

Members

Sen. Luke Kenley  
Sen. Sue Landske  
Sen. Rose Antich-Carr  
Sen. Anita Bowser  
Rep. Robert Behning  
Rep. Ralph Foley  
Rep. Robert Kuzman  
Rep. Trent Van Haafte  
Mr. Gene Leeuw  
Professor William Harvey  
Mr. Michael O'Brien  
Chief Justice Randall Shepard  
Attorney General Steve Carter  
Secretary of State Todd Rokita  
Judge James S. Kirsch



# CODE REVISION COMMISSION

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LSA Staff:

John Stieff, Attorney for the Commission

Authority: IC 2-5-1.1-10

## MEETING MINUTES<sup>1</sup>

Meeting Date: September 12, 2005  
Meeting Time: 10:00 A.M.  
Meeting Place: State House, 200 W. Washington St., Room 233  
Meeting City: Indianapolis, Indiana  
Meeting Number: 1

**Members Present:** Sen. Sue Landske, Acting Chair; Sen. Anita Bowser; Rep. Robert Behning; Rep. Ralph Foley; Mr. Gene Leeuw, Esq.; Mr. Michael O'Brien, representing Governor Mitch Daniels; Mr. Dave Remondini, representing Chief Justice Randall T. Shepard, Indiana Supreme Court; Mr. Jason Thompson, representing Attorney General Steve Carter; Ms. Heather Willis, representing Secretary of State Todd Rokita; Judge John Baker, representing Judge James S. Kirsch, Indiana Court of Appeals.

**Members Absent:** Sen. Luke Kenley; Sen. Rose Antich-Carr; Rep. Robert Kuzman; Rep. Trent Van Haafte; Professor William Harvey.

**Staff Present:** Mr. John Stieff, Director, Office of Code Revision, Legislative

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

**Services Agency; Ms. Rebecca Mortell, Deputy Director, Office of Code Revision; Mr. Craig Mortell, Deputy Director, Office of Code Revision; Mr. George Angelone, Deputy Director, Office of Bill Drafting and Research; Mr. Dick Sheets, Editorial Assistant, Office of Code Revision; Mrs. Jessica Smith, Editorial Assistant, Office of Code Revision.**

#### **I. CALL TO ORDER**

The meeting was called to order at 10:05 p.m. by Senator Sue Landske, Acting Chair.

#### **II. ELECTION OF CHAIRMAN**

A motion was made and seconded to nominate Representative Ralph Foley to be the new Chairman of the Code Revision Commission. Representative Foley was elected by consent.

#### **III. REVIEW OF MINUTES**

The Commission approved by consent the minutes of the Commission's last meeting on December 14, 2004.

#### **IV. INTRODUCTORY REMARKS**

Mr. John Stieff, Director, Office of Code Revision, described three major projects for the Code Revision Commission's review during this legislative interim:

- (1) The annual technical corrections bill to correct errors in the Indiana Code. Mr. Stieff noted that the bill was larger this year due to the fact that six volumes of the Acts of Indiana were passed.
- (2) The drafting of corrective legislation pursuant to several 2005 House and Senate Enrolled Acts.
- (3) The recodification of the educational finance provisions of Titles 20 and 21 of the Indiana Code.

Mr. Stieff said that he hoped the projects could be accomplished in two meetings of the commission and suggested late October for the next meeting.

#### **V. TECHNICAL CORRECTIONS BILL**

Craig Mortell, Deputy Director of the Office of Code Revision, spoke to the Commission about PD 3013, the first draft of the 2006 technical corrections (TC) bill. Referring to the draft and to a SECTION-by-SECTION outline that had been distributed to the Commission, Mr. Mortell made the following points:

The SECTIONS of PD 3013 fall into two general categories: (1) Fifty SECTIONS resolve "conflicts," that is, situations involving Code sections that were amended differently by two or more 2005 acts, with the result that the Indiana Code now contains two or more versions of each of those Code sections. (2) The other ninety-plus SECTIONS of PD 3013 resolve other types of technical problems in the Code, including the following: incorrect citations to state or federal law; incorrect numbering of subdivisions; missing or incorrect prepositions; missing or incorrect conjunctions; misspellings; new sections that have duplicate section numbers and must be given unique section numbers; and new chapters that have duplicate chapter numbers and must be given unique chapter numbers. PD 3013 repeals IC 28-1-21.10, IC 28-1-21.11, and IC 28-1-21.12 and shifts the text of these chapters to the following new locations: IC 28-1-31, IC 28-1-32, and IC 28-1-33. This is done because IC 28-1-21.10, IC 28-1-21.11, and IC 28-1-21.12 have numerical chapter designations that include two numerals after the decimal point, which causes a

computer problem -- the Code retrieval function of LSA's drafting system cannot recognize sections within these chapters.

In response to a question from Representative Foley, Mr. Mortell explained the purpose of SECTIONS 1 and 2 of PD 3013: SEA 482 [P.L.81-2005] amended IC 3-7-13-12 and mistakenly incorporated part of the text of IC 3-7-13-13 into IC 3-7-13-12, as though IC 3-7-13-12 and IC 3-7-13-13 had been one single Code section. SECTION 1 of PD 3013 strikes from IC 3-7-13-12 the text that SEA 482 mistakenly took from IC 3-7-13-13 and inserted into IC 3-7-13-12. SECTION 2 of PD 3013 makes the same changes in the text of IC 3-7-13-13 (just striking expired language) that SEA 482 made in that text when that text was mistakenly incorporated into the SECTION amending IC 3-7-13-12.

Commission member Heather Willis, the designee of Secretary of State Todd Rokita, informed the Commission that her office has concerns about the SECTIONS of PD 3013 resolving the conflicts affecting IC 9-29-9-14 and IC 9-29-9-15. She proposed that these SECTIONS be removed from the TC bill. Following a discussion, the Commission acceded to Ms. Willis' proposal.

Mr. Stieff stated that PD 3013 contains most of the SECTIONS that will eventually make up the 2006 TC bill, and that the additional SECTIONS not included in PD 3013 will be submitted for the Commission's review before the next Commission meeting. Craig Mortell explained that the attorneys of the LSA's Office of Bill Drafting and Research, after each legislative session, review every act to look for errors that can be corrected in the TC bill. The SECTIONS correcting the errors discovered by OBDAR's attorneys will be among the SECTIONS submitted for the Commission's review before the next meeting, Mr. Mortell said.

## **VI. CORRECTIVE LEGISLATION PURSUANT TO 2005 ACTS**

Mr. Stieff reported that during the 2005 legislative session, eight bills were enacted that contain noncode sections requiring that the Legislative Services Agency prepare corrective legislation to make conforming statutory changes. The eight bills requiring corrective legislation include the following:

- Senate Enrolled Act 56 (P.L.22-2005) Department of Homeland Security
- Senate Enrolled Act 307 (P.L. 227-2005) Budget and levy review in Marion County
- Senate Enrolled Act 335 (P.L.229-2005) Transfer of responsibilities to the Lieutenant Governor
- Senate Enrolled Act 529 (P.L.234-2005) Establishes the Department of Child Services
- Senate Enrolled Act 578 (P.L.235-2005) Indiana Finance Authority and Indiana Housing and Community Development Authority
- Senate Enrolled Act 607 (P.L.206-2005) Merges the Health Professions Bureau into the Indiana Professional Licensing Agency
- House Enrolled Act 1003 (P.L.4-2005) Transfer of responsibilities to Lieutenant Governor and IEDC
- House Enrolled Act 1008 (P.L.83-2005) Establishes the Department of Agriculture

Mr. Stieff explained that the Office of Bill Drafting and Research (OBDAR) is in the process of drafting corrective legislation for these enrolled acts. Drafts will be considered at the next meeting of the Code Revision Commission. Mr. Stieff also explained that some bills might contain substantive changes made at the request of affected agencies. In those cases, he noted, the language will be put in bills not to be introduced by the Commission.

Representative Foley agreed with Mr. Stieff that it was in the best interest of the integrity of the Commission to make only changes of a technical nature, not those that make changes in policy.

## **VII. RECODIFICATION OF EDUCATION FINANCE LAW PROVISIONS OF TITLES 20 AND 21**

Mr. George Angelone, Deputy Director of the Office of Bill Drafting and Research, presented an outline for the recodification of the K-12 education finance law provisions of Titles 20 and 21. He

distributed a memo regarding the repeal of certain obsolete provisions. He noted that the K-12 education finance law recodification is part two of the education law recodification. He reported that last year's recodification bill was 943 pages long. In order to make this year's project more manageable, he recommends spreading the remainder of the project over the next two years. Under the proposal, K-12 education finance law would be recodified this year and higher education law would be recodified next year. If the project is split, Mr. Angelone said that this year's recodification bill would probably not exceed 370 pages.

Mr. Angelone brought the proposed outline to the Commission's attention, noting that it was distributed to members and interested parties. He reported that he has several recommendations for this year's recodification after talking with the interested parties:

- (1) He suggests putting like material together and using a more modern structure since like material is scattered all over the Indiana Code and unlike material appears together in places.
- (2) He proposes moving certain subjects to other Indiana Code titles to be consistent with the style used in HEA 1288 last year. He suggests moving pension provisions, including provisions concerning the state teachers' retirement fund, to Title 5. Under the proposal, the state teachers' retirement fund language would be located next to the law governing the public employees' retirement fund. In addition, he suggests putting school levy control provisions currently in IC 6-1.1-19 together with levy provisions currently in Title 21. Finally, he suggests putting all of the school funding formula law together in one new article.
- (3) He recommends repealing the following five obsolete provisions: IC 20-26-8-13; IC 21-1-1-15; IC 21-2-14; IC 21-3-1.6-2; and IC 21-3-3.1. He also proposes to correct obsolete references to certain funds.

Representative Foley asked for questions and comments from the audience. There were none. Senator Landske asked if there would be cross-reference tables to assist readers in finding the text they are looking for once the recodification is complete. Mr. Angelone answered that disposition and derivation tables would be created. Representative Foley asked the Commission if the recodification should proceed as proposed by Mr. Angelone and there was consent. Representative Foley told Mr. Angelone he greatly appreciated his work on this monumental task.

Mr. Angelone then explained that at the next meeting he will present details concerning a trailer bill to resolve, to the extent possible, certain substantive issues in the education finance law. He said that some small funds should be moved to debt service or other funds. He briefly described the language of several conflicting statutes that deal with the disposition of revenue from the rental and sale of congressional township school lands and county seminary lands. Judge Baker then inquired further regarding the repeal of section 16 lands. Mr. Angelone explained that the proposal is to repeal the provisions governing sale of the land only, not to repeal the funds established by law for the money derived from the sale of the land.

## **IX. CLOSING**

The next meeting of the Code Revision Commission was scheduled for October 31, 2005 at 10:00 a.m. in Room 233 in the State House. Representative Foley urged the members to attend the meeting to ensure a quorum to finish business, and then he thanked the staff.

## **X. ADJOURNMENT**

The meeting was adjourned by Representative Foley at 11:15 a.m.