

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 373 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

- 1 Page 5, between lines 40 and 41, begin a new paragraph and insert:
- 2 "SECTION 3. IC 11-8-2-3 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The board shall:
- 4 (1) adopt rules for the conduct of its own business;
- 5 (2) approve or disapprove, before adoption, any rule to be adopted
- 6 by the department under IC 4-22-2;
- 7 (3) approve or disapprove, before implementation, any resolution,
- 8 **or directive, or other statement** of the department, **relating**
- 9 **including the commissioner, regardless of its name or**
- 10 **designation, that relates** to departmental organization or policy,
- 11 **including general internal organization, policies, standards, or**
- 12 **procedures applicable to one (1) or more facilities, programs,**
- 13 **or categories of persons under the jurisdiction of the**
- 14 **department, employees, or contractors; and**
- 15 (4) keep records of all its official actions and make them
- 16 accessible according to law.
- 17 (b) The board may:
- 18 (1) appoint temporary advisory committees for any purpose;
- 19 (2) visit and inspect, without notice, any facility or program of the
- 20 department, either individually or collectively, to examine the
- 21 affairs and condition of the department; and
- 22 (3) exercise any other power reasonably necessary in discharging
- 23 its duties and powers.

- 1 (c) The board has no direct administrative or executive powers other
- 2 than those granted by this section.
- 3 (d) For purposes of IC 4-22-2, the term "rule" as used in subsection
- 4 (a)(1) relates solely to internal policy, organization, and procedure not
- 5 having the force of law.
- 6 (e) **This section shall be liberally construed for conduct of the**
- 7 **board after June 30, 2001, to implement the intent of the general**
- 8 **assembly, as first stated in the commentary to the proposed final**
- 9 **draft of the correctional code published by the correctional code**
- 10 **commission in October 1977, to place policy authority in a seven**
- 11 **(7) member board of correction rather than a single department**
- 12 **head."**
- 13 Page 7, after line 22, begin a new paragraph and insert:
- 14 "SECTION 8. [EFFECTIVE JULY 1, 2001] **(a) A bylaw adopted**
- 15 **by the board of correction before October 1, 1980, (the date on**
- 16 **which the enactment of IC 11-8-2-3 became effective) is void.**
- 17 **(b) IC 11-8-2-3, as amended by this act, applies only to**
- 18 **resolutions, directives, and other statements of the department of**
- 19 **correction, including the commissioner, adopted or amended after**
- 20 **June 30, 2001. However, the board of correction may review and**
- 21 **make recommendations for change for any resolution, directive, or**
- 22 **other statement of the department of correction, including the**
- 23 **commissioner, relating to departmental organization or policy."**
- 24 Renumber all SECTIONS consecutively.
(Reference is to ESB 373 as reprinted April 12, 2001.)

Representative Smith V



Adopted

Rejected

COMMITTEE REPORT

MR. SPEAKER:

Your Committee of One, to which was referred Engrossed Senate Bill 373, begs leave to report that said bill has been amended as directed.

Representative Smith V