revoked; judgment was entered against the person for a prior**  
13           **unrelated ~~(1) infraction under violation of~~ section 1 of this**  
14           **chapter, or ~~(2) offense or infraction under: (A) this section, (B)~~**  
15           **IC 9-1-4-52 (repealed July 1, 1991), or ~~(C) IC 9-24-18-5(a)~~**  
16           **(repealed July 1, 2000);**  
17           **commits a Class A misdemeanor."**

(Reference is to ESB 114 as printed February 10, 2013.)

---

Senator LONG, Chairperson

---

Senator SIMPSON, R.M.M.

---

Senator BRAY

Page \_\_\_\_

**EXHIBIT 47, Joint Rule 21 Motion by the House**

See also "JOINT RULE 21 CORRECTIONS", page \_\_\_\_.

## COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 21, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 235 because it requires an emergency clause and does not contain one, has had Engrossed Senate Bill 235 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 235 be corrected as follows:

- 1 Page 4, after line 16, begin a new paragraph and insert:
- 2 "SECTION 4. **An emergency is declared for this act.**".  
(Reference is to ESB 235 as printed February 21, 2013.)

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Representative Whetstone, Chairperson

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Representative Pelath, R.M.M.

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Representative Duncan, Sponsor

**EXHIBIT 48, Enrolled Act of the House**

See also "SESSION LAWS (ACTS)", page \_\_\_\_.

Second 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.

## **HOUSE ENROLLED ACT No. 1052**

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

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

SECTION 1. IC 4-13-1-25 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 25. (a) As used in this section, "emergency services equipment" refers to the following:**

- (1) Fire trucks.**
- (2) Emergency service vehicles.**
- (3) Firefighting tools.**
- (4) Protective wear.**
- (5) Breathing apparatuses.**
- (6) Communication devices, including hand held devices and vehicle radios.**
- (7) Similar products used by public safety service providers.**

**(b) As used in this section, "public safety service provider" has the meaning set forth in IC 10-19-9-2.**

**(c) As used in this section, "purchaser" includes the following:**

- (1) A political subdivision.**
- (2) A fire department established under IC 36-8-2-3.**
- (3) A volunteer fire department (as defined in IC 36-8-12-2).**
- (4) The board of fire trustees of a fire protection district**

**HEA 1052+**



established under IC 36-8-11.

(5) The provider unit of a fire protection territory established under IC 36-8-19.

(6) A law enforcement agency of a political subdivision.

(7) An emergency medical services agency of a political subdivision.

(d) The department shall award quantity purchase agreements under IC 5-22 to vendors for the purchase of emergency services equipment.

(e) A quantity purchase agreement awarded under this section must require the vendor to offer to purchasers emergency services equipment under the quantity purchase agreement.

(f) Purchasers may participate in the solicitation of purchase of emergency services equipment. To participate in the solicitation of emergency services equipment, a purchaser must do the following:

(1) Submit estimated quantities to the department.

(2) Commit to purchasing the minimum fill percentage submitted for solicitation.

(g) The department may adopt rules under IC 4-22-2 for management and control of the process by which purchasers may purchase emergency services equipment under this section.



**EXHIBIT 49, Enrolled Act of the Senate, Passed with Concurrence**

See also "SESSION LAWS (ACTS)", page \_\_\_\_.

Second 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.

## **SENATE ENROLLED ACT No. 98**

AN ACT to amend the Indiana Code concerning transportation.

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

SECTION 1. IC 8-18-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. ~~(a) Except as provided in subsection (c);~~ All expenses incurred in the maintenance of county highways shall **first** be paid out of funds from the gasoline tax, special fuel tax, and the motor vehicle registration fees that are paid to the counties by the state. ~~and from~~ **In addition, a county may use funds derived from the:**

- (1) county motor vehicle excise surtax;
- (2) county wheel tax;
- (3) county adjusted gross income tax;
- (4) county option income tax;
- (5) riverboat admission tax (IC 4-33-12); **or**
- (6) riverboat wagering tax (IC 4-33-13); **or**
- (7) property taxes and miscellaneous revenue deposited in the county general fund.**

~~(b) Except as provided in subsection (c);~~ no ad valorem property tax may be levied by any county for the maintenance of county highways, except in an emergency and by unanimous vote of the county fiscal body.

~~(c) The county fiscal body may appropriate money from the county general fund to the county highway department to pay for employees' personal services.~~

**SEA 98 — Concur+**



SECTION 2. IC 36-4-8-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) This section does not prohibit:

- (1) the city works board from making long term contracts for utility services under IC 36-9; or
- (2) a department from issuing bonds or other obligations authorized by law.

(b) **Except as provided in subsection (c)**, a city department, officer, or employee may not obligate the city to any extent beyond the amount of money appropriated for that department, officer, or employee. An obligation made in violation of this section is void.

**(c) A city department, officer, or employee may obligate the city beyond the amount of money appropriated for that department, officer, or employee if:**

- (1) the obligation is made under a multi-year interlocal cooperation agreement entered into by the city and one (1) or more political subdivisions or governmental entities under IC 36-1-7; and
- (2) the agreement described in subdivision (1) is approved by the fiscal body of the city.

**(d) An obligation described in subsection (c) may be terminated:**

- (1) if the city provides notice of the termination of the obligation at least one (1) year before the termination of the obligation; or
- (2) the city and the political subdivisions or governmental entities that have entered into the interlocal cooperation agreement otherwise agree to the termination.



**EXHIBIT 50, Enrolled Act of the Senate, Passed with a  
Conference Committee Report**

See also "SESSION LAWS (ACTS)", page \_\_\_\_.

Second 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.

## **SENATE ENROLLED ACT No. 52**

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AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 16-41-6-1, AS AMENDED BY P.L.94-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) ~~Except as provided in IC 16-41-8-6, IC 16-41-10-2.5, and subsection (b),~~ a person may not perform a screening or confirmatory test for the antibody or antigen to HIV without the oral or written consent of the individual to be tested or a representative as authorized under IC 16-36-1. A physician ordering the test or the physician's authorized representative shall document whether or not the individual has consented. The test for the antibody or antigen to HIV may not be performed on a woman under section 5 or 6 of this chapter if the woman refuses under section 7 of this chapter to consent to the test. As used in this section, "physician's authorized representative" means:

- (1) an advanced practice nurse (as defined by IC 25-23-1-1(b)) who is operating in collaboration with a licensed physician; or
  - (2) an individual acting under the supervision of a licensed physician and within the individual's scope of employment.
- (b) If a physician or the physician's authorized representative

SEA 52 — CC 1+



determines that it is medically necessary to conduct an HIV test on an individual under the care of a physician, the physician or physician's authorized representative may order the test if the physician or the physician's authorized representative:

- (1) informs the patient of the test;
- (2) provides an explanation of the test; and
- (3) informs the patient of the patient's right to refuse the test.

Subject to subsection (d), if the patient refuses the test, the physician or the physician's authorized representative may not perform the test and shall document the patient's refusal in the patient's medical record.

(c) After ordering an HIV test for a patient, the physician or the physician's authorized representative shall:

- (1) discuss with the patient the availability of counseling concerning the test results; and
- (2) notify the patient of the test results.

If a test conducted under this section indicates that a patient is HIV infected, in addition to the requirements set forth in IC 16-41-2, the physician or the physician's authorized representative shall inform the patient of treatment and referral options available to the patient.

(d) A physician or a physician's authorized representative may order an HIV test to be performed without informing the patient or the patient's representative (as defined in IC 16-36-1-2) of the test or regardless of the patient's or the patient's representative's refusal of the HIV test if any of the following conditions apply:

(b) The test for the antibody or antigen to HIV may be performed if one (1) of the following conditions exists:

- (1) If ordered by a physician, who has obtained a health care consent under IC 16-36-1 or an implied consent under **can be implied due to** emergency circumstances and the test is medically necessary to diagnose or treat the patient's condition.
- (2) Under a court order based on clear and convincing evidence of a serious and present health threat to others posed by an individual. A hearing held under this ~~subsection~~ **subdivision** shall be held in camera at the request of the individual.
- (3) If the test is done on blood collected or tested anonymously as part of an epidemiologic survey under IC 16-41-2-3 or IC 16-41-17-10(a)(5).
- (4) The test is ordered under section 4 of this chapter.
- (5) The test is required or authorized under IC 11-10-3-2.5.
- (6) **The individual upon whom the test will be performed is**



**described in IC 16-41-8-6 or IC 16-41-10-2.5.**

**(e) (7) A court may order a person has ordered the individual to undergo testing for HIV under IC 35-38-1-10.5(a) or IC 35-38-2-2.3(a)(16).**

**(8) Both of the following are met:**

**(A) The individual is not capable of providing consent and an authorized representative of the individual is not immediately available to provide consent or refusal of the test.**

**(B) A health care provider acting within the scope of the health care provider's employment comes into contact with the blood or body fluids of the individual in a manner that has been epidemiologically demonstrated to transmit HIV.**

**(e) The state department shall make HIV testing and treatment information from the federal Centers for Disease Control and Prevention available to health care providers.**

**(f) The state department may adopt rules under IC 4-22-2 necessary to implement this section.**



Page \_\_\_\_

**EXHIBIT 51, Simple Resolution of the Senate**

See also "Simple Resolutions", page \_\_\_\_.

Introduced Version

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**SENATE RESOLUTION No. \_\_\_\_**

DIGEST OF INTRODUCED RESOLUTION

A SENATE RESOLUTION recognizing the importance of the regional campuses of Ivy Tech Community College of Indiana.

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**Hershman**

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\_\_\_\_\_, read first time and referred to Committee on

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20132354

2013

SR 2528/DI 11+



Second Regular Session 118th General Assembly (2013)

## SENATE RESOLUTION

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MADAM PRESIDENT:

I offer the following resolution and move its adoption:

A SENATE RESOLUTION recognizing the importance of the regional campuses of Ivy Tech Community College of Indiana.

*Whereas, The Lafayette region of Ivy Tech State College started as the Tippewa Technical Institute in 1968 in the arena of health career vocations;*

*Whereas, The early roots of Ivy Tech in the Lafayette region are in the Ross Building, which is recognized by the Indiana Historic Landmarks Foundation;*

*Whereas, Ivy Hall was opened August 2001, consolidating Ivy Tech's campus on Lafayette's southeast side;*

*Whereas, The Lafayette regional campus continues to expand its programs and partnerships with Purdue University, Indiana University, Saint Joseph's College, Indiana State University, Western Governors University, Ball State University, Indiana University-Purdue University Indianapolis, and Indiana Wesleyan University;*

*Whereas, Cultural awareness and academic achievement continues to grow in the Lafayette Community College region through such programs and partnerships as the Hildalgo, Mexico historic agreement signed in 2009 and the annual Latino Festival, which has drawn over 1,500 people into the Lafayette campus environment;*

2013

SR 2528/DI 11+



*Whereas, The Lafayette Campus Library is a partnership between the Tippecanoe County Public Library and Ivy Tech, contains both public and college collections as well as virtual libraries, and serves both Tippecanoe County and the greater regional area;*

*Whereas, The White County Instructional Center serves Monticello and surrounding communities with first-year college courses as well as dual credit courses for area high school students;*

*Whereas, A new Renaissance Place Instructional Center in downtown Lafayette serves downtown residents and businesses as well as Purdue University students;*

*Whereas, In 2012, the Lafayette Ivy Tech Region offered new programs in areas such as Advanced Manufacturing, Health Services, Therapeutic Massage, and Sustainable and Renewable Energy; and*

*Whereas, Nearly 400 graduates realized their dreams in 2012 and participated in commencement ceremonies before more than 3,000 family members and friends: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana:*

1 SECTION 1. That the Indiana Senate congratulates and supports the  
2 Lafayette regional campus of Ivy Tech Community College of Indiana  
3 in its mission to enable students and citizens to realize their full  
4 potential and supports regional education and economic development  
5 within Indiana.

6 SECTION 2. That the copies of this resolution be transmitted by the  
7 Secretary of the Senate to Ivy Tech Community College campuses in  
8 Lafayette, Crawfordsville, and Monticello.



Page \_\_\_\_

**EXHIBIT 52, Simple Resolution of the House**

See also "Simple Resolutions", page\_\_\_\_.

Introduced Version

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**HOUSE  
RESOLUTION No. \_\_\_\_**

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*Introduced by: Foley*

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A HOUSE RESOLUTION urging the Legislative Council to assign to the Criminal Law and Sentencing Policy Study Committee the topic of the sex and violent offender registry.

*Whereas, The Criminal Law and Sentencing Policy Study Committee, established by Public Law 187-2012, should study the criteria necessary to require registration on the sex and violent offender registry, how long an individual should remain on the registry, and what constitutes relief when registration requirements have been fulfilled: Therefore,*

*Be it resolved by the House of Representatives of the  
General Assembly of the State of Indiana:*

- 1       SECTION 1. That the Indiana House of Representatives urges the  
2       Legislative Council to assign to the Criminal Law and Sentencing  
3       Policy Study Committee the topic of the sex and violent offender  
4       registry.

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20132284

HR 1517/DI 11+

2013



Page \_\_\_\_

**EXHIBIT 53, Committee Report of the Senate: Do Pass,  
Simple Resolution of the Senate, First Chamber**

See also "Post-Introductory Drafting", page \_\_\_\_.

# COMMITTEE REPORT

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## **MADAM PRESIDENT:**

**The Senate Committee on Judiciary, to which was referred Senate Resolution No. 71, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution DO PASS.**

(Reference is made to Senate Resolution 71 as introduced.)

Committee Vote: Yeas 6, Nays 0.

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**Senator Richard Bray, Chairperson**

Page \_\_\_\_

**EXHIBIT 54, Committee Report of the House: Do Pass,  
Simple Resolution of the House, First Chamber**

See also "Post-Introductory Drafting", page \_\_\_\_.

Adopted	Rejected
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## COMMITTEE REPORT

<b>YES:</b>	<b>8</b>
<b>NO:</b>	<b>1</b>

### MR. SPEAKER:

*Your Committee on Local Government, to which was referred House Resolution 28, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.*

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Representative Neese

Page \_\_\_\_

**EXHIBIT 55, Concurrent Resolution of the Senate**

See also "Concurrent Resolutions", page \_\_\_\_.

Introduced Version

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**SENATE CONCURRENT  
RESOLUTION No. \_\_\_\_**

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DIGEST OF INTRODUCED RESOLUTION

A CONCURRENT RESOLUTION honoring Taylor Reuille.

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**Wyss**

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\_\_\_\_\_, read first time and referred to Committee on

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20131066

2013

SC 2001/DI 11+



## SENATE CONCURRENT RESOLUTION

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A CONCURRENT RESOLUTION honoring Taylor Reuille.

*Whereas, When 11 year old Taylor Reuille realized that there were many children with disabilities in her community who couldn't play on the existing playgrounds, she and her mother, Casey Booher, found a solution to the problem;*

*Whereas, They discovered that a "boundless playground" offered amazing play opportunities for children with physical, sensory, developmental, and cognitive disabilities;*

*Whereas, Four years in the making, the first boundless playground in Indiana opened in Kreager Park on the east side of Fort Wayne on June 10, 2013;*

*Whereas, With the creation of this playground, Taylor Reuille's dream of a playground where all children could play together became a reality;*

*Whereas, This new facility that provides play equipment for children of all abilities was brought about by the tireless work of Taylor Reuille and her family, who personally raised \$10,000 through community and school fundraising;*

*Whereas, With the help of the community, the city, and donations from other sources, Taylor was able to raise over \$1,000,000 needed to build the playground;*



*Whereas, The playground features a revolutionary accessible surface called Playground Grass, a soft, grass-like surface that, combined with a padded sub-surface, provides a safety rating to fall heights of 12 feet;*

*Whereas, This new playground creates opportunities not only for children with disabilities, but also for their parents and grandparents, providing accessible equipment that gives many parents and grandparents the chance to play with their children; and*

*Whereas, Through the work of Taylor Reuille, we are able to recognize the importance of giving all children the opportunity to play together, providing them with a sense of inclusiveness and interaction: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

1           SECTION 1. That the Indiana General Assembly recognizes the  
2           tremendous effort and dedication of Taylor Reuille in working to  
3           establish a boundless playground that enables children with disabilities  
4           to feel included in their community and enjoy the simple pleasures  
5           afforded them by this amazing new playground.

6           SECTION 2. That copies of this resolution be transmitted by the  
7           Secretary of the Senate to Taylor Reuille and her family.



Page \_\_\_\_

**EXHIBIT 56, Concurrent Resolution of the House**

See also "Concurrent Resolutions", page \_\_\_\_.

Introduced Version

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**HOUSE CONCURRENT  
RESOLUTION No. \_\_\_\_\_**

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**DIGEST OF INTRODUCED RESOLUTION**

A CONCURRENT RESOLUTION urging the Indiana General Assembly to fly the POW/MIA flag in the House and Senate Chambers.

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**Moseley, Gutwein, Austin, Bacon, Baird, Bardon, Bartlett, Battles,  
Bauer, Behning, Borders, Bosma, Brown C, Brown T, Burton,  
Candelaria Reardon, Cheatham, Cherry, Clere, Crawford, Crouch,  
Culver, Davis, Davisson, Day, DeLaney, Dembowski, Dermody,  
Dobis, Dodge, Dvorak, Eberhart, Ellspermann, Espich, Foley, Friend,  
Frizzell, Fry C, Frye R, GiaQuinta, Goodin, Grubb, Harris, Heaton,  
Heuer, Hinkle, Karickhoff, Kersey, Kirchhofer, Klinker, Knollman,  
Koch, Kubacki, Lawson L, Lehe, Lehman, Leonard, Lutz, Mahan,  
McClain, McMillin, McNamara, Messmer, Morris, Moses, Neese,  
Niezgodski, Noe, Pelath, Pflum, Pierce, Pond, Porter, Pryor, Reske,  
Rhoads, Richardson, Riecken, Saunders, Smith M, Smith V, Soliday,  
Speedy, Stemler, Steuerwald, Stevenson, Sullivan, Summers,  
Thompson, Torr, Truitt, Turner, Ubelhor, VanDenburgh,  
VanNatter, Welch, Wesco, White, Wolkins, Yarde**

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\_\_\_\_\_, read first time and referred to Committee on

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20131570

2013

HC 1010/DI 11+



## HOUSE CONCURRENT RESOLUTION

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A CONCURRENT RESOLUTION urging the Indiana General Assembly to fly the POW/MIA flag in the House and Senate Chambers.

*Whereas, More than 83,000 Americans are missing from World War II, the Korean War, the Cold War, the Vietnam War, and the 1991 Gulf War;*

*Whereas, In 1990, the 101st Congress officially recognized the POW/MIA flag;*

*Whereas, Congress designated the flag as "the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia, thus ending the uncertainty for the families and the Nation" (Public Law 101-355);*

*Whereas, The POW/MIA flag has flown over the White House on National POW/MIA Recognition Day since 1982, and, with the exception of the American flag, the POW/MIA flag is the only flag to fly over the White House and continually over the Capitol rotunda; and*

*Whereas, The message of the POW/MIA flag is spread only when the flag is visible: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

1 SECTION 1. That the Indiana General Assembly is urged to fly the



- 1 POW/MIA flag in the House and Senate Chambers in accordance with
- 2 federal regulations in recognition of those still missing as a result of
- 3 armed conflicts around the world. The people of the state of Indiana
- 4 recognize the great sacrifice these brave men and women made for
- 5 their country and the sacrifices their families continue to make.



Page \_\_\_\_

**EXHIBIT 57, Concurrent Resolution of the House Urging the  
Legislative Council to Act**

See also "Concurrent Resolutions", page \_\_\_\_.

Introduced Version

**HOUSE CONCURRENT  
RESOLUTION No. \_\_\_\_\_**

**DIGEST OF INTRODUCED RESOLUTION**

A CONCURRENT RESOLUTION urging the Legislative Council  
to assign the topic of a sales tax holiday to the Commission on State  
Tax and Financing Policy.

**Steuerwald**

\_\_\_\_\_, read first time and referred to Committee on

20131858

2013

HC 1047/DI 11+



## HOUSE CONCURRENT RESOLUTION

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A CONCURRENT RESOLUTION urging the Legislative Council to assign the topic of a sales tax holiday to the Commission on State Tax and Financing Policy.

*Whereas, A sales tax holiday in Indiana during August would afford Hoosiers an opportunity to stretch limited budgets; and*

*Whereas, A sales tax holiday during this period would help families purchase clothing and school supplies for their children: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

1 SECTION 1. That the Legislative Council is urged to assign the  
2 topic of a sales tax holiday to the Commission on State Tax and  
3 Financing Policy.



Page \_\_\_\_

**EXHIBIT 58, Concurrent Resolution of the Senate Urging  
Congress to Act**

See also "Concurrent Resolutions", page \_\_\_\_.

Introduced Version

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**SENATE CONCURRENT  
RESOLUTION No. \_\_\_\_\_**

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DIGEST OF INTRODUCED RESOLUTION

A CONCURRENT RESOLUTION urging Congress to establish a  
memorial on the National Mall honoring Gulf War Veterans.

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**DELPH, PAUL**

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\_\_\_\_\_, read first time and referred to Committee on

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Introduced

Second Regular Session 118th General Assembly (2013)

**SENATE CONCURRENT  
RESOLUTION No. \_\_\_\_\_**

---

A CONCURRENT RESOLUTION urging Congress to establish a memorial on the National Mall honoring Gulf War Veterans.

*Whereas, Twenty years ago, the United States Armed Forces led allies in driving Saddam Hussein from Kuwait, restored confidence in our military, and stabilized a volatile energy market;*

*Whereas, A goal has been set to erect a permanent memorial in Washington, D.C. before the 25th anniversary, in 2016, to honor the men and women who gave the last full measure of devotion to their country;*

*Whereas, More than 600 Hoosiers participated in the heroic effort, ten of whom gave the ultimate sacrifice;*

*Whereas, Operation Desert Storm was the first major military operation for the United States since the Vietnam War, and the rapid and decisive American victory showcased the United States' military air supremacy;*

*Whereas, The overwhelming ground campaign was so swift, President George H. W. Bush called for a cease-fire only 100 hours after it began;*

*Whereas, In honor of the shared sacrifice and dedication of the men and women of the United States armed forces who*



*participated in Operation Desert Shield/Desert Storm, a permanent memorial should be erected in Washington, D.C.; and*

*Whereas, In order to honor the men and women who served in Operation Desert Shield and Operation Desert Storm and enhance public recognition of veterans who served, the Indiana General Assembly urges Congress to establish a permanent memorial to be constructed in Washington, D.C.: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

- 1           SECTION 1. The Indiana General Assembly urges Congress to
- 2           establish a memorial on the National Mall honoring Gulf War
- 3           Veterans.
- 4           SECTION 2. The Secretary of the Senate is hereby directed to
- 5           transmit a copy of this Resolution to the Indiana Congressional
- 6           Delegation and the National Desert Storm Memorial.



Page \_\_\_\_

**EXHIBIT 59, Committee Report of the Senate: Do Pass,  
Concurrent Resolution of the Senate, First Chamber**

See also "Post-Introductory Drafting", page \_\_\_\_.

# COMMITTEE REPORT

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## **MADAM PRESIDENT:**

**The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Concurrent Resolution No. 34, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution DO PASS.**

(Reference is made to Senate Concurrent Resolution 34 as introduced.)

Committee Vote: 8 Yeas, 0 Nays .

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**Senator Thomas Wyss, Chairperson**

Page \_\_\_\_\_

**EXHIBIT 60, Committee Report of the House: Do Pass,  
Concurrent Resolution of the House, First Chamber**

See also "Post-Introductory Drafting", page \_\_\_\_\_.

Adopted	Rejected
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## COMMITTEE REPORT

**YES: 9**  
**NO: 0**

**MR. SPEAKER:**

*Your Committee on Roads and Transportation, to which was referred House Concurrent Resolution 14, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.*

---

Representative Soliday



Page \_\_\_\_

**EXHIBIT 61, Joint Resolution of the Senate: Amendment of the  
Constitution of the State of Indiana, First Presentation**

See also "Joint Resolutions", page \_\_\_\_.

Introduced Version

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**SENATE JOINT  
RESOLUTION No. 2**

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DIGEST OF INTRODUCED RESOLUTION

**Citations Affected:** Article 7 of the Constitution of the State of Indiana.

**Synopsis:** Prohibition of certain mandates by courts. Provides that the supreme court, the court of appeals, a circuit court, or another court established by the general assembly may not issue a mandate, an order, or another writ requiring the state or a political subdivision of the state to expend money for the operation of any court of the state. This proposed amendment has not been previously agreed to by a general assembly.

**Effective:** This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

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**Boots**

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January 4, 2013, read first time and referred to Committee on Judiciary.

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Introduced

Second 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.

## SENATE JOINT RESOLUTION No. 2

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A JOINT RESOLUTION proposing an amendment to Article 7 of the Constitution of the State of Indiana concerning courts and court officers.

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

- 1 SECTION 1. The following amendment to the Constitution of the  
2 State of Indiana is proposed and agreed to by this, the One Hundred  
3 Eighteenth General Assembly of the State of Indiana, and is referred to  
4 the next General Assembly for reconsideration and agreement.  
5 SECTION 2. ARTICLE 7, SECTION 4 OF THE CONSTITUTION  
6 OF THE STATE OF INDIANA IS AMENDED TO READ AS  
7 FOLLOWS: Section 4. **(a)** The Supreme Court shall have no original  
8 jurisdiction except in **the following:**  
9 **(1)** Admission to the practice of law.  
10 **(2)** Discipline or disbarment of those admitted **to the practice of**  
11 **law.**  
12 **(3)** The unauthorized practice of law.



1           **(4) The discipline, removal, and retirement of justices and judges.**  
2           **(5) Supervision of the exercise of jurisdiction by the other courts**  
3           **of the State. and**  
4           **(6) Issuance of writs necessary or appropriate in aid of its**  
5           **jurisdiction.**  
6           **(b) The Supreme Court shall exercise appellate jurisdiction under**  
7           **such terms and conditions as specified by rules except that appeals**  
8           **from a judgment imposing a sentence of death shall be taken directly**  
9           **to the Supreme Court.**  
10          **(c) The Supreme Court shall have, in all appeals of criminal cases,**  
11          **the power to review all questions of law and to review and revise the**  
12          **sentence imposed.**  
13          **(d) The Supreme Court may not issue a mandate, an order, or**  
14          **another writ requiring the State or a political subdivision of the**  
15          **State to expend money for the operation of any court of the State.**  
16          SECTION 3. ARTICLE 7, SECTION 6 OF THE CONSTITUTION  
17          OF THE STATE OF INDIANA IS AMENDED TO READ AS  
18          FOLLOWS: Section 6. ~~Jurisdiction of Court of Appeals.~~ **(a) The Court**  
19          **shall have of Appeals has** no original jurisdiction, except that it may  
20          be authorized by rules of the Supreme Court to review directly  
21          decisions of administrative agencies.  
22          **(b) In all other cases, it the Court of Appeals shall exercise**  
23          **appellate jurisdiction under such terms and conditions as the Supreme**  
24          **Court shall specify by rules which shall, however, provide in all cases**  
25          **an absolute right to one appeal and to the extent provided by rule,**  
26          **review and revision of sentences for defendants in all criminal cases.**  
27          **(c) The Court of Appeals may not issue a mandate, an order, or**  
28          **another writ requiring the State or a political subdivision of the**  
29          **State to expend money for the operation of any court of the State.**  
30          SECTION 4. ARTICLE 7, SECTION 8 OF THE CONSTITUTION  
31          OF THE STATE OF INDIANA IS AMENDED TO READ AS  
32          FOLLOWS: Section 8. ~~Circuit Courts.~~ **(a) The Circuit Courts shall**  
33          **have such civil and criminal jurisdiction as may be prescribed by law.**  
34          **(b) A Circuit Court or another court established by the General**  
35          **Assembly may not issue a mandate, an order, or another writ**  
36          **requiring the State or a political subdivision of the State to expend**  
37          **money for the operation of any court of the State.**



**EXHIBIT 62, Joint Resolution of the House: Amendment to the  
Constitution of the State of Indiana, First Presentment**

See also "Joint Resolutions", page \_\_\_\_\_.

Introduced Version

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**HOUSE JOINT  
RESOLUTION No. 2**

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DIGEST OF INTRODUCED RESOLUTION

**Citations Affected:** Article 4 of the Indiana Constitution.

**Synopsis:** Redistricting. Provides that an affirmative vote of at least two-thirds of the members elected to the House of Representatives and the Senate is required to pass a redistricting bill. Requires the general assembly to establish legislative districts rather than apportion the number of senators and representatives in districts. This proposed amendment has not been agreed to by a general assembly.

**Effective:** This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

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**Bartlett**

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January 11, 2013, read first time and referred to Committee on Elections and Apportionment.

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Introduced

Second 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.

## HOUSE JOINT RESOLUTION No. 2

A JOINT RESOLUTION proposing an amendment to Article 4 of the Indiana Constitution concerning the general assembly.

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

1 SECTION 1. ARTICLE 4, SECTION 5 OF THE CONSTITUTION  
2 OF THE STATE OF INDIANA IS AMENDED TO READ AS  
3 FOLLOWS: Section 5. **(a)** The General Assembly elected during the  
4 year in which a federal decennial census is taken shall **do the**  
5 **following by law:**  
6 **(1)** Fix by law the number of Senators and Representatives. ~~and~~  
7 ~~apportion them among~~  
8 **(2)** **Establish** districts according to the number of inhabitants in  
9 each district, as revealed by that federal decennial census. The  
10 territory in each district shall be contiguous.  
11 **(b)** **Notwithstanding section 25 of this article, an affirmative**  
12 **vote of at least two-thirds of the members elected to each House is**  
13 **necessary to pass a bill to enact a law described in subsection (a).**





Page \_\_\_\_\_

**EXHIBIT 63, Joint Resolution of the House: Amendment to the  
Constitution of the State of Indiana, Second Presentment**  
See also "Joint Resolutions", page \_\_\_\_\_.

January 5, 2013

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# HOUSE JOINT RESOLUTION No. 1

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DIGEST OF HJ0001 (Updated December 15, 2012 8:24 am - DI 11)

**Citations Affected:** Article 10, Section 1 of the Constitution of the State of Indiana.

**Synopsis:** Circuit breakers and other property tax matters. Requires, for property taxes first due and payable in 2013 and thereafter, the general assembly to limit a taxpayer's property tax liability as follows: (1) A taxpayer's property tax liability on homestead property may not exceed 1% of the gross assessed value of the homestead property. (2) A taxpayer's property tax liability on other residential property may not exceed 2% of the gross assessed value of the other residential property. (3) A taxpayer's property tax liability on agricultural land may not exceed 2% of the gross assessed value of the property that is the basis for the determination of the agricultural land. (4) A taxpayer's property tax liability on other real property may not exceed 3% of the gross assessed value of the other real property. (5) A taxpayer's property tax  
(Continued next page)

**Effective:** This proposed amendment must be agreed to by a second general assembly and ratified by a majority of the state's voters voting on the question to be effective.

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## Crawford

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November 17, 2012, read first time and referred to Committee on Ways and Means.  
January 5, 2013, reported — Do Pass.

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HJ 1—HJ 9204/DI 11+



**EXHIBIT 63, CONTINUED**

Digest Continued

liability on personal property may not exceed 3% of the gross assessed value of the taxpayer's personal property that is the basis for the determination of property taxes within a particular taxing district. Specifies that property taxes imposed after being approved by the voters in a referendum shall not be considered for purposes of calculating the limits to property tax liability under these provisions. Provides that in the case of a county for which the general assembly determines in 2010 that limits to property tax liability are expected to reduce in 2012 the aggregate property tax revenue that would otherwise be collected by all units and school corporations in the county by at least 20%, the general assembly may provide that property taxes imposed in the county to pay debt service or make lease payments for bonds or leases issued or entered into before July 1, 2010, shall not be considered for purposes of calculating the limits to property tax. This proposed amendment has been agreed to by one general assembly.



January 5, 2013

Second 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 and Special Sessions of the General Assembly.

## HOUSE JOINT RESOLUTION No. 1

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A JOINT RESOLUTION proposing an amendment to Article 10, Section 1 of the Constitution of the State of Indiana concerning taxation.

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

- 1 SECTION 1. The following proposed amendment to the
- 2 Constitution of the State of Indiana, which was agreed to by the One
- 3 Hundred Seventeenth General Assembly of the State of Indiana and
- 4 referred to this General Assembly for reconsideration and agreement,
- 5 is agreed to by this the One Hundred Eighteenth General Assembly of
- 6 the State of Indiana.
- 7 SECTION 2. ARTICLE 10, SECTION 1 OF THE CONSTITUTION
- 8 OF THE STATE OF INDIANA IS AMENDED TO READ AS
- 9 FOLLOWS: Section 1. (a) **Subject to this section**, the General
- 10 Assembly shall provide, by law, for a uniform and equal rate of
- 11 property assessment and taxation and shall prescribe regulations to
- 12 secure a just valuation for taxation of all property, both real and

HJ 1—HJ 9204/DI 11+



- 1 personal.
- 2 **(b) A provision of this section permitting the General Assembly**
- 3 **to exempt property from taxation also permits the General**
- 4 **Assembly to exercise its legislative power to enact property tax**
- 5 **deductions and credits for the property. The General Assembly**
- 6 **may impose reasonable filing requirements for an exemption,**
- 7 **deduction, or credit.**
- 8 **(c) The General Assembly may exempt from property taxation any**
- 9 **property in any of the following classes:**
- 10 (1) Property being used for municipal, educational, literary,
- 11 scientific, religious, or charitable purposes.
- 12 (2) Tangible personal property other than property being held as
- 13 an investment.
- 14 (3) Intangible personal property.
- 15 (4) Tangible ~~real~~ property, including curtilage, used as a principal
- 16 place of residence by an:
  - 17 (A) owner of the property;
  - 18 (B) individual who is buying the tangible ~~real~~ property under
  - 19 a contract; or
  - 20 (C) individual who has a beneficial interest in the owner of the
  - 21 tangible ~~real~~ property.
- 22 ~~(b)~~ **(d) The General Assembly may exempt any motor vehicles,**
- 23 **mobile homes (not otherwise exempt under this section), airplanes,**
- 24 **boats, trailers, or similar property, provided that an excise tax in lieu of**
- 25 **the property tax is substituted therefor.**
- 26 **(e) This subsection applies to property taxes first due and**
- 27 **payable in 2013 and thereafter. The following definitions apply to**
- 28 **subsection (f):**
- 29 (1) "Other residential property" means tangible property
- 30 (other than tangible property described in subsection (c)(4))
- 31 that is used for residential purposes.
- 32 (2) "Agricultural land" means land devoted to agricultural
- 33 use.
- 34 (3) "Other real property" means real property that is not
- 35 tangible property described in subsection (c)(4), is not other
- 36 residential property, and is not agricultural land.
- 37 **(f) This subsection applies to property taxes first due and**
- 38 **payable in 2012 and thereafter. The General Assembly shall, by**
- 39 **law, limit a taxpayer's property tax liability as follows:**
- 40 (1) A taxpayer's property tax liability on tangible property
- 41 described in subsection (c)(4) may not exceed one percent
- 42 (1%) of the gross assessed value of the property that is the



1 basis for the determination of property taxes.  
2 (2) A taxpayer's property tax liability on other residential  
3 property may not exceed two percent (2%) of the gross  
4 assessed value of the property that is the basis for the  
5 determination of property taxes.  
6 (3) A taxpayer's property tax liability on agricultural land  
7 may not exceed two percent (2%) of the gross assessed value  
8 of the land that is the basis for the determination of property  
9 taxes.  
10 (4) A taxpayer's property tax liability on other real property  
11 may not exceed three percent (3%) of the gross assessed value  
12 of the property that is the basis for the determination of  
13 property taxes.  
14 (5) A taxpayer's property tax liability on personal property  
15 (other than personal property that is tangible property  
16 described in subsection (c)(4) or personal property that is  
17 other residential property) within a particular taxing district  
18 may not exceed three percent (3%) of the gross assessed value  
19 of the taxpayer's personal property that is the basis for the  
20 determination of property taxes within the taxing district.  
21 (g) This subsection applies to property taxes first due and  
22 payable in 2013 and thereafter. Property taxes imposed after being  
23 approved by the voters in a referendum shall not be considered for  
24 purposes of calculating the limits to property tax liability under  
25 subsection (f).  
26 (h) As used in this subsection, "eligible county" means only a  
27 county for which the General Assembly determines in 2010 that  
28 limits to property tax liability as described in subsection (f) are  
29 expected to reduce in 2012 the aggregate property tax revenue that  
30 would otherwise be collected by all units of local government and  
31 school corporations in the county by at least twenty percent (20%).  
32 The General Assembly may, by law, provide that property taxes  
33 imposed in an eligible county to pay debt service or make lease  
34 payments for bonds or leases issued or entered into before July 1,  
35 2010, shall not be considered for purposes of calculating the limits  
36 to property tax liability under subsection (f). Such a law may not  
37 apply after December 31, 2021.





Page \_\_\_\_

**EXHIBIT 64, Vehicle Bill for a Joint Resolution  
(Similar form is used for the House.)**

See also "Vehicle Bills", page \_\_\_\_.

Introduced Version

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**SENATE JOINT  
RESOLUTION No. 8**

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DIGEST OF INTRODUCED RESOLUTION

**Citations Affected:** The Constitution of the State of Indiana.

**Synopsis:** Vehicle joint resolution. This proposed amendment has not been previously agreed to by a general assembly.

**Effective:** This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

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**Long**

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January 4, 2013, read first time and referred to Committee on Rules and Legislative Procedure.

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Introduced

Second 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.

## SENATE JOINT RESOLUTION No. 8

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A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana.

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

1 SECTION 1. The following amendment to the Constitution of the  
2 State of Indiana is proposed and agreed to by this, the One Hundred  
3 Eighteenth General Assembly of the State of Indiana, and is referred to  
4 the next General Assembly for reconsideration and agreement.

5 SECTION 2. **The Constitution of the State of Indiana is**  
6 **amended.**





Page \_\_\_\_

**EXHIBIT 65, Joint Resolution of the House: Requesting that  
Congress Call a Constitutional Convention**

See also "Joint Resolutions", page \_\_\_\_.

Introduced Version

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**HOUSE JOINT  
RESOLUTION No. 10**

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DIGEST OF INTRODUCED RESOLUTION

**Citations Affected:** Article III, Sections 1 through 3 of the United States Constitution.

**Synopsis:** Length of federal judge service. Requests Congress to call a constitutional convention to propose an amendment to the Constitution of the United States to limit the length of service of the members of the federal judiciary, and for no other purpose.

**Effective:** A constitutional convention is called when two-thirds of the state legislatures make application to the Congress to call a constitutional convention to consider an amendment to the Constitution of the United States.

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**Jones**

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January 11, 2013, read first time and referred to Committee on Rules and Legislative Procedure.

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Introduced

Second 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.

# HOUSE JOINT RESOLUTION No. \_\_\_\_



A JOINT RESOLUTION requesting Congress to call a constitutional convention for the purpose of proposing an amendment to the Constitution of the United States concerning the length of service of the members of the federal judiciary.

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

- 1 SECTION 1. That the General Assembly of the State of Indiana
- 2 makes application to the Congress of the United States for a convention
- 3 under Article V of the Constitution of the United States for the specific
- 4 and exclusive purpose of proposing an amendment to the Constitution
- 5 of the United States to limit the length of service of the members of the
- 6 federal judiciary, and for no other purpose.
- 7 SECTION 2. That certified copies of this resolution be sent to the
- 8 presiding officers of the Congress of the United States, to the Secretary
- 9 of the Senate and the Clerk of the United States House of
- 10 Representatives, to the presiding officer of each chamber of each state
- 11 legislature in the United States, and to the members of the Congress of
- 12 the United States from Indiana.





Page \_\_\_\_

**EXHIBIT 66, Joint Resolution of the Senate: Ratifying an  
Amendment to the Constitution of the United States**

See also "Joint Resolutions", page \_\_\_\_.

Introduced Version

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**SENATE JOINT  
RESOLUTION No. \_\_\_\_**

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DIGEST OF INTRODUCED RESOLUTION

**Citations Affected:** Article 57, Sections 1 through 3 of the United States Constitution.

**Synopsis:** Equal rights amendment. Provides for the ratification of the proposed amendment to the Constitution of the United States relative to equal rights for men and women.

**Effective:** The United States Constitutional amendment must be ratified by three-fourths of the states to be effective.

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**Johnson**

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January 4, 2013, read first time and referred to Committee on Rules and Legislative Procedure.

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Introduced

Second 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.

## SENATE JOINT RESOLUTION No. \_\_\_\_

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A JOINT RESOLUTION for ratification of the proposed amendment to the Constitution of the United States concerning equal rights for men and women.

*Whereas, Both Houses of the One Hundredth Congress of the United States of America, at the second session of that Congress, adopted a Joint Resolution proposing to amend the Constitution of the United States in the following words:*

### "JOINT RESOLUTION

*Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:*

### ARTICLE 57

*Section 1. Equality of rights under the law shall not be denied or*



*abridged by the United States or by any State or account of sex.*

*Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.*

*Section 3. This amendment shall take effect two years after the date of ratification."*

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

1           SECTION 1. That this proposed amendment of the Constitution of  
2 the United States of America is ratified by the General Assembly of the  
3 State of Indiana.

4           SECTION 2. That certified copies of this joint resolution be  
5 forwarded by the governor of Indiana to the Administrator of General  
6 Services, as required by 1 U.S.C. 106(b), as well as to the Secretary of  
7 State of the United States, to the President of the United States Senate,  
8 and to the Speaker of the House of Representatives of the United  
9 States.



Page \_\_\_\_

**EXHIBIT 67, Committee Report of the Senate: Do Pass Amended  
on a Joint Resolution of the Senate, Introduced Version**

See also "Post-Introductory Drafting", page \_\_\_\_.



# COMMITTEE REPORT

**MADAM PRESIDENT:**

**The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Joint Resolution No. 9, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution be AMENDED as follows:**

- 1           Page 1, delete line 8 and insert: "**and production of maple syrup**
- 2           **by residents of Indiana is an important historic aspect of our**
- 3           **state's culture**".
- 4           (Reference is to SJR 9 as introduced.)

**and when so amended that said resolution do pass.**

Committee Vote: Yeas 8, Nays 0.

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**Mishler**

**Chairperson**

Page \_\_\_\_

**EXHIBIT 68, Motion of the Senate: Joint Resolution of the Senate,  
Second Reading**

See also "Post-Introductory Drafting", page \_\_\_\_.

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Joint Resolution 1 be amended to read as follows:

- 1 Page 3, delete lines 15 through 42.
- 2 Page 4, delete lines 1 through 34.
- 3 Page 6, line 41, delete "subject to confirmation by the" and insert
- 4 **"by standing for election as provided in Article 7".**
- 5 Page 6, delete line 41.
- 6 Page 7, line 1, delete "vacancy as provided in Article 7, Section
- 7 10".
- 8 Page 7, after line 6, begin a new paragraph and insert:
- 9 **"A term in office served by a justice of the Supreme Court or**
- 10 **judge of the Court of Appeals before the amendments to Article 7**
- 11 **of the Constitution of the State of Indiana, as amended by this joint**
- 12 **resolution, are approved by the voters of Indiana is not considered**
- 13 **to be a full term for purposes of Article 7, Section 4 of the**
- 14 **Constitution of the State of Indiana or Article 7, Section 5 of the**
- 15 **Constitution of the State of Indiana, both as amended by this joint**
- 16 **resolution."**
- 17 SECTION 2. ARTICLE 7, SECTION 10 OF THE
- 18 CONSTITUTION OF THE STATE OF INDIANA IS REPEALED.
- 19 Renumber all SECTIONS consecutively.  
(Reference is to SJR 1 as printed February 25, 2013.)

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Senator DROZDA

Page \_\_\_\_

**EXHIBIT 69, Motion of the House: Engrossed Joint Resolution  
of the House, Second Reading**

See also "Post-Introductory Drafting", page \_\_\_\_.

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

**MR. SPEAKER:**

I move that Engrossed House Joint Resolution 4 be amended to read as follows:

- 1 Page 1, line 7, after "38." insert **"(a)"**.
  - 2 Page 1, line 8, delete "are" and insert **"is"**.
  - 3 Page 1, after line 11, begin a new paragraph and insert:
  - 4 **"(b) State and political subdivisions shall have the power to**
  - 5 **provide appropriate regulation to protect the public safety and**
  - 6 **prohibit inhumane forms of hunting. Appropriate government**
  - 7 **regulation may be proscribed or adopted by the state or executive**
  - 8 **branch agencies or political subdivisions acting by virtue of the**
  - 9 **authority of the General Assembly."**
- (Reference is to HJR 4 as printed January 20, 2013.)

\_\_\_\_\_  
Representative Orentlicher

Second 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 and Special Sessions of the General Assembly.

## **HOUSE ENROLLED JOINT RESOLUTION No. 1**

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A JOINT RESOLUTION proposing an amendment to Article 10, Section 1 of the Constitution of the State of Indiana concerning taxation.

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

SECTION 1. The following proposed amendment to the Constitution of the State of Indiana, which was agreed to by the One Hundred Seventeenth General Assembly of the State of Indiana and referred to this General Assembly for reconsideration and agreement, is agreed to by this the One Hundred Eighteenth General Assembly of the State of Indiana.

SECTION 2. ARTICLE 10, SECTION 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 1. (a) **Subject to this section**, the General Assembly shall provide, by law, for a uniform and equal rate of property assessment and taxation and shall prescribe regulations to secure a just valuation for taxation of all property, both real and personal.

**(b) A provision of this section permitting the General Assembly to exempt property from taxation also permits the General Assembly to exercise its legislative power to enact property tax deductions and credits for the property. The General Assembly**

HJ 1+



may impose reasonable filing requirements for an exemption, deduction, or credit.

(c) The General Assembly may exempt from property taxation any property in any of the following classes:

- (1) Property being used for municipal, educational, literary, scientific, religious, or charitable purposes.
- (2) Tangible personal property other than property being held as an investment.
- (3) Intangible personal property.
- (4) Tangible real property, including curtilage, used as a principal place of residence by an:
  - (A) owner of the property;
  - (B) individual who is buying the tangible real property under a contract; or
  - (C) individual who has a beneficial interest in the owner of the tangible real property.

(d) The General Assembly may exempt any motor vehicles, mobile homes (**not otherwise exempt under this section**), airplanes, boats, trailers, or similar property, provided that an excise tax in lieu of the property tax is substituted therefor.

(e) **This subsection applies to property taxes first due and payable in 2012 and thereafter. The following definitions apply to subsection (f):**

- (1) **"Other residential property" means tangible property (other than tangible property described in subsection (c)(4)) that is used for residential purposes.**
- (2) **"Agricultural land" means land devoted to agricultural use.**
- (3) **"Other real property" means real property that is not tangible property described in subsection (c)(4), is not other residential property, and is not agricultural land.**

(f) **This subsection applies to property taxes first due and payable in 2012 and thereafter. The General Assembly shall, by law, limit a taxpayer's property tax liability as follows:**

- (1) **A taxpayer's property tax liability on tangible property described in subsection (c)(4) may not exceed one percent (1%) of the gross assessed value of the property that is the basis for the determination of property taxes.**
- (2) **A taxpayer's property tax liability on other residential property may not exceed two percent (2%) of the gross assessed value of the property that is the basis for the determination of property taxes.**



**(3) A taxpayer's property tax liability on agricultural land may not exceed two percent (2%) of the gross assessed value of the land that is the basis for the determination of property taxes.**

**(4) A taxpayer's property tax liability on other real property may not exceed three percent (3%) of the gross assessed value of the property that is the basis for the determination of property taxes.**

**(5) A taxpayer's property tax liability on personal property (other than personal property that is tangible property described in subsection (c)(4) or personal property that is other residential property) within a particular taxing district may not exceed three percent (3%) of the gross assessed value of the taxpayer's personal property that is the basis for the determination of property taxes within the taxing district.**

**(g) This subsection applies to property taxes first due and payable in 2012 and thereafter. Property taxes imposed after being approved by the voters in a referendum shall not be considered for purposes of calculating the limits to property tax liability under subsection (f).**

**(h) As used in this subsection, "eligible county" means only a county for which the General Assembly determines in 2008 that limits to property tax liability as described in subsection (f) are expected to reduce in 2010 the aggregate property tax revenue that would otherwise be collected by all units of local government and school corporations in the county by at least twenty percent (20%). The General Assembly may, by law, provide that property taxes imposed in an eligible county to pay debt service or make lease payments for bonds or leases issued or entered into before July 1, 2008, shall not be considered for purposes of calculating the limits to property tax liability under subsection (f). Such a law may not apply after December 31, 2019.**



**EXHIBIT 71, Checklist for Preparing Revivals**

Do not assume that a bill is ready for introduction merely because it was introduced in a prior legislative session. The fact that a bill was introduced and not passed could mean that it was rejected due to flaws in the draft. Remember that a "revival" deserves as much thoughtful analysis and attention to detail as a "new" bill request. Think of a "revival" as a good starting point, not as a completed project that merely needs to be logged in.

Always do the following before logging in a "revival":

1. Check each Indiana Code section in the bill to make sure it hasn't been amended or repealed.
2. Check all internal references in the bill to make sure they haven't been amended or repealed.
3. Make sure that the Code placement of each Indiana Code section is correct. If a new chapter, section, etc., is being added in the draft, be sure that a chapter, section, etc., has not already been added at the same Code location.
4. Revise all effective dates and make sure an effective date appears in brackets in each lead-in line. Double check to make sure there's an emergency clause at the end of the document if an emergency clause is needed. An emergency clause will be needed if any SECTION in the bill takes effect upon passage, retroactively, before June 30, 20\_\_ (for a bill introduced during a long session), or before May 15, 20\_\_ (for a bill introduced during a short session).
5. Read through the "revival" to be sure it makes sense.
6. Correct technical errors in compliance with the Drafting Manual.
7. If the bill can be improved, inform the legislator of this fact before making the improvements so that he or she is not "blind-sided". Usually, legislators are pleased to have improvements made to "revivals".
8. Remember that the effective date [EFFECTIVE JULY 1, 20\_\_] should appear in the lead-in line for SECTIONS that are to take effect on the standard effective date.

Page \_\_\_\_

**EXHIBIT 72, Determining the Latest Version of a Noncode Provision**

See also "Noncode Provisions", page \_\_\_\_.

Before amending a Noncode provision enacted in 2001 or earlier, to make sure that the provision has not been amended, check the following:

1. The Session Law Disposition Table in Volume 13 of the 1998 Edition of the Indiana Code.
2. The Session Law Disposition Table in Volume 3 of the 2001 Supplement to the Indiana Code.
3. The Table of Citations Affected in Volume 1 of the 2004 Edition of the Indiana Code, the 2005 Replacement Volume for Titles 1 to 3 of the Indiana Code, and each supplement to the Indiana Code after 2001.

Before amending a Noncode provision enacted in 2002 or later, the drafter should check the Table of Citations Affected in the Indiana Code and Indiana Code Supplement for each year after the year of enactment to make sure the provision has not been amended.

Legislative services agency attorneys should check their work using Folio to ascertain that the latest version of the Noncode provision being amended is used.

Page \_\_\_\_

**EXHIBIT 73, Checklist for Preparing Amendments, Motions, and  
Committee Reports**

See also "Post-Introductory Drafting", page \_\_\_\_.

Here are some reminders that, if followed, will result in quality documents that can be processed quickly and smoothly. **Please remember that attention to detail is very important when preparing amendments, motions, and committee reports.**

1. Use the latest version of the bill. Legislators will often ask for a second reading amendment right after a committee meeting. You need to wait until the committee report is adopted and a new version of the bill is printed before drafting the second reading amendment.
2. Give OCR the true time a document is needed. This is very important. OCR constantly reorders the work flow based upon deadlines. Don't put your fellow drafters at a disadvantage by requesting work earlier than is necessary.
3. If your document is a **CLONE** of another document or is **BASED ON** another document, let OCR know. This will save a lot of time and avoid duplication of work. It can also help avoid creation of differing versions for two documents that should be the same.
4. Remember to type **STRICKEN TEXT BEFORE BOLD TEXT**.  
E.g. before ~~August~~ **July** 1 of each year  
NOT before **July** ~~August~~ 1 of each year
5. Don't delete text that appears in existing law. Use the **strike** command only.
6. Don't delete and reinsert in roman any text that appears in existing law. (There are exceptions--when changing the first letter in one word from upper case to lower case or vice versa and when adding or removing punctuation.)
7. Show proper indentation and designation.
8. Make sure that a period appears at the end of each sentence and at the end of each command.
9. Punctuation should appear in the **SAME TYPEFACE** as the preceding word. Resetting a stricken word may require the punctuation to be reset also, including adding back punctuation that the bill may have deleted.
10. **CHECK THE DAILY ACTION FILE** for legal and technical problems in the bill you are amending. Try to take care of these problems in your amendment or committee report.
11. **CHECK THE DAILY ACTION FILE** for unincorporated amendments. Remember to reference all unincorporated amendments in the reference line. An unincorporated amendment is an amendment that has been adopted, but has not been included in the latest printing of a bill.
12. Check to see if a title amendment is needed.
13. Quotation marks go at the beginning and end of material added to or deleted from a bill. Title amendments and Delete Everything do not have quotation marks. Note that Title amendments and Delete Everything commands are the only commands that should contain the phrase "insert the following:".

**EXHIBIT 73, CONTINUED**

14. When inserting a new line of text with indentation or changing the indentation, show the text with the appropriate indentation (i.e., blocked left, paragraph, block indented, double block indented, or triple block indented).  
For example:  
Page 3, between lines 8 and 9, begin a new line block indented and insert:  
**"(3) Other vector abatement programs."**  
Note that in this example the indented text is preceded by "insert:".
15. When inserting new text in a line without changing the indentation, merely insert the text without using "the following:" or a ":".  
For example:  
Page 4, line 2, after "rat" insert **"day"**.
16. When inserting bold text in a line and also bold indentation immediately following, insert without using "the following:" or a ":" but do show the proper indentation.  
For example:  
Page 6, line 7, after "day" insert **"explaining the importance of destroying:  
(1) rats; and  
(2) mice."**
17. When adding or deleting SECTIONS in a bill, remember to check the effective dates for possible revision and remember to renumber the SECTIONS. The "Renumber all SECTIONS consecutively" command should appear immediately before the reference line.
18. Make sure that the bill you're amending has an emergency clause at the end if any SECTION of the bill will take effect before June 30, 20\_\_ (for a bill introduced during the long session) or before May 15, 20\_\_ (for a bill introduced during the short session).
19. Make sure each SECTION in the bill (other than the emergency clause SECTION) has a specific effective date.

**Many problems and delays in the processing of your documents are caused by errors and omissions in the documents that cause the computerized logging system to fail.**

**The most common things that cause problems with the log are:**

1. a missing reference line or missing [TAB] before the reference line;
2. tab sets at the beginning of the AM or CR;
3. more than one source box or wrong source box;
4. a document reflects a CR when it should be an AM or an AM when it should be a CR;
5. too many 00's in a document name; and
6. logging a document under wrong bill number.

**EXHIBIT 74, Preferred Spelling List**

able-bodied  
accessIndiana  
adviser  
AIDS related (no hyphen)  
acknowledgement  
aesthetic  
ancillary  
"anti" words, all one word  
archeology  
areawide (adj)  
armed forces of the United States (BUT see  
**Capitalization**, page \_\_\_\_, for specific rules)  
arms length  
asbestos containing material  
at-large (at-large member) BUT at large (member at large)  
at-risk student/children  
attorney general  
attorney in fact  
attorney's fees  
auditor of state (NOT state auditor)  
auxiliary (adj)

Barrett Law  
benefiting  
biweekly  
boarding house  
budget agency (NOT state budget agency)  
budget committee (NOT state budget committee)  
budget director (NOT state budget director)  
budget making  
build-up (n)  
bylaws  
byproduct  
bypass

cancelable  
canceled  
canceling  
cancellation (NOTE: "ll")  
cannot  
child care  
child caring  
child placing  
clean-up (n)  
"co" words, all one word, except "co-op" and "co-owner"  
common law (NOT common-law)  
community based  
Constitution of the State of Indiana (NOT Indiana  
Constitution OR constitution of the state of Indiana  
OR state constitution)  
Constitution of the United States (BUT United States  
Constitution in joint resolutions)

cost sharing  
countywide  
course work  
court appointed  
cross-examine  
cross-reference  
cut-off (n)

data base (NOT database)  
day care (NOT daycare)  
day care center (NOT nursery)  
days notice (NOT days' notice)  
decision maker  
decision making  
degrees: bachelor's, master's  
DeKalb County  
department of correction (NOT corrections)  
disk (when used with computer)  
driver's license  
drug store (two words in Title 7.1)

electronic mail (NOT e-mail)  
electronic mail address  
endorse (not indorse)  
ensure (to make sure)  
even-numbered (NOT even numbered)  
existence

face-to-face  
facsimile (NOT fax)  
factfinding  
factfinder  
federal (NOT Federal unless part of name)  
field examiners retirement fund (NO apostrophe)  
firefighter  
firefighting (NOT fire fighting)  
fire-resistant  
first class; second class (NOT first-class; second-class)  
follow-up (adj. noun)  
foot-candle  
forego (meaning "to go before" or "precede")  
forgo (meaning "to abstain from" or "relinquish")  
for-profit (adj) (for-profit corporation) BUT for profit  
(operated for profit)  
four-wheel (NOT 4-wheel OR four (4) wheel)  
freshwater  
full-time (adj) (full-time mayor) BUT full time (employed  
full time)  
fundraising

general assembly (cap only if preceded by a number)  
good will

**EXHIBIT 74, CONTINUED**

ground water BUT wastewater	municipally owned (NO hyphen)
"h" is preceded by "a" if the "h" is sounded and "an" if the "h" is silent (ex: "a" historical BUT "an" hour)	next-of-kin
hand held	no-fault
Hoosier	"non" words, all one word
	noncertification
"in" words, as a prefix, all one word	nonoccurrence
Indiana: see "state", below	nonprofit
Indiana law (NOT law of Indiana)	nonresident
Indiana National Guard	nonvoting
Indiana Rules of Civil Procedure	not-for-profit
Indiana Rules of Trial Procedure	
Indiana State Teachers' Retirement Association	odd-numbered (NOT odd numbered)
Indiana state teachers' retirement fund	off duty (NOT off-duty)
inpatient	off-road (NOT off road or offroad)
inservice	off-side
in-state	offsite
inter (hyphenate with joining word ONLY if joining a word that begins with a capital letter (ex: "inter-European"))	on-board
Internet	one-hundredth (BUT twenty-five hundredths)
Interstate Commerce Commission (NOT lower case because federal)	one-fourth
intra (hyphenate with joining word ONLY if joining a word that begins with an "a" or a capital letter (ex: "inter-European"))	ongoing
	online
judgment (NOT judgement)	on-premises
	onsite
kindergarten through grade 9 (NOT kindergarten through ninth grade)	ordinals DO NOT have same (ex: "fifth" has no "(5)")
knowledgeable	"out" words, as a prefix, all one word
Korean Conflict	out-of-pocket
	out-of-state (adj) (otherwise, "out of state"; "outside Indiana" is a better option.)
landowner (one word)	outpatient
large scale	
latch key (child)	paper wrapped
law abiding (NOT lawabiding OR law-abiding)	parent/teacher
lay person	pari-mutuel
lease-purchase	part-time (adj) (part-time firefighter) BUT part time (employed part time)
life threatening	phase out
long range	physician assistant (no apostrophe)
long term (NOT long-term)	pocket card
	point type (ex: NOT ten-point type OR ten (10) point type OR ten (10) point font)
makeup (n) BUT make up (v)	take-off (n)
marshal (one "l")	policyholder
Medicaid	policy making
Medicare	pollbook
micro-organisms	postgraduate
military and veteran affairs commission	postmortem
"mini" words, all one word	post office (NOT postoffice)
month old (ex. five (5) month old contract)	postsecondary
"multi" words, all one word	"pre" words, all one word
multiple county (NOT multi-county OR multicounty)	precombustion
multiple purpose (NOT multi-purpose OR multipurpose)	preexist
	preferred
	primetime (NOT prime-time)
	prosecuting attorneys retirement fund

**EXHIBIT 74, CONTINUED**

public employees' retirement fund  
pupil/teacher  
"quasi" words, all hyphenated (ex: quasi-public)

racetrack  
"re" words, all one word  
record keeping  
reenroll (NOT re-enroll)  
referred  
right-of-way (plural is rights-of-way NOT right-of-ways)  
risk based  
rulemaking  
runoff (noun or adj) BUT run off (verb)  
run-on

school age  
school bus  
school children  
school related  
school room  
second class  
secondhand (adj) BUT second hand (n)  
"self" words, as a prefix, all hyphenated  
self-employment (NOT self employment)  
self-insurer (NOT self insurer)  
semiannual  
semiskilled  
semitrailer (NO hyphen)  
set aside  
sex-linked (use hyphen only when used as an adj)  
short term  
sign up  
single-member (as in single-member district)  
smoke free (NO hyphen)  
Social Security  
"state" is used if political BUT "Indiana" is used if  
geographical (NOT state of Indiana unless "in the  
name of the state of Indiana" or in a legal action of the  
state of Indiana)

state owned  
state supported  
statewide  
storm water  
straightaway  
student athletes  
subbituminous  
supersede (NOT supercede)  
suspendible

take-off (n)  
telephone (NOT phone)  
textbook (NOT school book or schoolbook)  
time-out

time-share  
toll free  
treasurer of state (NOT state treasurer OR department of  
treasury)  
two-way (NOT 2-way OR two (2) way)

underinsured

vendor  
veteran: Indiana department of veterans' affairs; Indiana  
Veterans Home; United States Department of Veterans  
Affairs  
vice chairman  
vice chairperson  
vice president  
videotape  
Vietnam Conflict

wastewater (BUT ground water)  
weather tight  
web site  
well-being  
well-maintained  
willful  
willfully  
worker's compensation (NOT workmen's comp)  
workforce (NOT work force)  
workplace  
write-in

x-ray (lowercase x)

year old (ex. twenty (20) year old contract)  
years experience (NOT years' experience)

ZIP code

10 point type (NOT ten-point OR ten (10) point)

**EXHIBIT 75, Preferred Word List**

**AVOID**

accorded  
adequate number of  
afford an opportunity  
afforded  
aggregate  
all of the  
approximately  
at the time  
attains the age of  
attempt [as a verb]

by means of

category  
cease  
clarifies  
commence  
complete [as a verb]  
conceal  
consequence  
contiguous to  
corporation organized and existing  
    under the laws of Indiana  
court of competent jurisdiction

deem; deems; deemed  
donate  
during such time as  
during the course of

echelons  
effectuate; endeavor [as a verb]  
enter into a contract with  
enumerate  
equitable  
evince  
excessive number of  
expedite  
expend  
expiration

feasible  
for the duration of  
for the period of  
for the purpose of holding [or other  
    gerund]

**USE**

given  
enough  
allow; let  
given  
total [except in tax and school-related formulas]  
all the  
about  
when  
becomes...years of age  
try

by

kind; class; group  
stop  
specifies  
start, begin  
finish  
hide  
result  
next to  
  
Indiana corporation  
court; court with jurisdiction

a form of "consider" or "determine"  
give  
while  
during

levels  
carry out; try  
contract with  
count  
fair  
show  
too many  
hasten; speed up  
spend  
end

possible  
during  
for  
  
to hold [or comparable infinitive]

**EXHIBIT 75, OONTINUED**

**AVOID**

for the reason that  
forthwith  
frequently  
fully complies

give consideration to

hereafter; henceforth  
heretofore

implement  
in case  
in cases in which

indicate [in the sense of "show"]  
in lieu of  
in order to  
in the event that  
in the interest of  
incumbent upon  
inquire  
institute  
interrogate  
is able to  
is applicable to  
is authorized  
is binding upon  
is empowered  
is unable to  
it shall be lawful

make payment  
manner  
maximum  
minimum  
modify

necessitate  
notwithstanding

obligate  
obtain  
occasion [as a verb]  
of a technical nature  
on the part of

**USE**

because  
immediately  
often  
complies

consider

after this...takes effect  
before this...takes effect

carry out  
if  
when; where [use "whenever" or "wherever" only when you need  
to emphasize the exhaustive or recurring applicability of the  
regulation]

show  
instead of; in place of  
to  
if  
for  
must  
ask  
begin; start  
question  
can  
applies to  
may  
binds  
may  
cannot  
may

pay  
way  
most; largest; greatest  
least; smallest  
change

require  
except as provided in [make sure the exception provision doesn't  
also say "except as provided in"--this would be circular]

bind; compel  
get  
cause  
technical  
by

**EXHIBIT 75, CONTINUED**

**AVOID**

**USE**

or, in the alternative

or

parameters

limits

period of time

period; time

portion

part

preserve

keep

prior

earlier

prior to

before

procure

obtain; get

promulgate

adopt

prosecute its business

carry on its business

provided [used as "if"]

if

provided that

however; if

provides guidance for

provides

provision of law

law

pursuant to

under

regulations

rules

render [in the sense of "cause to be"]

make

render [in the sense of "give"]

give

require [in the sense of "need"]

need

retain

keep

state of Indiana

Indiana [in describing the geographical entity]; state [in describing the political entity]; State of Indiana [in describing the legal entity]

subsequent to

after

sufficient number of

enough

summon

send for; call

The Congress

Congress

the manner in which

how

thereafter

after; which

time period

time; period

to the effect that

that

under the provisions of

under

until such time as

until

utilize; employ [in the sense of "use"]

use

with reference to

for

within or without Indiana

inside or outside Indiana

## EXHIBIT 76, Using Folio

Folio Views is an application that aids in searching the Indiana Code, Noncode, Indiana Constitution, past and current legislative documents, and other similar resources. Folio's Indiana Code and Noncode contents are updated during the interim after a legislative session, and both public and private legislative documents are updated throughout session.

By using the Folio application, we can:

1. make sure that a bill adding a new section is not adding a section that already exists in the Indiana Code;
2. make sure that a reference to a title, article, chapter, or section is accurate; and
3. search for terms and phrases, as well as citations, in the Indiana Code.

### To Search for a Term, Phrase, or Citation in the Indiana Code:

1. Open the Folio application.
2. When the list of available documents appears, click on "Indiana Code".
3. Open the "Search" tab located at the bottom left corner of the Folio window. Open the search window by clicking on the binoculars in the lower left corner of the screen or by pressing the F2 key.
4. In the "Advanced Query" box that opens, enter the term, phrase, or Indiana Code cite you are looking for. Use quotation marks around any words or phrases that should be grouped together. Use a hyphen between each number in an Indiana Code cite.

As you enter the Indiana Code cite number, term, or phrase, the Advanced Query box will show how many times the referenced query appears in the entire Indiana Code. If the referenced query does not occur at all, a result of "0" instances will appear.

5. To look at the results found through the search, click "OK" or tap the "return" key. This will bring up the first "hit" that was found. Each hit will be highlighted in blue. To see the next hit, click the "next hit" button on the button bar. [ >>] To see the previous hit, click the "previous hit" button. [<<]

The same search process can be performed in other searchable documents available in Folio. Simply click on the title or type of document to be searched, and follow steps 3 through 5.

### Sample Basic Search Commands

The search commands below allow for more sophisticated searches and more direct results. Note the variations in use of punctuation and conjunctions to receive different results.

#### Searching the Entire Indiana Code

1. **To search for sections that contain a specific word**, simply type in the word. The resulting hits will show all instances of the word.

**Example:** health

2. **To search for sections that contain two or more specific words**, type in the words. The resulting hits will show all instances of the words appearing in the same section but not necessarily next to each other.

**Example:** health department

3. **To search for sections that contain two or more specific words together**, type in the words and use quotation marks. The resulting hits will show all instances of the words appearing next to each other in the same section.

**Example:** "health department"

4. **To search for sections that contain either one specific word or another specific word**, include the word "or". The resulting hits will show all sections containing either one word or the other, but not both.

**Example:** health or department

5. **To search for sections that contain one specific word but do not contain another specific word**, include the "^" character. The resulting hits will show all sections containing one word but not the other.

**Example:** health ^ department

6. **To search for all forms of a particular word**, include an asterisk.

**Example:** health\*

The search command "health\*" will return hits such as the following: health, healthcare, healthful, healthy, etc.

7. **To search for all instances of particular Indiana Code cite**, type in the cite. It is not necessary to include "IC".

**Example:** 5-14-6-1

### **Searching a Particular Title, Article, Chapter, or Section of the Indiana Code**

There are two ways to search in a particular title, article, chapter, or section of the Indiana Code. The first requires the use of the "[group]" function, and the commands outlined above can be used with this function to further narrow a search. The "[group]" function permits searches of the Indiana Code titles, articles, and chapter, but it does not permit a search at the section level. The second way makes use of Folio's "Browse" tab, which permits searches of selected Indiana Code titles, articles, chapter, and sections.

#### **Searching by Use of the "[group]" Function**

The "[group]" function is available when the Folio "Search" tab is activated. As noted above, the "[group]" function permits searches within Indiana Code titles, articles, and chapters but does not permit searches within Indiana Code sections. To find a search term within a section while using the "[group]" function, search the chapter and scroll to the section or use the "next hit" button to skip to results in the section.

- 1. To search for a specific word or Indiana Code cite in a particular title**, use the function "[group]" with the title number and term to be located.

**Example:** [group 16] health

The search command "[group 16] health" will return all instances of the word "health" in Title 16.

- 2. To search for a specific word or Indiana Code cite in a particular article**, use the function "[group]" with the title and article number and the term to be located.

**Example:** [group 16-28] 5-14-6

The search command "[group 16] 5-14-6" will return all instances of the cite "IC 5-14-6" in IC 16-28.

- 3. To search for a specific word or Indiana Code cite in a particular chapter**, use the function "[group]" with the title, article, and chapter number and the term to be located.

**Example:** [group 16-28-2] "health department"

The search command "[group 16-28-2] "health department"" will return all instances of the term "health department" in IC 16-28-2.

### **Searching by Use of Folio's "Browse" Tab**

The Folio "Browse" tab permits a search of particular Indiana Code titles, articles, chapter, and sections that you select by using the drop down checkbox list on the left side of the Folio window. This search is best suited for searching for a particular word or phrase within a particular area of the Indiana Code.

1. Click the "Browse" tab to view the drop down checkbox list.
2. Check the Indiana Code cites or cites you want to search. You can select any or all titles, articles, chapters, and sections, or you can limit the search to a single section.
3. Follow the general Folio search directions outlined above (i.e. Open the search window by clicking on the binoculars in the lower left corner of the screen or by pressing the F2 key....").

Page \_\_\_\_

**EXHIBIT 77, Commonly Used Drafting Commands**

See also "DRAFTING TERMINOLOGY", page \_\_\_\_.

Note the use or omission of quotation marks and indentation in each sample command. Each command must end with a period. If quotation marks are used around the insertion, the period must go outside the closing quotation mark.

**To delete a bill title:**

Delete the title and insert the following:

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

**or**

A BILL FOR AN ACT concerning XX.

**To strip a bill:**

Delete everything after the enacting clause and insert the following:

SECTION 1. ...

**To delete an entire unincorporated amendment to a bill:**

Delete the amendment made on motion XX, adopted XX, 20\_\_.

**To replace effective dates:**

Replace the effective date in SECTION XX with "[EFFECTIVE XX]".

**or**

Replace the effective dates in SECTIONS XX through XX with "[EFFECTIVE XX]".

**To insert text:**

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"X XX".

Page XX, line XX, after "XX" insert "XX".

Page XX, after line XX, begin a new paragraph and insert:

"X XX".

Page XX, between lines XX and XX, begin a new paragraph and insert:

"X XX".

Page XX, between lines XX and XX, begin a new line blocked left and insert:

"X XX".

Page XX, between lines XX and XX, begin a new line block indented and insert:

"X XX".

Page XX, between lines XX and XX, begin a new line double block indented and insert:

"X XX".

Page XX, between lines XX and XX, begin a new line triple block indented and insert:

"X XX".

**To delete text:**

Page XX, line XX, delete "XX".

Page XX, line XX, after "XX" delete "XX".

Page XX, line XX, delete "XX" and insert "XX".

Page XX, delete line XX.

Page XX, line XX, delete "XX", begin a new line blocked left and insert:

"X XX".

Page \_\_\_\_

**EXHIBIT 77, CONTINUED**

Page XX, line XX, delete "XX", begin a new line block indented and insert:

"X XX".

Page XX, line XX, delete "XX", begin a new line double block indented and insert:

"X XX".

Page XX, line XX, delete "XX", begin a new line triple block indented and insert:

"X XX".

Page XX, delete lines XX through XX.

Page XX, delete lines XX through XX, begin a new paragraph and insert:

"X XX".

Page XX, delete lines XX through XX, begin a new line blocked left and insert:

"X XX".

Page XX, delete lines XX through XX, begin a new line block indented and insert:

"X XX".

Page XX, delete lines XX through XX, begin a new line double block indented and insert:

"X XX".

Page XX, delete lines XX through XX, begin a new line triple block indented and insert:

"X XX".

**To delete pages:**

Delete page XX.

Delete pages XX through XX.

**To strike text:**

Page XX, line XX, strike "XX".

Page XX, line XX, after "XX" strike "XX".

Page XX, strike line XX.

Page XX, strike lines XX through XX.

Page XX, line XX, strike "XX" and insert "XX".

**To change existing indentation:**

Page XX, line XX, beginning with "XX" begin a new line blocked left.

Page XX, line XX, beginning with "XX" begin a new paragraph.

Page XX, line XX, beginning with "XX" begin a new line block indented.

Page XX, line XX, beginning with "XX" begin a new line double block indented.

Page XX, line XX, beginning with "XX" begin a new line triple block indented.

**To reset stricken text in roman:**

Page XX, line XX, reset in roman "XX".

Page XX, reset in roman line XX.

Page XX, reset in roman lines XX through XX.

**To run in lines of text:**

Page XX, run in lines XX through XX.

Page XX, run in line 42 through page XX, line XX.

**To add an emergency clause:**

Page XX, after line XX, begin a new paragraph and insert:

"SECTION XX. An emergency is declared for this act."

**EXHIBIT 77, CONTINUED**

**To renumber the bill's SECTIONS:**

Renumber all SECTIONS consecutively.

**Various reference line formats:**

(Reference is to XX as introduced.)

(Reference is to XX as printed XX, 20\_\_.)

(Reference is to XX as reprinted XX, 20\_\_.)

(Reference is to XX as printed XX, 20\_\_, and as amended by the committee report of the committee of one adopted XX, 20\_\_.)

(Reference is to XX as printed XX, 20\_\_, and as amended on motion of XX adopted XX, 20\_\_.)

(Reference is to XX as printed XX, 20\_\_, and as corrected under Senate Rule 35(c) XX, 20\_\_.) \*

(Reference is to XX as printed XX, 20\_\_, and as corrected under House Rule 67 XX, 20\_\_.) \*

\* Be sure to check the rules of each chamber to verify the correct rule number.

**Effective date styles:**

[EFFECTIVE UPON PASSAGE]

[EFFECTIVE JULY 1, 20\_\_]

[EFFECTIVE JANUARY 1, 20\_\_ (RETROACTIVE)]

**EXHIBIT 78, Criminal Penalty Chart****EXPLANATION OF PENALTY PROVISIONS AND PROCEDURES IN THE INDIANA CODE**

Prepared by the Legislative Services Agency (Last Revised 8/2/12)

Note: This chart may have been revised since the publication of this Drafting Manual.

**CRIMINAL MATTERS**

CATEGORY	FIXED TERM OF IMPRISONMENT	MAXIMUM FINE	STATUTORY AUTHORITY <sup>5</sup>
Murder	45 to 65 years (55 years) <sup>1</sup> , Death Penalty, or Life Imprisonment without Parole	\$10,000 <sup>4</sup>	IC 35-50-2-3 IC 35-50-2-9
Class A Felony	20 to 50 years (30 years) <sup>1</sup>	\$10,000 <sup>4</sup>	IC 35-50-2-4
Class B Felony	6 to 20 years (10 years) <sup>1</sup>	\$10,000 <sup>4</sup>	IC 35-50-2-5
Class C Felony	2 to 8 years (4 years) <sup>1</sup> or Reduction to Class D felony <sup>2</sup>	\$10,000 <sup>4</sup>	IC 35-50-2-6 IC 35-50-2-6(b)
Class D Felony	6 months to 3 years (1.5 years) <sup>1</sup> or Reduction to Class A misdemeanor <sup>3</sup>	\$10,000 <sup>4</sup>	IC 35-50-2-7
Class A Misdemeanor	Up to 1 year	\$5,000 <sup>4</sup>	IC 35-50-3-2
Class B Misdemeanor	Up to 180 days	\$1,000 <sup>4</sup>	IC 35-50-3-3
Class C Misdemeanor	Up to 60 days	\$500 <sup>4</sup>	IC 35-50-3-4

**CIVIL MATTERS**

CATEGORY	FIXED TERM OF IMPRISONMENT	MAXIMUM FINE	STATUTORY AUTHORITY
Class A Infraction	None	\$10,000	IC 34-28-5-4(a)
Class B Infraction	None	\$1,000	IC 34-28-5-4(b)
Class C Infraction	None	\$500	IC 34-28-5-4(c)
Class D Infraction	None	\$25	IC 34-28-5-4(d)
Ordinance Violation	None	\$2,500 <sup>6</sup>	IC 36-1-3-8(a)(10)

**Felonies and misdemeanors are crimes (IC 35-31.5-2-75(a)). The difference between a crime and a civil matter, such as an infraction or ordinance violation, is that committing a crime is punishable by incarceration. Incarceration may not be imposed for an infraction or ordinance violation. See IC 34-28-5-4 (infractions) and IC 36-1-3-8(a)(9) (ordinances).**

1. The numbers in parentheses are advisory sentences. IC 35-50-2-1.3 provides that an advisory sentence means a guideline sentence that the court may consider as the midpoint between the maximum and minimum sentence.

2. The only Class C felony that is eligible for reduction to a Class D felony is nonsupport of a child under IC 35-46-1-5.

3. Certain crimes are not eligible for reduction to Class A misdemeanor. A prosecuting attorney may petition for a Class D felony reduced to a Class A misdemeanor to be converted back to a Class D felony if the person whose sentence was reduced is convicted of a felony within five years after the reduction.

4. IC 35-50-5-2 provides for an alternative fine equal to twice the offender's pecuniary gain or twice the pecuniary loss of the victim. IC 13-30-10 authorizes a court to impose fines of at least \$5,000 and not more than \$50,000 for each day of violation upon conviction for certain environmental crimes; repeat environmental offenders may be fined up to \$100,000 per day of violation.

5. Miscellaneous other statutes provide various sanctions in specific cases, including driver's license suspension (e.g., IC 9-30-5-10; IC 9-30-13), treble damages (IC 34-24-3), forfeiture (IC 34-24-1 and IC 34-24-2), home improvement fraud (IC 35-43-6-13), disenfranchisement (IC 35-50-5-1.1), restitution (IC 35-50-5-3), and lifetime parole (IC 35-50-6-1(e)). In addition, persons convicted of certain sex and violent offenses may be required to register as a sex or violent offender (IC 11-8-8-5).

6. The maximum civil judgment for violations of certain ordinances concerning air emissions is \$10,000. The maximum civil judgment for a second or subsequent violation of an ordinance is not more than \$7,500.

**EXHIBIT 79, Sample Formatting for Tables**

(This is not an exhaustive depiction of formatting styles.)

**Note: Do not use leader dots when formatting a table.**

(a) The amount paid to a member of the fund is determined as follows:

If a Member's Creditable Service Is:	The Amount Is:
At least 5 years, but less than 10 years (only in the case of a member receiving disability retirement benefits)	\$150
At least 10 years, but less than 20 years	\$275
At least 20 years, but less than 30 years	\$375
At least 30 years	\$450

(b) The percentage that may be used in calculating the deduction is as follows:

(1) For deductions allowed over a one (1) year period:	
YEAR OF DEDUCTION	PERCENTAGE
1st	100%
(2) For deductions allowed over a two (2) year period:	
YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%
(3) For deductions allowed over a three (3) year period:	
YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%

(c) The annual retirement benefit for a participant equals the product of:

- (1) the salary being paid for the office that the participant held at the time of the participant's separation from service; multiplied by
- (2) the percentage prescribed in the following table:

TABLE A

Participant's Years of Service	Percentage
8	24%
9	27%
10 or more	30%

**EXHIBIT 79, CONTINUED**

(d) A credit is allowed against the tax imposed on a decedent's transfer of property interests. The amount of the credit equals the inheritance tax imposed multiplied by the percentage prescribed in the following table:

DATE OF INDIVIDUAL'S DEATH	PERCENTAGE OF CREDIT
After June 30, 2013, and before July 1, 2014	9%
After June 30, 2014, and before July 1, 2015	18%
After June 30, 2015, and before July 1, 2016	27%

(e) The inheritance tax imposed on a decedent's transfer of property interests to a particular transferee is prescribed in the following table:

NET TAXABLE VALUE OF PROPERTY INTERESTS TRANSFERRED	INHERITANCE TAX
\$25,000 or less	1% of net taxable value
over \$25,000 but not over \$50,000	\$250, plus 2% of net taxable value over \$25,000
over \$50,000	\$750, plus 3% of net taxable value over \$50,000

A comprehensive "Index to the Subjects" will be added after the drafting manual's contents and page numbers are finalized.