Members

Rep. Brian Bosma, Chairperson
Sen. David Long, Vice-Chairperson
Rep. Kathy Kreag Richardson
Rep. William Friend
Rep. Eric Turner
Rep. Matt Lehman
Rep. Scott Pelath
Rep. Vanessa Summers
Rep. Linda Lawson
Sen. James Merritt
Sen. Brandt Hershman
Sen. Brent Steele
Sen. Patricia Miller
Sen. Timothy Lanane
Sen. James Arnold
Sen. Jean Breaux

LEGISLATIVE COUNCIL

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

George T. Angelone, Attorney for the Council
James Landers, Fiscal Analyst for the Council

Authority: IC 2-5-1.1

MEETING MINUTES[1]

Meeting Date: December 19, 2012
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St., Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Rep. Brian Bosma, Chairperson; Sen. David Long, Vice-Chairperson; Rep. William Friend; Rep. Eric Turner; Rep. Matt Lehman; Rep. Scott Pelath; Rep. Vanessa Summers; Sen. James Merritt; Sen. Brandt Hershman; Sen. Brent Steele; Sen. Patricia Miller; Sen. Timothy Lanane; Sen. James Arnold.

Members Absent: Rep. Kathy Kreag Richardson; Rep. Linda Lawson; Sen. Jean Breaux.

Chairman Bosma called the meeting to order at 10:08 a.m. He asked the members of the Council to introduce themselves. He then congratulated George T Angelone on his appointment to the position of Executive Director of the Legislative Services Agency and Diane Powers on her appointment to the position of Deputy Executive Director of the Legislative Services Agency. He also welcomed Representative Scott

---

[1] These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at http://www.in.gov/legislative Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of $0.15 per page and mailing costs will be charged for hard copies.

Pelath, House Minority Leader, and Senator Tim Lanane, Senate Minority Leader, as new members of the Council. Chairman Bosma asked George Angelone to address each of the next three items on the agenda.

Drafting Manual

Mr. Angelone indicated that the Legislative Council adopted the current drafting manual for writing bills and other legislative measures in 1999. Since then, a number of changes in the style used to draft legislative measures have been implemented. These include a change in the format used for repealers, which was adopted by the Legislative Council in 2011.The proposed drafting manual (attached as Exhibit 1) incorporates these changes and provides more examples and instructions to explain how to draft bills, resolutions, and amendments. In addition, the proposed drafting manual makes a number of minor changes in the way emergency rule provisions and resolutions are drafted. These changes are identified in the background memorandum that was distributed to members of the Council (attached as Exhibit 2).

Chairman Bosma asked about the drafting manual change related to Joint Rule 20 motions. Mr. Angelone explained that Joint Rule 20 establishes a procedure for the General Assembly to resolve conflicts between bills that have passed both houses. A conflict arises when one or more bills contain a provision that amends, adds, or repeals a provision that is also amended or added by another bill. A motion under Joint Rule 20 is appropriate when the conflicts are technical in nature. The proposed drafting manual adds language from Joint Rule 20, which defines a technical conflict as one that does not change the substance of either bill and the language that states that it is at the discretion of both the Committee on Rules and Legislative Procedures of the House of Representatives and the Committee on Rules and Legislative Procedure of the Senate as to whether a conflict is technical.

It was moved and seconded to adopt Resolution # 12-05 (approval of drafting manual) (attached as Exhibit 3). The motion carried by a vote of 12-0 with Chairman Bosma, Vice-Chairman Long, Representative Friend, Representative Turner, Representative Lehman, Representative Pelath, Senator Merritt, Senator Hershman, Senator Steele, Senator Miller, Senator Lanane, and Senator Arnold voting to approve the resolution.

Dues Payments

Chairman Bosma explained that over the past few years the Indiana General Assembly, like many other state legislatures, paid less than the full amount of the annual dues requested by the National Conference of State Legislatures and the Council of State Governments. The proposal for consideration by the Council would authorize the payment of 100% of the dues payable in the next fiscal year to the National Conference of State Legislatures, the Council of State Governments, and the National Conference of Insurance Legislators.

Mr. Angelone indicated that Indiana paid less than 100% of its dues assessment in in each of the last four state fiscal years. Previously, Indiana regularly paid 100% of the dues assessment. In response to a question by Senator Lanane, Mr. Angelone

indicated that all 50 states, the District of Columbia, and five United States territories are dues paying members of the National Conference of State Legislatures. All Midwestern states are members of both the National Conference of State Legislatures and the Council of State Governments. A number of states, particularly those with severe budget deficits, pay less than the full amount of dues assessed to the state. Information from the National Conference of State Legislatures and the Council of State Governments indicates that more states will increase their contributions this year. The Council of State Governments reports that all of the Midwestern states, other than Indiana, will pay 100% of the state's dues assessment this year.

Mr. Angelone described some of the services that these organizations provide to the Indiana General Assembly. He noted that both the National Conference of State Legislatures and the Council of State Governments sent representatives to Indiana to assist in the recent new legislator orientation sessions, including an economist who flew in from Washington, D.C. to discuss the potential fiscal impacts of the "fiscal cliff".

Chairman Bosma informed the Council that he, Vice-Chairman Long, Representative Pelath, and Senator Lanane have directed Mr. Angelone to prepare a letter to the National Conference of State Legislatures and the Council of State Governments urging them to maintain dues assessments at current levels without any increase in the second year of the next biennium.

It was moved and seconded to adopt Resolution #12-06 (approval of dues payment to National Conference of State Legislatures, Council of State Governments, and National Conference of Insurance Legislators) (attached as Exhibit 4). The motion carried by a vote of 12-0 with Chairman Bosma, Vice-Chairman Long, Representative Friend, Representative Turner, Representative Lehman, Representative Pelath, Representative Summers, Senator Merritt, Senator Hershman, Senator Miller, Senator Lanane, and Senator Arnold voting to approve the resolution.

Budget for Next Biennium

Mr. Angelone indicated that the Legislative Council and Legislative Services Agency budget traditionally consists of seven line items:

(1) Legislative Council and Legislative Services Agency.
(2) Legislator and Lay Member Travel.
(3) Legislative Council Contingency Fund.
(4) Printing and Distribution.
(5) Council of State Governments Annual Dues.
(6) National Conference of State Legislatures Annual Dues.
(7) National Conference of Insurance Legislators Annual Dues.

The proposed budget for the next biennium eliminates the "Printing and Distribution" line item and adds an amount equal to the amount appropriated for printing and distribution in Fiscal Year 2012-2013 ($975,000) to the proposed budget of the "Legislative Council and Legislative Services Agency" line item in each fiscal year of the next biennium. In past years, the "Printing and Distribution" line item

was used to segregate the amount appropriated to pay for an outside contractor to print bills from internal operating appropriations. For more than a decade, bills have been printed in-house, with a considerable savings over the projected cost of employing an outside contractor. As a result, segregation of the appropriation for printing and distribution into a separate line item no longer serves a cost management function.

Mr. Angelone stated that the proposed appropriation for the "Legislative Council and Legislative Services Agency" line item also increases the base operating budget by an amount equal to 3.41 % in Fiscal Year 2013-2014 and 0.88% in Fiscal Year 2014-2015 and includes an amount for one-time computer-related expenditures. Five million dollars is included over the biennium to pay for the computer software replacement project and $576,000 is included in Fiscal Year 2013-2014 for computer server and network infrastructure purchases that were deferred from the current biennium. Mr. Angelone also explained the changes in the other proposed line item appropriations.

Chairman Bosma noted that the computer software replacement project had been discussed in a previous meeting. Diane Powers, Deputy Executive Director of the Legislative Services Agency, is managing the project for the General Assembly.

Vice-Chairman Long asked whether the computer software replacement project will permit the General Assembly to accelerate the pace at which the General Assembly converts to a paperless process for bills, amendments, and motions. Mr. Angelone confirmed that a new system is necessary to permit the transition to be completed. Vice-Chairman Long then asked whether there would be any savings that could result from installing the new system if the General Assembly chose to go paperless. Mr. Angelone indicated that the General Assembly currently prints over three million pages of paper each year to carry out its functions. Substantially all of the printing, distribution, and file maintenance costs associated with using paper documents would be eliminated in a paperless legislative process.

Senator Steele asked how the potential savings compared to the costs. Mr. Angelone referred to the 2011 final report of the Legislative Council Data Processing Subcommittee as the source of an estimate. The report estimated that a fully paperless process could annual save $550,000. However, Mr. Angelone noted that the computer replacement project would be needed even if the General Assembly decides not to go paperless. The current legislative computer software system was designed in 1995.The new proposed software system is necessary to replace obsolete software. In the foreseeable future, it is likely that the current software will not be able to run on the servers, networks, and computers that are available in the marketplace. In addition, the old software is increasingly difficult to maintain without the unique knowledge of a few key employees who are likely to retire over the next few years. The new proposed software system is being designed to run on modern computer equipment and to be easier to maintain.

Vice-Chairman Long asked whether it was fair to say that the capacity of the proposed new software to support a paperless legislative process was ancillary to its main purpose. Mr. Angelone replied that the capacity of the new proposed system to support a paperless legislative process is a byproduct of the design, not its main purpose. Chairman Bosma noted that the voting system in the House of Representatives had crashed several times in the past couple of years.

Representative Pelath noted that some members of the General Assembly have not had much experience with paperless processes. He asked whether there would be a training component to assist members. Mr. Angelone replied that training is an integral part of the project. He said that the iPad pilot project conducted in the 2012 Session of the General Assembly was successful in large part because of the attention given to training. The General Assembly employed a number of interns from Ball State University with extensive computer experience to provide one-on-one assistance to legislators and maintain a call-in help desk. The same level of assistance will be available when the new proposed system becomes operational.

Representative Summers asked how many other state legislatures are going paperless. Mr. Angelone said that, based on reports issued by the National Conference of State Legislatures, 18 states have fully converted one or more legislative activities to a paperless process and 11 additional states are engaged in initiating steps to reduce paper use.

Senator Lanane asked whether enhanced public access will be a byproduct of the system. Mr. Angelone indicated that the new proposed system will have a number features that will enhance public access. For example, currently it takes the system 40 to 60 minutes to put new information on the public website. This is due to the copying and data conversion programs that must run in order to make the information available. The new system should permit information to be available to the public in real-time.

It was moved and seconded to amend Resolution #12-07 to correct references to Fiscal Year 2013-2014 and Fiscal Year 2014-2015. The Council adopted the amendment by consent. It was moved and seconded to adopt Resolution # 12-07, as amended (proposed Legislative Council and Legislative Services Agency budget for the next biennium) (attached as Exhibit 5). The motion carried by a vote of 13-0 with Chairman Bosma, Vice-Chairman Long, Representative Friend, Representative Turner, Representative Lehman, Representative Pelath, Representative Summers, Senator Merritt, Senator Hershman, Senator Steele, Senator Miller, Senator Lanane, and Senator Arnold voting to approve the resolution.

Other Business

Chairman Bosma recognized Representative Friend. Representative Friend indicated that Representative Richardson was not present at the Council meeting because she was attending a ceremony in which she was being honored for 35 years of service in Hamilton County government.

With no further business before the Council, Chairman Bosma adjourned the meeting at 10:45 a.m.

EXHIBIT 1

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

(approval date)

INDIANA LEGISLATIVE COUNCIL

Representative Brian Bosma, Chairman
Senator David Long, Vice Chairman

Senator James Merritt
Senator Brandt Hershman
Senator Brent Steele
Senator Patricia Miller
Senator James Arnold
Senator Timothy Lanane
Senator Jean Breaux

Representative Kathy Kreag Richardson
Representative William Friend
Representative Eric Turner
Representative Matthew Lehman
Representative Vanessa Summers
Representative Scott Pelath
Representative Linda Lawson

George T. Angelone
Executive Director

INDIANA CODE REVISION COMMISSION

Representative Ralph Foley, Chairman

Senator James Arnold
Senator James Banks
Senator Greg Taylor
Senator R. Michael Young
Representative John Bartlett
Representative Jud McMillin
Representative Clyde Kersey
Chief Justice Brent Dickson
Chief Judge Margret G. Robb

Attorney General Greg Zoeller
Secretary of State Connie Lawson
Gary Roberts
Gary Miller
Anita Samuel
Mike McMahon
Jerry Bonnet
Matt Light

John J. Stieff
Revisor of Statutes

Rebecca Walker Mortell
Deputy Revisor of Statutes

Craig J. Mortell
Deputy Revisor of Statutes

Stephanie A. Lawyer
Attorney Editor

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 _____, the Indiana Legislative Council met and approved this manual for use in the preparation and review of legislative measures.

TABLE OF CONTENTS

Chapter 1. General Information. . . . . Page 1
A. CONSTITUTION OF THE STATE OF INDIANA. . . . . Page 1
(1) Introduction. . . . . Page 1
(2) Arrangement. . . . . Page 1
(3) Citations.. . . . . Page 1
B. INDIANA CODE.. . . . . Page 1
(1) Introduction. . . . . Page 1
(2) Arrangement. . . . . Page 2
(3) Citations.. . . . . Page 2
C. SESSION LAWS (ACTS). . . . . Page 2
(1) Introduction. . . . . Page 2
(2) Arrangement. . . . . Page 2
(3) Citations.. . . . . Page 2
D. INDIANA ADMINISTRATIVE CODE. . . . . Page 3
(1) Introduction. . . . . Page 3
(2) Arrangement. . . . . Page 3
(3) Citations.. . . . . Page 3
E. INDIANA REGISTER.. . . . . Page 3
(1) Introduction. . . . . Page 3
(2) Citations.. . . . . Page 4
(3) Voiding Administrative Rules. . . . . Page 5
F. TYPES OF LEGISLATIVE MEASURES.. . . . . Page 5
(1) Introduction. . . . . Page 5
(2) Bill. . . . . Page 5
(3) Joint Resolutions.. . . . . Page 5
(4) Concurrent Resolutions.. . . . . Page 6
(5) Simple Resolutions. . . . . Page 6

Chapter 2. Drafting Rules. . . . . Page 7
A. INTRODUCTION. . . . . Page 7
B. STATUTORY AND CONSTITUTIONAL CONSIDERATIONS.. . . . . Page 7
(1) INDIANA CONSTITUTIONAL PROVISIONS. . . . . Page 7
(2) INDIANA CODE PROVISIONS. . . . . Page 8
C. DRAFTING RULES. . . . . Page 9
(1) Sentence Structure. . . . . Page 9
(2) Subject of Sentence. . . . . Page 9
(3) Tense. . . . . Page 9
(4) Mood. . . . . Page 10
(5) Voice. . . . . Page 10
(6) Number: Singular vs. Plural. . . . . Page 10
(7) Organization. . . . . Page 10
(8) Gender. . . . . Page 10
(9) Consistency. . . . . Page 10
(10) Brevity. . . . . Page 10

(11) Preferred Spelling. . . . . Page 11
(12) Commanding, Authorizing, Forbidding, and Negating. . . . . Page 11
(13) And; Or; And/Or. . . . . Page 12
(14) Assure; Ensure; Insure. . . . . Page 12
(15) A; An; Any. . . . . Page 13
(16) Such; Said. . . . . Page 13
(17) Parallel Articles.. . . . . Page 14
(18) Which; That.. . . . . Page 14
(19) By; Under. . . . . Page 15
(20) Person Who; Individual Who; Person That. . . . . Page 15
(21) Indiana; State.. . . . . Page 16
(22) Words and Expressions—Preferred Use. . . . . Page 16
"People First" Language. . . . . Page 16
(23) Limitations, Exceptions, and Conditions. . . . . Page 17
(24) Capitalization. . . . . Page 18
(25) Commas.. . . . . Page 21
(26) Parentheses. . . . . Page 22
(27) Brackets.. . . . . Page 22
(28) Apostrophes.. . . . . Page 23
(29) Semicolons. . . . . Page 23
(30) Colons. . . . . Page 23
(31) Quotation Marks. . . . . Page 24
(32) Hyphens.. . . . . Page 24
(33) Expression of Numbers.. . . . . Page 24
(a) Introduction. . . . . Page 24
(b) Style for Numbers Expressed in Words.. . . . . Page 24
(c) Age. . . . . Page 25
(d) Fractions.. . . . . Page 26
(e) Percentages.. . . . . Page 26
(f) Ordinals.. . . . . Page 26
(g) Use of "One".. . . . . Page 26
(h) Dates.. . . . . Page 27
(i) Time.. . . . . Page 27
(j) Temperatures.. . . . . Page 27
(k) Money.. . . . . Page 27
(l) Rounding.. . . . . Page 27
(m) Formulas. . . . . Page 28
(n) Fiscal Year. . . . . Page 28
(34) Deadlines.. . . . . Page 28
(35) Renaming or Eliminating an Entity. . . . . Page 28
(36) Designation of Sections, Subsections, Subdivisions, Clauses, and Items. . . . . Page 29
(37) Redesignation.. . . . . Page 30
(38) Tabulation. . . . . Page 30
(a) Introduction. . . . . Page 30
(b) Listing Style. . . . . Page 30
(c) Sentence Style. . . . . Page 31
(d) Mixing Tabulation Styles.. . . . . Page 31

(e) Listings Without Numbering or Lettering. . . . . Page 32
(f) Formulas. . . . . Page 33
D. EDITING ROMAN TEXT (i.e., EXISTING LAW). . . . . Page 33
(1) General Clean-Up. . . . . Page 33
(2) General Style and Striking Rules. . . . . Page 34
(a) Adding Provisions to Existing Law. . . . . Page 34
(b) Striking Provisions from Existing Law. . . . . Page 34
(c) Striking References. . . . . Page 35
(d) Section References. . . . . Page 36
(e) Criminal or Civil Offense Classes. . . . . Page 36
(f) Punctuation. . . . . Page 36
(g) Numbers. . . . . Page 37

Chapter 3. Bills. . . . . Page 38
A. PRINCIPAL COMPONENTS OF BILL. . . . . Page 38
(1) Introduction. . . . . Page 38
(2) Drafting a Provision as Indiana Code Text or Noncode Text. . . . . Page 38
(3) Order of Provisions in a Bill Adding a New Chapter or Article. . . . . Page 40
B. BILL DIGEST. . . . . Page 41
(1) Introduction. . . . . Page 41
(2) Components of a Digest. . . . . Page 41
(a) Citations Affected. . . . . Page 41
(b) Synopsis. . . . . Page 42
Short Synopsis. . . . . Page 42
Long Synopsis. . . . . Page 43
Appropriations. . . . . Page 43
Repealers. . . . . Page 44
Current Law. . . . . Page 44
Technical Corrections. . . . . Page 44
Delayed Effective Date. . . . . Page 44
Bill Preparation by a Committee or Commission. . . . . Page 45
(c) Effective Date. . . . . Page 45
(3) Digest Style Guidelines. . . . . Page 45
(a) Use of "Indiana". . . . . Page 45
(b) Defined Terms, Short Names, and Acronyms. . . . . Page 46
(c) Numbers. . . . . Page 46
(d) Practices to Avoid. . . . . Page 47
(4) Form of a Digest. . . . . Page 48
C. BILL TITLE. . . . . Page 49
(1) Introduction. . . . . Page 49
(2) Amendment or Addition of Indiana Code. . . . . Page 50
(3) Amendment or Addition of Noncode Provisions. . . . . Page 50
(4) Repeal of Indiana Code and Noncode Provisions. . . . . Page 50
(5) Appropriations. . . . . Page 51
(6) Emergencies. . . . . Page 51
D. BILL PREAMBLE. . . . . Page 51
E. BILL ENACTING CLAUSE. . . . . Page 52

F. LEAD-IN LINE. . . . . Page 52
(1) Introduction. . . . . Page 52
(2) Amendments to the Indiana Code. . . . . Page 52
(3) Additions to the Indiana Code. . . . . Page 53
(4) Repealers. . . . . Page 53
(5) Noncode Provisions. . . . . Page 53
G. INDIANA CODE PROVISIONS GENERALLY. . . . . Page 54
(1) Numbering System. . . . . Page 54
(a) Sections. . . . . Page 54
(b) Chapters and Articles. . . . . Page 55
(c) Use of Repealed or Expired Sections, Chapters, Articles, and Titles. . . . . Page 55
(2) Headings. . . . . Page 55
(a) Titles, Articles, and Chapters. . . . . Page 55
(b) Sections. . . . . Page 55
(3) Printing Style. . . . . Page 56
(a) Amending a Section. . . . . Page 56
(b) New Title, Article, Chapter, or Section. . . . . Page 56
(c) Repealed Title, Article, Chapter, or Section. . . . . Page 56
(4) Internal References. . . . . Page 57
(a) Internal References to Indiana Code Provisions. . . . . Page 57
(b) A Note Concerning the Use of "And" and "Through" in Internal References. . . . . Page 60
(c) Confusing References to Statutes. . . . . Page 60
(d) "IC 1971" References. . . . . Page 60
(e) Internal References to Effective Dates. . . . . Page 60
(f) Confusing Internal References to Effective Dates. . . . . Page 61
(g) Internal References to Federal Statutes. . . . . Page 61
(h) Internal References to Federal Regulations. . . . . Page 61
(i) Internal References to Indiana Agency Rules. . . . . Page 62
(j) Internal References Within UCC, UCCC, and Certain Model and Uniform Acts and Compacts. . . . . Page 62
(k) Other Internal References. . . . . Page 62
H. SPECIFIC TYPES OF INDIANA CODE PROVISIONS. . . . . Page 62
(1) Short Titles. . . . . Page 62
(2) Purpose Provisions. . . . . Page 62
(3) Applicability Provisions. . . . . Page 63
(4) Definitions. . . . . Page 63
(a) Indiana Code Definitions and Construction Provisions. . . . . Page 63
(b) Definition Usage Rules. . . . . Page 63
(c) Definition Form Generally. . . . . Page 64
(d) Definition Form in New Articles. . . . . Page 65
(e) Definition Form in New Chapters. . . . . Page 66
(f) Definition Form in New Sections. . . . . Page 66
(g) Definition Form in Existing Articles, Chapters, and Sections. . . . . Page 66
(h) Definitions in New and Recodified Titles. . . . . Page 66
(5) Creation of Agency, Board, Commission, or Office. . . . . Page 67
(6) Criminal and Civil Penalties. . . . . Page 67
(a) Crimes. . . . . Page 67

(b) Civil Violations. . . . . Page 68
(c) Form Generally.. . . . . Page 70
(d) Do Not Criminalize Violation of Entire Chapter, Article, or Title. . . . . Page 70
(e) Effective Date of Criminal Laws. . . . . Page 70
(7) Population Parameters.. . . . . Page 70
(8) Appropriation Provisions. . . . . Page 71
(a) Continuing. . . . . Page 71
(b) Temporary. . . . . Page 72
(9) Funds. . . . . Page 72
(10) Accounts. . . . . Page 74
(11) Legislative Oversight. . . . . Page 75
(12) Executive Branch Committees and Commissions: Travel Expenses, Per Diem, Membership, Voting Practices, and Other Procedural Matters. . . . . Page 75
(13) Legislative Committees and Commissions: Travel Expenses, Per Diem, Membership, Voting Practices, and Other Procedural Matters. . . . . Page 76
(14) Reports to Legislative Entities. . . . . Page 78
(15) Administrative Rules.. . . . . Page 78
(16) Construction Provisions. . . . . Page 79
(17) Severability Provisions. . . . . Page 79
(18) Nonseverability Provisions. . . . . Page 79
(19) Expiration Provisions. . . . . Page 80
(20) Applicability Provisions. . . . . Page 80
(21) Legal Requirement Phase-In Provisions.. . . . . Page 81
(22) Substantive Right and Obligation Provisions.. . . . . Page 81
(23) Medicaid Waiver Provisions.. . . . . Page 81
(24) Rules Transfer Provisions. . . . . Page 81
(25) Transfer of Responsibilities, Property, Liabilities, and Funds to Successor Agencies. . . . . Page 82
(26) Legalizing Provisions. . . . . Page 83
(27) Savings Provisions. . . . . Page 83
(28) Vehicle Bills. . . . . Page 84
(29) A Provision that will be Used by Many People. . . . . Page 85
(30) A Provision Containing an Expiration Date that is Several Years in the Future.. . . . . Page 85
I. REPEALERS.. . . . . Page 85
(1) Format for Repealing Indiana Code and Noncode Provisions. . . . . Page 85
(a) Indiana Code Provisions.. . . . . Page 85
(b) Noncode Provisions. . . . . Page 87
(2) Finding and Amending References to Cites Being Repealed. . . . . Page 87
(3) Resolving Repealer Conflicts. . . . . Page 89
(4) Repealers and Outstanding Obligations. . . . . Page 89
(5) Expired Provisions. . . . . Page 90
J. NONCODE PROVISIONS GENERALLY. . . . . Page 90
(1) Defined. . . . . Page 90
(2) Printing Style. . . . . Page 90
(a) Amending an Existing Noncode SECTION. . . . . Page 90
(b) Adding a New Noncode SECTION. . . . . Page 91
(3) Expiration Date. . . . . Page 91
(4) Internal References to Noncode Provisions. . . . . Page 91

(5) As Applicable to Referenced Indiana Code Cite. . . . . Page 91
K. SPECIFIC TYPES OF NONCODE PROVISIONS. . . . . Page 92
(1) Provisions that Apply to Only One Person or Entity and that do not Have Ongoing Applicability. . . . . Page 92
(2) Transitional or Self-Terminating Provisions. . . . . Page 93
(a) Initial Terms; Staggered Terms. . . . . Page 93
(b) Transferring Money and Closing Accounts.. . . . . Page 93
(c) Provisions that Void Rules or Require Rule Amendment.. . . . . Page 94
(d) Emergency Rules and Rulemaking . . . . . Page 95
(e) Appropriation Provisions. . . . . Page 98
Continuing. . . . . Page 98
Temporary.. . . . . Page 98
Reversion of Appropriated Funds. . . . . Page 99
(f) Other Transitional or Self-Terminating Provisions. . . . . Page 99
(3) Tax Law Applicability. . . . . Page 99
(4) Nonseverability Provisions. . . . . Page 100
(5) Emergency Clauses. . . . . Page 100
(6) Special Relief Bills. . . . . Page 100
(7) Complex or Voluminous Legislation. . . . . Page 101
L. EFFECTIVE DATES. . . . . Page 102
(1) Types of Effective Dates. . . . . Page 102
(a) Uniform Effective Date. . . . . Page 102
(b) Early Effective Dates. . . . . Page 102
Retroactive Effective Dates. . . . . Page 102
Upon Passage Effective Dates. . . . . Page 103
(c) Delayed Effective Dates.. . . . . Page 103
(2) Form Generally. . . . . Page 103
(a) Effective Date for Indiana Code Provisions. . . . . Page 103
(b) Effective Dates for Noncode Provisions. . . . . Page 104
(c) Effective Dates for Repealers.. . . . . Page 104
(3) Other Effective Date Considerations. . . . . Page 104
(a) Effective Dates to be Avoided. . . . . Page 104
(b) Fiscal Years. . . . . Page 104
(c) Effective Contingent on Some Event.. . . . . Page 105
(d) Effective Dates of Acts Passed Over Governor's Veto. . . . . Page 105
(e) Drafting Effective Dates During a Special Session.. . . . . Page 105

Chapter 4. Joint Resolutions. . . . . Page 106
A. INTRODUCTION. . . . . Page 106
B. AMENDING THE CONSTITUTION OF THE STATE OF INDIANA. . . . . Page 106
(1) Introduction. . . . . Page 106
(2) Printing Style. . . . . Page 106
(3) Form.. . . . . Page 106
(a) Digest. . . . . Page 107
(b) Title.. . . . . Page 107
(c) Resolving Clause. . . . . Page 107
(d) Body. . . . . Page 107

(4) Renumbering. . . . . Page 109
C. RATIFYING A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES. . . . . Page 110
D. CALLING A UNITED STATES CONSTITUTIONAL CONVENTION. . . . . Page 111
(1) Approach 1: Specific Language. . . . . Page 111
(2) Approach 2: General Subject Matter. . . . . Page 112
E. REMOVAL OF STATE OFFICERS. . . . . Page 113

Chapter 5. Concurrent Resolutions. . . . . Page 114
A. INTRODUCTION. . . . . Page 114
B. GENERAL FORM. . . . . Page 114
C. INTERIM STUDY COMMITTEE FORM. . . . . Page 115

Chapter 6. Simple Resolutions. . . . . Page 116

Chapter 7. Post-Introductory Drafting. . . . . Page 117
A. INTRODUCTION. . . . . Page 117
Types of Amendatory Documents. . . . . Page 117
B. REFERENCE LINES. . . . . Page 118
(1) Introduced Version (First Chamber Committee Amendments). . . . . Page 118
(2) First Printing (First Chamber Committee Amendments and Floor Amendments and Second Chamber Committee Amendments). . . . . Page 119
(a) Second or Third Reading Floor Amendments. . . . . Page 119
(b) Second Chamber Committee Amendments. . . . . Page 119
No Floor Amendments. . . . . Page 119
(3) Reprinted First Printing (Committee of the Second Chamber Amendments). . . . . Page 119
(a) Unincorporated Floor Amendments. . . . . Page 119
(b) Unincorporated Committee of One Report. . . . . Page 120
(c) Unincorporated Technical Corrections. . . . . Page 120
(4) Engrossed Printing (Committee of the Second Chamber Amendments). . . . . Page 121
(a) Second Reading Amendments and Third Reading Amendments. . . . . Page 121
(b) Incorporated Floor Amendments. . . . . Page 121
(c) Unincorporated Second Reading Floor Amendments. . . . . Page 121
(d) Unincorporated Technical Corrections. . . . . Page 122
C. DRAFTING TERMINOLOGY. . . . . Page 122
(1) Altering Lead-in Lines. . . . . Page 122
(2) Altering Nonamendatory SECTIONS of a Bill. . . . . Page 123
(3) Altering Amendatory SECTIONS of a Bill. . . . . Page 123
(4) Adding New SECTIONS to a Bill. . . . . Page 123
(5) Altering the Entire Body of a Bill by Bill Stripping. . . . . Page 124
(6) Changing a Title. . . . . Page 125
(7) Use of Quotation Marks. . . . . Page 125
(8) Renumbering SECTIONS of a Bill. . . . . Page 125
(9) Emergency Clause. . . . . Page 125
(10) Changing Effective Dates in One or More SECTIONS. . . . . Page 126
(a) Replacing Effective Dates in Several SECTIONS. . . . . Page 126
(b) Replacing an Effective Date in Only One SECTION. . . . . Page 126

(11) Miscellaneous Drafting Commands. . . . . Page 126
(12) Drafting Command Reminders and Notes. . . . . Page 130
D. AMENDMENT OF PROVISIONS NOT FOUND IN A PRINTED BILL (SECOND CHAMBER COMMITTEE AMENDMENTS); TECHNICAL CORRECTIONS.. . . . . Page 132
(1) Deleting a Second Reading Amendment. . . . . Page 132
(2) Technical Corrections. . . . . Page 132
E. CONFERENCE COMMITTEE REPORTS. . . . . Page 132
(1) The Two Alternative Forms. . . . . Page 132
(a) The "Delete Everything" Form.. . . . . Page 133
(b) The "Page and Line Command" Form. . . . . Page 133
(2) Steps of Conference Committee Report Preparation. . . . . Page 133
(3) Conference Committee Reports if there are Unincorporated Third Reading Amendments. . Page 134
F. ALTERING PROVISIONS ADDED OR AMENDED EARLIER IN THE SAME SESSION. . Page 135
(1) Introduction. . . . . Page 135
(2) Lead-in Line. . . . . Page 135
(3) Text (Amendments Only). . . . . Page 135
(4) Effective Date. . . . . Page 135
G. JOINT RULE 20 CORRECTIONS. . . . . Page 136
(1) Introduction. . . . . Page 136
(2) Committee Action. . . . . Page 136
(3) Preparation. . . . . Page 136
(4) Form.. . . . . Page 137
H. JOINT RULE 21 CORRECTIONS. . . . . Page 138
(1) Introduction. . . . . Page 138
(2) Joint Rule 21 House Form. . . . . Page 138
(3) Joint Rule 21 Senate Form. . . . . Page 139

Chapter 8. Post-Session Issues. . . . . Page 140
A. CONFLICTING ENROLLED ACTS. . . . . Page 140
B. TECHNICAL SESSION. . . . . Page 140

EXHIBIT INDEX. . . . . Page 141

INDEX TO SUBJECTS. . . . . Page 317

Chapter 1. General Information

A. CONSTITUTION OF THE STATE OF INDIANA

(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. As of July 1, 2012, the most recent version of the Constitution can be found in Volume 1 of the latest Indiana Code Supplement. If Volume 1 of the Indiana Code is republished, the latest version of the Constitution will be published in Volume 1 of the Indiana Code until another Indiana Code Supplement is published. The Constitution can also be found online and with the DVD version of the Indiana Code.

(2) Arrangement

The Constitution of the State of Indiana 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 of the State of Indiana, 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 two years;

(b) provide for transitional, implementary matters in an otherwise permanent statute; or

(c) apply to special cases.

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 GENERALLY,** page 90).

The Indiana Code is published in bound form, in DVD format, and online. The Noncode Acts are published in

DVD form and online.

(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 an Indiana Code section, chapter, article, or title, except when using certain types of internal references (See **Internal References,** page 57).

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 that are enacted are published online, in DVD format, and in bound volumes by the Office of Code Revision. The publication is referred to as "Acts [year] of the General Assembly". Each publication of the Acts includes a table that identifies affected Indiana Code citations and tables that convert bill numbers to the corresponding public law numbers and public law numbers to the corresponding bill numbers, a Statement of Fund Net Assets of the Auditor of State, and a comprehensive citation report.

For examples of Enrolled Acts, see the following Exhibits:
EXHIBIT 48, Enrolled Act of the House, page 234.
EXHIBIT 49, Enrolled Act of the Senate, Passed with Concurrence, page 237.
EXHIBIT 50, Enrolled Act of the Senate, Passed with a Conference Committee Report, page 240.
EXHIBIT 72, Enrolled Joint Resolution of the House, page 287.

(2) Arrangement

The acts of each session are arranged into two categories: Enrolled Acts and Joint Resolutions. 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

To refer to a Noncode provision or to identify a provision published in the 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, the proper citation 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 1964(ss), P.L.1, SECTION 1

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

Example: P.L.2-2001(ss), SECTION 17

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 Indiana Administrative Code was published in 1979. The last paper edition, the 2004 edition, consists of a base set of 11 volumes and is updated 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 Indiana Register was published monthly from July 1, 1978, to July 1, 2006, and is now published weekly on the Internet. Final rules published in the Indiana 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 Indiana Register are not subsequently published in the Indiana Administrative Code.

(2) 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-317130265FR

The following is a breakdown of the DIN 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.)
130265	A six digit document number assigned by the Legislative Services Agency. The first two digits reference the year the number was assigned. The next four digits are assigned sequentially as documents are submitted to the Legislative Services Agency for publishing throughout that calendar year. NOTE: Leading zeros are included, 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.

(3) Voiding Administrative Rules

For drafting information and examples, see **Provisions that Void Rules or Require Rule Amendment,** page 94.

F. TYPES OF LEGISLATIVE MEASURES

(1) Introduction

The General Assembly may take action on bills, Joint Resolutions, Concurrent Resolutions, and Simple Resolutions. Any of these measures may be introduced in either 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 must pass both chambers and must be presented to the Governor for approval. (See Article 5, Section 14 of the Constitution of the State of Indiana.)

The creation of an introduced bill usually involves drafting a series of documents. There are two forms in which legislative language can be drafted. The first form is a "Preliminary Draft" or "PD". 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 form 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 an LS form of the bill that is filed. Upon filing, the LS is given an official bill number.

For an example of the bill adoption process, see **EXHIBIT 1, Bill Adoption Process, PD to Enrolled Act,** page 145.

(3) Joint Resolutions

A Joint Resolution, which must be adopted by both houses to be effective, is used to do any of the following:

(a) Propose an amendment to the Constitution of the State of Indiana under Article 16.

(b) Ratify a proposed amendment to the 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 Constitution of the United States under Article V of the Constitution of the United States.

(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. (See Article 16, Section 1 of the Constitution of the State of Indiana.) However, in most cases, Joint Resolutions are presented to the Governor and are signed. A Joint Resolution may be amended in committee and on second reading.

However, the second presentation of a proposed amendment to the Constitution of the State of Indiana that is substantively different from the first presentation of the same proposed amendment might result in the proposed amendment not becoming effective because Article 16, Section 1(b) provides:

> "(b) If, in the General Assembly so next chosen, the proposed amendment is agreed to by a majority of all the members elected to each House, then the General Assembly shall submit the amendment to the electors of the State at the next general election."
> [Emphasis added.]

(4) Concurrent Resolutions

A Concurrent Resolution, which must be adopted by both chambers to be effective, does not have the effect of law and is used to express the sentiment of the General Assembly. Refer to the House and Senate Rules for each chamber's policy regarding amendment of Concurrent Resolutions. 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 chamber to be effective, does not have the effect of law and is used to express the sentiment of that chamber. A Simple Resolution may also be used to deal with the internal affairs of the chamber in which it is introduced. Refer to the House and Senate Rules for each chamber's policy regarding amendment of Simple Resolutions. 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 drafting attorney should consider constitutional (both federal and state) restrictions on legislative measures. In addition, the drafting attorney should be aware of statutory rules for drafting and construction of statutes.

(1) INDIANA CONSTITUTIONAL PROVISIONS

The following is a list of constitutional provisions that deal with issues that arise during the drafting process:

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 authority other than that set out in the Constitution of the State of Indiana
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	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

(2) INDIANA CODE PROVISIONS

The following is a list of provisions that deal with issues that arise during the drafting process:

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 **Population Parameters,** page 70.)
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; Filing Annual Reports to Governor
IC 4-1-8	State Requests for Social Security Numbers
IC 4-10-11-2.1(b)	Minimum salary per diem
IC 4-13-1-4	Reimbursement for travel expenses
IC 4-13-2	Financial Reorganization Act of 1947
IC 4-13-2-19	Reversion of funds at end of state fiscal year
IC 4-22-2	Adoption of Rules
IC 5-3-1	Publication Procedure
IC 5-14-3	Access to Public Records
IC 5-14-6	Electronic Transmission of Reports to General Assembly
IC 34-28-5-4	Infractions defined
IC 35-50	Criminal sentencing structure
IC 36-1-2	Definitions of General Applicability in Local Government Law
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:	**Say:**
The report shall include . . .	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, 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.

(8) Gender

To the extent possible, avoid words importing gender.

(9) Consistency

Be consistent in the use of language throughout the legislative measure and with 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.

(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 77, Preferred Spelling List,** page 299.

(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 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 Jery 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, Jery. "The False Imperative." *The Legislative Lawyer.* National Conference of State Legislatures, 18 Dec. 2010. Web. 26 June 2012. <www.ncsl.org>]

Avoid using hortatory qualifiers.

Hortatory qualifiers include terms such as "will", "should", "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 9.)

(13) And; Or; And/Or

"And" usually stands for the conjunctive, connective, or additive, and "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 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 the following: 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.)

(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.

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 30.)

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.

(18) Which; That

Use "which" to begin a nonrestrictive clause. A nonrestrictive clause is a clause that describes but does not identify or restrict the meaning of the 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. A restrictive clause is a clause that identifies or restricts the meaning of the 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, as opposed to some other book, is specified as being a good 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.

For the example below, consider the language of IC 20-19-3-1, which reads as follows: "Sec. 1. The department of education is established."

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

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; Individual 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 "individual who".

Example: "Contestor" means an individual 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.

(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 78, Preferred Words List,** page 302.

"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; individual who is blind or visually impaired; individual who is hearing impaired; individual who is deaf, hard of hearing, or speech impaired; individual 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".

(23) Limitations, Exceptions, and Conditions

Limitations or exceptions to the coverage of a 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 38.) If 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 might 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 include 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.

(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. Highway 50; Interstate Highway 69; Garfield Park

(e) Names of nationalities and languages.

Examples: Hispanic individuals; English language

(f) Political parties and religious denominations.

Examples: the Indiana Democratic Party; the Indiana Republican Party; the Methodist church; 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 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 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 legal descriptions of property being transferred).

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).

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: general assembly; 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: circuit court clerk; board of county commissioners; public employees' retirement fund; commission on interstate cooperation; 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 forces" 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) The Army.
(2) The Navy.

(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 department of local government finance. 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.

Commas are used to set off a nonrestrictive 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, must pay a fine and perform community service.

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, subordinate clauses should be set off by commas.

Examples: Until further notice is given, the restrictions remain in effect. After the commission completes the investigation, the commission shall submit a report to the governor.

(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 Indiana Code cite relevant to the provision.

Example: 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)....

Example: This section does not apply to an action taken by the state veterinarian or the state veterinarian's agent under IC 15-17-10 (dangerous and diseased animals).

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

(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?]**

(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

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

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

(29) Semicolons

Generally, use semicolons only 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.

(30) Colons

Use a colon to introduce a series of items, such as in the listing style of tabulation. (See **Tabulation,** page 30.)

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...."

(31) Quotation Marks

Quotation marks should be used 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.

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

Example: "Revenue bonds", as used in this subsection, refers to bonds...

(32) Hyphens

Avoid hyphens. Many words that once were hyphenated are now written as one word or as two words without a hyphen.

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

See **EXHIBIT 77, Preferred Spelling List,** page 299, for additional examples.

(33) Expression of Numbers

(a) 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 digests and resolutions, and journalistic style normally should be followed. (See **Digest Style Guidelines,** page 45, for specific digest style rules and **Concurrent Resolutions,** page 114, and **Simple Resolutions**, page 116, for specific resolution styles.)

(b) 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.

Examples:	County government share	$15
	State government share	$34

See **EXHIBIT 82, Sample Formatting for Tables,** page 313.

(c) Age

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

Avoid drafting age ranges or restrictions in a manner that creates ambiguity.

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

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

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

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

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

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

Avoid drafting age ranges or restrictions 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.

(d) Fractions

Percentages are preferred to fractions whenever practicable.

Don't Say:	**Say:**
one-half (1/2)	fifty percent (50%)
three-fourths (3/4)	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 drafting attorney 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)

(e) Percentages

Decimals are preferred whenever practicable.

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

(f) Ordinals

Express ordinals in words only.

Examples: first (NOT 1st); twenty-second (NOT 22nd)

(g) Use of "One"

When "one" is used as a pronoun, it should not be followed by a numeral in parentheses.

Example: If the director is the only one to attend the meeting...

When "one" is used as a number, it should be followed by a numeral in parentheses.

Example: The precinct shall nominate one (1) delegate.

(h) Dates

When a date includes a month, day, and year, the year is set off by commas, but when the date includes only the month and year, no comma is used.

Examples:	June 30	October 30, 1978
	June 1984	April, May, and June 1985

(i) Time

Generally, time should be expressed in figures. Avoid using terms such as "local time" and "prevailing local time", and avoid referring to time zones.

Examples: 6 a.m.
4:30 p.m.
midnight (NOT 12:00 midnight)
noon (NOT 12:00 noon)

(j) Temperatures

Examples: one hundred sixty (160) degrees Fahrenheit
ninety (90) degrees Celsius

(k) Money

Monetary amounts should be expressed as written words followed by a dollar sign and figures in parentheses. Dollar amounts that are whole numbers do not need decimal points and zeroes. Note that commas are not used when expressing monetary amounts as words.

Examples: one dollar ($1)
ninety-seven dollars ($97)
two hundred dollars ($200)
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)

(l) Rounding

When directing that figures be rounded, 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)

(m) Formulas

Use the STEP method of tabulation rather than numerators and denominators. (See **Formulas,** page 33.)

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.

(n) 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 of the state office "auditor of state". A Folio search would be conducted for "auditor of state", as well as for terms like "state auditor" and "auditor of the state".

See **EXHIBIT 79, Using Folio,** page 305, for a discussion of the Folio program and its functions.

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

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., to designate them. All paragraphs in sections containing two or more paragraphs must be designated.

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

When designating subdivisions, clauses, and items in a section that has subsections, use the following style (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) ..... .

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) ..... .

(37) Redesignation

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 79, Using Folio,** page 305, 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.

(38) Tabulation

(a) 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 if this makes the meaning substantially clearer. There are two 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.

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.

(b) Listing Style

The first style of tabulation is known as a listing. As the name implies, each element is listed after the introductory clause 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.

(c) Sentence Style

The second style of tabulation is known as sentence style. In this style, a sentence containing a series of elements is reformatted so that each element is given a line of its own, each element has some type of designation before it, and 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 in sentence style, it is easier for the reader to 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. For information concerning the appropriate use of "and" and "or", see **And; Or; And/Or,** page 12.

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

(d) 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.

(e) Listings Without Numbering or Lettering

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

(i) the elements may be listed in order (such as alphabetical order, numerical order, or Indiana Code cite order);

(ii) it is likely that the listing will be frequently modified; and

(iii) 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 contains five or fewer elements, include a period after each entry; if the list contains more than five elements, use a period only after the

final entry.

(f) 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 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: (e) An issuing body may enter into an agreement only under the following conditions:

(1) Entering into the agreement would not cause the amount determined in STEP THREE 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 agreements.

STEP TWO: Determine the amount of obligations not yet issued but for which one (1) or more agreements have been entered into by the issuing body.

STEP THREE: Determine the quotient of:

(i) the STEP ONE result; divided by

(ii) the STEP TWO result.

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

D. EDITING ROMAN TEXT (i.e., EXISTING LAW)

(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, a chapter reference within an article, or an article reference within a title, to match the preferred drafting style. (See **Internal References to Indiana Code Provisions,** page 57.)

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.

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 Law

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

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 Law

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.~~
~~(I)~~ **(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 one that remains, strike that text's designation as well.

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 the 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 the 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 to which the punctuation is connected.

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

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

Example: As used in this section, **"administrative** board" refers to the administrative board of the department.

Example: Submissions must be provided to the nominating committee **(as defined in** IC 21-18-6-8).

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 and additions to the Indiana Code, repealers of Indiana Code provisions and Noncode provisions, and amendments and additions to Noncode provisions.

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

In 2011, the Code Revision Commission adopted guidelines for use in considering whether to draft legislation as an Indiana Code provision or a Noncode 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, legislation presumptively should be placed in the Indiana Code. The permissible uses of Noncode provisions are discussed below.

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, provisions concerning bond authorization approvals, or other provisions in or related to the budget act 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.

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

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

An Indiana Code provision may contain an expiration date. Except as provided in the discussion of Noncode provisions below, if a provision will expire at a future date, it should be drafted as a provision of the Indiana Code if the expiration date is more than two years after the date of enactment.

See **SPECIFIC TYPES OF INDIANA CODE PROVISIONS,** page 62, for additional information about Indiana Code provisions and examples.

Most Noncode provisions enacted by the General Assembly in prior years have been repealed or have expired by their own terms. The following statutes list the Noncode provisions that are still in effect:

IC 1-1-1-2	Noncode provisions enacted before the 1976 Regular Session
IC 1-1-1-2.1	Noncode provisions enacted after the 1975 Regular Session and before the 1985 Regular Session
IC 1-1-1.1	Noncode provisions enacted after the 1984 Regular Session and before the 2010 Regular Session

The following types of provisions may 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.

(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.

(g) A provision creating a temporary appropriation.

(h) A provision creating a temporary study committee that expires before January 1 of the year following enactment.

(i) A provision that makes a construction appropriation, a provision concerning a bond authorization approval, or another provision in or related to the budget act, even if the provision is in effect for more than two years.

See **SPECIFIC TYPES OF NONCODE PROVISIONS,** page 92, for additional information about Noncode provisions and examples.

As outlined above, certain types of provisions may be as Noncode provisions. However, it may be desirable to place a provision in the Indiana Code rather than drafting the provision as a Noncode provision. An emergency clause should always be drafted as a Noncode provision.

A Noncode provision should normally have an expiration date. **If an expiration date is not wanted, the provision should be drafted as an Indiana Code provision unless the provision is one of the following:**

(a) A provision concerning the applicability of tax laws.

(b) A provision that makes a construction appropriation, concerns a bond authorization approval, or is another budget act related SECTION.

(a) An emergency clause. (An emergency clause should never have an expiration date.)

(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

(k) Transitional 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 repeal procedure was changed to require that repealers be inserted in a bill in Indiana Code cite order. (See **REPEALERS,** page 85.)

B. BILL DIGEST

(1) Introduction

The rules of each 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 easily understandable terms what the bill does, avoiding legal jargon and technical terminology. The digest is not meant to describe in detail each change made by a bill: it should simply outline the major ideas contained within the bill.

(2) Components of a Digest

There are three main digest components: the citations affected, the synopsis (which is composed of the short synopsis and the long synopsis), and the effective date.

(a) Citations Affected

The first part of a digest should list the Indiana Code citations affected by the bill. Each Indiana Code cite should be separated by a semicolon, and a period should be placed at the end of the list. List the Indiana Code cites 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 in an article is affected, cite to the article.

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 "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.

Once a bill is printed, each citation in the Citations Affected list is concentrated to the article level. If a Noncode provision is amended, it is included after the article citations. A new Noncode provision should not be noted unless that provision is the only provision in the bill. (See "If the bill only adds Noncode provisions" above.)

Example: **Citations Affected:** IC 2-5; IC 4-4; IC 4-12; IC 4-23; IC 5-2; IC 5-20; IC 5-22; IC 5-28; IC 5-29; IC 5-31; IC 6-1.1; IC 6-3.1; IC 8-4.5; IC 8-16; IC 9-18; IC 10-17; IC 10-18; IC 11-10; IC 12-13; IC 14-8; IC 14-9; IC 14-10; IC 14-21; IC 14-25; IC 15-11; IC 15-17; IC 16-41; IC 20-20; IC 20-40; IC 22-4.1; P.L.14-2012, SECTION 18.

(b) Synopsis

The second part of a digest is the synopsis. The synopsis is a brief summary of the contents of the bill and 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. If a digest is too long, it will be difficult for the reader to follow and may create formatting problems when the bill is printed. The digest should summarize the contents of the bill rather than spell out each provision in the bill.

Short synopsis

The first part of the synopsis is the "short synopsis", which should summarize the entire bill in as few words as possible. 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 drafting attorney should carefully consider how the short synopsis should be worded. The short synopsis does not contain a verb.

Example: **Synopsis:** Small breweries.

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

Long synopsis

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 in which the provisions appear in the bill, or grouped together by subject matter. Keep the synopsis short.

Don't Say: Provides that a school corporation's disciplinary rules are not required to provide for suspension or expulsion when there are statutory grounds for suspension or expulsion of a student, unless the situation concerning the student involves a firearm. Provides that school corporation officials, including administrative staff and teachers, may choose from a variety of disciplinary actions rather than subjecting the student to suspension or expulsion, including assignment of the student to an extended day program that: (1) allows a student to attend regular classes; and (2) extends the daily schedule to include before or after school sessions that provide a student with an opportunity to build academic, disciplinary, and social skills.

Say: Provides that a school corporation's disciplinary rules are not required to provide for student suspension or expulsion when there are statutory grounds for those actions, unless the situation involves a firearm. Provides that officials may take disciplinary actions other than suspension or expulsion. Adds assignment to an extended day program as a disciplinary action that may be taken in addition to or instead of suspension or expulsion.

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

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.

Appropriations

If money is appropriated in the bill, the appropriation should be noted 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.

If an appropriation is in the current law, and the appropriation is unchanged, do not note the appropriation 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: Voids, as of July 1, 2018, any rules or policies enacted by a state agency before, on, or after June 30, 2017, concerning transportation of plastics within Indiana.

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:

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: Criminal law and sentencing policy study committee. Relocates the statute establishing the criminal law and sentencing policy study committee. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)

(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 are retroactive. The remaining dates should be in chronological order from earliest to latest. Each entry should be separated by a semicolon, 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.

(a) 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:	Say:
Indiana board of pharmacy	board of pharmacy
medical licensing board of Indiana	medical licensing board

(b) 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 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.

Example: Permits the submission of DNA evidence.

(c) 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.

Don't Say:	Say:
one hundred dollars	$100
fifty-two cents	$0.52

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

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

Do not write out fractions.

Don't Say:	Say:
one-fourth	1/4
two-thirds	2/3
three and one-half	3 1/2
four and three-eighths	4 3/8

(d) Practices to Avoid

Avoid drafting 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 drafting 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 himself 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 using "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.

(4) Form of a Digest

A sampling of the various forms a digest can take is provided below. (See also **EXHIBIT 2, Bill Digest,** on page 157.)

Example: The following digest describes a bill that 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, 2013; January 1, 2014.

Example: The following digest describes a bill that contains only a new Noncode provision that goes into effect on July 1 of the current session year.

DIGEST

Citations Affected: Noncode.

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

Effective: July 1, 2013.

Example: The following digest describes a bill that contains only an existing Noncode provision being amended as of a future date.

DIGEST

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

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

Effective: December 1, 2013.

Example: The following digest describes a bill that 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 a county fiscal body 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 a county fiscal body may adopt an ordinance requiring waiver of penalties on delinquent taxes on real property in the county if: (1) part of the delinquent taxes was first due and payable before January 1, 2010; and (2) all of the delinquent taxes are paid after June 30, 2012, and before July 1, 2013. Applies statewide the authority currently applying to Lake County allowing the county auditor to remove real property from a tax sale if the county treasurer and taxpayer agree to a mutually satisfactory arrangement. Establishes a period during which a taxpayer failing 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 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.

(b) Avoid using an Indiana Code title's name if the wording would be misleading to the reader.

For instance, if a bill amends Title 8 concerning transportation but nothing in 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 those listed below:

- child services
- corrections
- economic development
- gaming
- general provisions
- health
- human services
- income tax
- local government
- the lottery
- Medicaid
- military and veterans
- natural resources
- pensions
- property tax
- trade
- utilities

(c) Avoid putting multiple subjects in the bill title.

(d) Avoid drafting a bill title too narrowly as a title amendment might be necessary if the bill is later amended.

Don't Say: A BILL FOR AN ACT to amend the Indiana Code concerning crimes involving the use of weapons in movie theaters.

Say: A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

(2) Amendment or Addition 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:

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.

(3) Amendment or Addition of Noncode Provisions

The title of a Noncode bill, which is a bill that contains only the amendment or addition of Noncode provisions, should appear as follows:

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 forms (See "**Citations**" under "**SESSION LAWS**", page 2):

Boilerplate: A BILL FOR AN ACT to amend Acts ___, c.___, s. ___, concerning . . .

Boilerplate: A BILL FOR AN ACT to amend Acts ___, P.L.___, SECTION ___, concerning . . .

Boilerplate: A BILL FOR AN ACT to amend P.L.___-20__, 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 should recite the fact of the repeal and set forth what is repealed.

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.

Example: A BILL FOR AN ACT to repeal a provision concerning elections.

(5) Appropriations

If the bill makes an appropriation of state funds, include that fact in the title.

Boilerplate: A BILL FOR AN ACT to . . . and to make an appropriation.

This also applies when the text of the bill reads "Money in the fund is continuously appropriated for...".

(6) Emergencies

An emergency is declared when a bill has an early effective date. If an emergency is declared, it is not necessary to state that fact in the title. Article 4, Section 28 of the Constitution of the State of Indiana provides that the emergency must be declared either in the preamble or in the body of the law to be effective. Draft the declaration in the form of an emergency clause, added in the last SECTION of the bill. (See **Emergency Clauses,** page 100, and **Early Effective Dates,** page 102.)

D. BILL PREAMBLE (See also **Purpose Provisions,** page 62.)

Avoid the use of preambles. A preamble is similar to a Concurrent Resolution; that is, it is a statement that does not have the effect of law but reflects the sentiment of the General Assembly at the time that it is passed. A preamble is permitted only in the rare instance when there is a need to express the reasons for legislation, the purpose of legislation, or findings related to legislation on the face of the bill itself. This material takes the form of "Whereas" clauses that are placed at the beginning of the bill following the title and before the enacting clause. Since a preamble appears before the enacting clause, the preamble is not printed as a part of the law in the Indiana Code but does appear in the session laws.

Boilerplate: ***Whereas, ... ;***
Whereas, ... ;
Whereas, ... ; and
Whereas, ... : **Therefore,**

The language of a preamble may be written in a less formal style than that required for legislative measures. However, adherence to the rules of grammar, spelling, and readability applies to all preambles. Keep each "Whereas" clause as concise as possible. Seek consistency throughout the text of the preamble.

See **EXHIBIT 22, Noncode Bill with Preamble and Emergency Clause,** page 184.

E. BILL ENACTING CLAUSE

Each bill must contain the following standard enacting clause required by Article 4, Section 1 of the Constitution of the State of Indiana:

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

F. 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 a lead-in line, which identifies by Indiana Code citation the part of the law being added or 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 a 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 lead-in lines:

(a) The entire lead-in line is in capital letters.

(b) A lead-in line to a section of the Indiana Code must include both the Indiana Code citation for that section and, if the section was added or has been amended after the last complete set of the Indiana Code was published in 2004, a designation of the act that added the section to the Indiana Code or that last amended the section. (See the **Amendments to the Indiana Code** examples below.)

(c) The lead-in line must indicate in brackets when the affected SECTION is effective. (See **EFFECTIVE DATES,** page 102.)

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

(2) Amendments to the Indiana Code

(a) To amend a section that was added or last 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. ...

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

(See **ALTERING PROVISIONS ADDED OR AMENDED EARLIER IN THE SAME SESSION,** page 135, for a discussion of lead-in lines for a section previously added or amended during the same legislative session.)

(3) Additions to the Indiana Code

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

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

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:

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:

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:

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

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, the text of a repealed provision was not set forth. The repeal procedure was changed to require that if a title, article, or chapter is to be repealed, the heading of the title, article, or chapter must be set forth. If a section or Noncode SECTION is to be repealed, the text of the section or SECTION must be set forth in its entirety and shown in stricken text. (See **REPEALERS,** page 85, for more information and examples.)

(5) Noncode Provisions

Additions

If a Noncode provision is being added, a lead-in line is not required because the provision does not amend the Indiana Code.

Example: SECTION 7. [EFFECTIVE JANUARY 1, 2013] **(a) The board...**

Note that, unlike in Indiana Code provisions, a colon is not included after the effective date.

See **EXHIBIT 17, Adding a Noncode SECTION,** page 177.

Amendments

If a Noncode provision is being amended, one of the following lead-in lines is required to properly identify the Noncode provision. The P.L. referred to in the lead-in line should be the last P.L. that amended the Noncode provision.

(a) For Noncode provisions in acts enacted beginning with the 1971 session:

Boilerplate: SECTION ___. P.L.__-20__, SECTION __, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE _____]:

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

Boilerplate: SECTION __. ACTS __, C.__, S.__, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE _____]:

See:
EXHIBIT 16, Amendment of a Noncode Act, page 174.
EXHIBIT 74, Determining the Latest Version of a Noncode Provision, page 292.

G. INDIANA CODE PROVISIONS GENERALLY

(1) Numbering System

(a) 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:

(i) The fuel tax laws (IC 6-6).

(ii) First Lien Mortgage Lending (IC 24-4.4).

(iii) The Uniform Consumer Credit Code (IC 24-4.5).

(iv) Special Provisions Concerning Certain Transactions (IC 24-4.6).

(v) The Uniform Commercial Code (IC 26-1).

(vi) Uniform Electronic Transactions Act (IC 26-2-8).

(vii) 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.

(b) Chapters and Articles

As with sections, new articles and chapters are to be numbered consecutively, starting with "1". A new chapter or article having a decimal Indiana Code citation should be used only if it is clearly the best placement for understanding.

(c) Use of Repealed or Expired Sections, Chapters, Articles, and Titles

When a section, chapter, article, or title has been repealed or has expired, do not place new text at that Indiana Code location.

(2) Headings

(a) Titles, Articles, Chapters

Title, article, and chapter headings are inserted by legislation. The heading should be as broad as possible without being misleading. Avoid using misleading or stilted language, jargon, language that may be construed as one-sided or argumentative, and "popular" names. When it appears that a title, article, or chapter heading change is needed, contact the Office of Code Revision. 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. Capitalize prepositions of four letters or more. A period should be placed after the chapter number.

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

(b) Sections

Section headings 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. 4. 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. 4. 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

(a) 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 3, Amendment by Adding New Language, page 158.
EXHIBIT 4, Amendment by Striking Existing Language, page 159.
EXHIBIT 5, Amendment by Combining Additions and Striking, page 160.
EXHIBIT 6, Amendment by Adding a Subsection, page 161.
EXHIBIT 7, Amendment by Striking a Subsection, page 162.
EXHIBIT 8, Conflict Resolution Merging Multiple Versions of the Same Section, with Emergency Clause, page 163.

(b) 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 9, Adding a New Section to the Indiana Code, page 164.
EXHIBIT 10, Adding a New Chapter to the Indiana Code, page 165.
EXHIBIT 11, Adding a New Article to the Indiana Code, page 166.
EXHIBIT 12, Adding a New Title to the Indiana Code, page 168.

(c) 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 85.)

(4) Internal References

(a) Internal References to Indiana Code Provisions

If one Indiana Code provision makes reference to another Indiana Code provision, the form specified in Chapter 1 (see "**Citations**" under "**INDIANA CODE**", page 1) is to be followed, except as follows:

(i) 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.

(ii) 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.

(iii) 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.

(iv) 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.

(v) 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.

(vi) 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.

(vii) 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.

(viii) 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.

(ix) 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: An individual who satisfies the requirements of sections 1 through 3 of this chapter may take the examination.

Do not use the full Indiana Code citation of a section when the reference is to a section within the same chapter.

For example, if IC 28-3-4-7 is drafted to require that a licensee must file a form under IC 28-3-4-5:

Don't Say: **Sec. 7. A licensee must file the form under IC 28-3-4-5.**

Say: **Sec. 7. A licensee must file the form under section 5 of this chapter.**

However, any reference to a chapter within the same article, or to an article within the same title, should be made using the full Indiana Code citation.

For example, if IC 7.1-6-7-2 requires that an applicant follow a procedure outlined in IC 7.1-6-8:

Don't Say: **Sec. 2. The applicant must follow the procedure outlined in chapter 8 of this article.**

Say: **Sec. 2. The applicant must follow the procedure outlined in IC 7.1-6-8.**

Likewise, if IC 5-26-2-10 provides that a commission is subject to the procurement procedures under IC 5-22:

Don't Say: **Sec. 10. The commission is subject to the procurement procedures under article 22 of this title.**

Say: **Sec. 10. The commission is subject to the procurement procedures under IC 5-22.**

(x) 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.

(xi) A reference to a specific subsection in the same chapter but not in the same section should be cited as, for example, "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.

(xii) A reference to two subsections in the same section but not in the section containing the reference should be cited as, for example, "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.

(xiii) In referencing multiple subsections in the same section, whether the term "subsection" is singular or plural depends on the conjunction used.

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 drafting attorney should use the SINGULAR because it is the same subsection.

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

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

(xiv) 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)".

For information concerning internal references to Noncode SECTIONS, see **Internal References to Noncode Provisions,** page 91.

(b) 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" when referencing only two sections, subsections, subdivisions, clauses, or items.

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

Use "through" when referencing more than two sections, subsections, subdivisions, clauses, or items that appear consecutively.

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

Use "and"when referencing more than two sections, subsections, subdivisions, clauses, or items that do not appear consecutively.

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

(c) 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.

(d) "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.

(e) 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 chapter", should be stricken if obsolete. Otherwise, it must be replaced with a specific date as follows:

(i) If an act has a specific effective date, substitute that date for the reference.

(ii) 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.

(iii) 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 the Indiana Code volume containing Title 1, or in the first volume of each year's supplement.

(iv) 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).

(v) For an act passed during or after 1979, see **EFFECTIVE DATES,** page 102.

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.

(f) 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.

(g) 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.)

(h) Internal References to Federal Regulations

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

Example: 24 CFR 201

(i) 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**" under "**INDIANA REGISTER**", page 3.)

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-317130265FR

(j) Internal References Within the UCC, UCCC, and Certain Model and Uniform Acts and Compacts

The form of internal references specified in Chapter 1 (see "**Citations**" under "**INDIANA CODE**", 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.

(k) 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 Bluebook is available in the Indiana Supreme Court Law Library.

H. SPECIFIC TYPES OF INDIANA CODE PROVISIONS

Consider the factors set forth under **NONCODE PROVISIONS GENERALLY,** page 90, and **SPECIFIC TYPES OF NONCODE PROVISIONS,** page 92, 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 51.)

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 67.)

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

(a) 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 35-31.5. (See IC 1-1-4-5(30).) Avoid defining these terms differently in other parts of the Indiana Code.

(b) Definition Usage Rules

Use definitions only:

(i) when a word is used in the sense of one of several dictionary meanings or is used in a technical manner;

(ii) to avoid repetition of a lengthy phrase; or

(iii) to limit or extend the meaning of a word for the provisions of the statute.

Practices to Avoid:

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

Example: "Applicant" means 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 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.

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

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

(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** 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.

(c) Definition Form Generally

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

(i) 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.

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

Example: Sec. 2. "License" includes a 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.

(iii) 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. 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).

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

Example: "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).

(v) 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.

(d) 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.

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) . . .

(e) Definition Form in New Chapters

When adding a new chapter, put each of the definitions for that chapter in separate sections at the beginning of the chapter in alphabetical order. Each definition section should begin with a statement of applicability.

Example: **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.

(f) Definition Form in New Sections

When adding a new section, put each of the definitions for that section 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.

(g) 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.

(h) Definitions in New and Recodified Titles

When adding a new title or recodifying 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 Recodified Titles

Recodified titles include Titles 3, 9, 10, 12, 13, 14, 15, 16, 20, 21, 31, 32, 33, and 34. These titles have all been recodified under the supervision of the Code Revision Commission. The Code Revision Commission has varied the format slightly for definitions in recodified titles over the years.

In Titles 3, 13, 31, and 34, all definitions should be placed 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, the definitions should be placed 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 should be placed in that chapter, and a reference to the definition should be placed in the general definitions chapter in the beginning of the title. (For an example of a definition used in only one chapter, see IC 16-18-2-15.)

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.

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.

(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,** page 92.)

Sample Boilerplate: **The office of _____ is established in the department of _____.**

Example: The state recount commission is established.

Example: There is established within the Indiana finance authority a clean coal technology program.

(6) Criminal and Civil Penalties

(a) Crimes

Felonies and misdemeanors constitute crimes under Indiana law and must 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 criminal offenses should be classified into one of these statutory classes. (See **EXHIBIT 81, Criminal Penalty Chart,** page 312.) 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.)

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 cannot 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, assume that 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 should be 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.

(b) Civil Violations

Infractions and ordinance violations constitute civil violations. They are not criminal offenses (for which a person can be imprisoned). 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 (unless provided otherwise). 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. In other words, a culpability standard describing the mental state a person must have had to commit the crime (knowingly, intentionally, recklessly) is not required.

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 and to outside agencies 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: Assume that IC 5-2-17-8(b) is drafted in a bill concerning missing persons and that 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 should be 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).**

(c) 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.

(d) Do Not Criminalize Violation of Entire Chapter, Article, or Title

In drafting criminal statutes, identify each provision that should have a criminal penalty rather than citing to the entire chapter, article, or title. General penalty provisions may produce unintended results, such as the provision being struck down for being overly broad or vague.

Don't Say: A violation of this chapter is a Class B misdemeanor.

OR

A violation of this article is a Class D felony.

Say: Sec. 14. A person who knowingly violates section 10 or 12 of this chapter commits a Class C misdemeanor.

(e) 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:

(a) a class of political subdivisions based on population; or

(b) 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 political 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 drafting attorney must take great care to ensure that the population parameters are the most current parameters. The drafting attorney 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.

(a) Continuing

A continuing appropriation is an annual and continuing appropriation. 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. However, the General Assembly will occasionally 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 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:

(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.

Appropriations Covering a Period of More than Two Years

If an appropriation is to cover a period of more than two years but it is not a continuing appropriation, it should be drafted as an Indiana Code provision and include an expiration date.

Example: SECTION 1. IC 15-17.5-13-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 4. (a) There is appropriated to the livestock program fund established under section 2 of this chapter four hundred thousand dollars ($400,000) from the state general fund for its use in carrying out the purposes of the fund.**
(b) This section expires June 30, 2018.

(b) 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 92.)

(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,** page 74.) 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].

(c) The expenses of administering the fund shall be paid from money in the fund. [5]

(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. [6]

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund. [7] However, if the amount of money in the fund at the end of a particular fiscal year exceeds [8], the treasurer shall transfer the excess from the fund into the [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 distribution of money or the provision of services; or

(C) receive, hold, and disburse 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.].

[5] This is an optional provision. Its use should be discussed with the author.

[6] This is an optional provision that should be used only in the case of trust funds, where specifically requested by the legislator, or where required by federal law.

[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).

[8] This is an optional "scrape-off" or "spill-over" provision. Insert the dollar amount over which the fund should not grow.

[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 also **Appropriation Provisions,** page 71.)

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 that is 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 within 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. [6]

(d) The [7] shall annually prepare a plan for the expenditure of the money in the account.

(e) Money in the account may be spent for [8].

(f) The expenses of administering the account shall be paid from money in the account. [9]

(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. [10]

(h) Money that is in the account at the end of a state fiscal year does not revert to the state general fund. [11]

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] This is an optional provision. Its use should be discussed with the author.

[7] If a plan is to be prepared for the account, insert the name of the entity creating the plan.

[8] Insert, if applicable, specific uses for the account.

[9] This is an optional provision. Its use should be discussed with the author.

[10] This is an optional provision that should be used only when specifically requested by the legislator or where required by federal law.

[11] 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).

Note: Some of the provisions included in the boilerplate language above are not necessary if the fund within which the account is created contains a provision encompassed by the fund's establishing language.

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 that transfer money from one account or fund to another or that otherwise specify the procedures for closing an account should be drafted as Noncode provisions. (See **Transferring Money and Closing Accounts,** page 93.)

(11) Legislative Oversight

The budget committee, which consists primarily of legislators, cannot "approve" executive branch actions because of separation of powers considerations, but it can "review" and "recommend" executive branch actions. For instance, see IC 4-12-5-4 and IC 4-13.5-.5-12.

In budgetary matters, if oversight by the budget committee is desired, the drafting attorney 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 36-7-31-12.

(12) Executive Branch Committees and Commissions: Travel Expenses, Per Diem, Membership, Voting Practices, and Other Procedural Matters

When establishing an executive branch committee or commission, the drafting attorney must determine what, if any, per diem is to be provided to the members. In addition, because of separation of powers considerations, legislative members on executive branch committees should be nonvoting members. However, legislators may vote if the committee's function is purely advisory. It is also important to specify 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, commission, or task force that will be controlled by the executive branch. Note that the following boilerplate language is drafted assuming the establishment of an

executive branch committee. (Note: Delete inappropriate sections.)

Sample Boilerplate: **Chapter __. [Name of Entity]**

Sec. 1. As used in this chapter, "[committee]" refers to the [insert name of [committee].

Sec. 2. There is established the [insert name of entity] [committee] on [insert subject matter]. The [committee] consists of the following members:

(1) . . . .

(2) . . . . (et cetera)

Sec. 3. [Insert appointing authority] shall appoint [insert member designated as chairperson] the chairperson of the [committee].

Sec. 4. The [committee] shall [insert the [committee's] duties].

Sec. 5. The [insert entity that will provide staffing] shall staff the [committee].

Sec. 6. The expenses of the [committee] shall be paid from [insert fund or other source of payment].

Sec. 7. Each member of the [committee] 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. Each member of the [committee] 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. Each member of the [committee] 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 section shall be paid from appropriations made to the legislative council or the legislative services agency.

Sec. 10. Each member of the [committee] who is a member of the general assembly is a nonvoting member.

Sec. 11. 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.

[Sec. 12. This chapter expires [insert expiration date].]

See **EXHIBIT 25, Indiana Code Act Establishing an Executive Branch Committee,** page 190.

(13) Legislative Committees and Commissions: Travel Expenses, Per Diem, Membership, Voting Practices and Other Procedural Matters

IC 2-5 is the repository for the establishment of and provisions concerning most legislative study commissions, committees, task forces, and other such entities. IC 2-5-1.2 provides for the rules governing the entities created under IC 2-5, and each entity established is provided its own chapter within the article.

Each year the Legislative Council establishes the procedures, if not otherwise provided by a statute, for legislative study committees, which provide for the appointment of the chair, the number of members, per diem and mileage allowed, funding, and other matters.

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. __. (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 [insert study topics].

(c) The [committee] shall operate under the policies governing study committees adopted by the legislative council. [1]

(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. [2] [3]

(e) This section expires [insert expiration date].

Explanation:

[1] This statement is unnecessary if the entity is established under IC 2-5. (See IC 2-5-1.2-13.)

[2] This statement is unnecessary if the entity is established under IC 2-5. (See IC 2-5-1.2-12.)

[3] 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 affirmative votes of a group of members other than a majority are needed to take action on a measure, specify the number, fraction, or percentage that is necessary.

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 [insert study topics].

(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 expiration 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 23, Noncode Act Establishing a Legislative (Interim) Study Committee, with Emergency Clause, page 186.

EXHIBIT 24, Indiana Code Act Establishing a Legislative (Interim) Study Committee, page 188.

(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).

(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].**

Care should be taken to make sure that the grant of rulemaking authority is not too narrow or too broad.

To prohibit an agency from adopting administrative rules on a certain matter, the following form may be used:

Example: The board may not adopt a rule requiring vehicle emission testing in certain counties.

(See **Transfer of Responsibilities, Property, Liabilities, and Funds to Successor Agencies,** page 82, for provisions transferring rules from one agency to another. See **Emergency Rules and Rulemaking,** page 95, for information about providing emergency rulemaking authority to state agencies.)

(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 an Indiana Code provision. (See the discussions of **BILL PREAMBLE** and **Purpose Provisions** on pages 51 and 62, respectively.)

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 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 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).**

(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 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 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.

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]_____, SECTION __, are held invalid, the amendments to section __ of this chapter made by SEA [HEA] _____, SECTION __, are void.**

Sample Boilerplate: SECTION __. [EFFECTIVE _____] **(a) 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.**

(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 two years after enactment, the provision must contain a statement of its expiration.

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.

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 80.)

(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 5-2-9-0.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 0.1. The following amendments to this chapter apply as follows:**

(1) The addition of section 1.3 and sections 1.5, 1.6, and 6.3 of this chapter (before their repeal) by P.L.280-2001 applies to foreign protection orders issued before, on, or after July 1, 2001.

(2) The amendments made to sections 2.1, 5, 6, 7, and 8 of this chapter by P.L.280-2001 apply to foreign protection orders issued before, on,

or after July 1, 2001.

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. IC 12-15-1.3 is the law governing Medicaid Waivers and plan amendments.

See **EXHIBIT 27, Medicaid Waiver,** page 199.

(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 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 a way that produces any of the following results:

(a) A bill repeals a cite establishing an agency with existing rules, but the bill is silent as to whether the rules transfer to another authority, or the bill 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 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 programs division of the department 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 programs division of the department included for purposes of computing:**
(1) retention points under IC 4-17-8.3 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: **(h) Proceedings pending before the professional standards board on July 1, 2013, shall be transferred from the professional standards board to the department and treated as if initiated by the department.**

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.

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.**

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.

Recodification of a Title

For an example of a savings clause in a recodified title, see **EXHIBIT 26, Savings Clause for a Recodified Title,** page 194.

(28) Vehicle Bills

The rules of the House of Representatives and the Senate prescribe the guidelines for the introduction of 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 drafting attorney receives a request for a vehicle bill, contact the director of the Office of Bill Drafting and Research. 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.

Be it enacted by the general assembly of the State of Indiana:

SECTION 1. [EFFECTIVE JULY 1, 2013] **The Indiana Code is amended.**

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 19, House Vehicle Bill to Amend the Indiana Code, page 179.
EXHIBIT 20, Senate Vehicle Bill to Amend a Title of the Indiana Code, page 181.
EXHIBIT 66, Vehicle Bill for a Joint Resolution of the Senate to Amend the Constitution of the State of Indiana, page 277.

(29) 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.

(30) 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.

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 repeal procedure has been changed to require that if a title, article, or chapter is to be repealed, the repealer must set forth the heading of the title, article, or chapter. If an Indiana Code section or a Noncode SECTION is to be repealed, the affected 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

(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 is to 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.

Repealing a Chapter, Article, or Title

The heading of the chapter, article, or title being repealed is set forth 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 drafting attorney or an attorney in the Office of Code Revision 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". Great care must be used in editing the parenthetical language to avoid misleading the reader. The text of the chapter, article, or title is not included in the repealer's SECTION. The repealer statement must be in all capital letters and in roman type. One period follows the bracketed effective date and another goes after the heading, outside the parentheses.

(1) 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.

(2) 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 15, Repealing a Chapter, page 173.

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 shown in stricken type. The repealer statement must be in all capital letters and in roman type. A period follows the bracketed effective date.

For a section that is not in conflict and that does not contain a delayed effective date, 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]. ~~See. 4. The authority shall...~~

See:
EXHIBIT 13, Repealing a Section, page 170.

EXHIBIT 14, Repealing Multiple Sections, with Other Amendments, page 171.

For information related to:

1. drafting a repealer for a section in conflict;

2. drafting a repealer with a delayed effective date;

3. negating the effect of a delayed effective date repealer; and

4. changing the effective date of a delayed effective date repealer;

see **EXHIBIT 75, Drafting Repealers Under Special Circumstances,** page 293.

(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 Noncode 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 and in roman type. A period follows the bracketed effective date.

Example: SECTION 10. P.L.24-2011, SECTION 12, IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~SECTION 12. The commission on the study of aging is established. The purpose of the commission is...~~

See **EXHIBIT 18, Repealing a Noncode SECTION**, page 178.

For information related to:

1. drafting a Noncode provision repealer with a delayed effective date; and

2. repealer forms for Noncode acts enacted before the 1982 Special Session;

see **EXHIBIT 75, Drafting Repealers Under Special Circumstances,** page 293.

(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 the Noncode Acts need to be redesignated, removed, or replaced because of the repeal. Legislative Services Agency drafting attorneys should follow the guidelines below to help ensure thorough implementation of a repeal.

(a) Perform a Folio search for references to the repealed cite.

Searching for References to a Repealed Section

Example: Assume IC 1-3-2-3 is to be repealed. **To search for references to that section, search Folio for the following:**

1. **The full Indiana Code citation.**

   Type into Folio search window: 1-3-2-3

   OR

   The chapter citation plus an asterisk.

   Type into Folio search window: 1-3-2*

   Either search command will locate all citations to the section, including citations 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.

2. **The cite's section number, with the phrase "of this chapter", within the same chapter.**

   Type into Folio search window: [group 1-3-2] 3 "of this chapter"

   This search command will locate all chapter hits containing a subsection, subdivision, clause, or item, such as "3(a)", "3(b)(1)", and "3(c)(2)(i)". It will also find any of the chapter's decimal sections beginning with that section number, such as "3.5".

Searching for References to a Repealed Chapter

Example: Assume IC 1-3-2 is to be repealed. **To search for references to that chapter, search Folio for the full Indiana Code citation plus an asterisk.**

Type into Folio search window: 1-3-2*

or 1-3-2

or 1-3-2-*

This search will return all citations 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: Assume IC 1-3 is to be repealed. **To search for references to that article, search Folio for the full Indiana Code citation plus an asterisk.**

Type into Folio search window: 1-3*

This search will return all citations 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.

(b) Perform 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, references to the board, commission, other entity, or term must be removed, redesignated, or replaced.

Example: Assume 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 the chapter citation, a number of references to the committee will have already been found. However, not all references to the committee contain a chapter, or even a section, citation: only the name of the committee may appear. It is therefore 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 79, Using Folio,** page 305, 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 during the same legislative session, 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 [insert expiration date].

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.

Example: SECTION 5. [EFFECTIVE JULY 1, 2013] **(a) Notwithstanding the repeal of IC 20-5-4-1.7 by this act, bonds issued under IC 20-5-4-1.7 before July 1, 2013, remain valid and binding obligations of the school corporation that issued them, as if IC 20-5-4-1.7 had not been repealed.**

(b) This SECTION expires July 1, 2014.

(5) Expired Provisions

Under IC 1-1-5-10, the effect of the 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.

Some provisions that do not apply to the state generally, but instead apply only to a particular situation or class, are 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 two years of the date of passage of the act (unless the provision should otherwise be drafted as an Indiana Code provision—see **SPECIFIC TYPES OF INDIANA CODE PROVISIONS,** page 62);

(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).

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 bound publications of the Indiana Code or its supplements. The Noncode provisions are, however, 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 LexisNexis) in notes following the related Indiana Code sections.

(2) Printing Style

(a) Amending an Existing Noncode SECTION

When an existing Noncode SECTION is amended, the latest version of the 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**).

See **EXHIBIT 16, Amendment of a Noncode Act,** page 174.

(b) Adding a New Noncode SECTION

When a new Noncode SECTION is added, the entire text of the SECTION is set in bold type (**bold type**).

See **EXHIBIT 17, Adding a Noncode SECTION,** page 177.

(3) Expiration Date

Include a statement of expiration in each temporary Noncode provision unless the expiration date cannot be determined. If the expiration date cannot be determined, consider placing the provision in the Indiana Code.

Example: **(b) This SECTION expires July 1, 2014.**

(4) Internal References to Noncode Provisions

(a) To cite to a new Noncode SECTION located within the same bill, use the word "SECTION", the SECTION number, and "of this act".

Example: SECTION 3. [EFFECTIVE JULY 1, 2013] **(a) Reimbursement for any travel expenses claimed by lay members serving on research committees under the jurisdiction of the legislative council must be based on SECTION 4 of this act, until the legislative council applies the travel policies and procedures governing legislators and their staff to those lay members.**
(b) This SECTION expires July 1, 2014.

(b) To cite to a new Noncode SECTION located in a different bill during the same legislative session, set forth the HEA, SEA, or P.L. number of the other bill and include the SECTION number.

Example: SECTION 151. [EFFECTIVE UPON PASSAGE] **(a) In repealing IC 35-41-1-3.5 by this act, the general assembly recognizes that IC 35-41-1-3.5 was amended by HEA 1196-2013, SECTION 10. The general assembly intends to repeal that provision.**
(b) This SECTION expires December 31, 2013.

(c) To cite to a Noncode SECTION being amended within the same bill, set forth the Noncode SECTION's citation number and include the phrase ", as amended by this act,".

Example: SECTION 13. [EFFECTIVE JULY 1, 2013] **(a) P.L. 102-2012, SECTION 8, as amended by this act, applies to a change in membership of the playground safety commission occurring after June 30, 2013.**
(b) This SECTION expires July 1, 2014.

For information concerning internal references to Indiana Code provisions, see **Internal References to Indiana Code Provisions,** page 57.

(5) 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 added by the bill. If a reference does not relate to the provision as it has been amended or repealed in the bill—in other words, if 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 prelicensing 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 written as a Noncode statute with an expiration date.

Other examples of this sort of provision are:

(a) 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;

(b) a tax levy appeal that applies to one unit; and

(c) one-time property transfers.

(2) Transitional or Self-Terminating Provisions

(a) 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 may be 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.

(b) 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 7. [EFFECTIVE JULY 1, 2013] (**a) The balance of the funds remaining in a county's county welfare fund and the county welfare trust clearance fund on December 31, 2013, that 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 74.)

(c) 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.

Sample Boilerplate: SECTION __. [EFFECTIVE _____] **(a) [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 [insert expiration date].

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.**

(d) Emergency Rules and Rulemaking

IC 4-22-2-37.1 is the Indiana Code section governing emergency rulemaking procedure for all state agencies. See below for additional information concerning emergency rulemaking procedure applicable to the Indiana department of environmental management (IDEM).

A grant of emergency rulemaking authority permits a state agency to adopt emergency rules, which are sometimes called "temporary rules" or "interim administrative rules". An emergency rule is often used to provide short-term governance while a "regular" rule (i.e., a rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36) is being adopted. The regular rule adoption process can be lengthy and involves several steps, including a period of public notice and comment, before a rule can be adopted. However, an emergency rule goes into effect as soon as it is accepted for filing with the publisher of the Indiana Administrative Code and Indiana Register. Note that neither emergency rules nor rules adopted through the regular rulemaking procedure are filed with the secretary of state.

Emergency rulemaking authority should be considered to be a transitional provision to be used in certain situations such as when a law creates a new program (which will probably require rules) or changes a program (which will probably require a change in rules but insufficient time exists in which to adopt regular rules before the change becomes enforceable). The general rule is that emergency rulemaking is not preferred, but many programs require quick changes, such as those tied to federal statutes.

Before drafting emergency rulemaking authority for a particular agency, discuss with the author the desired parameters of the authority and the desired duration of any rules adopted under the authority, as well as whether the duration of an emergency rule may be extended. Unless otherwise stated in the grant of authority, the default duration of an emergency rule is 90 days with the potential for one extension period of an additional 90 days, which requires the adoption of another rule under IC 4-22-2-37.1. In order for an emergency rule to be effective after the extension period, the rule must be adopted through the regular rulemaking procedure outlined in IC 4-22-2-22.5 through IC 4-22-2-36. Emergency rulemaking authority granted to IDEM differs from that granted to all other state agencies in that the default duration of an emergency rule is still 90 days, but the emergency rule may have two extension periods, each of an additional 90 days. Avoid giving an agency an unlimited number of extensions. Consider granting the agency permanent rulemaking authority.

Consider drafting an agency's emergency rulemaking authority as a provision of the Indiana Code, even if the grant of authority will be temporary. If the authority is to be temporary, be sure to include an expiration date for the provision.

A grant of emergency rulemaking authority under IC 4-22-2-37.1 can take several forms, so consider the following boilerplate samples:

To grant IC 4-22-2-37.1 emergency rulemaking authority that follows the default expiration and extension provisions set forth in IC 4-22-2-37.1, use the language below.

Sample Boilerplate: SECTION __. IC _____ IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE

_____]: **Sec. ___. The [entity name] [may/shall] adopt emergency rules in the manner provided under IC 4-22-2-37.1 to [insert the purpose and scope of the authority].**

Example: SECTION 8. IC 15-11-8-17.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec.17.9. The department may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to administer this chapter.**

To grant IC 4-22-2-37.1 emergency rulemaking authority that expires on a particular date or on a date when the emergency rule is amended or replaced, use the language below.

Sample Boilerplate: SECTION __. IC _____ IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE _____]: **Sec. ___. (a) The [entity name] [may/shall] adopt emergency rules in the manner provided under IC 4-22-2-37.1 to [insert the purpose and scope of the authority].**

(b) An emergency rule adopted by the [entity name] under this section expires on the earlier of the following dates:

(1) The expiration date stated in the emergency rule.

(2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or under IC 4-22-2-37.1.

Example: SECTION 14. IC 16-26-1-27 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 27. (a) The state department shall adopt emergency rules in the manner provided under IC 4-22-2-37.1 to register maternity homes.**

(b) An emergency rule adopted by the state department under this section expires on the earlier of the following dates:

(1) The expiration date stated in the emergency rule.

(2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or under IC 4-22-2-37.1.

To grant regular rulemaking authority *and* IC 4-22-2-37.1 emergency rulemaking authority that expires on a particular date or on a date when the emergency rule is amended or replaced, use the language below.

Sample Boilerplate: SECTION __. IC _____ IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE _____]: **Sec. ___. (a) The [entity name] [may/shall] adopt rules under IC 4-22-2, including emergency rules adopted in the manner provided under IC 4-22-2-37.1, to [insert the purpose and scope of the authority].**

(b) An emergency rule adopted by the [entity name] under this section expires on the earlier of the following dates:

(1) The expiration date stated in the emergency rule.

(2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36

or under IC 4-22-2-37.1.

Example: SECTION 22. IC 27-2-13-18.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 18.7. (a) The authorized agency may adopt rules under IC 4-22-2, including emergency rules adopted in the manner provided under IC 4-22-2-37.1, to govern the investigation of arson reporting under this chapter.**

(b) An emergency rule adopted by the authorized agency under this section expires on the earlier of the following dates:

(1) The expiration date stated in the emergency rule.

(2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or under IC 4-22-2-37.1.

To grant IC 4-22-2-37.1 emergency rulemaking authority that is intended to be temporary, consider drafting the authority as an Indiana Code provision, and include an expiration date. Use the language below.

Sample Boilerplate: SECTION __. IC_____ IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE _____]: **Sec. ___. (a) The [entity name] [may/shall] adopt emergency rules in the manner provided under IC 4-22-2-37.1 to [insert the purpose of the authority].**

(b) This section expires [insert expiration date].

Example: SECTION 15. IC 20-43-7-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 9. (a) The department of education may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement the policies established under this chapter.**

(b) This section expires July 1, 2014.

To enumerate the powers of an agency, including the ability to adopt emergency rules in the manner provided under IC 4-22-2-37.1 , consider the example below:

Example: SECTION 8. IC 8-15-2-14, AS AMENDED BY P.L.47-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. The authority may do the following:

(1) Fix the terms, conditions, and rates of charge for use, including assessments for the failure to pay required fees.

(2) Collect fees, or other charges, through manual or nonmanual methods.

(3) Adopt rules in the manner provided under IC 4-22-2-37.1 authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means under subdivision (2).

A complete list of all state agencies granted with emergency rulemaking authority is available on the -IR-Database web site (http://www.in.gov/legislative/iac/iac_title). The list is updated at least annually.

(e) Appropriation Provisions

There are two types of appropriations, **continuing** and **temporary.**

Continuing

A continuing appropriation is an annual and continuing appropriation. This type of appropriation should be drafted as an Indiana Code provision. (See **SPECIFIC TYPES OF INDIANA CODE PROVISIONS,** page 62.)

Appropriations Covering a Period of More than Two Years

If an appropriation is to cover a period of more than two years but it is not a continuing appropriation, it should be drafted as an Indiana Code provision and include an expiration date. (See **SPECIFIC TYPES OF INDIANA CODE PROVISIONS,** page 62.)

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. The following form should be followed for a temporary appropriation:

Sample Boilerplate: SECTION __. [EFFECTIVE _____] **(a) There is appropriated to [1] [2] from [3] for its use in [4] [5].**
(b) This SECTION expires [insert expiration date]. [6]

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 (not to exceed 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.

[6] Insert the SECTION's expiration date, which should not be more than two years after the SECTION takes effect.

In the appropriation, note whether it is in addition to or in place of money appropriated in a budget act. However, do this only if 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 [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.

(f) 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.

(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 specifying 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 79.)

(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:

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:

(This section is continued on the next page.)

Example:

Citations Affected: Noncode.

Synopsis: Provides special relief for John Johnson.

Effective: July 1, 2013.

A BILL FOR AN ACT for the special relief of John Johnson.

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

SECTION 1. [EFFECTIVE JULY 1, 2013] **(a) There is appropriated to John Johnson two hundred dollars ($200) 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 John Johnson.**

(b) This SECTION expires December 31, 2013.

See **EXHIBIT 21, Bill for Special Relief,** page 183.

(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 drafting attorney 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__.

Example: 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 not later than April 29 and in which the two year budget is made and approved. The second is a short session, adjourning sine die not 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 100, for information on emergency clauses and formatting specifics.)

(1) Types of Effective Dates

(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 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 103.

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. An individual who...

(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.

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.

Retroactive Effective Dates

A "retroactive" effective date is one that occurs before the bill is signed by the Governor.

If a SECTION is to take effect retroactively, 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. An individual

who...

If a bill contains a SECTION that takes effect retroactively, the bill requires an emergency clause.

Upon Passage Effective Dates

For a bill to take effect when the Governor signs the bill or on the eighth day after presentment if it is filed 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. An individual 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 does not 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.

(c) Delayed Effective Dates

A "delayed" effective date is a date that falls after the July 1 uniform effective date. Avoid using a delayed effective date except when drafting in the tax area. A delayed effective date sometimes leads to the creation of multiple versions of a single law. Instead, use the July 1 uniform effective date and either state the delayed effective date in the text of the section or draft 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 <u>JULY 1, 2020</u>]: Sec. 4. The commissioner shall **not** oversee the department.

Say: SECTION 1. IC 9-15-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE <u>JULY 1, 2013</u>]: Sec. 4. **<u>(a) Until July 1, 2020,</u>** the commissioner shall oversee the department.
<u>(b) Beginning July 1, 2020,</u> 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.

(a) Effective Dates for Indiana Code Provisions

An effective date affecting an Indiana Code provision must be inserted in brackets in all roman capital

letters before the colon in the lead-in line.

Example: SECTION 4. IC 33-5-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The court...

(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. 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 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. The commission...

(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". A period must be placed after the closing bracket.

Example: SECTION 24. 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, 2011 (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

(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.

(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] **(a) 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".

Don't Say: If the Congress of the United States 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 Congress of the United States 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 the Governor's veto is overridden by the House of Representatives and Senate, 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 do any of the following:

1. Propose an amendment to the Constitution of the State of Indiana under Article 16.

2. Ratify a proposed amendment to the Constitution of the United States.

3. Apply to the Congress of the United States to call a constitutional convention to consider an amendment to the Constitution.

4. Remove state officers under Article 6, Section 7 of the Constitution of the State of Indiana.

Either chamber may propose a Joint Resolution, but both chambers must adopt the resolution for the resolution to have its intended effect. A Joint Resolution of the House of Representatives is known as an "HJ", and a Senate Joint Resolution is known as an "SJ".

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 consecutively elected general assemblies. Once a Joint Resolution has passed one General Assembly, it must then be presented to the next General Assembly. If the same language is agreed to by the next General Assembly, the amendment must be placed on the state election ballot and ratified by a majority of the voters. (See Article 16 of the Constitution of the State of Indiana.)

(2) Printing Style

Amendments and additions to the Constitution of the State of Indiana are set forth in the same type style as 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 below:

(This section is continued on the next page.)

(a) Digest

Example:

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 two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

(b) Title

Amendment

Sample Boilerplate: A JOINT RESOLUTION proposing an amendment to Article ___, Section ___ of the Constitution of the State of Indiana concerning ___.

Addition

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

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

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

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

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

Sample Boilerplate: SECTION 2. ARTICLE ___, SECTION ___ OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section [insert Section number] [insert amended language of the Constitution].

(ii) Addition

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 Section number] [insert the new Section's text].

(iii) Repealer

Sample Boilerplate: SECTION 2. THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY STRIKING OUT ARTICLE ___, SECTION ___.

Note: The only difference in the body of the bill between the first and second presentation 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**]

Note: A Schedule is a transitional provision that falls away once it is brought into the law. For an example of a Schedule, see Article 16, Section 2 of the Constitution of the State of Indiana.

(v) Reference to Laws or Rules Outside the Constitution of the State of Indiana

Do not cite to a statute, rule, or any other text extraneous to the Constitution of the State of Indiana in a Joint Resolution.

For examples of Joint Resolutions proposing an amendment to the Constitution of the State of Indiana, see the following Exhibits:

EXHIBIT 63, Joint Resolution of the Senate: Amendment of the Constitution of the State of Indiana, First Presentment, page 267.

EXHIBIT 64, Joint Resolution of the House: Amendment of the Constitution of the State of Indiana, First Presentment, page 270.

EXHIBIT 65, Joint Resolution of the House: Amendment of the Constitution of the State of Indiana, Second Presentment, page 272.

(4) Renumbering

If:

(a) two Joint Resolutions add new, different, and unrelated provisions to the Constitution of the State of Indiana at the same constitutional citation and without either Joint Resolution recognizing the other; and

(b) both Joint Resolutions are being drafted for their second presentment to the General Assembly;

the drafting attorney may change the number of the constitutional Section or Article in one of the Joint Resolutions to prevent both Joint Resolutions from adding a different provision at the same constitutional citation. The change shall be considered a change in form that is technical in nature and not a substantive change to either Joint Resolution.

(This section is continued on the next page.)

C. RATIFYING A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

To ratify a proposed amendment to the Constitution of the United States under Article V of the Constitution of the United States, the form is as follows below:

Example:

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 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 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.

See EXHIBIT 68, Joint Resolution of the Senate: Ratifies an Amendment to the Constitution of the United States, page 281.

D. CALLING A UNITED STATES CONSTITUTIONAL CONVENTION

Article V of the Constitution of the United States provides for two approaches to calling a constitutional convention to consider an amendment to the Constitution of the United States:

(1) Approach 1: Specific Language

Example:

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, to the members of the Congress of the United States from Indiana].

See EXHIBIT 67, Joint Resolution of the Senate: Requests that Congress call a Constitutional Convention, page 279.

(2) Approach 2: General Subject Matter

Example:

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 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 to the members of the Congress of the United States from Indiana].

(This section is continued on the next page.)

E. REMOVAL OF STATE OFFICERS

Article 6, Section 7 of the Constitution of the State of Indiana permits removal of state officers. One of the prescribed methods for removal is by Joint Resolution. The form is provided below:

Example:

Citations Affected: Article ___, Section ___ of the Constitution of the State of Indiana.

Synopsis: Removes a state officer. 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 two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

Chapter 5. Concurrent Resolutions

A. INTRODUCTION

A Concurrent Resolution must be agreed to by both the House of Representatives and the Senate (i.e., both chambers must "concur"). This type of resolution may be used for a variety of purposes, including the following:

1. Urging the Congress of the United States and the President of the United States to take action.

2. Memorializing important individuals and events.

3. Offering congratulations, praise, and gratitude.

4. Urging the Legislative Council to establish a study committee, interim study committee, or commission.

Concurrent Resolutions may also be used to urge the Governor and various state entities to take action.

When a Concurrent Resolution is drafted by Legislative Services Agency staff, the drafting attorney's identification number is included in the document's footer, along with either an "HC" (if it is a Concurrent Resolution of the House) or an "SC" (if it is a Concurrent Resolution of the Senate). If a House or Senate caucus attorney drafts the resolution, the footer will contain the caucus attorney's initials and either an "RC" (which stands for "Republican Concurrent") or a "DC" (which stands for "Democrat Concurrent").

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.

For specific examples of Concurrent Resolutions, see the following Exhibits:

EXHIBIT 56, Concurrent Resolution of the Senate, page 252.
EXHIBIT 57, Concurrent Resolution of the Senate, Prepared by a House Caucus Attorney, page 255.
EXHIBIT 58, Concurrent Resolution of the House, page 257.
EXHIBIT 59, Concurrent Resolution of the House: Urges the Legislative Council to Act, page 260.
EXHIBIT 60, Concurrent Resolution of the Senate: Urges Congress to Act, Prepared by a Senate Caucus Attorney, page 262.

B. GENERAL FORM

A Concurrent Resolution has a digest with a concise statement of the proposed resolution. Such a resolution must contain at least one "Whereas" clause, the purpose of which is to state the reason or reasons for the resolution. Use the following form to draft a Concurrent Resolution that is created to offer congratulations, give praise, express gratitude, or urge the Congress of the United States and the President of the United States to take some sort of action, or for some similar purpose:

Example:

A CONCURRENT RESOLUTION (congratulating, memorializing, urging, etc.).....[Insert in the title a concise statement of the proposed resolution.].....

Whereas, ... [Insert the preamble.];

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 .....

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 Concurrent 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

Simple Resolutions are adopted by only one chamber of the General Assembly. This type of resolution may be used for the same purposes as a Concurrent Resolution, including the following:

1. Urging the Congress of the United States and President of the United States to take action.

2. Urging the Legislative Council to establish study committees, interim study committees, and commissions.

3. Memorializing important individuals and events.

4. Offering congratulations, praise, and gratitude.

Simple Resolutions may also be used to urge the Governor and various state entities to take action.

When a Simple Resolution is drafted by Legislative Services Agency staff, the drafting attorney's identification number is included in the document's footer, along with either an "HR" (if it is a Simple Resolution of the House) or an "SR" (if it is a Simple Resolution of the Senate). If a House or Senate caucus attorney drafts the resolution, the footer will contain the caucus attorney's initials and either a "DR" (which stands for "Democrat Resolution") or an "RR" (which stands for "Republican Resolution").

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 used as concise as possible. Seek consistency throughout the text of the resolution.

For examples of a Simple Resolution, see the following Exhibits:
EXHIBIT 51, Simple Resolution of the Senate, page 244.
EXHIBIT 52, Simple Resolution of the House, page 247.
EXHIBIT 53, Simple Resolution of the House, Prepared by a House Caucus Attorney, page 248.

Chapter 7. Post-Introductory Drafting

A. INTRODUCTION

Post-introductory drafting consists of drafting proposed committee amendments, committee reports, second and third reading floor 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.

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 proposing to change the wording of a bill or Joint Resolution.

See **EXHIBIT 29, Proposed Committee Amendment to a Senate Bill,** page 206.

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 by the entire body on the floor. 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". Simple Resolutions and Concurrent Resolutions are usually passed with a "Do Pass" committee report. A bill that is approved after the committee report amendments have been included is marked "Do Pass Amended" or "DPA".

See:
EXHIBIT 30, Committee Report of the Senate: Do Pass, First Printing, First Chamber, page 207.
EXHIBIT 31, Committee Report of the House: Do Pass, First Chamber, page 208.
EXHIBIT 32, Committee Report of the Senate: Do Pass, Second Chamber, page 209.
EXHIBIT 33, Committee Report of the House: Do Pass, Second Chamber, page 210.
EXHIBIT 34, Committee Report of the Senate: Do Pass Amended on an Introduced Senate Bill, page 211.
EXHIBIT 35, Committee Report of the House: Do Pass Amended on an Introduced House Bill, page 212.
EXHIBIT 36, Committee Report of the Senate: Amended with Reassignment in Second Chamber, page 213.
EXHIBIT 54, Committee Report of the Senate: Do Pass, Simple Resolution of the Senate, First Chamber, page 250.
EXHIBIT 55, Committee Report of the House: Do Pass, Simple Resolution of the House, First Chamber, page 251.
EXHIBIT 61, Committee Report of the Senate: Do Pass, Concurrent Resolution of

the Senate, First Chamber, page 265.
EXHIBIT 62, Committee Report of the House: Do Pass, Concurrent Resolution of the House, First Chamber, page 266.
EXHIBIT 69, Committee Report of the Senate: Do Pass Amended on a Joint Resolution of the Senate, Introduced Version, page 284.

Motion or "MO"

This is a document proposing a change to a bill or Joint Resolution during second or third reading, made on the floor of a chamber. The House and Senate caucus attorneys also prepare motions. The footer of a House or Senate motion would contain the designation "RS" (Republican Senate), "DS" (Democrat Senate), "RH" (Republican House), or "DH" (Democrat House).

See:
EXHIBIT 37, Motion of the Senate: First Chamber, Second Reading, page 214.
EXHIBIT 38, Motion of the House: First Chamber, Second Reading, page 215.
EXHIBIT 39, Motion of the Senate: Second Chamber, Second Reading, page 216.
EXHIBIT 40, Motion of the House: Second Chamber, Second Reading, page 217.
EXHIBIT 70, Motion of the Senate to Amend a Joint Resolution of the Senate, Second Reading, page 285.
EXHIBIT 71, Motion of the House to Amend a Joint Resolution of the House, Second Reading, page 286.

For drafting reminders concerning committee reports, amendments, and motions, see **EXHIBIT 76, Checklist and Reminders to be Used in the Preparation of Amendments, Motions, and Committee Reports,** page 296.

Preliminary Draft as an Amendment to an Unknown Bill or "PD"

This is a document that can be used by a legislator during legislative session as a means by which to prepare language for placement into one of several possible bills. It is similar to the Preliminary Draft ("PD") created early in the drafting process.

See **EXHIBIT 41, PD as an Amendment to an Unknown Bill,** page 218.

B. REFERENCE LINES

When preparing to amend a bill at any stage of the legislative process, the first thing the drafting attorney 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 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 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 Chamber Committee Amendments)

If the introduced version of the bill is to be amended by a committee, a reference line must be inserted at the end of the committee amendment or committee report as follows:

Sample Boilerplate: (Reference is to SB [HB] ____ as introduced.)

Example: (Reference is to SB 100 as introduced.)

(2) First Printing (First Chamber Committee Amendments and Floor Amendments and Second Chamber Committee Amendments)

After an introduced bill is passed out of the first chamber committee and the committee report is adopted on the floor, the bill is printed for the first time. 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 committee of the second chamber and then printed engrossed.

(a) Second or Third Reading Floor Amendments

If the first printing is amended on second or third reading in the first 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 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 chamber, the committee of the second chamber will consider the last printed version. If the committee of the second chamber amends the bill, the amendment must contain a reference line referring to the 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 (Committee of the Second Chamber Amendments)

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 usually contain the next business day's date. If a reprinted 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: The House or Senate might request that a bill be printed with a specific date.

(a) 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 chamber;

(iii) the second or third reading amendments are not incorporated into a reprinted version of the bill; and

(iv) 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 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.)

(b) 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.)

(c) Unincorporated Technical Corrections

If there are unincorporated changes that are made by Senate Rule 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 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.)

Note: Check the current House and Senate rules to ascertain that the Rule numbers provided above are correct.

(4) Engrossed Printing (Committee of the Second Chamber Amendments)

After a bill is passed out of the second chamber committee and the committee report is adopted on the floor, the bill is 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 amended on second reading or third reading in the second 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 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 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 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 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.

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. These instructions usually set forth the page number and line number on which a particular addition or amendment will be made and are used by the legislative 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 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 as well as any referenced 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 132, for additional rules affecting bills in a committee of the second chamber.)

A summary of commonly used drafting commands may be found in **EXHIBIT 80, Commonly Used Drafting Commands,** page 309.

For an example of the post-introductory amendment process, including a document mark-up created by the legislative printing staff, see **EXHIBIT 28, Post-Introductory Amendment Process Resulting in the First Printing of a Bill,** page 201.

(1) Altering 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, or 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 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. Referencing text should not appear in bold, stricken, or italicized type in the bill to be amended.

To cause material in 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 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 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 and the Duplicate or Comprehensive Citation Report to determine whether the bill being amended is in conflict with other legislation.**

(b) Make certain that all Indiana Code sections and Noncode SECTIONS affected by the addition of the new SECTION are included in the bill.

(c) When adding or deleting SECTIONS in a bill, make certain that all succeeding SECTIONS, internal references, and sections in the bill are renumbered accordingly. Adding a "RENUMBER ALL SECTIONS" command at the end of the bill will cause all SECTIONS to be renumbered. A quick search through the bill should uncover any internal references, section numbers, or SECTION numbers that need to be updated.

(d) Check the title of the bill being amended, 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 three or fewer page and line commands. If the drafting attorney or legislator decides that bill stripping is the best approach, check the rules of each chamber to determine its policy on bill stripping before proceeding.

If a conference committee inserts a totally new subject matter into a bill (material that has not previously been passed by one of the chambers), the Senate rules require that the conference committee report be referred to the Senate Committee on Rules and Legislative Procedure. 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.

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 drafting attorney should renumber all the SECTIONS of the bill by adding a renumbering command 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 102.)

(10) Changing Effective Dates in One or More SECTIONS

To change an effective date in a SECTION, the drafting attorney can use individual page and line references, or the drafting attorney can change several consecutive SECTIONS of the bill at once. Remember that changing effective dates may require addition of a Noncode SECTION declaring an emergency. (See **Early Effective Dates,** page 102.)

(a) Replacing Effective Dates in Several SECTIONS

Consider the following as an example: A bill contains 15 SECTIONS and SECTION 3 has been removed. To change the effective date in the SECTIONS after SECTION 3 in the original bill, 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]".

Example: Replace the effective date in SECTION 3 with "[EFFECTIVE JANUARY 1, 2013]".

Note: When the latter 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.

(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 delete one entire page, say:

Example: Delete page 2.

(e) To delete two or more entire pages, say:

Example: Delete pages 2 through 5.

(f) To add a new subsection or other paragraph indented text, 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.**".

(g) To add a new subdivision or other block indented text, say:

Example: Page 4, line 6, after "section." begin a new line block indented and insert:
"**(3) Water pollution.**".

(h) To add a new clause of other double block indented text, 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) To add a new item or other triple block indented text, say:

Example: Page 7, line 14, after "chapter." begin a new line triple block indented and insert:
"**(iii) A finder's fee.**".

(j) To have a line return to the left margin, say:

Example: Page 5, line 6, beginning with "commits" begin a new line blocked left.

Note: Be sure to determine whether to include a "begin a new line" command after adding tabulation in the middle of existing text.

(k) 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) 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) To have two lines run together after an intervening line has been deleted, say:

Example: Page 2, run in lines 30 through 32.

(n) To run in two lines when changing tabulation:

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.

A run in command should be placed after the commands that amend the lines to which the run in command applies.

Example: Page 1, line 2, strike "(1) reading;".

1 A teacher shall teach:
2 ~~(1) reading;~~
3 (2) writing; and
4 (3) social science.
5 Each student shall complete this instruction.

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 shall teach:
2 ~~(1) reading;~~
3 ~~(2) writing; and~~
4 ~~(3)~~ social science.
5 Each student shall complete this instruction.

Page 1, line 1, delete "teach:" and insert "teach".
Page 1, strike lines 2 through 3.
Page 1, line 4, strike "(3)".
Page 1, run in lines 1 through 5.

After the bill has passed, the resulting text will look like this:

1 A teacher shall teach social science. Each student shall complete this instruction.

(o) To delete or strike a single word, phrase, or punctuation mark that appears more than once in a line, the command must identify which occurrence of the word, phrase, or punctuation mark is to be deleted or stricken.

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) To add indentation or tabulation to text:

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 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 "by the department" insert ";".
Page 1, line 3, beginning with "before" begin a new line blocked left.

The resulting 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.

(q) To undo tabulation:

The example below shows how to remove existing tabulation and amendment from a provision.

Example:

1 (c) 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 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 text will look like this:

1 If the employer has rejected the notification, subsection (b) does not apply to the
2 employee, and the employee must promptly notify the officer in charge of the
3 emergency medical services association of the rejection of the notice.

(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 the bill and reinserting that SECTION with the necessary changes included.

Do not delete part of a SECTION. However, if deleting an entire SECTION will result in a very

lengthy amendatory document, talk with an attorney in the Office of Code Revision to determine whether it will be acceptable to delete only a subsection or subsections. **Do not delete less than an entire subsection in any case.**

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**".

Do not use a drafting command based on a single word, phrase or punctuation mark that appears more than one time in a line of text. Doing so will create an ambiguity as to which word, phrase, or punctuation mark is referenced.

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**".

Do not delete, rather than strike, roman text (i.e., current law) unless:

1. **the text is in a 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 is 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 or deletion of an emergency clause.

Make sure to check the Daily Action files for errors or technical corrections that should also be addressed by the amendment.

D. AMENDMENT OF PROVISIONS NOT FOUND IN A PRINTED BILL (SECOND CHAMBER COMMITTEE AMENDMENTS); TECHNICAL CORRECTIONS

Use the following techniques in preparing a committee amendment in the second 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 **REFERENCE LINES,** page 118.)

(1) Deleting a Second Reading Amendment

To delete a second reading amendment in its entirety:

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) Technical Corrections

To delete a technical correction in its entirety:

Sample Boilerplate: Delete the technical correction made under Senate Rule 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.

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 changes are made to a bill in the second chamber and those changes are not concurred to by the original chamber. A conference committee report 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 be 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 44, Conference Committee Report, Senate Version, Senate Bill, Delete Everything Format, page 226.
EXHIBIT 45, Conference Committee Report, House Version, Senate Bill, Delete Everything Format, page 229.

Note that in the Exhibits related to conference committee reports, the salutation in the House version of the conference committee report ("MR. SPEAKER") does not match the salutation in the Senate version ("MADAM PRESIDENT"). The salutation used during a particular legislative session depends on the gender of the Speaker of the House of Representatives and the President of the Senate.

(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. 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 42, Conference Committee Report, House Version, House Bill, Page and Line Command Format, page 220.
EXHIBIT 43, Conference Committee Report, Senate Version, House Bill, Page and Line Command Format, page 223.

(2) Steps of Conference Committee Report Preparation

Follow these steps when drafting a conference committee report:

(a) Examine the Daily Action file to determine 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. The report must include a command deleting the unincorporated amendments. If the author of the conference committee report so wishes, the report may reinsert the content of the unincorporated amendments back into the bill.

(b) No matter whether the conference committee report will be in the "delete everything" form or in "page and line command" form, determine whether a title amendment is needed. If so, add the title amendment to the conference committee report.

(c) 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 one of the conferees 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.

(d) If the conference committee report will be in "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 amendments to the 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) 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 drafting attorney 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, if appropriate, correct any problems that are noted there.

(h) Check the Duplicate or 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.

(i) Update the digest as appropriate.

(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, if the conference committee report is in the "delete everything" form, 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.)

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 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) 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]:

(3) Text (Amendments Only)

The text set forth must be the latest version of the bill with all stricken type deleted and all bold type inserted in roman. The new changes to be made by the later amendment should then be set forth in 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.

G. JOINT RULE 20 CORRECTIONS

(1) Introduction

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 a mechanism for making last-minute corrections to bills for the purpose of avoiding technical conflicts. Under Joint Rule 20 (also known as "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 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 before 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 chamber must include the written consent of the corrected bill's author or sponsor, as the case may be. A technical conflict is one that does not change the substance of either bill. It is at the discretion of both the Committee on Rules and Legislative Procedures of the House of Representatives and the Committee on Rules and Legislative Procedure of the Senate as to whether a conflict is technical.

(3) Preparation

The Office of Code Revision consults the authors, sponsors, Office of Bill Drafting and Research, caucus attorneys, the Daily Action files, and the duplicate citation report 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 duplicate citation report to be certain that no new technical conflicts will be created by resolving an existing conflict.

(d) Notify the staff of the chamber of origin that a Joint Rule 20 correction needs to be made to the bill before enrollment.

(4) 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.)

_____

Representative Abernathy, Chairperson

_____

Representative Jones, R.M.M.

_____

Representative Hooper, Author

See **EXHIBIT 46, Joint Rule 20 Motion by the Senate,** page 232.

H. JOINT RULE 21 CORRECTIONS

(1) Introduction

If a bill has been passed by both chambers and does not contain a needed emergency clause, the bill can be corrected at enrollment under Joint Rule 21. A Joint Rule 21 correction must be approved by the Rules Committee of the House and Senate.

(2) Joint Rule 21 House Form

Sample Boilerplate:

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 __, after line __, begin a new paragraph and insert:
"SECTION __. **An emergency is declared for this act.**".
Renumber all SECTIONS consecutively.
(Reference is to ESB [EHB] ____ as _____.)

_____
Representative _____, Chairperson

_____
Representative _____, R.M.M.

_____
Representative _____, Sponsor [Author]

(This section is continued on the next page.)

(3) Joint Rule 21 Senate Form

Sample Boilerplate:

COMMITTEE REPORT

Madam 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 __, after line __, begin a new paragraph and insert:
"SECTION __. **An emergency is declared for this act.**".
Renumber all SECTIONS consecutively.
(Reference is to ESB [EHB] ____ as _____.)

_____
Senator _____, Chairperson

_____
Senator _____, R.M.M.

_____
Senator _____, Sponsor [Author]

See **EXHIBIT 47, Joint Rule 21 Motion by the House,** page 233.

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.) As of 2012, this has never happened.

EXHIBIT INDEX

Exhibit 1: Bill Adoption Process, PD to Enrolled Act. . . . . Page 145

Exhibit 2: Bill Digest. . . . . Page 157

Exhibit 3: Amendment by Adding New Language. . . . . Page 158

Exhibit 4: Amendment by Striking Existing Language. . . . . Page 159

Exhibit 5: Amendment by Combining Additions and Striking.. . . . . Page 160

Exhibit 6: Amendment by Adding a Subsection. . . . . Page 161

Exhibit 7: Amendment By Striking a Subsection. . . . . Page 162

Exhibit 8: Conflict Resolution Merging Multiple Versions of the Same Section, with Emergency Clause. . . . . Page 163

Exhibit 9: Adding a New Section to the Indiana Code. . . . . Page 164

Exhibit 10: Adding a New Chapter to the Indiana Code. . . . . Page 165

Exhibit 11: Adding a New Article to the Indiana Code. . . . . Page 166

Exhibit 12: Adding a New Title to the Indiana Code. . . . . Page 168

Exhibit 13: Repealing a Section. . . . . Page 170

Exhibit 14: Repealing Multiple Sections, with Other Amendments. . . . . Page 171

Exhibit 15: Repealing a Chapter. . . . . Page 173

Exhibit 16: Amendment of a Noncode Act. . . . . Page 174

Exhibit 17: Adding a Noncode SECTION. . . . . Page 177

Exhibit 18: Repealing a Noncode SECTION. . . . . Page 178

Exhibit 19: House Vehicle Bill to Amend the Indiana Code. . . . . Page 179

Exhibit 20: Senate Vehicle Bill to Amend a Title of the Indiana Code. . . . . Page 181

Exhibit 21: Bill for Special Relief. . . . . Page 183

Exhibit 22: Noncode Bill with Preamble and Emergency Clause. . . . . Page 184

Exhibit 23: Noncode Act Establishing a Legislative (Interim) Study Committee, with Emergency Clause. . . . . Page 186

Exhibit 24: Indiana Code Act Establishing a Legislative (Interim) Study Committee. . . . . Page 188

Exhibit 25: Indiana Code Act Establishing an Executive Branch Committee. . . . . Page 190

Exhibit 26: Savings Clause for a Recodified Title. . . . . Page 194

Exhibit 27: Medicaid Waiver. . . . . Page 199

Exhibit 28: Post-Introductory Amendment Process Resulting in the First Printing of a Bill. . . . . Page 201

Exhibit 29: Proposed Committee Amendment to a Senate Bill. . . . . Page 206

Exhibit 30: Committee Report of the Senate: Do Pass, First Printing, First Chamber. . . . . Page 207

Exhibit 31: Committee Report of the House: Do Pass, First Chamber. . . . . Page 208

Exhibit 32: Committee Report of the Senate: Do Pass, Second Chamber. . . . . Page 209

Exhibit 33: Committee Report of the House: Do Pass, Second Chamber. . . . . Page 210

Exhibit 34: Committee Report of the Senate: Do Pass Amended on an Introduced Senate Bill. . . Page 211

Exhibit 35: Committee Report of the House: Do Pass Amended on an Introduced House Bill. . . Page 212

Exhibit 36: Committee Report of the Senate: Amended with Reassignment in Second Chamber.. . . . . Page 213

Exhibit 37: Motion of the Senate: First Chamber, Second Reading.. . . . . Page 214

Exhibit 38: Motion of the House: First Chamber, Second Reading. . . . . Page 215

Exhibit 39: Motion of the Senate: Second Chamber, Second Reading. . . . . Page 216

Exhibit 40: Motion of the House: Second Chamber, Second Reading.. . . . . Page 217

Exhibit 41: PD as an Amendment to an Unknown Bill. . . . . Page 218

Exhibit 42: Conference Committee Report, House Version, House Bill, Page and Line Command Format. . . . . Page 220

Exhibit 43: Conference Committee Report, Senate Version, House Bill, Page and Line Command Format. . . . . Page 223

Exhibit 44: Conference Committee Report, Senate Version, Senate Bill, Delete Everything Format.. . . . . Page 226

Exhibit 45: Conference Committee Report, House Version, Senate Bill, Delete Everything Format.. . . . . Page 229

Exhibit 46: Joint Rule 20 Motion by the Senate. . . . . Page 232

Exhibit 47: Joint Rule 21 Motion by the House. . . . . Page 233

Exhibit 48: Enrolled Act of the House. . . . . Page 234

Exhibit 49: Enrolled Act of the Senate, Passed with Concurrence.. . . . . Page 237

Exhibit 50: Enrolled Act of the Senate, Passed with a Conference Committee Report. . . . . Page 240

Exhibit 51: Simple Resolution of the Senate.. . . . . Page 244

Exhibit 52: Simple Resolution of the House. . . . . Page 247

Exhibit 53: Simple Resolution of the House, Prepared by a House Caucus Attorney. . . . . Page 248

Exhibit 54: Committee Report of the Senate: Do Pass, Simple Resolution of the Senate, First Chamber. . . . . Page 250

Exhibit 55: Committee Report of the House: Do Pass, Simple Resolution of the House, First Chamber. . . . . Page 251

Exhibit 56: Concurrent Resolution of the Senate. . . . . Page 252

Exhibit 57: Concurrent Resolution of the Senate, Prepared by a Senate Caucus Attorney. . . . . Page 255

Exhibit 58: Concurrent Resolution of the House. . . . . Page 257

Exhibit 59: Concurrent Resolution of the House: Urges the Legislative Council to Act.. . . . . Page 260

Exhibit 60: Concurrent Resolution of the Senate: Urges Congress to Act, Prepared by a Senate Caucus Attorney. . . . . Page 262

Exhibit 61: Committee Report of the Senate: Do Pass, Concurrent Resolution of the Senate, First Chamber. . . . . Page 265

Exhibit 62: Committee Report of the House: Do Pass, Concurrent Resolution of the House, First Chamber. . . . . Page 266

Exhibit 63: Joint Resolution of the Senate: Amendment of the Constitution of the State of Indiana, First Presentment. . . . . Page 267

Exhibit 64: Joint Resolution of the House: Amendment of the Constitution of the State of Indiana, First Presentment. . . . . Page 270

Exhibit 65: Joint Resolution of the House: Amendment of the Constitution of the State of Indiana, Second Presentment. . . . . Page 272

Exhibit 66: Vehicle Bill for a Joint Resolution of the Senate to Amend the Constitution of the State of Indiana.. . . . . Page 277

Exhibit 67: Joint Resolution of the House: Requests that Congress Call a Constitutional Convention. . . . . Page 279

Exhibit 68: Joint Resolution of the Senate: Ratifies an Amendment to the Constitution of the United States.. . . . . Page 281

Exhibit 69: Committee Report of the Senate: Do Pass Amended on a Joint Resolution of the Senate, Introduced Version. . . . . Page 284

Exhibit 70: Motion of the Senate to Amend a Joint Resolution of the Senate, Second Reading.. . Page 285

Exhibit 71: Motion of the House to Amend a Joint Resolution of the House, Second Reading. . . Page 286

Exhibit 72: Enrolled Joint Resolution of the House. . . . . Page 287

Exhibit 73: Checklist to be Used in the Preparation of "Revivals". . . . . Page 291

Exhibit 74: Determining the Latest Version of a Noncode Provision. . . . . Page 292

Exhibit 75: Drafting Repealers Under Special Circumstances.. . . . . Page 293

Exhibit 76: Checklist and Reminders to be Used in the Preparation of Amendments, Motions, and Committee Reports. . . . . Page 296

Exhibit 77: Preferred Spelling List. . . . . Page 299

Exhibit 78: Preferred Words List.. . . . . Page 302

Exhibit 79: Using Folio. . . . . Page 305

Exhibit 80: Commonly Used Drafting Commands. . . . . Page 309

Exhibit 81: Criminal Penalty Chart. . . . . Page 312

Exhibit 82: Sample Formatting for Tables. . . . . Page 313

Exhibit 83: Type Styles and Proofreader Marks. . . . . Page 315

See also "Bill", page 5.

PRELIMINARY DRAFT
No. 3020

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY

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)

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:

SECTION 1. IC 5-30-1-11, AS AMENDED BY P.L.166-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) "Public agency" means:

(1) a state agency (as defined in IC 4-13-1-1);
(2) a state educational institution;
(3) a unit (as defined in IC 36-1-2-23);
(4) a body corporate and politic created by state statute;
(5) a school corporation (as defined in IC 20-26-2-4); ~~or~~
(6) a conservancy district established for a purpose described in IC 14-33-1-1(a)(4) or IC 14-33-1-1(a)(5); **or**
(7) a fire protection district established under IC 36-8-11.

(b) The term does not include the Indiana department of transportation.

Component 2: LS 6016, created from PD 3020

Introduced Version

***

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.

Hooper

_____, read first time and referred to Committee on

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:

SECTION 1. IC 5-30-1-11, AS AMENDED BY P.L.166-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) "Public agency" means:

(1) a state agency (as defined in IC 4-13-1-1);
(2) a state educational institution;
(3) a unit (as defined in IC 36-1-2-23);
(4) a body corporate and politic created by state statute;
(5) a school corporation (as defined in IC 20-26-2-4); ~~or~~
(6) a conservancy district established for a purpose described in IC 14-33-1-1(a)(4) or IC 14-33-1-1(a)(5); **or**
(7) a fire protection district established under IC 36-8-11.

(b) The term does not include the Indiana department of transportation.

Introduced Version

HOUSE BILL No. 1016

DIGEST OF INTRODUCED BILL

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.

Jones, Hooper, Abernathy

January 9, 2013, read first time and referred to Committee on Government and Regulatory Reform.

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 No. 1016

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:

SECTION 1. IC 5-30-1-11, AS AMENDED BY P.L.166-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) "Public agency" means:

(1) a state agency (as defined in IC 4-13-1-1);
(2) a state educational institution;
(3) a unit (as defined in IC 36-1-2-23);
(4) a body corporate and politic created by state statute;
(5) a school corporation (as defined in IC 20-26-2-4); ~~or~~
(6) a conservancy district established for a purpose described in IC 14-33-1-1(a)(4) or IC 14-33-1-1(a)(5); **or**
(7) a fire protection district established under IC 36-8-11.

(b) The term does not include the Indiana department of transportation.

January 25, 2013

HOUSE BILL No. 1016

DIGEST OF HB 1016 (Updated January 24, 2013 11:34 am - DI 11)

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.

Jones, Hooper, Abernathy

January 9, 2013, read first time and referred to Committee on Government and Regulatory Reform.
January 25, 2013, reported — Do Pass.

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

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:

SECTION 1. IC 5-30-1-11, AS AMENDED BY P.L.166-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) "Public agency" means:

(1) a state agency (as defined in IC 4-13-1-1);
(2) a state educational institution;
(3) a unit (as defined in IC 36-1-2-23);
(4) a body corporate and politic created by state statute;
(5) a school corporation (as defined in IC 20-26-2-4); ~~or~~
(6) a conservancy district established for a purpose described in IC 14-33-1-1(a)(4) or IC 14-33-1-1(a)(5); **or**
(7) a fire protection district established under IC 36-8-11.

(b) The term does not include the Indiana department of transportation.

February 8, 2013

ENGROSSED
HOUSE BILL No. 1016

DIGEST OF HB 1016 (Updated February 6, 2013 4:15 pm - DI 11)

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.

Jones, Hooper, Abernathy
(SENATE SPONSOR — KITNER)

January 9, 2013, read first time and referred to Committee on Government and Regulatory Reform.
January 25, 2013, reported — Do Pass.
January 27, 2013, read second time, ordered engrossed. Engrossed.
January 30, 2013, read third time, passed. Yeas 92, nays 1.

SENATE ACTION

February 1, 2013, read first time and referred to Committee on Commerce and Economic Development.
February 7, 2013, reported favorably — Do Pass.

February 8, 2013

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

ENGROSSED
HOUSE BILL No. 1016

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:

SECTION 1. IC 5-30-1-11, AS AMENDED BY P.L.166-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) "Public agency" means:

(1) a state agency (as defined in IC 4-13-1-1);
(2) a state educational institution;
(3) a unit (as defined in IC 36-1-2-23);
(4) a body corporate and politic created by state statute;
(5) a school corporation (as defined in IC 20-26-2-4); ~~or~~
(6) a conservancy district established for a purpose described in IC 14-33-1-1(a)(4) or IC 14-33-1-1(a)(5); **or**
(7) a fire protection district established under IC 36-8-11.

(b) The term does not include the Indiana department of transportation.

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 ENROLLED ACT No. 1016

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 5-30-1-11, AS AMENDED BY P.L.166-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. (a) "Public agency" means:

(1) a state agency (as defined in IC 4-13-1-1);
(2) a state educational institution;
(3) a unit (as defined in IC 36-1-2-23);
(4) a body corporate and politic created by state statute;
(5) a school corporation (as defined in IC 20-26-2-4); ~~or~~
(6) a conservancy district established for a purpose described in IC 14-33-1-1(a)(4) or IC 14-33-1-1(a)(5); **or**
(7) a fire protection district established under IC 36-8-11.

(b) The term does not include the Indiana department of transportation.

EXHIBIT 1, CONTINUED

Component 6, Continued

_____
Speaker of the House of Representatives

_____
President of the Senate

_____
President Pro Tempore

_____
Governor of the State of Indiana

Date: _____ Time: _____

See also "BILL DIGEST", page 41.

Introduced Version

***

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.

Jones

_____, read first time and referred to Committee on

January 23, 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. 1186

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:

SECTION 1. IC 5-31-2-4, AS ADDED BY P.L.111-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. "Health care provider" means:

(1) a physician, a hospital, a health facility (including health facilities under IC 16-28), a psychiatric hospital, an emergency ambulance service, a dentist, a registered or licensed practical nurse, a pharmacist, a pharmacy, a physician assistant, an optometrist, a podiatrist, a chiropractor, a physical therapist, a respiratory care practitioner, an occupational therapist, a psychologist, **a licensed paramedic,** or an emergency medical technician; and

(2) an agent of a person or an entity described in subdivision (1).

EXHIBIT 4, Amendment by Striking Existing Language

See also "Amending a Section", page 56.

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. 1169

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

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

SECTION 1. IC 20-33-8-15, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 15. In addition to the grounds specified in section 14 of this chapter, a student may be suspended or expelled for engaging in ~~unlawful~~ activity on or off school grounds if:

(1) the ~~unlawful~~ activity may reasonably be considered to be an interference with school purposes or an educational function; or

(2) the student's removal is necessary to restore order or protect persons on school property;

including an ~~unlawful~~ activity during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.

January 11, 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. 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:

SECTION 1. IC 31-9-2-64, AS AMENDED BY P.L.145-2006, SECTION 198, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 64. "Interested person", for purposes of IC 31-19-20 and IC 31-19-24, means any of the following:

(1) An adoptee.
(2) A birth parent.
(3) An adoptive parent.
(4) A relative of a birth parent.
(5) A relative of an adoptive parent.
(6) A relative of an adoptee.
(7) A pre-adoptive sibling (as defined in section 93 of this chapter).
~~(6)~~ **(8)** The department or a county office of family and children.
~~(7)~~ **(9)** An adoption agency.
~~(8)~~ **(10)** A court.

Page 161
EXHIBIT 6, Amendment by Adding a Subsection
See also "Amending a Section", page 56.

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. 1134

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

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

SECTION 1. IC 20-27-5-2, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. **(a)** The governing body of a school corporation may provide transportation for students to and from school.

(b) If the governing body of a school corporation:

(1) provides transportation; or

(2) contracts with an educational service center (as defined by IC 20-20-1-2) to provide transportation;

no fee may be charged to a parent or student for transportation to and from school.

January 24, 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.

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:

SECTION 1. IC 13-18-12-2, AS AMENDED BY P.L.159-2011, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A person may not transport, treat, store, or dispose of septage in violation of this chapter.

(b) A person may not engage in:

(1) the cleaning of sewage disposal systems; or

(2) the transportation, treatment, storage, or disposal of septage;

without a septage management permit unless the person is exempted under section 7 of this chapter.

~~(c) A person may not operate a vehicle for the transportation of septage without a septage management vehicle identification number issued under this chapter.~~

~~(d)~~ **(c)** A person may not dispose of septage by land application without first obtaining approval of the land application site under this chapter.

~~(e)~~ **(d)** The department may issue a septage management permit.

EXHIBIT 8, Conflict Resolution Merging Multiple Versions of the Same Section, with Emergency Clause

See also "Amending a Section", page 56.

January 23, 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. 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:

SECTION 1. IC 5-10.2-2-6, AS AMENDED BY P.L.13-2012, SECTION 3, AS AMENDED BY P.L.22-2012, SECTION 1, AND AS AMENDED BY P.L.23-2012, SECTION 9, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The retirement allowance account consists of the retirement fund, exclusive of the annuity savings account. *The retirement allowance account also includes any amounts received under IC 5-10.3-12-24(b).* For the public employees' retirement fund, separate accounts within the retirement allowance account shall be maintained for contributions made by ~~*the state and by each political subdivision.*~~ *each contribution rate group.*

(b) The retirement allowance account of the 1996 account consists of the 1996 account, exclusive of the annuity savings account. ~~*For the 1996 account, separate accounts within the retirement allowance account shall be maintained for contributions made by the state, by each school corporation, and by each institution.*~~

SECTION 2. **An emergency is declared for this act.**

See also "New Title, Article, Chapter, or Section", page 56.

January 27, 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. 1195

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

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

SECTION 1. IC 6-1.1-15-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 18. (a) This section applies to an appeal to which this chapter applies, including any review by the board of tax review or the tax court.**

(b) This section applies to any proceeding pending or commenced after June 30, 2012.

(c) To accurately determine uniformity and true tax value, a taxpayer may introduce evidence of the assessments of comparable properties.

See also "New Title, Article, Chapter, or Section", page 56.

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.

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:

SECTION 1. IC 20-26-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 14.5. Interscholastic Basketball

Sec. 1. As used in this chapter, "association" has the meaning set forth in IC 20-26-14-1.

Sec. 2. A school corporation may participate in:

(1) an association; or

(2) an athletic event conducted, organized, sanctioned, or sponsored by an association;

only if the association complies with this chapter.

Sec. 3. An association may not conduct, organize, sanction, or sponsor boys' or girls' interscholastic basketball games in which teams are divided into classes or other divisions during regular season, postseason, or championship games.

EXHIBIT 11, Adding a New Article to the Indiana Code

See also "New Title, Article, Chapter, or Section", page 56.

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 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:

SECTION 1. IC 24-11 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

ARTICLE 11. PROHIBITED LEGAL FUNDING

Chapter 1. Definitions

Sec. 1. (a) As used in this article, "legal action" means:

(1) a bona fide civil action or statutory claim in which damages may be awarded; or

(2) a cause of action or legal claim upon which a civil action or statutory claim described in subdivision (1) may be based.

(b) The term includes:

(1) any settlement or negotiations toward settlement of a civil action described in subsection (a)(1); or

(2) any agreement or negotiations toward an agreement under which a civil action based upon a cause of action described in subsection (a)(2) would not be initiated.

Sec. 2. As used in this article, "legal funding transaction" means

a transaction in which:

(1) a lender provides legal funding to another person; and

(2) the person receiving the legal funding assigns to the lender the contingent right to receive a part of the proceeds of the settlement, insurance payment, or award of damages obtained in the person's legal action.

Sec. 3. As used in this article, "lender" means a person or entity that enters into a legal funding transaction with a person.

Sec. 4. As used in this article, "person" means an individual, a partnership, a corporation, a limited liability company, or another organization.

Chapter 2. Legal Funding

Sec. 1. (a) A lender may not enter into a legal funding transaction with another person.

(b) A legal funding contract entered into in violation of this section is void.

Sec. 2. (a) A violation of this chapter is a deceptive act that is actionable by the attorney general.

(b) The attorney general may bring an action under this article to obtain any or all of the following:

(1) An injunction to enjoin future violations of this chapter.

(2) A civil penalty of not more than ten thousand dollars ($10,000) per deceptive act.

(3) The attorney general's reasonable costs in:

(A) the investigation of the deceptive act; and

(B) maintaining the action.

See also "New Title, Article, Chapter, or Section", page 56.

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 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:

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

TITLE 37. SPACE EXPLORATION

ARTICLE 1. INDIANA DEPARTMENT OF AERONAUTICS AND SPACE ADMINISTRATION

Chapter 1. Definitions

Sec. 1. As used in the article, "commissioner" refers to the commissioner of IDASA appointed under IC 37-1-2-3.

Sec. 2. As used in this article, "Indiana department of aeronautics and space administration" or "IDASA" means the department established by IC 37-1-2-1.

Sec. 3. As used in this article, "knowledge program" refers to the statewide educational knowledge program developed by IDASA under IC 37-2-1.

Sec. 4. As used in this article, "rocket ship" refers to a spacecraft powered and propelled by rockets.

Chapter 2. Indiana Department of Aeronautics and Space

Administration

Sec. 1. The Indiana department of aeronautics and space administration is established.

Sec. 2. IDASA is established to promote understanding of the realms of outer space and the universe.

Sec. 3. The governor shall appoint a commissioner to administer IDASA. The commissioner may appoint employees and fix their compensation, subject to the approval of the budget agency under IC 4-12-1-13.

ARTICLE 2. IDASA EDUCATION PROGRAMS

Chapter 1. Blast-off with Knowledge Program

Sec. 1. The commissioner shall work with the state superintendent of public instruction to develop the blast-off with knowledge program for children in grades 1 through 5.

Sec. 2. At least one (1) educational aspect of the knowledge program must involve the building or use of a model rocket ship.

Sec. 3. The knowledge program may be funded though the use of donations and grants.

January 11, 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.

SENATE BILL No. 11

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:

SECTION 1. IC 35-46-3-10 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 10. A person who knowingly or intentionally attends a fighting contest involving animals commits cruelty to an animal, a Class A misdemeanor. However, except for a conviction under section 1 of this chapter, the offense is a Class D felony if the person has a prior unrelated conviction under this chapter.~~

EXHIBIT 14, Repealing Multiple Sections, with Other Amendments

See also "Repealing an Indiana Code Section", page 86.

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.

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:

SECTION 1. IC 27-2-15-2 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 2. As used in this chapter, "city" refers to a first class or second class city, as classified under IC 36-4-1-1.~~

SECTION 2. IC 27-2-15-4.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 4.2. As used in this chapter, "municipality" has the meaning set forth in IC 36-1-2-11.**

SECTION 3. IC 27-2-15-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.5. ~~(a) As used in this section, "city" refers to a city having a population of more than thirty-five thousand (35,000) that is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).~~

~~(b)~~ An insurer that:

(1) issued an insurance policy:

(A) covering a building or other structure that is:

~~(1)~~ **(i)** located in a ~~city,~~ **municipality;** and

~~(2)~~ **(ii)** damaged by a fire or explosion; **and**

(B) that was in effect at the time the fire or explosion occurred;

(2) receives notice of a claim by the insured for damage to the building or other structure; and

(3) determines that the available insurance proceeds exceed seventy percent (70%) of the actual cash value payable to the insured under the policy;

shall notify the ~~enforcement authority of the city~~ **state fire marshal** about the existence of the policy. ~~However, an insurer is not required to notify the enforcement authority under this section if the policy issued by the insurer is not in effect at the time of the fire or explosion that damages the building or structure.~~

SECTION 4. IC 27-2-15-5 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 5. (a) If:~~

~~(1) a fire or explosion damages a building or other structure located in a city; and~~

~~(2) the enforcement authority of the city certifies to an insurer that issued a policy covering the building or structure the amount of demolition or rehabilitation expenses that the city anticipates incurring or has incurred under IC 36-7-9 in connection with the building or structure;~~

~~the insurer shall remit to the city or the enforcement authority the amount determined under subsection (c).~~

~~(b) To require the remittance of money under this section, an enforcement authority must:~~

~~(1) provide the certification under subsection (a) within thirty (30) days after the fire or explosion that damages the building or structure; and~~

~~(2) comply with subsection (c).~~

~~However, it is not necessary for the enforcement authority to provide the certification within thirty (30) days after the fire or explosion if the insurer fails to provide notice to the enforcement authority under section 4.5 of this chapter within ten (10) days after the fire or explosion.~~

See also "Repealing a Chapter, Article, or Title", page 85.

January 20, 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.

SENATE BILL No. 24

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:

SECTION 1. IC 12-22-4 IS REPEALED [EFFECTIVE JULY 1, 2013]. (Dawn Project).

EXHIBIT 16, Amendment of a Noncode Act

See also "Noncode Provisions", page 53, and "NONCODE PROVISIONS GENERALLY", page 90.

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:

SECTION 1. P.L.28-2004, SECTION 191, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: SECTION 191. (a) As used in this SECTION, "division" refers to the division of mental health and addiction.

(b) Except as provided in ~~subsection (c)~~ **subsections (c) and (d),** notwithstanding IC 12-23-1-6(4), IC 12-23-14-7, and 440 IAC 4.4-2-1(e), the division may not grant specific approval to be a new provider of any of the following:

(1) Methadone.
(2) Levo-alphacetylmethadol.
(3) Levo-alpha-acetylmethadol.
(4) Levomethadyl acetate.
(5) LAAM.
(6) Buprenorphine.

(c) The division may not grant specific approval to be a new provider of one (1) or more of the drugs listed under subsection (b) unless:

(1) the drugs will be provided in a county with a population of more than forty thousand (40,000);
(2) there are no other providers located in the county or in a county contiguous to the county where the provider will provide the drugs; and
(3) the provider supplies, in writing:
(A) a needs assessment for Indiana citizens under guidelines established by the division; and
(B) any other information required by the division.

(d) Notwithstanding subsection (c), the division may grant specific approval to be a new provider of one (1) or more of the drugs listed under subsection (b) in a county contiguous to a county in which an existing provider is located if:
(1) the drugs will be provided in a county with a population of more than forty thousand (40,000);
(2) there are no other providers of the drugs listed under subsection (b) in the county in which the provider is seeking approval; and
(3) the provider supplies, in writing:
(A) a needs assessment for Indiana citizens under guidelines established by the division that demonstrates:
(i) a heroin or opiate problem exists in the county in which the provider is seeking approval; and
(ii) a need exists for a heroin or an opiate treatment program in the county; and
(B) any other information required by the division.

~~(d)~~ **(e)** Except as provided in subsection ~~(j),~~ **(k),** the division shall prepare a report by June 30 of each year concerning treatment offered by methadone providers that contains the following information:
(1) The number of methadone providers in the state.
(2) The number of patients on methadone during the previous year.
(3) The length of time each patient received methadone and the average length of time all patients received methadone.
(4) The cost of each patient's methadone treatment and the average cost of methadone treatment.
(5) The rehabilitation rate of patients who have undergone methadone treatment.
(6) The number of patients who have become addicted to methadone.
(7) The number of patients who have been rehabilitated and are no longer on methadone.

(8) The number of individuals, by geographic area, who are on a waiting list to receive methadone.

(9) Patient information as reported to a central registry created by the division.

~~(e)~~ **(f)** Each methadone provider in the state shall provide information requested by the division for the report under subsection ~~(d).~~ **(e).** The information provided to the division may not reveal the specific identity of a patient.

~~(f)~~ **(g)** The information provided to the division under subsection ~~(e)~~ **(f)** must be based on a calendar year.

~~(g)~~ **(h)** Failure of a certified provider to submit the information required under subsection ~~(e)~~ **(f)** may result in suspension or termination of the provider's certification.

~~(h)~~ **(i)** The division shall report to the governor and the legislative council the failure of a certified provider to provide information required by subsection ~~(e).~~ **(f).**

~~(i)~~ **(j)** The division shall distribute the report prepared under subsection ~~(d)~~ **(e)** to the governor and legislative council.

~~(j)~~ **(k)** The first report the division is required to prepare under subsection ~~(d)~~ **(e)** is due not later than September 30, 1999.

~~(k)~~ **(l)** The division shall establish a central registry to receive the information required by subsection ~~(d)(9).~~ **(e)(9).**

~~(l)~~ **(m) A report distributed under this SECTION to the legislative council must be in an electronic format under IC 5-14-6.**

~~(m)~~ **(n)** This SECTION expires July 1, 2014.

EXHIBIT 17, Adding a Noncode SECTION

See also "Noncode Provisions", page 53, and "NONCODE PROVISIONS GENERALLY", page 90.

January 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.

SENATE BILL No. 148

A BILL FOR AN ACT concerning taxation.

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

SECTION 1. [EFFECTIVE JULY 1, 2013] **(a) The balance of the funds remaining in a county's county welfare fund and the county welfare trust clearance fund on December 31, 2013, that 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.

January 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.

SENATE BILL No. 149

A BILL FOR AN ACT to repeal a provision concerning taxation.

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

SECTION 1. P.L137-2012, SECTION 126, IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~SECTION 126. (a) IC 6-1.1-12-26.1, as added by this act, applies to property taxes first due and payable after 2013. A deduction statement filed before September 1, 2012, under IC 6-1.1-12-27.1, as amended by this act, is considered timely filed for purposes of obtaining the deduction under IC 6-1.1-12-26.1, as added by this act, in 2012 for property taxes first due and payable in 2013.~~

~~(b) This SECTION expires January 1, 2014.~~

EXHIBIT 19, House Vehicle Bill to Amend the Indiana Code

See also "Vehicle Bills", page 84.

Introduced Version

HOUSE BILL No. 1376

DIGEST OF INTRODUCED BILL

Citations Affected: The Indiana Code.

Synopsis: Vehicle Bill.

Effective: July 1, 2013.

Rules and Legislative Procedures

January 17, 2013, read first time and referred to Committee on Rules and Legislative Procedures.

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 No. 1376

A BILL FOR AN ACT to amend the Indiana Code.

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

SECTION 1. [EFFECTIVE JULY 1, 2013] **The Indiana Code is amended.**

EXHIBIT 20, Senate Vehicle Bill to Amend a Title of the Indiana Code

See also "Vehicle Bills", page 84.

Introduced Version

SENATE BILL No. 79

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1.

Synopsis: Vehicle Bill.

Effective: July 1, 2013.

Vaughn

January 4, 2013, read first time and referred to Committee on Rules and Legislative Procedure.

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.

SENATE BILL No. 79

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

1 SECTION 1. **IC 7.1 is amended concerning alcohol and tobacco.**

See also "Special Relief Bills", page 100.

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 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:

SECTION 1. [EFFECTIVE JULY 1, 2013] **(a) There is appropriated to Bill Backer one thousand dollars ($1,000) 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 Bill Backer.**

(b) This SECTION expires December 31, 2013.

See also "BILL PREAMBLE", page 51.

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 No. 1130

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

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 23, Noncode Act Establishing a Legislative (Interim) Study Committee, with Emergency Clause (Note that the SECTION expires before January 1 of the year after the year of enactment.)

See also "Legislative Committees and Commissions", page 76.

January 27, 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. 1047

A BILL FOR AN ACT concerning education.

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

SECTION 1. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "committee" refers to the education issues interim study committee established under subsection (b).**

(b) The legislative council, under IC 2-5-1.1-5(a)(2), shall establish an interim study committee to be known as the education issues interim study committee. The committee shall do the following:

(1) Study the feasibility of establishing a process by which residents of a part of an existing school corporation may elect to disannex from an existing school corporation and either annex to another existing school corporation or establish a new school corporation.

(2) Study any additional topics the legislative council considers necessary.

(c) The committee shall operate under the policies governing study committees adopted by the legislative council. The committee

1 **shall submit a final report to the legislative council and the**
2 **governor.**
3 **(d) This SECTION expires December 31, 2013.**
4 SECTION 2. **An emergency is declared for this act.**

EXHIBIT 24, Indiana Code Act Establishing a Legislative (Interim) Study Committee (Note: 1. The chapter expires after December 31 of the year of enactment; and 2. the committee is added to IC 2-5 and does not require certain provisions. Compare this EXHIBIT to EXHIBIT 25, "Establishing an Executive Branch Committee". (See sections 4 and 5 of EXHIBIT 25.)

See also "Legislative Committees and Commissions", page 76.

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. 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:

SECTION 1. IC 2-5-35 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 35. Interim Study Committee on Self-Service Roll Your Own Cigarettes at Retail Establishments

Sec. 1. As used in this chapter, "committee" refers to the interim study committee on self-service roll your own cigarettes at retail establishments established by section 2 of this chapter.

Sec. 2. The interim study committee on self-service roll your own cigarettes at retail establishments is established.

Sec. 3. (a) The committee consists of nine (9) members, who shall be appointed as follows:

(1) Two (2) members of the senate, appointed by the president pro tempore of the senate.

(2) Two (2) members of the senate, appointed by the minority leader of the senate.

(3) Two (2) members of the house of representatives, appointed by the speaker of the house of representatives.

(4) Two (2) members of the house of representatives, appointed by the minority leader of the house of representatives.

(5) One (1) member of the general assembly, appointed by the chairman of the legislative council.

(b) The member appointed under subsection (a)(5) shall serve as chairman of the committee.

Sec. 4. The committee shall study and make recommendations to the legislative council concerning the following:

(1) The operation of roll your own cigarettes retail establishments.

(2) Tax consequences of roll your own cigarettes retail establishments.

Sec. 5. Before November 1, 2013, the committee shall issue an initial report to the legislative council containing information concerning the committee's deliberations. Before November 1, 2014, the committee shall issue a final report to the legislative council containing the findings and recommendations of the committee.

Sec. 6. This chapter expires December 31, 2014.

EXHIBIT 25, Indiana Code Act Establishing an Executive Branch Committee (Note the committee is added to IC 2-6 and thus requires the inclusion of certain provisions. Compare this EXHIBIT to EXHIBIT 24, "Establishing a Legislative (Interim) Study Committee". (See sections 4 and 5 of this EXHIBIT.)

See also "Executive Branch Committees and Commissions", page 75.

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.~~

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. 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:

SECTION 1. IC 2-6-3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 3. Lake Management Work Group

Sec. 1. The lake management work group is established.

Sec. 2. The activities of the work group must be directed to problems and issues associated with lakes that meet the definition of a public freshwater lake under IC 14-26-2-3.

Sec. 3. (a) The work group consists of twenty-six (26) members appointed as follows:

(1) Four (4) members of the general assembly consisting of:

(A) two (2) members of the house of representatives who may not be members of the same political party, appointed by the speaker of the house of representatives; and

(B) two (2) members of the senate who may not be members of the same political party, appointed by the president pro tempore of the senate.

(2) Three (3) representatives of the department of natural resources, at least one (1) of whom must be an officer in the division of law enforcement, appointed by the governor.

(3) The commissioner of the department of environmental management or the commissioner's designee.

(4) One (1) representative of the Indiana Lake Management Society or a similar organization of citizens concerned about lakes, appointed by the governor.

(5) One (1) representative of the Natural Resources Conservation Service of the United States Department of Agriculture appointed by the governor upon the recommendation of the Natural Resources Conservation Service.

(6) One (1) representative of soil and water conservation districts organized under IC 14-32 or IC 13-3-1 or IC 14-32-3 (before their repeal), appointed by the governor.

(7) Ten (10) members appointed by the governor, each of whom is:

(A) a participant in lake related recreational activities;

(B) a resident of a lake area;

(C) the owner or operator of a lake related business; or

(D) interested in the natural environment of Indiana lakes.

(8) One (1) representative of the United States Army Corps of Engineers appointed by the governor upon the recommendation of the commander of the Louisville District of the United States Army Corps of Engineers.

(9) One (1) representative of an agricultural organization, appointed by the governor.

(10) One (1) representative of an environmental organization, appointed by the governor.

(11) Two (2) other individuals appointed by the governor as at-large members.

(b) When appointing two (2) members of the house of representatives to the work group under subsection (a)(1)(A), the speaker of the house of representatives shall appoint one (1) representative to serve as chairperson of the work group beginning July 1, 2013, and ending June 30, 2014.

(c) To fill the positions created by subsection (a)(7), the governor shall appoint at least one (1) resident to represent each

congressional district in Indiana. Each individual who was appointed by the governor as a member of the work group under P.L.65-2010 (before its expiration) is appointed to serve on the work group until the governor appoints a successor.

Sec. 4. The affirmative votes of a majority of the voting members appointed to the work group are required for the work group to take action on any measure, including final reports.

Sec. 5. Except as provided in this chapter, the work group shall operate under the policies governing study committees adopted by the legislative council.

Sec. 6. The work group shall meet at the call of the chairperson but may not meet more than four (4) times each year.

Sec. 7. The work group shall do the following:

(1) Monitor, review, and coordinate the implementation of the work group's recommendations issued under P.L.239-2008 and P.L.65-2010.

(2) Facilitate collaborative efforts among commonly affected state, county, and local governmental entities in cooperation with lake residents and related organizations.

(3) Conduct public meetings to hear testimony and receive written comments concerning lake resource concerns and the implementation of the work group's recommendations.

(4) Develop proposed solutions to problems concerning the implementation of the work group's recommendations.

(5) Review, update, and coordinate the implementation of new and existing recommendations by communicating with the public, the general assembly, and other governmental entities concerning lake resources.

(6) Review and coordinate the development and maintenance of an Internet web site that includes information on the management of lake and watershed resources.

(7) Issue reports to the natural resources study committee when directed to do so.

(8) Review all funding that is used for Indiana's waterways, including potential funding sources that could be used by the general assembly to correct funding problems.

(9) Issue a final report before July 1, 2014.

Sec. 8. The work group shall make its reports available to:

(1) the natural resources study committee;

(2) the department of natural resources;

(3) members of the house agriculture, natural resources, and rural development standing committee and the senate natural

resources standing committee; and
(4) the public.

Sec. 9 . The work group is under the direction of the department of natural resources. The department may contract with a facilitator to facilitate the work of the work group. The department of natural resources shall staff the work group.

Sec. 10. (a) Each member of the work group who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member 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.

(b) Each member of the work group 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.

(c) Each member of the work group 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.

Sec. 11. (a) Except as provided in subsection (b), per diem, mileage, travel allowances, and other expenses paid to committee members shall be paid from appropriations made to the department of natural resources.

(b) Per diem, mileage, and travel allowances paid to committee members who are members of the general assembly shall be paid from appropriations made to the legislative council or the legislative services agency.

Sec. 12. This chapter expires July 1, 2014.

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.

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:

SECTION 1. IC 15-10 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

ARTICLE 10. EFFECT OF RECODIFICATION OF TITLE 15

Chapter 1. Effect of Recodification by the Act of the 2013 Regular Session of the General Assembly

Sec. 1. As used in this chapter, "prior law" refers to the statutes concerning agriculture and animals that are repealed or amended in the recodification act of the 2013 regular session of the general assembly as the statutes existed before the effective date of the applicable or corresponding provision of the recodification act of the 2013 regular session of the general assembly. The term includes statutes that are recodified outside this title by the recodification act of the 2013 regular session of the general assembly, such as law related to veterinarians and destruction of animals.

Sec. 2. The purpose of the recodification act of the 2013 regular session of the general assembly is to recodify prior law in a style

that is clear, concise, and easy to interpret and apply. Except to the extent that:

(1) the recodification act of the 2013 regular session of the general assembly is amended to reflect the changes made in a provision of another bill that adds to, amends, or repeals a provision in the recodification act of the 2013 regular session of the general assembly; or

(2) the minutes of meetings of the code revision commission during 2007 expressly indicate a different purpose;

the substantive operation and effect of the prior law continue uninterrupted as if the recodification act of the 2013 regular session of the general assembly had not been enacted.

Sec. 3. Subject to section 2 of this chapter, sections 4 through 9 of this chapter shall be applied to the statutory construction of the recodification act of the 2013 regular session of the general assembly.

Sec. 4. (a) The recodification act of the 2013 regular session of the general assembly does not affect:

(1) any rights or liabilities accrued;

(2) any penalties incurred;

(3) any violations committed;

(4) any proceedings begun;

(5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;

(6) any tax levies made or authorized;

(7) any funds established;

(8) any patents issued;

(9) the validity, continuation, or termination of any contracts, easements, or leases executed;

(10) the validity, continuation, scope, termination, suspension, or revocation of:

(A) permits;

(B) licenses;

(C) certificates of registration;

(D) grants of authority; or

(E) limitations of authority; or

(11) the validity of court decisions entered regarding the constitutionality of any provision of the prior law;

before the effective date of the recodification act of the 2013 regular session of the general assembly (July 1, 2013). Those rights, liabilities, penalties, violations, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts,

easements, leases, permits, licenses, certificates of registration, grants of authority, and limitations of authority continue and shall be imposed and enforced under prior law as if the recodification act of the 2013 regular session of the general assembly had not been enacted.

(b) The recodification act of the 2013 regular session of the general assembly does not:

(1) extend or cause to expire a permit, license, certificate of registration, or other grant or limitation of authority; or

(2) in any way affect the validity, scope, or status of a license, permit, certificate of registration, or other grant or limitation of authority;

issued under the prior law.

(c) The recodification act of the 2013 regular session of the general assembly does not affect the revocation, limitation, or suspension of a permit, license, certificate of registration, or other grant or limitation of authority based in whole or in part on violations of the prior law or the rules adopted under the prior law.

Sec. 5. The recodification act of the 2013 regular session of the general assembly shall be construed as a recodification of prior law. Except as provided in section 2(1) and 2(2) of this chapter, if the literal meaning of the recodification act of the 2013 regular session of the general assembly (including a literal application of an erroneous change to an internal reference) would result in a substantive change in the prior law, the difference shall be construed as a typographical, spelling, or other clerical error that must be corrected by:

(1) inserting, deleting, or substituting words, punctuation, or other matters of style in the recodification act of the 2013 regular session of the general assembly; or

(2) using any other rule of statutory construction;

as necessary or appropriate to apply the recodification act of the 2013 regular session of the general assembly in a manner that does not result in a substantive change in the law. The principle of statutory construction that a court must apply the literal meaning of an act if the literal meaning of the act is unambiguous does not apply to the recodification act of the 2013 regular session of the general assembly to the extent that the recodification act of the 2013 regular session of the general assembly is not substantively identical to the prior law.

Sec. 6. Subject to section 9 of this chapter, a reference in a statute or rule to a statute that is repealed and replaced in the same

or a different form in the recodification act of the 2013 regular session of the general assembly shall be treated after the effective date of the new provision as a reference to the new provision.

Sec. 7. A citation reference in the recodification act of the 2013 regular session of the general assembly to another provision of the recodification act of the 2013 regular session of the general assembly shall be treated as including a reference to the provision of prior law that is substantively equivalent to the provision of the recodification act of the 2013 regular session of the general assembly that is referred to by the citation reference.

Sec. 8. (a) As used in the recodification act of the 2013 regular session of the general assembly, a reference to rules adopted under any provision of this title or under any other provision of the recodification act of the 2013 regular session of the general assembly refers to either:

(1) rules adopted under the recodification act of the 2013 regular session of the general assembly; or

(2) rules adopted under the prior law until those rules have been amended, repealed, or superseded.

(b) Rules adopted under the prior law continue in effect after June 30, 2013, until the rules are amended, repealed, or suspended.

Sec. 9. (a) A reference in the recodification act of the 2013 regular session of the general assembly to a citation in the prior law before its repeal is added in certain sections of the recodification act of the 2013 regular session of the general assembly only as an aid to the reader.

(b) The inclusion or omission in the recodification act of the 2013 regular session of the general assembly of a reference to a citation in the prior law before its repeal does not affect:

(1) any rights or liabilities accrued;

(2) any penalties incurred;

(3) any violations committed;

(4) any proceedings begun;

(5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;

(6) any tax levies made;

(7) any funds established;

(8) any patents issued;

(9) the validity, continuation, or termination of contracts, easements, or leases executed;

(10) the validity, continuation, scope, termination, suspension, or revocation of:

(A) permits;
(B) licenses;
(C) certificates of registration;
(D) grants of authority; or
(E) limitations of authority; or

(11) the validity of court decisions entered regarding the constitutionality of any provision of the prior law;

before the effective date of the recodification act of the 2013 regular session of the general assembly (July 1, 2013). Those rights, liabilities, penalties, violations, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts, easements, leases, permits, licenses, certificates of registration, grants of authority, and limitations of authority continue and shall be imposed and enforced under prior law as if the recodification act of the 2013 regular session of the general assembly had not been enacted.

(c) The inclusion or omission in the recodification act of the 2013 regular session of the general assembly of a citation to a provision in the prior law does not affect the use of a prior conviction, violation, or noncompliance under the prior law as the basis for revocation of a license, permit, certificate of registration, or other grant of authority under the recodification act of the 2013 regular session of the general assembly, as necessary or appropriate to apply the recodification act of the 2013 regular session of the general assembly in a manner that does not result in a substantive change in the law.

See also "Medicaid Waiver Provisions", page 81.

February 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.

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:

SECTION 1. IC 12-15-1.3-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 6. (a) The office shall develop a federal Medicaid waiver application under which a prescription drug program may be established or implemented to provide access to prescription drugs for low income senior citizens.**

(b) Before the office may submit an application for a federal Medicaid waiver that will affect the Indiana prescription drug program established under IC 12-10-16, the following must occur:

(1) The office shall submit the proposed Medicaid waiver to the prescription drug advisory committee.

(2) The prescription drug advisory committee must review, allow public comment on, and approve the proposed Medicaid waiver.

(c) A prescription drug program established or implemented by the office or a contractor of the office under this section may not limit access to prescription drugs for prescription drug program

recipients, except under the following circumstances:

(1) Access may be limited to the extent that restrictions were in place in the Medicaid program on March 26, 2002.

(2) Except as provided by IC 12-15-35.5-3(b) and IC 12-15-35.5-3(c), access may be limited to:

(A) prevent:

(i) fraud;

(ii) abuse;

(iii) waste;

(iv) overutilization of prescription drugs; and

(v) inappropriate utilization of prescription drugs; or

(B) implement a disease management program.

IC 12-15-35.5-7 applies to a limit implemented under this subdivision.

(d) Changes to a prescription drug program that:

(1) is established or implemented by the office or a contractor of the office under this section; and

(2) uses money from the Indiana prescription drug account established under IC 4-12-8-2;

must be approved by the prescription drug advisory committee.

(e) The office shall apply to the United States Department of Health and Human Services for approval of any waiver necessary under the federal Medicaid program to provide access to prescription drugs for low income senior citizens.

(f) A Medicaid waiver developed under this section must limit a prescription drug program's state expenditures to funding appropriated to the Indiana prescription drug account established under IC 4-12-8-2 from the Indiana tobacco master settlement agreement fund.

(g) The office may not implement a waiver under this section until the office files an affidavit with the governor attesting that the federal waiver applied for under this section is in effect. The office shall file the affidavit under this subsection not later than five (5) days after the office is notified that the waiver is approved.

(h) If the office receives a waiver under this section from the United States Department of Health and Human Services and the governor receives the affidavit filed under subsection (g), the office shall implement the waiver not more than sixty (60) days after the governor receives the affidavit.

EXHIBIT 28, Post-Introductory Amendment Process Resulting in the First Printing of a Bill

Component 1: Introduced Bill

See also: "DRAFTING TERMINOLOGY", page 122.

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 civil law and procedure.

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

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:

~~(1)~~ **(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, **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.

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:

Page 1, line 2, after "Sec. 2." insert "**(a) This section does not apply to a health care provider as defined in IC 34-18-2-14.**
(b)".
Page 1, line 2, strike "Notwithstanding any".
Page 1, line 3, strike "other provision of or any other law,".
Page 1, line 3, delete "an" and insert "An".
Page 1, line 3, after "individual" delete ":".
Page 1, line 4, delete "(1)".
Page 1, run in lines 3 through 4.
Page 1, line 5, beginning with "(1)" begin a new line block indented.
Page 1, line 5, reset in roman "(1)".
Page 1, line 5, delete "(A) is employed by; or".
Page 1, line 6, delete "(B)".
Page 1, run in lines 5 through 6.
Page 1, line 8, beginning with "(A)" begin a new line double block indented.

Page 1, line 8, reset in roman "(A)".

Page 1, line 8, delete "," and insert ";".

Page 1, line 8, beginning with "(B)" begin a new line double block indented.

Page 1, line 8, reset in roman "(B)".

Page 1, line 9, delete "," and insert ";".

Page 1, line 9, after "or" begin a new line double block indented and insert:

"**(C)**".

Page 1, line 13, delete "an employee,".

Page 1, line 13, after "volunteer" delete ",".

(Reference is to HB 1126 as introduced.)

and when so amended that said bill do pass.

_____

Representative Foley

EXHIBIT 28, CONTINUED

Component 3: Introduced Bill, Marked per Committee Report
Note: The mark-up is created by the In-House Printing staff in preparing the printed bill that incorporates the committee report.

~~Introduced~~ 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:

(a) This section does not apply to a health care provider as defined in IC 34-18-2-14.

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:

run in

~~(1)~~ who:

SBI ~~(1)~~ **(A) is employed by; or**

run in

~~(B)~~ serves ~~without compensation~~ as a **volunteer or** volunteer director of:

DBI ~~(A)~~ a nonprofit corporation operating under IC 12-29-3-6; ~~or (B)~~ DBI

an agency providing services under IC 12-12-3; **or a nonprofit organization that is exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code;** and DBI (C)

(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.

~~2013~~ LS 7618/DI 11+

HB 1126—LS 7618/DI 11

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:

SECTION 1. IC 34-30-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. **(a) This section does not apply to a health care provider as defined in IC 34-18-2-14.**

(b) ~~Notwithstanding any other provision of or any other law,~~ An individual who:

(1) 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; **or**

(C) 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 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.

See also "Post-Introductory Drafting", page 117.

PROPOSED AMENDMENT
SB 6 # 1

DIGEST

Proposed amendment to SB 6. Prepared for the Senate Committee on Corrections, Criminal, and Civil Matters.

Page 1, line 4, after "a" insert "**detachable**".

Page 1, line 6, strike "propelled" and insert "**ejected from the handle as a projectile**".

Page 1, line 7, strike "hand pressure applied to a button, device containing" and insert "**means of**".

Page 1, line 7, after "gas," insert "**a**".

Page 1, line 7, after "or" insert "**any**".

Page 1, line 8, after "device" insert "**contained**".

(Reference is to SB 6 as introduced.)

See also "Post-Introductory Drafting", page 117.

COMMITTEE REPORT

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 Lore, Chairperson

EXHIBIT 31, Committee Report of the House: Do Pass, First Chamber
See also "Post-Introductory Drafting", page 117.

Adopted	Rejected

COMMITTEE REPORT

YES: 11
NO: 0

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 Jones

EXHIBIT 32, Committee Report of the Senate: Do Pass, Second Chamber
See also "Post-Introductory Drafting", page 117.

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 Vaughn, Chairperson

See also "Post-Introductory Drafting", page 117.

Adopted	Rejected

COMMITTEE REPORT

YES: 11
NO: 0

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 Abernathy

EXHIBIT 34, Committee Report of the Senate: Do Pass Amended on an Introduced Senate Bill (Note: Compare this EXHIBIT to EXHIBIT 29, "Proposed Committee Amendment".)

See also "Post-Introductory Drafting", page 117.

COMMITTEE REPORT

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:

Page 1, line 4, after "a" insert "**detachable**".

Page 1, line 6, strike "propelled" and insert "**ejected from the handle as a projectile**".

Page 1, line 7, strike "hand pressure applied to a button, device containing" and insert "**means of**".

Page 1, line 7, after "gas," insert "**a**".

Page 1, line 7, after "or" insert "**any**".

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 Lore, Chairperson

EXHIBIT 35, Committee Report of the House: Do Pass Amended on an Introduced House Bill

See also "Post-Introductory Drafting", page 117.

Adopted	Rejected

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 Hooper

See also "Post-Introductory Drafting", page 117.

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.

Kitner **Chairperson**

See also "Post-Introductory Drafting", page 117.

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 110 be amended to read as follows:

Page 20, line 24, delete "two percent (2%)" and insert "**five percent (5%)**".

Page 22, line 22, delete "two percent (2%)" and insert "**five percent (5%)**".

(Reference is to SB 110 as printed January 13, 2013.)

_____
Senator VAUGHN

See also "Post-Introductory Drafting", page 117.

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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 4-10-22 IS REPEALED [EFFECTIVE JANUARY 1, 2013 (RETROACTIVE)]. (Use of Excess Reserves).".

Delete pages 2 through 3.

Page 4, delete lines 1 through 6.

Page 4, line 30, delete "seven hundred thousand dollars" and insert "**one million three hundred thousand dollars ($1,300,000).**".

Page 4, delete line 31.

Page 5, line 16, delete "ten million dollars ($10,000,000)," and insert "**twenty-two million dollars ($22,000,000),**".

Page 5, line 19, delete "($10,000,000)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1376 as printed January 27, 2013.)

_____
Representative Hooper

See also "Post-Introductory Drafting", page 117.

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1326 be amended to read as follows:

Page 20, line 40, after "31." insert "**Except as provided in subsection (f), a school building remains on the department's list for two (2) years after the date the school building was placed on the list.**".

Page 21, line 9, after "subsection." insert "**If the governing body does not reclaim the school building, the school building remains on the department's list under subsection (e) for two (2) years after the date on which the reclamation period under this subsection expires.**".

Page 21, line 34, strike "least forty-eight (48) months," and insert "**least:**

(1) two (2) years, for a school building that is not subject to subsection (f); or

(2) four (4) years, for a school building that is subject to subsection (f);".

Page 21, line 34, beginning with "the" begin a new line blocked left.

(Reference is to EHB 1326 as printed February 24, 2013.)

_____
Senator LORE

See also "Post-Introductory Drafting", page 117.

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:

Page 13, between lines 20 and 21, begin a new paragraph and insert:
"**Sec. 16. This chapter expires July 1, 2015.**".
Page 15, between lines 26 and 27, begin a new paragraph and insert:
"**Sec. 12. This chapter expires July 1, 2015.**".
Page 19, between lines 1 and 2, begin a new paragraph and insert:
"**Sec. 12. This chapter expires July 1, 2015.**".
Page 19, between lines 36 and 37, begin a new paragraph and insert:
"**Sec. 7. This chapter expires July 1, 2015.**".
(Reference is to ESB 12 as printed February 17, 2013.)

_____
Representative Brody E

See also "Post-Introductory Drafting", page 117.

PRELIMINARY DRAFT
No. 4092
Amendment
for
Unknown Bill

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2013 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 35-43-2-1.

Synopsis: Looting. Increases the penalty for burglary if it is committed during a declared disaster emergency.

Effective: July 1, 2013.

First Regular Session 118th General Assembly (2013)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

SECTION 1. IC 35-43-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. A person who breaks and enters the building or structure of another person, with intent to commit a felony in it, commits burglary, a Class C felony. However, the offense is:

(1) a Class B felony if:

(A) it is committed while armed with a deadly weapon; ~~or~~

(B) the building or structure is a:

(i) dwelling; or

(ii) structure used for religious worship; ~~and~~ **or**

(C) it is committed during a disaster emergency in an area declared to be a disaster emergency area by the governor under IC 10-14-3-12; and

(2) a Class A felony if:

(A) it results in:

~~(A)~~ **(i)** bodily injury; or

~~(B)~~ **(ii)** serious bodily injury;

to any person other than a defendant;

(B) it is committed by a person armed with a deadly weapon during a disaster emergency in an area declared to be a disaster emergency area by the governor under IC 10-14-3-12; or

(C) it is committed during a disaster emergency in an area declared to be a disaster emergency area by the governor under IC 10-14-3-12, and the building or structure is a dwelling or a structure used for religious worship.

See also "CONFERENCE COMMITTEE REPORTS", page 132.

CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1040

Citations Affected: IC 34-30; IC 36-8.

Synopsis: Immunity for fast responders. Conference committee report for EHB 1040. Provides that if: (1) a county adopts an ordinance approving the provision of community fast responder services; and (2) the nonprofit corporation directing the provision of community fast responder services maintains a certain level of insurance; the liability of a community fast responder is limited to the amount of insurance. Provides that a community fast responder nonprofit corporation does not include a hospital or an entity operated or directed by a hospital. Provides that fast responders have the same immunity from liability as first responders. Requires a community fast responder nonprofit corporation to purchase an insurance policy that provides $700,000 of insurance coverage for the liability of the corporation's community fast responders. Provides that the limit of liability of a community fast responder nonprofit corporation is $5,000,000. Makes conforming amendments. **(This conference committee report: Removes a provision limiting the liability of a school that provides physical fitness activities to the general public.)**

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 Senate Amendments to Engrossed House Bill No. 1040 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 2, delete lines 35 through 42.
Delete pages 3 through 5.
(Reference is to EHB 1040 as printed February 24, 2013.)

Conference Committee Report
on
Engrossed House Bill 1040

Signed by:

Representative Brody E Chairperson	Senator Kitner
Representative Abernathy	Senator Lore
House Conferees	**Senate Conferees**

EXHIBIT 43, Conference Committee Report, Senate Version, House Bill, Page and Line Command Format

See also "CONFERENCE COMMITTEE REPORTS", page 132.

CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1040

Citations Affected: IC 34-30; IC 36-8.

Synopsis: Immunity for fast responders. Conference committee report for EHB 1040. Provides that if: (1) a county adopts an ordinance approving the provision of community fast responder services; and (2) the nonprofit corporation directing the provision of community fast responder services maintains a certain level of insurance; the liability of a community fast responder is limited to the amount of insurance. Provides that a community fast responder nonprofit corporation does not include a hospital or an entity operated or directed by a hospital. Provides that fast responders have the same immunity from liability as first responders. Requires a community fast responder nonprofit corporation to purchase an insurance policy that provides $700,000 of insurance coverage for the liability of the corporation's community fast responders. Provides that the limit of liability of a community fast responder nonprofit corporation is $5,000,000. Makes conforming amendments. **(This conference committee report: Removes a provision limiting the liability of a school that provides physical fitness activities to the general public.)**

Effective: July 1, 2013.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1040 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

1 Page 2, delete lines 35 through 42.
2 Delete pages 3 through 5.
(Reference is to EHB 1040 as printed February 24, 2013.)

Conference Committee Report
on
Engrossed House Bill 1040

Signed by:

Representative Brody E Chairperson	Senator Kitner
Representative Abernathy	Senator Lore
House Conferees	**Senate Conferees**

EXHIBIT 44, Conference Committee Report, Senate Version, Senate Bill, Delete Everything Format

See also "CONFERENCE COMMITTEE REPORTS", page 132.

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:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-51-3-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 1.5. An individual who received a scholarship from a scholarship granting organization under this chapter as a result of meeting the condition under IC 20-51-1-5(5)(E) does not qualify to become an eligible individual for purposes of the choice scholarship program under 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

Signed by:

Senator Vaughn Chairperson	Representative Hooper
Senator Hook C	Representative Kitner
Senate Conferees	**House Conferees**

EXHIBIT 45, Conference Committee Report, House Version, Senate Bill, Delete Everything Format

See also "CONFERENCE COMMITTEE REPORTS", page 132.

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

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

Signed by:

Senator Vaughn Chairperson	Representative Hooper
Senator Hook C	Representative Kitner
Senate Conferees	**House Conferees**

See also "JOINT RULE 20 CORRECTIONS", page 136.

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:

Page 1, delete lines 1 through 13, begin a new paragraph and insert:

"SECTION 1. IC 9-24-19-2, AS AMENDED BY HEA 1009-2013, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A person who: ~~operates a motor vehicle upon a highway when the person~~

(1) knows that the person's driving privilege, license, or permit is suspended or revoked; **and**

(2) ~~commits a Class A misdemeanor if,~~ **operates a motor vehicle upon a highway** less than ten (10) years ~~before~~ **after** the date on which ~~the person operates the motor vehicle knowing that the person's driving privilege, license, or permit is suspended or revoked,~~ judgment was entered against the person for a prior unrelated ~~(1) infraction under~~ **violation of** section 1 of this chapter, ~~or (2) offense or infraction under: (A)~~ this section, ~~(B)~~ IC 9-1-4-52 (repealed July 1, 1991), or ~~(C)~~ IC 9-24-18-5(a) (repealed July 1, 2000);

commits a Class A misdemeanor.".

(Reference is to ESB 114 as printed February 10, 2013.)

_____

Senator LORE, Chairperson

_____

Senator HOOK C, R.M.M.

_____

Senator KITNER

See also "JOINT RULE 21 CORRECTIONS", page 138.

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:

Page 4, after line 16, begin a new paragraph and insert:
"SECTION 4. **An emergency is declared for this act.**".
(Reference is to ESB 235 as printed February 21, 2013.)

_____
Representative Jones, Chairperson

_____
Representative Brody E, R.M.M.

_____
Representative Abernathy, Sponsor

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 ENROLLED ACT No. 1052

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 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.

_____
Speaker of the House of Representatives

_____
President of the Senate

_____
President Pro Tempore

_____
Governor of the State of Indiana

Date: _____ Time: _____

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.

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.~~

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.

President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

See also "SESSION LAWS (ACTS)", page 2.

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.

SENATE ENROLLED ACT No. 52

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 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.

~~(c)~~ **(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.

President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

Introduced Version

SENATE RESOLUTION No. ___

DIGEST OF INTRODUCED RESOLUTION

A SENATE RESOLUTION recognizing the importance of the regional campuses of Ivy Tech Community College of Indiana.

Hook C

_____, read first time and referred to Committee on

Introduced

First Regular Session 118th General Assembly (2013)

SENATE RESOLUTION

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 area 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;

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:

SECTION 1. That the Indiana Senate congratulates and supports the Lafayette regional campus of Ivy Tech Community College of Indiana in its mission to enable students and citizens to realize their full potential and supports regional education and economic development within Indiana.

SECTION 2. That the copies of this resolution be transmitted by the Secretary of the Senate to Ivy Tech Community College campuses in Lafayette, Crawfordsville, and Monticello.

Introduced Version

HOUSE RESOLUTION No. ___

Introduced by: Brody E

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:

SECTION 1. That the Indiana House of Representatives urges the Legislative Council to assign to the Criminal Law and Sentencing Policy Study Committee the topic of the sex and violent offender registry.

EXHIBIT 53, Simple Resolution of the House, Prepared by a House Caucus Attorney

See also "Simple Resolutions", page 116.

Introduced Version

HOUSE RESOLUTION No. ___

Introduced by: Abernathy

A HOUSE RESOLUTION to recognize Hibernia, Indiana, on the occasion of the 60th annual Hibernia Raccoon Dinner.

Whereas, the town of Hibernia has a fundraiser every year for the upkeep of the Hibernia Community Building; and,

Whereas, for many years the highlight of the dinner was raccoon meat; and,

Whereas, for five years the dinner featured chili; and,

Whereas, the planners of the dinner realized that raccoon meat was what made the dinner special, so they changed back to raccoon; and,

Whereas, "Across Indiana" did a television segment on the dinner in 2006; and,

Whereas, the Hibernia Community Raccoon is famous throughout Indiana and the Ohio Valley Region: Therefore,

Be it resolved by the House of Representatives of the
General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes Hibernia and its annual Racoon Dinner on the occasion of its 60th anniversary.

SECTION 2. That a Principal Clerk of the House transmit a copy of resolution to the town of Hibernia.

See also "Post-Introductory Drafting", page 117.

COMMITTEE REPORT

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.

Senator Ada Lore, Chairperson

EXHIBIT 55, Committee Report of the House: Do Pass, Simple Resolution of the House, First Chamber

See also "Post-Introductory Drafting", page 117.

Adopted	Rejected

COMMITTEE REPORT

YES: 8
NO: 1

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.*

Representative Jones

See also "Concurrent Resolutions", page 114.

Introduced Version

SENATE CONCURRENT RESOLUTION No. ____

DIGEST OF INTRODUCED RESOLUTION

A CONCURRENT RESOLUTION honoring Taylor Reuille.

Hook C

_____, read first time and referred to Committee on

20131066

2013 SC 2001/DI 11+

Introduced

First Regular Session 118th General Assembly (2013)

SENATE CONCURRENT RESOLUTION

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:

SECTION 1. That the Indiana General Assembly recognizes the tremendous effort and dedication of Taylor Reuille in working to establish a boundless playground that enables children with disabilities to feel included in their community and enjoy the simple pleasures afforded them by this amazing new playground.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Taylor Reuille and her family.

EXHIBIT 57, Concurrent Resolution of the Senate, Prepared by a Senate Caucus Attorney

See also "Concurrent Resolutions", page 114.

Introduced Version

SENATE CONCURRENT RESOLUTION No. _____

DIGEST OF INTRODUCED RESOLUTION

A CONCURRENT RESOLUTION recognizing the Evansville Reitz High School football team on its Class 4A IHSAA State Football Championship.

KITNER

_____ , read first time and referred to Committee on

Introduced

First Regular Session 118th General Assembly (2013)

SENATE CONCURRENT RESOLUTION No. _____

A CONCURRENT RESOLUTION recognizing the Evansville Reitz High School football team on its Class 4A IHSAA State Football Championship.

Whereas, the Reitz High School Panthers won the Class 4A IHSAA State Football Championship;

Whereas, the Panthers, under the leadership of head coach Tony Lewis, went undefeated this past season;

Whereas, the Panthers had an impressive playoff season winning all three sectional games and the Regional game;

Whereas, five of the team members were Academic All-State members and 10 of the team members were Academic All-City members; and

Whereas, 28 of 89 team members are taking Honors or AP classes and 6 team members have 4.0 GPA's. At least 47 of the team members have at least a 3.0 GPA: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly hereby recognizes the Evansville Reitz High School football team on its Class 4A IHSAA State Football Championship.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Evansville Reitz High School and Tony Lewis.

See also "Concurrent Resolutions", page 114.

Introduced Version

HOUSE CONCURRENT RESOLUTION No. _____

DIGEST OF INTRODUCED RESOLUTION

A CONCURRENT RESOLUTION urging the Indiana General Assembly to fly the POW/MIA flag in the House and Senate Chambers.

Brody E, Jones, Hooper, Abernathy, Rich, Koetter, Martin, Jeffs, Wyatt, Walls, Norden, Tuttle, Hemmeler, Crane, Brooks, Button, Penn, Beals, Gorman, Ripley, Petersen, Hyde, Mason, Parker, Dutton, Browning, Howard, Brody S, Chase, Steeves, Albright, Veemer, West, Hutton, Murphey D, Beers, Black, Cheever, Sandersen, Lorey, Murphey T, Griffin, Pike, Masson, Norris, Ulath, Watsson

_____, read first time and referred to Committee on

Introduced

First Regular Session of the 118th General Assembly (2013)

HOUSE CONCURRENT RESOLUTION

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:

SECTION 1. That the Indiana General Assembly is urged to fly the POW/MIA flag in the House and Senate Chambers in accordance with federal regulations in recognition of those still missing as a result of armed conflicts around the world. The people of the state of Indiana recognize the great sacrifice these brave men and women made for their country and the sacrifices their families continue to make.

EXHIBIT 59, Concurrent Resolution of the House: Urges the Legislative Council to Act

See also "Concurrent Resolutions", page 114.

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.

Jones

_____, read first time and referred to Committee on

20131858

2013 HC 1047/DI 11+

Introduced

First Regular Session of the 118th General Assembly (2013)

HOUSE CONCURRENT 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.

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:

SECTION 1. That the Legislative Council is urged to assign the topic of a sales tax holiday to the Commission on State Tax and Financing Policy.

EXHIBIT 60, Concurrent Resolution of the Senate: Urges Congress to Act, Prepared by a Senate Caucus Attorney

See also "Concurrent Resolutions", page 114.

Introduced Version

SENATE CONCURRENT RESOLUTION No. _____

DIGEST OF INTRODUCED RESOLUTION

A CONCURRENT RESOLUTION urging Congress to establish a memorial on the National Mall honoring Gulf War Veterans.

VAUGHN, LORE

_____ , read first time and referred to Committee on

Introduced

First 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:

SECTION 1. The Indiana General Assembly urges Congress to establish a memorial on the National Mall honoring Gulf War Veterans.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Indiana Congressional Delegation and the National Desert Storm Memorial.

See also "Post-Introductory Drafting", page 117.

COMMITTEE REPORT

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 .

Senator Al Kitner, Chairperson

EXHIBIT 62, Committee Report of the House: Do Pass, Concurrent Resolution of the House, First Chamber

See also "Post-Introductory Drafting", page 117.

Adopted	Rejected

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 Brody E

EXHIBIT 63, Joint Resolution of the Senate: Amendment of the Constitution of the State of Indiana, First Presentment

See also "Joint Resolutions", page 106.

Introduced Version

SENATE JOINT RESOLUTION No. 2

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.

Hook C

January 4, 2013, read first time and referred to Committee on Judiciary.

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.

SENATE JOINT RESOLUTION No. 2

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:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Eighteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 7, SECTION 4 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 4. **(a)** The Supreme Court shall have no original jurisdiction except in **the following:**

(1) Admission to the practice of law.

(2) Discipline or disbarment of those admitted **to the practice of law.**

(3) The unauthorized practice of law.

(4) The discipline, removal, and retirement of justices and judges.

(5) Supervision of the exercise of jurisdiction by the other courts of the State. ~~and~~

(6) Issuance of writs necessary or appropriate in aid of its jurisdiction.

(b) The Supreme Court shall exercise appellate jurisdiction under such terms and conditions as specified by rules except that appeals from a judgment imposing a sentence of death shall be taken directly to the Supreme Court.

(c) The Supreme Court shall have, in all appeals of criminal cases, the power to review all questions of law and to review and revise the sentence imposed.

(d) The Supreme Court 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.

SECTION 3. ARTICLE 7, SECTION 6 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 6. ~~Jurisdiction of Court of Appeals.~~ **(a)** The Court ~~shall have~~ **of Appeals has** no original jurisdiction, except that it may be authorized by rules of the Supreme Court to review directly decisions of administrative agencies.

(b) In all other cases, ~~it~~ **the Court of Appeals** shall exercise appellate jurisdiction under such terms and conditions as the Supreme Court shall specify by rules which shall, however, provide in all cases an absolute right to one appeal and to the extent provided by rule, review and revision of sentences for defendants in all criminal cases.

(c) The Court of Appeals 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.

SECTION 4. ARTICLE 7, SECTION 8 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 8. ~~Circuit Courts.~~ **(a)** The Circuit Courts shall have such civil and criminal jurisdiction as may be prescribed by law.

(b) 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.

EXHIBIT 64, Joint Resolution of the House: Amendment of the Constitution of the State of Indiana, First Presentment

See also "Joint Resolutions", page 106.

Introduced Version

HOUSE JOINT RESOLUTION No. 2

DIGEST OF INTRODUCED RESOLUTION

Citations Affected: Article 4 of the Constitution of the State of Indiana.

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.

Vaughn

January 11, 2013, read first time and referred to Committee on Elections and Apportionment.

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 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:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Eighteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 4, SECTION 5 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 5. **(a)** The General Assembly elected during the year in which a federal decennial census is taken shall **do the following by law:**

(1) Fix ~~by law~~ the number of Senators and Representatives. ~~and apportion them among~~

(2) Establish districts according to the number of inhabitants in each district, as revealed by that federal decennial census. The territory in each district shall be contiguous.

(b) Notwithstanding section 25 of this article, an affirmative vote of at least two-thirds of the members elected to each House is necessary to pass a bill to enact a law described in subsection (a).

EXHIBIT 65, Joint Resolution of the House: Amendment of the Constitution of the State of Indiana, Second Presentment

See also "Joint Resolutions", page 106.

January 5, 2013

HOUSE JOINT RESOLUTION No. 1

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.

Abernathy

November 17, 2012, read first time and referred to Committee on Ways and Means.
January 5, 2013, reported — Do Pass.

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

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 and Special Sessions of the General Assembly.

HOUSE JOINT RESOLUTION No. 1

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 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.

~~(b)~~ **(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 2013 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 2013 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 2010 that limits to property tax liability as described in subsection (f) are expected to reduce in 2012 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, 2010, 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, 2021.

EXHIBIT 66, Vehicle Bill for a Joint Resolution of the Senate to Amend the Constitution of the State of Indiana (Note: A similar form is used by the House.)

See also "Vehicle Bills", page 84.

Introduced Version

SENATE JOINT RESOLUTION No. 8

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.

Fritz

January 4, 2013, read first time and referred to Committee on Rules and Legislative Procedure.

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.

SENATE JOINT RESOLUTION No. 8

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:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Eighteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. **The Constitution of the State of Indiana is amended.**

EXHIBIT 67, Joint Resolution of the House: Requests that Congress Call a Constitutional Convention

See also "Joint Resolutions", page 106.

Introduced Version

HOUSE JOINT RESOLUTION No. 10

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.

Jones

January 11, 2013, read first time and referred to Committee on Rules and Legislative Procedure.

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 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:

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 to limit the length of service of the members of the federal judiciary, and for no other purpose.

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, to the presiding officer of each chamber of each state legislature in the United States, and to the members of the Congress of the United States from Indiana.

EXHIBIT 68, Joint Resolution of the Senate: Ratifies an Amendment to the Constitution of the United States

See also "Joint Resolutions", page 106.

Introduced Version

SENATE JOINT RESOLUTION No. __

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.

Johnson

January 4, 2013, read first time and referred to Committee on Rules and Legislative Procedure.

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.

SENATE JOINT RESOLUTION No. __

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:

SECTION 1. That this proposed amendment of 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, 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.

See also "Post-Introductory Drafting", page 117.

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:

Page 1, delete line 8 and insert: "**and production of maple syrup by residents of Indiana is an important historic aspect of our state's culture**".

(Reference is to SJR 9 as introduced.)

and when so amended that said resolution do pass.

Committee Vote: Yeas 8, Nays 0.

Hook C **Chairperson**

EXHIBIT 70, Motion of the Senate to Amend a Joint Resolution of the Senate, Second Reading

See also "Post-Introductory Drafting", page 117.

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Joint Resolution 1 be amended to read as follows:

Page 3, delete lines 15 through 42.

Page 4, delete lines 1 through 34.

Page 6, line 41, delete "subject to confirmation by the" and insert "**by standing for election as provided in Article 7**".

Page 6, delete line 41.

Page 7, line 1, delete "vacancy as provided in Article 7, Section 10".

Page 7, after line 6, begin a new paragraph and insert:

"**A term in office served by a justice of the Supreme Court or judge of the Court of Appeals before the amendments to Article 7 of the Constitution of the State of Indiana, as amended by this joint resolution, are approved by the voters of Indiana is not considered to be a full term for purposes of Article 7, Section 4 of the Constitution of the State of Indiana or Article 7, Section 5 of the Constitution of the State of Indiana, both as amended by this joint resolution.**".

SECTION 2. ARTICLE 7, SECTION 10 OF THE CONSTITUTION OF THE STATE OF INDIANA IS REPEALED.

Renumber all SECTIONS consecutively.

(Reference is to SJR 1 as printed February 25, 2013.)

_____

Senator LORE

EXHIBIT 71, Motion of the House to Amend a Joint Resolution of the House, Second Reading

See also "Post-Introductory Drafting", page 117.

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION ____

MR. SPEAKER:

I move that House Joint Resolution 4 be amended to read as follows:

Page 1, line 7, after "38." insert "**(a)**".
Page 1, line 8, delete "are" and insert "**is**".
Page 1, after line 11, begin a new paragraph and insert:
"**(b) State and political subdivisions shall have the power to provide appropriate regulation to protect the public safety and prohibit inhumane forms of hunting. Appropriate government regulation may be proscribed or adopted by the state or executive branch agencies or political subdivisions acting by virtue of the authority of the General Assembly.**".
(Reference is to HJR 4 as printed January 20, 2013.)

_____
Representative Hooper

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 and Special Sessions of the General Assembly.

HOUSE ENROLLED JOINT RESOLUTION No. 1

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 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.

~~(b)~~ **(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 2014 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 2014 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 2014 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 2011 that limits to property tax liability as described in subsection (f) are expected to reduce in 2013 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, 2012, 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.

_____
Speaker of the House of Representatives

_____
President of the Senate

_____
President Pro Tempore

_____
Governor of the State of Indiana

Date: _____ Time: _____

EXHIBIT 73, Checklist to be Used in the Preparation of "Revivals"

Do not assume that a bill is ready for introduction 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 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 has not been added, amended or repealed since the bill was drafted.

2. Check all internal references in the bill to make sure the provisions to which they refer haven't been amended or repealed since the bill was drafted.

3. Make sure that the placement of each Indiana Code section added by the bill is correct. If a new chapter, section, etc., is being added by the bill, 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 is 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, or before June 30 of the year of enactment.

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.

EXHIBIT 74, Determining the Latest Version of a Noncode Provision

See also "Noncode Provisions", page 53, and "NONCODE PROVISIONS GENERALLY", page 90.

Before amending a Noncode provision enacted in 2001 or earlier, to make sure that the provision has not been previously 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 previously amended.

Legislative Services Agency attorneys should check their work using Folio to ascertain that the latest version of the Noncode provision being amended is being used.

EXHIBIT 75, Drafting Repealers Under Special Circumstances

See also "REPEALERS", page 85.

This Exhibit contains information on the following types of repealers and related topics:

For Indiana Code Provisions:

1. Drafting a repealer for a section in conflict.
2. Drafting a repealer with a delayed effective date.
3. Negating the effect of a delayed effective date repealer.
4. Changing the effective date of a delayed effective date repealer.

For Indiana Noncode Provisions:

5. Drafting a repealer with a delayed effective date.
6. Repealer forms for Noncode acts enacted before the 1982 Special Session.

Repealer Information for Indiana Code Provisions

1. Drafting a Repealer for a Section in Conflict

(a) To repeal a section in conflict that appears in the Technical Corrections bill, use the version of the corrected 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...~~

(b) To repeal 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...~~

2. Drafting a Repealer with a Delayed Effective Date

(a) 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...~~

(b) 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 89.)

Example: SECTION 3. IC 1-2-3-4 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 4. The authority shall...~~

(c) 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. 6. 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. 6. The authority may adopt...~~

Follow this procedure and include in the bill 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.

3. 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...~~

4. 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. Include in the bill 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...~~

Repealer Information for Noncode Provisions

5. Drafting a Repealer with a Delayed Effective Date

To repeal a Noncode provision with a delayed effective date, include the Noncode SECTION in the bill, 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...~~

6. Repealer Forms for Noncode Acts Enacted Before the 1982 Special Session

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....~~

EXHIBIT 76, Checklist and Reminders to be Used in the Preparation of Amendments, Motions, and Committee Reports

See also "Post-Introductory Drafting", page 117.

Here are some reminders that, if followed, will result in quality documents that can be processed quickly and smoothly. **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 the Office of Code Revision ("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, contact OCR when the document is logged. This will save a lot of time and avoid duplication of work at several stages of review and document processing. It can also help avoid creation of differing versions for two documents that should be the same.

4. Remember to place **STRICKEN TEXT BEFORE BOLD TEXT.**

   Don't Say: before **July** ~~August~~ 1 of each year

   Say: before ~~August~~ **July** 1 of each year

5. Don't delete text that appears in existing law (i.e., roman text). 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 a 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 resolve 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. (The only

exceptions are title amendments and "delete everything" commands, which do not use quotation marks. Also note that title amendments and "delete everything" commands are the only commands that should contain the phrase "insert the following:".)

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 colon.

    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 colon, 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 renumber the SECTIONS. The "Renumber all SECTIONS consecutively" command should appear immediately before the reference line.

18. Make sure that the bill being amended 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 documents are caused by errors and omissions in the documents. The most common problems include:

1. a missing reference line or missing [TAB] before the reference line;

2. no tab sets at the beginning of the text in a motion, amendment, or committee report;

3. more than one source box or the wrong source box;

4. logging a document as a CR (committee report) when it should be an AM (amendment) or an AM (amendment) when it should be a CR (committee report);

5. logging a document for the wrong chamber (i.e., logging a document for the senate that should be for the house);

6. too many 00's in a document name; and

7. logging a document under the wrong bill number.

EXHIBIT 77, 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 specific rules under "Capitalization", page 18)
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 (capitalize only if preceded by a number)
good will
ground water BUT wastewater

"h" is preceded by "a" if the "h" is sounded and "an" if the "h" is silent (ex: "a" historical BUT "an" hour)
hand held
Hoosier

"in" words, as a prefix, all one word
Indiana: see "state", below
Indiana law (NOT law of Indiana)
Indiana National Guard
Indiana Rules of Civil Procedure
Indiana Rules of Trial Procedure
Indiana State Teachers' Retirement Association
Indiana state teachers' retirement fund
inpatient
inservice
in-state
inter (hyphenate with joining word ONLY if joining a word that begins with a capital letter (ex: "inter-European")
Internet
Interstate Commerce Commission (NOT lower case because it's federal)
intra (hyphenate with joining word ONLY if joining a word that begins with an "a" or a capital letter (ex: "inter-European")

judgment (NOT judgement)

kindergarten through grade 9 (NOT kindergarten through ninth grade)
knowledgeable
Korean Conflict

landowner (one word)
large scale
latch key (child)
law abiding (NOT lawabiding OR law-abiding)
lay person
lease-purchase
life threatening
long range
long term (NOT long-term)

makeup (n) BUT make up (v)
marshal (one "l")
Medicaid
Medicare
micro-organisms
military and veteran affairs commission
"mini" words, all one word
month old (ex. five (5) month old contract)
"multi" words, all one word
multiple county (NOT multi-county OR multicounty)
multiple purpose (NOT multi-purpose OR multipurpose)
municipally owned (NO hyphen)

next-of-kin
no-fault
"non" words, all one word
noncertification
nonoccurrence
nonprofit
nonresident
nonvoting
not-for-profit

odd-numbered (NOT odd numbered)
off duty (NOT off-duty)
off-road (NOT off road or offroad)
off-side
offsite
on-board
one-hundredth (BUT twenty-five hundredths)
one-fourth
one (1) time (NOT one-time)
ongoing
online
on-premises
onsite
ordinals DO NOT have same (ex: "fifth" has no "(5)")
"out" words, as a prefix, all one word
out-of-pocket
out-of-state (adj) (otherwise, "out of state"; "outside Indiana" is a better option.)
outpatient

paper wrapped
parent/teacher
pari-mutuel
part-time (adj) (part-time firefighter) BUT part time (employed part time)
phase out
physician assistant (no apostrophe)
pocket card
point type (ex: NOT ten-point type OR ten (10) point type OR ten (10) point font)
take-off (n)
policyholder
policy making
pollbook
postgraduate
postmortem
post office (NOT postoffice)
postsecondary
"pre" words, all one word

precombustion
preexist
preferred
primetime (NOT prime-time)
prosecuting attorneys retirement fund
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 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 78, Preferred Words List

AVOID	USE
accorded	given
adequate number of	enough
afford an opportunity	allow; let
afforded	given
aggregate	total [except in tax and school-related formulas]
all of the	all the
approximately	about
at the time	when
attains the age of	becomes...years of age
attempt [as a verb]	try
by means of	by
category	kind; class; group
cease	stop
clarifies	specifies
commence	start, begin
complete [as a verb]	finish
conceal	hide
consequence	result
contiguous to	next to
corporation organized and existing under the laws of Indiana	Indiana corporation
court of competent jurisdiction	court; court with jurisdiction
deem; deems; deemed	a form of "consider" or "determine"
donate	give
during such time as	while
during the course of	during
echelons	levels
effectuate; endeavor [as a verb]	carry out; try
enter into a contract with	contract with
enumerate	count
equitable	fair
evince	show
excessive number of	too many
expedite	hasten; speed up
expend	spend
expiration	end
feasible	possible
for the duration of	during
for the period of	for
for the purpose of holding [or other gerund]	to hold [or comparable infinitive]

EXHIBIT 78, CONTINUED

AVOID	USE
for the reason that	because
forthwith	immediately
frequently	often
fully complies	complies
give consideration to	consider
hereafter; henceforth	after this...takes effect
heretofore	before this...takes effect
implement	carry out
in case	if
in cases in which	when; where [use "whenever" or "wherever" only when you need to emphasize the exhaustive or recurring applicability of the regulation]
indicate [in the sense of "show"]	show
in lieu of	instead of; in place of
in order to	to
in the event that	if
in the interest of	for
incumbent upon	must
inquire	ask
institute	begin; start
interrogate	question
is able to	can
is applicable to	applies to
is authorized	may
is binding upon	binds
is empowered	may
is unable to	cannot
it shall be lawful	may
make payment	pay
manner	way
maximum	most; largest; greatest
minimum	least; smallest
modify	change
necessitate	require
notwithstanding	except as provided in [make sure the exception provision doesn't also say "except as provided in"--this would be circular]
obligate	bind; compel
obtain	get
occasion [as a verb]	cause
of a technical nature	technical
on the part of	by

EXHIBIT 78, 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 of the United States
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 79, Using Folio

Folio Views (also referred to as "Folio/NXT") 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 data bases 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 icon 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 data bases 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. Clicking on the "+" symbol will expand titles, articles, and chapters in the checkbox list, allowing individual articles, chapters, or sections to be selected.

3. Follow the general Folio search directions outlined above (i.e. "Open the search window by clicking on the binoculars icon in the lower left corner of the screen or by pressing the F2 key...").

EXHIBIT 80, Commonly Used Drafting Commands

See also "DRAFTING TERMINOLOGY", page 122.

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 or deletion, 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.

or

A BILL FOR AN ACT to repeal a provision of the Indiana Code 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 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.**".

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 81, Criminal Penalty Chart. See also "Crimes", page 67.

EXPLANATION OF PENALTY PROVISIONS AND PROCEDURES IN THE INDIANA CODE

Prepared by LSA (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[5]
Murder	45 to 65 years (55 years)[1], Death Penalty, or Life Imprisonment without Parole	$10,000[4]	IC 35-50-2-3 IC 35-50-2-9
Class A Felony	20 to 50 years (30 years)[1]	$10,000[4]	IC 35-50-2-4
Class B Felony	6 to 20 years (10 years)[1]	$10,000[4]	IC 35-50-2-5
Class C Felony	2 to 8 years (4 years)[1] or Reduction to Class D felony[2]	$10,000[4]	IC 35-50-2-6 IC 35-50-2-6(b)
Class D Felony	6 months to 3 years (1.5 years)[1] or Reduction to Class A misdemeanor[3]	$10,000[4]	IC 35-50-2-7
Class A Misdemeanor	Up to 1 year	$5,000[4]	IC 35-50-3-2
Class B Misdemeanor	Up to 180 days	$1,000[4]	IC 35-50-3-3
Class C Misdemeanor	Up to 60 days	$500[4]	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[6]	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 82, Sample Formatting for Tables

(Note: 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%

(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

TYPE STYLES and PROOFREADER MARKS

Typeface

The following typefaces are used by LSA:

roman	indicates established text in the Indiana Code or Noncode acts
bold	indicates new text being added to the Indiana Code or Noncode acts (Note: Bold text may be deleted but never stricken.)
~~stricken~~	indicates established text being removed the Indiana Code or Noncode acts
italicized	indicates that multiple versions of a particular section exist and have been merged into a single version
NOTE:	Punctuation always appears in the same type face as the text to which the punctuation is connected. Roman punctuation must be deleted, not stricken, if the preceding word is not stricken.

Proofreader Marks

Many proofreader marks are used in Legislative Services Agency, some of which differ from the convention followed in other types of document production. The following list includes the most commonly used marks within the agency.

pursuant under	delete / remove letter(s), word(s), paragraph(s), or page(s) as indicated
latchkey #	insert space where indicated
time It is ⊙	insert period where indicated
ensure STET	let it stand as it is
However it ^	insert comma where indicated
Directors ^	insert apostrophe where indicated
state of indiana	replace the letter(s) indicated with a capital letter
Directors	replace the letter(s) indicated with a lower case letter

EXHIBIT 83, CONTINUED

fund raising	draw the word together; close up / delete the indicated space
]Fee Schedule[	center
fedreal	transpose letters or words
¶	start a new paragraph where indicated
BL	block left
SBI	single block indent
DBI	double block indent
TBI	triple block indent
[~~endorse~~]	text needs to be stricken but not deleted NOTE: Only the letter(s) or word(s) (and corresponding punctuation) will be stricken; spaces are not stricken.
TR	indicates text should be moved to a different location
run in	indicates several lines of text should be run together
{~~State of~~}	reset in roman (this affects bold, stricken, or italicized text)
or ~~State of~~ RR	reset in roman (this affects bold, stricken, or italicized text)
Indiana	text needs to be in **bold** font
or Indiana BF	text needs to be in **bold** font

See also the table of proofreader's marks in the American Heritage Dictionary, under "proofreader".

INDEX TO SUBJECTS

"A" vs. "an" vs. "any". . . . . Page 13

Accounts, establishing. . . . . Pages 74-75

Acts (session laws). . . . . Pages 2-3

Adding new SECTIONS to a bill . . . . . Pages 123-124

Additions to the Indiana Code:

- Article. . . . . Pages 55, 56
- Bill title. . . . . Page 50
- Chapter. . . . . Pages 55, 56
- Section.. . . . . Pages 55, 56
- Title. . . . . Pages 55, 56

Administrative rules:

- Generally . . . . . Page 3
- Prohibiting an agency from adopting . . . . . Page 78
- Requiring or allowing an agency to adopt . . . . . Page 78
- Emergency rules (interim administrative rules) and rulemaking. . . . . Pages 95-97
- Internal reference to . . . . . Page 62
- Transfer of responsibilities to successor agencies. . . . . Pages 78, 82-83
- Transfer of . . . . . Pages 81-82
- Voiding of . . . . . Pages 5, 94-95

Age . . . . . Pages 25-26

Agency, board, commission, or office, creation of.. . . . . Pages 16, 45, 67

Altering amendatory SECTIONS of a bill .. . . . . Page 123

Altering lead-in lines. . . . . Page 122

Altering nonamendatory SECTIONS of a bill. . . . . Page 123

Altering provisions added or amended earlier in the same session. . . . . Page 135

Altering the entire body of a bill by bill stripping. . . . . Page 124

Amendments:

- To the Indiana Code, generally. . . . . See "Amendment of bills", this index
- Of the Constitution of the State of Indiana. . . . . See "Constitution of the State of Indiana," this index

Amendment of bills, form of:

- Adding new SECTIONS to a bill. . . . . Page 123
- Altering amendatory SECTIONS of a bill.. . . . . Page 123
- Altering lead-in lines. . . . . Page 122
- Altering nonamendatory SECTIONS of a bill.. . . . . Page 123

Amending or changing a title. . . . . Page 125
Amending provisions not found in printed bill. . . . . Page 132
Altering provisions added or amended in same session. . . . . Page 135
Changing effective dates. . . . . Page 126
Commonly used drafting commands. . . . . Page 126
Conflicts with other bills. . . . . Page 124
Drafting reminders and notes. . . . . Page 130
Emergency clause. . . . . Page 125
See also "Emergency clause", this index
Quotation marks, use of. . . . . Pages 122, 124, 125, 132, 133
Reference lines. . . . . Pages 118-122
See also individual types of, this index
Renumbering SECTIONS. . . . . Page 125
Stripping a bill. . . . . Page 124
Style for amending Indiana Code provisions. . . . . Page 123
Technical corrections. . . . . Page 132
Amendatory documents, types of:
Committee amendment. . . . . Page 117
Committee report. . . . . Page 117
Motion. . . . . Page 118
Preliminary draft (PD) as an amendment to an unknown bill. . . . . Page 118
See also the Exhibits section of this manual
"An" vs. "a" vs. "any". . . . . Page 13
"And" vs. "or" vs. "and/or". . . . . Page 12
"Any" vs. "a" vs. "an". . . . . Page 13
Apostrophes. . . . . Page 23
Applicability provisions. . . . . Pages 38, 63, 80
See also "Expiration provisions", this index.
Appropriations:
Generally. . . . . Page 71
Inclusion in bill digest. . . . . Page 43
Inclusion in title of bill. . . . . Page 51
Order of components. . . . . Page 71
Reversion of funds. . . . . Page 99
Types of:

Continuing. . . . . Pages 71-72
Covering a period of more than two years. . . . . Page 72
Temporary. . . . . Pages 72, 98
Armed services, capitalization rules for. . . . . Pages 20-21
Arrangement (order) of Indiana Code . . . . . Page 2
Articles of the Indiana Code:
Headings. . . . . Page 55
Numbering of. . . . . Page 55
Printing style. . . . . Page 56
Articles, parallel. . . . . Page 14
"Assure" vs. "ensure" vs. "insure". . . . . Pages 12-13
Authorizing, commanding, forbidding, and negating. . . . . Pages 11-12
Bill adoption process. . . . . Exhibit 1
Bill digest:
Components of:
Citations affected. . . . . Pages 41-42
Effective date. . . . . Page 45
Synopsis. . . . . Pages 42-43
Items to be noted in:
Appropriations. . . . . Page 43
Bill preparation by committee or commission. . . . . Page 45
Current law. . . . . Page 44
Delayed effective date. . . . . Pages 44-45
Repealers. . . . . Page 44
Technical corrections. . . . . Page 44
Short synopsis. . . . . Pages 42-43
Long synopsis. . . . . Page 43
Appropriations. . . . . Pages 43-44
Form of. . . . . Pages 48-49
Style guidelines for:
Defined terms, short names, and acronyms. . . . . Page 46
Numbers. . . . . Pages 46-47
Practices to avoid. . . . . Pages 47-48
Use of "Indiana". . . . . Pages 45-46
See also Exhibit 2

Bill title:
Generally. . . . . Page 49
Guidelines for drafting. . . . . Page 49
Examples of. . . . . Page 49
Requirements for:
Amending or adding an Indiana Code provision. . . . . Page 50
Amending or adding a Noncode provision. . . . . Page 50
Appropriations. . . . . Page 51
Emergencies. . . . . Page 51
Repealing an Indiana Code or Noncode provision. . . . . Pages 50-51
Bills:
Generally. . . . . Page 5
Digest of. . . . . See "Bill digest", this index
Enacting clause. . . . . Page 52
Order of components. . . . . Page 38
Preamble. . . . . Page 51
See also "Purpose provisions", this index
Principal components of. . . . . Page 38
Special relief. . . . . Page 100
Title of. . . . . See "Bill title", this index
Vehicle. . . . . Pages 84-85
Board, agency, commission, or office, creation of. . . . . Pages 16, 45, 67
Boilerplate language for:
Amendment of provisions not found in a printed bill . . . . . Page 132
Appropriations. . . . . Pages 71-72, 98
Bill title. . . . . Pages 50-51
Bill stripping. . . . . Page 124
Changing a bill title. . . . . Page 125
Creation of agency, board, commission, or office. . . . . Pages 16, 45, 67
Creation of accounts. . . . . Pages 74-75
Creation of funds. . . . . Pages 72-74
Complex or voluminous legislation. . . . . Pages 101-102
Conference committee reports. . . . . Pages 133, 134-135
Emergency clause. . . . . Page 100
Enacting clause. . . . . Page 52

Establishment of executive branch committee or commission. . . . . Pages 75-76
Establishment of interim study committees. . . . . Pages 77-78
Establishment of legislative study commissions, committees, and task forces . . . . . Pages 76-78
Lead-in lines. . . . . Pages 52-54
Joint Resolutions. . . . . Pages 107-108
Joint Rule 21 corrections. . . . . Pages 138-139
Nonseverability provisions. . . . . Pages 79-80
Reference lines. . . . . Pages 119-122
Repealer conflict resolution. . . . . Page 89
Reversion of appropriated funds. . . . . Page 99
Rules:
Administrative. . . . . Page 78
Emergency. . . . . Pages 95-97
Voiding . . . . . Pages 94-95
Synopsis. . . . . Pages 43, 45
Brackets. . . . . Pages 22-23
Brevity. . . . . Pages 10-11
Budget committee, oversight. . . . . Page 75
"By" vs. "under". . . . . Page 15
Calling a United States Constitutional Convention. . . . . Pages 111-112
Capitalization. . . . . Pages 18-21
Changing a title. . . . . Page 125
Changing effective dates. . . . . Page 126
Chapters:
Headings. . . . . Page 55
Numbering of. . . . . Page 55
Printing style. . . . . Page 56
Checklist for reviving legislation from a previous year. . . . . Exhibit 73
Citations affected. . . . . Pages 41-42
Citations to:
Acts of Indiana. . . . . Page 2
Constitution of the State of Indiana. . . . . Page 1
Indiana administrative rules. . . . . Page 3
Indiana Code. . . . . Page 2
Indiana Register. . . . . Page 4

Noncode provisions. . . . . Page 3
Civil penalties:
Generally. . . . . Pages 68-70
Immunity and limited immunity from civil liability. . . . . Pages 69-70
Infractions. . . . . Pages 69-70
Ordinance violations. . . . . Page 69
See also "Criminal and civil penalties", this index
Clauses:
As a tabulation level:
Designation of. . . . . Pages 29-30
General style and striking rules for. . . . . Pages 34-36
Redesignation of. . . . . Page 30
As a type of provision:
Emergency. . . . . See "Emergency clauses", this index
Resolving . . . . . Page 107
"Whereas". . . . . See "Preamble/Purpose Provisions", this index
Code provisions. . . . . See "Indiana Code provisions", this index
Colons. . . . . Pages 23-24
Commanding, authorizing, forbidding, and negating. . . . . Pages 11-12
Commas. . . . . Pages 21-22
Commission, board, agency, or office, creation of. . . . . Pages 16, 45, 67
Committee amendments. . . . . See "Amendments of Bills", this index
Committee report:
Checklist for preparation of. . . . . Exhibit 76
Committee of one. . . . . Pages 120, 121, 134, 135
Committees:
Executive committees. . . . . Pages 75-76
Interim study committees. . . . . Pages 77-78
Legislative study committees. . . . . Pages 76-77
See also "Boilerplate language", this index
Commonly used drafting commands. . . . . Pages 126-132, Exhibit 80
Concurrent resolutions
Generally. . . . . Page 6
Purposes and forms for. . . . . Pages 114-115
Conditions, limitations, and exceptions. . . . . Pages 17-18

Conference committee reports:
"Delete everything" form.. . . . . Page 133
Generally. . . . . Page 132
"Page and line command" form.. . . . . Page 133
Steps of preparation.. . . . . Pages 133-134
Unincorporated third reading amendments. . . . . Pages 134-135
Conflicts with other bills. . . . . Page 124
Consistency. . . . . Page 10
Constitution of the State of Indiana:
Amendment of. . . . . Page 106
Generally. . . . . Page 1
Permitting removal of state officers.. . . . . Page 113
Constitution of the United States:
Calling a United States Constitutional Convention. . . . . Page 111
Ratifying proposed amendment to.. . . . . Page 110
Construction provisions. . . . . Page 79
Contingent on some event. . . . . Page 105
Continuing appropriations. . . . . Pages 71-72
See also "Appropriations", this index
Creation of agency, board, commission, or office. . . . . Pages 16, 45, 67
Criminal and civil penalties:
Culpability standards.. . . . . Page 69
Effective date of. . . . . Page 70
Form. . . . . Page 70
Generally. . . . . Pages 67-68
Infractions. . . . . Page 69
Ordinance violations. . . . . Page 69
Where fines are deposited. . . . . Page 69
See also "Civil penalties", this index
Dates, drafting style. . . . . Page 27
Deadlines, drafting style for. . . . . Page 28
Decimals
Use in numbering sections, chapters, articles, and titles. . . . . Pages 55, 67, 69
See also "Fractions", "Money", and "Percentages", this index
Definitions:

Form generally. . . . . Pages 64-65
Form in new articles. . . . . Pages 65-66
Form in new chapters. . . . . Page 66
Form when adding definitions to existing articles, chapters, and sections. . . . . Page 66
General statutory provisions governing definitions. . . . . Page 63
Usage rules and practices to avoid. . . . . Pages 63-64
Use of "means", "includes", "refers to", "has the meaning set forth". . . . . Pages 64-65
In recodified titles. . . . . Pages 66-67
Delayed effective dates. . . . . Pages 44-45, 86, 87, 103
See also "Effective dates", this index
Deleting a second reading amendment. . . . . Page 132
Denominators and numerators. . . . . See "Formulas", this index
Designation of sections, subsections, subdivisions, clauses, and items. . . . . Pages 29-30
See also "Redesignation", this index
Digest. . . . . See "Bill digest", this index
Drafting a provision as Indiana Code text or Noncode text. . . . . Pages 38-40
Drafting commands. . . . . Pages 126-132, Exhibit 80
Drafting rules:
Amendments, drafting commands. . . . . Pages 126-132
Sentence structure. . . . . Page 9
Statutory and constitutional considerations. . . . . Pages 7-9
Terms/phrases to use or to avoid using:
Preferred spelling. . . . . Page 11, Exhibit 77
Words and expressions . . . . . Page 16, Exhibit 78
"People First" language. . . . . Page 16
See also individual topics, this index
"Each" vs. "every". . . . . Page 13
Early effective dates. . . . . Pages 102-103
See also "Effective dates", this index
Effective dates:
Changing effective dates. . . . . Page 126
Emergency. . . . . Pages 102-103
Form generally:
For Indiana Code provisions. . . . . Pages 103-104
For Noncode provisions. . . . . Page 104

For repealers. . . . . Page 104
Other considerations:
Drafting effective dates during a special session. . . . . Page 105
Effective contingent on some event. . . . . Page 105
Effective dates to avoid. . . . . Page 104
Effective dates passed over governor's veto.. . . . . Page 105
Fiscal years.. . . . . Pages 104-105
Types of:
Early effective dates.. . . . . Pages 102-103
Retroactive effective dates. . . . . Pages 102-103
Upon passage effective dates. . . . . Page 103
Delayed effective dates. . . . . Page 103
Uniform effective date. . . . . Page 102
Eliminating or renaming an entity. . . . . Pages 28-29
Emergency clauses. . . . . Pages 40, 41, 51, 100, 102, 103, 125, 131, 138, 139
Emergency rules (interim administrative rules) and rulemaking. . . . . Pages 95-97
Enacting clause of bill, form of. . . . . Pages 38, 51, 52
Engrossed printing of bill. . . . . Pages 119, 121
Enrolled act. . . . . Pages 2, 140
"Ensure" vs. "assure" vs. "insure". . . . . Pages 12-13
Establishing an agency, board, commission, or office. . . . . Pages 16, 45, 67
"Every" vs. "each" . . . . . Page 13
"Except" vs. "notwithstanding". . . . . See "Exceptions, limitations, and conditions", this index
Exceptions, limitations, and conditions. . . . . Pages 17-18
Exceptions, statutory language for. . . . . Pages 17-18
Executive branch committees and commissions, establishing. . . . . Page 75
Exhibits Index. . . . . Page 141
Existing law. . . . . See "Roman text", this index
Expiration date:
Indiana Code provisions. . . . . Page 85
Noncode provisions.. . . . . Page 91
Temporary emergency rulemaking authority.. . . . . Pages 95, 97
Expiration provisions. . . . . Page 80
See also "Applicability provisions", this index
Expired provisions. . . . . Page 90

Ex post facto laws. . . . . Pages 7, 68, 83
False imperative. . . . . Page 12
Felonies, classes of. . . . . Page 68, Exhibit 81
First printing (first chamber floor amendments and second chamber committee amendments). . Page 119, Exhibit 28
Fiscal year
Referencing a.. . . . . Page 28
State.. . . . . Pages 73, 74, 75, 98, 104-105
Other. . . . . Pages 99, 100, 105
Folio. . . . . Pages 87-89, Exhibit 79
Forbidding, commanding, authorizing, and negating. . . . . Pages 11-12
Formulas.. . . . . Pages 28, 33
Fractions
As relating to decimals. . . . . Page 26
Style in a bill. . . . . Page 26
Style in a digest. . . . . Pages 46-47
Funds, establishing. . . . . Pages 72-74
Gender . . . . . Pages 10, 33
Grammar rules. . . . . Pages 9-33
Headings:
Of titles, articles, chapters:
Form generally. . . . . Page 55
Headings not part of law. . . . . Page 55
Of zoning laws.. . . . . Page 56
Hyphens. . . . . Page 24
"If" vs. "when" vs. "whenever". . . . . Pages 17-18
Immunity and limited immunity. . . . . See "Criminal and Civil Penalties", this index
Impairment of contracts. . . . . Page 7
Indentation. . . . . Pages 29-30, 33, 127-130
"Indiana" vs. "state". . . . . Page 16
Indiana Administrative Code. . . . . Page 3
Indiana Code generally.. . . . . Page 1
Indiana Code provisions:
Generally. . . . . Page 54
Headings. . . . . Page 55
See also "Headings", this index

Internal references to. . . . . Pages 57-60
Numbering of. . . . . Pages 54-55
Printing style of. . . . . Page 56
Types of . . . . . Pages 38-39,62
Indiana Register. . . . . Pages 3-5
"Individual who" vs. "person who" vs. "person that". . . . . Pages 15-16
Infractions. . . . . Page 69
"Insure" vs. "ensure" vs. "assure".. . . . . Pages 12-13
Interim Administrative Rules. . . . . See "Emergency rules", this index
Interim study committees. . . . . Pages 45, 77-78, 114, 115, 116
See also "Committees" and "Boilerplate language", this index
Internal references:
Reference styles to avoid. . . . . Pages 60-61
References to the Indiana Administrative Code/Indiana agency rules.. . . . . Pages 3, 62
References to Indiana Code provisions. . . . . Pages 57-60
References to Noncode provisions. . . . . Page 91
References to the Constitution of the State of Indiana.. . . . . Page 1
References to federal statutes. . . . . Page 61
References to federal regulations. . . . . Pages 61-62
References to session laws (acts).. . . . . Page 2
References within the UCC, UCCC, and certain model and Uniform Act compacts. . . . . Page 62
References to effective dates of statutes. . . . . Pages 60-61
Use of "and" vs. "through". . . . . Page 60
Introductory clause. . . . . See "Lead-in lines", this index
Introduced version (first chamber committee amendments). . . . . Pages 118-119
Items. . . . . Pages 29-30, 35, 36, 60
Joint Resolutions:
Generally. . . . . Pages 5-6
Purposes and forms for. . . . . Page 106
Joint Rule 20 corrections. . . . . Pages 136-137
Joint Rule 21 corrections. . . . . Pages 138-139
Lead-in lines:
Additions to the Indiana Code. . . . . Page 53
Amendments to the Indiana Code. . . . . Pages 52-53
Generally. . . . . Page 52

Noncode provisions. . . . . Pages 53-54
Repealers. . . . . Page 53
Legal requirement phase-in provisions. . . . . Page 81
Legalizing provisions. . . . . Page 83
Legislation, types of. . . . . Pages 5-6
See also individual topics, this index
Legislative oversight, budget committee. . . . . Page 75
Legislative study committees and commissions:
Generally. . . . . Pages 76-77
Establishing, language for. . . . . Pages 77-78
Membership, per diem, travel expenses and other procedural matters. . . . . Page 77
Rules of Legislative Council. . . . . Pages 77-78
Voting practices of. . . . . Pages 77-78
See also "Boilerplate language", this index
Limitations, exceptions, and conditions. . . . . Pages 17-18
Lists. . . . . Pages 32, 68
LS. . . . . Page 5
"May" vs. "shall". . . . . See "Commanding, authorizing, forbidding, and negating", this index
Medicaid waivers. . . . . Pages 39, 81
Membership of committees and commission. . . . . Pages 75, 76
Misdemeanors, classes of. . . . . Pages 67-68, Exhibit 81
Money, expressing amounts of. . . . . Page 27
Mood. . . . . Page 10
Negating, commanding, authorizing, and forbidding. . . . . Pages 11-12
Noncode bill. . . . . Pages 50-51
See also "Noncode provisions", this index
Noncode provisions:
As applicable to referenced Indiana Code cite. . . . . Pages 91-92
Complex or voluminous legislation. . . . . Page 101
Determining the latest version of. . . . . Exhibit 74
Generally. . . . . Page 90
Emergency clauses. . . . . Page 100
See also "Emergency clauses," this index
Expiration provisions. . . . . Page 91
Internal references to. . . . . Page 91

Nonseverability provisions. . . . . Page 100
Printing style. . . . . Pages 90-91
Special relief bills. . . . . Page 100
Title requirements. . . . . Page 50
Types of.. . . . . Pages 39-40, 92-102
Provisions that apply to only one person or entity and do not have ongoing applicability. . . . . Pages 92-93
Tax law applicability. . . . . Pages 99-100
Transitional or self-terminating provisions. . . . See "Transitional or self-terminating provisions", this index
Nonseverability provisions.. . . . . Pages 79-80, 100
"Notwithstanding" vs. "except". . . . . See "Exceptions, limitations, and conditions", this index
Numerators and denominators. . . . . See "Formulas", this index
Numbering of sections, articles, and chapters. . . . . Pages 54-55
Numbers
Rounding of.. . . . . Pages 27-28
Singular vs. plural. . . . . Page 10
Style in bills.. . . . . Pages 24-28
Style in digests.. . . . . Pages 46-47
See also individual topics, this index
Office, board, agency, or commission, creation of.. . . . . Pages 16, 45, 67
"One":
As a number.. . . . . Page 26
As a pronoun. . . . . Page 26
"Or" vs. "and" vs. "and/or".. . . . . Page 12
Order of Noncode provisions. . . . . Page 41
Order of provisions in new chapter or article. . . . . Pages 40-41
Ordinals. . . . . Page 26
Organization of provisions. . . . . Page 10
Parallel articles. . . . . Page 14
Parentheses.. . . . . Page 22
PD. . . . . See "Preliminary draft (PD)", this index
Preliminary draft (PD). . . . . Pages 5, 118
"People First" language. . . . . Page 16
Percentages.. . . . . Page 26
See also "Fractions", this index
"Person who" vs. "individual who" vs. "person that".. . . . . Pages 15-16

"Person that" vs. "person who" vs. "individual who". . . . . Pages 15-16
Per diem. . . . . Pages 9, 75-76, 77
Plural vs. singular. . . . . Page 10
Population parameters . . . . . Page 70
Post-introductory drafting. . . . . Pages 117-139
See also "Amendment of Bills", this index
Post-session issues:
Conflicting enrolled acts. . . . . Page 140
Technical session.. . . . . Page 140
Preamble/purpose provisions. . . . . Pages 51, 62-63
Printing style. . . . . Pages 56, 90-91, 106
Pronouns.. . . . . Pages 13, 26
Proofreader marks. . . . . Exhibit 83
Provisions containing an expiration date several years in the future. . . . . Page 85
Provisions used by many people. . . . . Page 85
Punctuation
Typeface when adding or changing. . . . . Pages 36-37
See also specific types of, this index
Purpose provisions/preamble. . . . . Pages 51, 62-63
Quotation marks. . . . . Pages 24, 46, 64, 110, 111,122, 124, 125, 132, 133, 134
Ratifying a proposed amendment to the United States Constitution.. . . . . Page 110
Recodifications:
Definitions. . . . . Pages 66-67
Savings clause. . . . . Page 84
Redesignation of subsections, subdivisions, clauses, or items. . . . . Page 30
See also "Designation of sections, subsections, subdivisions, clauses, and items", this index
Reference lines:
Amendments generally. . . . . Page 118
Introduced version.. . . . . Pages 118-119
Engrossed printing.. . . . . Pages 121-122
First printing. . . . . Page 119
Reprinted first printing. . . . . Pages 119-120
Unincorporated amendments.. . . . . Page 121
Unincorporated committee of one report.. . . . . Page 120
Unincorporated floor amendments. . . . . Pages 121-122

Unincorporated technical amendments. . . . . Page 120
Unincorporated technical corrections. . . . . Page 122
Removal of state officers. . . . . Page 113
Renaming or eliminating an entity. . . . . Pages 28-29
Renumbering SECTIONS of a bill.. . . . . Page 125
Repeal of Indiana Code provisions.. . . . . See "Repealers", this index
Repealers:
Drafting under special circumstances. . . . . Exhibit 75
Generally. . . . . Page 85
Inclusion in title of bill. . . . . Pages 50-51
Expired provisions.. . . . . Page 90
Finding and amending references to cites being repealed. . . . . Pages 87-89
Repeal of an Indiana Code chapter, article, or title. . . . . Pages 85-86
Repeal of an Indiana Code section. . . . . Pages 86-87
Repeal of multiple Indiana Code sections. . . . . Exhibit 14
Repeal of Noncode provisions.. . . . . Page 87
Repealers and outstanding obligations. . . . . Pages 89-90
Resolving repealer conflicts. . . . . Page 89
Reports to legislative entities. . . . . Page 78
Reprinted first printing (second chamber committee amendments). . . . . Pages 119-120
Resolutions:
Types generally. . . . . Page 5
Concurrent.. . . . . Pages 6, 114-115
Joint.. . . . . Pages 5-6, 106-110
Simple. . . . . Pages 6, 116
Resolving clause.. . . . . Page 107
Retroactivity. . . . . Pages 102-103
Reversion of funds. . . . . Page 99
Roman text (i.e. existing law):
General clean-up of. . . . . Pages 33-34
General style and striking rules. . . . . Pages 34-36
Amending section references within. . . . . Page 36
Amending criminal or civil offense Classes within. . . . . Page 36
Numbers within. . . . . Page 37
Punctuation within. . . . . Pages 36-37

Striking references within. . . . . Pages 35-36
Rounding numbers. . . . . Pages 27-28
"Said" vs. "such". . . . . Page 13
Savings provisions:
Generally. . . . . Pages 83-84
In recodified titles. . . . . Page 84
Sections:
Headings. . . . . Pages 55-56
Numbering of. . . . . Pages 54-55
Printing style. . . . . Page 56
Semicolons. . . . . Page 23
Sentence structure. . . . . Page 9
Session laws (acts). . . . . Page 2
Severability provisions. . . . . Page 79
"Shall" vs. "may". . . . . See "Commanding, authorizing, forbidding, and negating", this index
Short titles. . . . . Page 62
Simple resolutions. . . . . Pages 6, 116
Singular vs. plural. . . . . Page 10
Special legislation. . . . . Pages 7, 70
Special relief bills.. . . . . Page 100
Special session. . . . . Pages 3, 87, 105
Spelling, preferred. . . . . Page 11, Exhibit 77
"State" vs. "Indiana".. . . . . Page 16
State of Indiana, reference to. . . . . Page 16
Statutory construction, rules of.. . . . . Page 79
"STEP"
Use in formulas. . . . . Page 28
Use in tabulation. . . . . Page 33
Stripping a bill. . . . . Page 124
Study committees:
Executive branch. . . . . Pages 75-76
Interim. . . . . Pages 77-78
Legislative. . . . . Pages 76-77
See also "Boilerplate language", this index
Subdivisions. . . . . Pages 29-30, 35, 36, 60

Subject of a sentence. . . . . Page 9
Subparts of an Indiana Code section. . . . . Pages 29-30
Subsections, designation of. . . . . Pages 29-30
Substantive right and obligation provisions. . . . . Page 81
"Such" vs. "said". . . . . Page 13
Synopsis. . . . . See "Bill digest", this index
Tabulation:
    Generally. . . . . Page 30
    Formulas. . . . . Page 33
    Listing style. . . . . Pages 30-31
    Listing without numbering or lettering. . . . . Pages 32-33
    Mixing tabulation styles. . . . . Pages 31-32
    Sentence style. . . . . Page 31
    STEP method of. . . . . Pages 28, 33
Technical corrections:
    Deleting. . . . . Page 132
    Referenced in a digest. . . . . Page 44
    Unincorporated. . . . . Pages 120, 122
Temperature, expression of. . . . . Page 27
Temporary appropriations. . . . . Pages 72, 98
Temporary legislation.. . . . . Page 1
Tense. . . . . Pages 9-10
Terms to avoid. . . . . See "Words and expressions, preferred use", this index
"That" vs. "which". . . . . Pages 14-15
Time, expression of. . . . . Page 27
Title of bills. . . . . see "Bill titles", this index
Titles of the Indiana Code:
    Headings. . . . . Page 55
    Printing style. . . . . Page 56
Transfer of responsibilities to successor agencies. . . . . Pages 78, 82-83
Transfer of rules provisions. . . . . Pages 81-82
Transitional or self-terminating provisions:
    Appropriation provisions.. . . . . Page 98
    Emergency rules and rulemaking.. . . . . Pages 95-97
    Initial terms; staggered terms.. . . . . Page 93

Provisions that void rules or require rule amendment. . . . . Pages 94-95
Other types of. . . . . Page 99
Transferring money and closing accounts. . . . . Pages 94-93
Travel expenses and per diem. . . . . Pages 75, 76
Typeface. . . . . Exhibit 83
Types of legislative measures. . . . . Pages 5-6
Type styles. . . . . Exhibit 83
"Under" vs. "by". . . . . Page 15
Uniform acts. . . . . Pages 16, 62
Uniform effective date. . . . . Pages 45, 102, 103
Unincorporated amendments, inclusion in reference line. . . . . Pages 134, 136
Unincorporated committee of one report, inclusion in reference line. . . . . Page 120
Unincorporated floor amendments, inclusion in reference line. . . . . Pages 119-120
Unincorporated technical corrections, inclusion in reference line. . . . . Pages 120, 122
Vehicle bills. . . . . Pages 84-85
Voice. . . . . Page 10
Voting practices of committees and commissions. . . . . Pages 75, 76
"Which" vs. "that". . . . . Pages 14-15
Words and expressions, preferred use. . . . . Page 16, Exhibit 78
Zoning laws, headings of. . . . . Page 56

EXHIBIT 2

LEGISLATIVE SERVICES AGENCY
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
(317) 233-0696

To: Members of the Legislative Council
From: George T. Angelone, Executive Director
Re: Proposed Resolution 12-05: Drafting manual for writing bills and other legislative measures
Date: December 19, 2012

The Legislative Council adopted the current drafting manual for writing bills and other legislative measures in 1999. Since then, the Legislative Council has adopted specific revisions to the manual, including the change in 2011 dealing with the format in which repealers must appear in legislative bills. The attached proposed drafting manual is the first comprehensive update of the manual since 1999.

The following summarizes the changes in the attached proposed drafting manual:

- The Drafting Manual's name has been changed from the "Form and Style Manual for Legislative Measures" to the "Drafting Manual for the Indiana General Assembly". Because the manual is more often referred to as "the Drafting Manual" than "the Form and Style Manual", the change reflects current practice and should reduce confusion regarding which manual is being referenced.

- All outdated examples and processes have been removed or updated. Readers are often directed to refer to the House and Senate Rules, as well as other resources, for the most current practices and information. All examples and Exhibits reflect the 2013 session year.

- Drafting rules and policies not previously included in the Drafting Manual have been cataloged and incorporated into the Drafting Manual, most of which now have at least one corresponding example. A lengthy section explaining the components of, and containing guidelines for drafting, a bill digest has been added. For example, the existing guidelines to be followed when "cleaning up" existing provisions that are amended in a bill have been incorporated. These provisions include instructions on removing gender references and bringing Indiana Code cite references and internal references in line with current style.

- More boilerplate language is provided, and it is often paired with an example of how a provision would be drafted using the boilerplate. Using standardized language helps create consistency in our legislative measures.

- More explanations are provided. As an aid to new drafting attorneys and other staff members, the discussion of drafting concepts and processes has been expanded to provide additional information and the reasons for using these drafting techniques.

- The "Exhibits" section has been expanded and now comprises half of the Drafting Manual's content. These Exhibits include more samples of the documents produced for the General Assembly by both Legislative Services Agency and by House and Senate staff, various checklists, charts, formatting samples, spelling lists, and other drafting and editing resources.

- The guidelines concerning when to draft a particular provision as an Indiana Code provision or a Noncode provision have been revised to reflect current practice.

- The "Criminal and Civil Penalties" section has been expanded to include an explanation of IC 35-51, which contains the list of criminal statutes codified outside Title 35.

- An explanation concerning how to catalog statutes codified outside Title 34 that confer immunity from civil liability has been added. IC 34-30-2 provides the list of specific statutes granting immunity, and IC 34-31-2 provides the list of specific statutes granting limited immunity.

- An explanation of the style adopted by the Legislative Council in 2011 to be used in drafting repealers has been added. The most common types of repealers have been explained, and their examples set forth, in a section within the body of the Drafting Manual. More rare types of repealers have been cataloged in a separate Exhibit.

- The names of past and current legislators have been replaced in the drafting manual and its Exhibits with other names to add anonymity. Caucus attorney initials and Legislative Services Agency drafting attorney identification numbers have also been replaced.

- Additional cross references to the Indiana Code have been added to the list of citations that apply to common issues that arise during the drafting process. The list serves as a reminder to drafting attorneys and editorial staff.

- The section on Joint Resolutions contains additional information about the purpose and drafting process.

- Instructions for the style of the Citations Affected section of House Joint Resolutions has been brought into line with the Senate Joint Resolution style, and with existing drafting practices. The Citations Affected line in all Joint Resolutions will contain a reference to the "Constitution of the State of Indiana". This creates uniformity between the two types of resolutions and makes the editing process more consistent.

- A new section has been added to explain the concept of emergency rules and to set forth the newly approved drafting process for a grant of emergency rulemaking authority given to state agencies.

- The section on Joint Resolutions has been expanded to address the resolution of constitutional citation numbering conflicts between two Joint Resolutions being drafted for their second presentment to the General Assembly.

- The section on Joint Rule 20 motions has been expanded to include the definition of "technical correction" added by the Joint Rules adopted by the House of Representatives and Senate on November 20, 2012.

- Exhibits illustrating the form of Senate Simple Resolutions and Senate Concurrent Resolutions have been changed to add line numbering to reflect an informal agreement with House and Senate staff.

The Code Revision Commission reviewed several preliminary versions of the Drafting Manual on August 28, 2012, and October 16, 2012. On October 16, 2012, the Code Revision Commission reviewed a revised version of the Drafting Manual that contained additional changes suggested by attorneys employed in the Office of Code Revision, attorneys employed in the Office of Bill Drafting and Research, and House and Senate staff. The Commission voted to recommend that the Legislative Council approve the revised version of the drafting manual with certain changes. These changes have been incorporated into the attached proposed drafting manual. The last five items on the above list represent a change from the drafting practices used in the 2012 session. The last three items in the above list have been added since the Code Revision Commission met in order to address issues that have come to the attention of the staff after the October 16 meeting.

EXHIBIT 3

LEGISLATIVE COUNCIL RESOLUTION 12-05
(As Adopted December 19, 2012)

BE IT RESOLVED BY THE INDIANA LEGISLATIVE COUNCIL:

SECTION 1. (a) The Legislative Council approves the Drafting Manual for the Indiana General Assembly, as presented, and directs legislative staff to prepare legislation for consideration by the Indiana General Assembly using the standards, techniques, style, and format specified in this manual.

EXHIBIT 4

LEGISLATIVE COUNCIL RESOLUTION 12-06
(As Adopted December 19, 2012)

BE IT RESOLVED BY THE INDIANA LEGISLATIVE COUNCIL:

SECTION 1. (a) The Legislative Council desires to continue its membership in the National Conference of State Legislatures (NCSL). To this end, the Legislative Council authorizes the Executive Director of the Legislative Services Agency to pay $209,737 from funds appropriated under HEA 1001-2011, SECTION 2 for this purpose for the state fiscal year beginning July 1, 2013, and ending June 30, 2014.

(b) The Legislative Council desires to continue its membership in the Council of State Governments (CSG). To this end, the Legislative Council authorizes the Executive Director of the Legislative Services Agency to pay $167,863 from funds appropriated under HEA 1001-2011, SECTION 2 for this purpose for the state fiscal year beginning July 1, 2013, and ending June 30, 2014.

(c) The Legislative Council desires to continue its membership in the National Conference of Insurance Legislators (NCOIL). To this end, the Legislative Council authorizes the Executive Director of the Legislative Services Agency to pay $10,000 from funds appropriated under HEA 1001-2011, SECTION 2 for this purpose for the state fiscal year beginning July 1, 2013, and ending June 30, 2014.

EXHIBIT 5

LEGISLATIVE COUNCIL RESOLUTION 12-07
(As Adopted December 19, 2012)

BE IT RESOLVED BY THE INDIANA LEGISLATIVE COUNCIL:

SECTION 1. (a) The Legislative Council directs the Executive Director of the Legislative Services Agency to submit budget requests with respect to the budgets of the Legislative Council, and the Legislative Services Agency for the fiscal years beginning July 1, 2013, and July 1, 2014, as follows:

Purpose	**FY 2013-2014 Appropriation**	**FY 2014-2015 Appropriation**	**Biennial Appropriation**
1. FOR THE LEGISLATIVE COUNCIL AND THE LEGISLATIVE SERVICES AGENCY Total Operating Expense **** INCLUDES "PRINTING AND DISTRIBUTION"**	$15,344,725	$14,876,325	
2. LEGISLATOR AND LAY MEMBER TRAVEL Total Operating Expense	$775,000	$775,000	
3. LEGISLATIVE COUNCIL CONTINGENCY FUND Total Operating Expense			$226,125
4. PRINTING AND DISTRIBUTION Total Operating Expense	0	0	
5. COUNCIL OF STATE GOVERNMENTS ANNUAL DUES Other Operating Expense	$167,863	$174,578	
6. NATIONAL CONFERENCE OF STATE LEGISLATURES ANNUAL DUES Other Operating Expense	$209,737	$209,737	
7. NATIONAL CONFERENCE OF INSURANCE LEGISLATORS ANNUAL DUES Other Operating Expense	$10,000	$10,000	

SECTION 2. (a) Payments from the Legislative Council Contingency Fund may only be made upon written approval of the Chairman and Vice-Chairman of the Legislative Council.

(b) If the above appropriations are insufficient to pay all the necessary expenses incurred, there are appropriated such sums as may be necessary to pay such expenses.