

HOUSE BILL No. 1049

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-2.1; IC 2-2.3; IC 2-8.2-3-1; IC 3-9-2-12; IC 4-6-2-1; IC 5-10-8-8.2.

Synopsis: Legislative sessions. Restates the law regulating legislative sessions and procedures. Establishes a procedure for the general assembly to call itself into session at times not specifically scheduled in statute. (Provides that the statute establishing this procedure expires July 1, 2023.) Provides that a vetoed bill passed at a session of the general assembly must be reconsidered and voted upon as provided in Article 5, Section 14 of the Constitution of the State of Indiana not later than the sine die adjournment of the next regular session that occurs after the session that first passed the bill. Provides that a special session may meet for not more than 40 calendar days following the day upon which the session is convened. (Under current law, a special session can last for not more than 40 calendar days or 30 "session days", which is a concept no longer used by the general assembly.) Repeals the current statute governing legislative sessions and procedures. Changes cross-references to the repealed statute.

Effective: July 1, 2021.

Thompson

January 4, 2021, read first time and referred to Committee on Rules and Legislative Procedures.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1049

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

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

- 1 SECTION 1. IC 2-2.1 IS REPEALED [EFFECTIVE JULY 1, 2021].
- 2 (Legislative Sessions and Procedures).
- 3 SECTION 2. IC 2-2.3 IS ADDED TO THE INDIANA CODE AS A
- 4 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 5 2021]:
- 6 **ARTICLE 2.3. LEGISLATIVE SESSIONS AND**
- 7 **PROCEDURES**
- 8 **Chapter 1. Definitions**
- 9 **Sec. 1. The definitions in this chapter apply throughout this**
- 10 **article.**
- 11 **Sec. 2. "Act" refers to a bill passed by the house and the senate**
- 12 **to add, amend, or repeal a provision of the Indiana Code or**
- 13 **another statute enacted by the general assembly.**
- 14 **Sec. 3. (a) "Bill" refers to a bill for an act.**
- 15 **(b) The term does not include a resolution.**
- 16 **Sec. 4. "Body" refers to either of the following:**
- 17 **(1) The house of representatives.**



- 1 (2) The senate.
- 2 **Sec. 5. "Chamber" refers to either of the following:**
- 3 (1) The floor of the house of representatives.
- 4 (2) The floor of the senate.
- 5 **Sec. 6. "Concurrent resolution" refers to a resolution:**
- 6 (1) introduced in either the house or the senate;
- 7 (2) intended for adoption by both the house and the senate;
- 8 and
- 9 (3) for the purpose stated in the resolution.
- 10 **Sec. 7. "Final day of session" means the following:**
- 11 (1) For a regular session, the following:
- 12 (A) The date set in IC 2-2.3-3-8 in odd-numbered years and
- 13 the date set in IC 2-2.3-4-4 in even-numbered years.
- 14 (B) A date earlier than the date set in IC 2-2.3-3-8 in
- 15 odd-numbered years or a date earlier than the date set in
- 16 IC 2-2.3-4-4 in even-numbered years, if the presiding
- 17 officers have:
- 18 (i) jointly agreed; and
- 19 (ii) publicly announced;
- 20 that the earlier date will be the final day of session.
- 21 (2) For an initiated session, the following:
- 22 (A) The fortieth calendar day after the initiated session
- 23 convenes.
- 24 (B) A date earlier than the fortieth calendar day after the
- 25 initiated session convenes, if the presiding officers have:
- 26 (i) jointly agreed; and
- 27 (ii) publicly announced;
- 28 that the earlier date will be the final day of session.
- 29 (3) For a technical session, the day the session convenes.
- 30 (4) For a special session, the following:
- 31 (A) The fortieth calendar day after the special session
- 32 convenes.
- 33 (B) A date earlier than the fortieth calendar day after the
- 34 special session convenes, if the presiding officers have:
- 35 (i) jointly agreed; and
- 36 (ii) publicly announced;
- 37 that the earlier date will be the final day of session.
- 38 **Sec. 8. "House" refers to the house of representatives of the**
- 39 **general assembly, unless the context indicates that the reference**
- 40 **refers to either the house or the senate.**
- 41 **Sec. 9. "Initiated session" refers to a session of the general**
- 42 **assembly convened under IC 2-2.3-6.**



- 1 **Sec. 10. "Joint resolution" refers to a resolution:**
 2 (1) introduced in either the house or the senate;
 3 (2) intended for adoption by both the house and the senate;
 4 and
 5 (3) only for the purpose of:
 6 (A) proposing an amendment to the Constitution of the
 7 State of Indiana;
 8 (B) ratifying a proposed amendment to the Constitution of
 9 the United States;
 10 (C) applying to the Congress of the United States to call a
 11 constitutional convention to consider an amendment to the
 12 Constitution of the United States under Article V of the
 13 Constitution of the United States; or
 14 (D) removing a state officer under Article 6, Section 7 of
 15 the Constitution of the State of Indiana.
- 16 **Sec. 11. "Member" refers to either of the following:**
 17 (1) A member of the house.
 18 (2) A member of the senate.
- 19 **Sec. 12. "Presiding officer" refers to the following:**
 20 (1) For the house, the speaker of the house.
 21 (2) For the senate, the president pro tempore of the senate.
- 22 **Sec. 13. "Regular session" refers to a session of the general**
 23 **assembly convened under either of the following:**
 24 (1) IC 2-2.3-3. A regular session convened under this statute
 25 is referred to as the "first regular session".
 26 (2) IC 2-2.3-4. A regular session convened under this statute
 27 is referred to as the "second regular session".
- 28 **Sec. 14. (a) "Resolution" refers to any of the following:**
 29 (1) A concurrent resolution.
 30 (2) A joint resolution.
 31 (3) A simple resolution.
 32 (b) The term does not refer to a bill.
- 33 **Sec. 15. "Session" refers to any of the following:**
 34 (1) A regular session.
 35 (2) A technical session.
 36 (3) An initiated session.
 37 (4) A special session.
- 38 **Sec. 16. (a) "Simple resolution" refers to a resolution:**
 39 (1) introduced in either the house or the senate;
 40 (2) intended for adoption only by the body in which the
 41 resolution is introduced; and
 42 (3) for the purpose stated in the resolution.



1 (b) A simple resolution introduced in the house may be referred
2 to as a "house resolution".

3 (c) A simple resolution introduced in the senate may be referred
4 to as a "senate resolution".

5 Sec. 17. "Special session" refers to a session of the general
6 assembly convened upon the proclamation and call of the governor
7 under Article 4, Section 9 of the Constitution of the State of
8 Indiana.

9 Sec. 18. "Technical session" refers to a session of the general
10 assembly convened under IC 2-2.3-5.

11 Sec. 19. "Term of the general assembly" means that two (2) year
12 period of time extending from the first Wednesday after the first
13 Monday in November of any even-numbered year until, but not
14 including, the first Wednesday after the first Monday in November
15 of the next even-numbered year.

16 Chapter 2. General Procedures

17 Sec. 1. (a) Bills and resolutions may be filed and assigned to
18 committees at any time after the convening of a session according
19 to the rules of each house.

20 (b) During any session the standing committees of the house and
21 senate may announce and hold public hearings on any bill or
22 resolution assigned to them upon the authorization of the presiding
23 officer, but may not take action with regard to its disposition until
24 it is introduced according to the rules of the house in which the bill
25 or resolution is introduced.

26 Sec. 2. The presiding officers shall prepare a calendar in
27 accordance with the joint rules of the house and senate.

28 Sec. 3. (a) This section applies only to those bills or joint
29 resolutions which pass during the two (2) days before the sine die
30 adjournment of a regular, initiated, or special session. This section
31 does not apply to bills passed during a technical session.

32 (b) The presiding officers shall sign each bill or joint resolution
33 passed under Article 4, Section 25 of the Constitution of the State
34 of Indiana as soon as practicable, but not later than seven (7)
35 calendar days after sine die adjournment of the session of the
36 general assembly at which the bill or joint resolution was passed.

37 (c) A bill that has been signed under subsection (b) must be
38 presented to the governor as soon as practicable, but not later than
39 seven (7) calendar days after sine die adjournment of the session of
40 the general assembly at which the bill was passed.

41 (d) A joint resolution signed under subsection (b) shall not be
42 presented to the governor, but shall be filed with the secretary of



1 state not later than seven (7) calendar days after sine die
2 adjournment of the session of the general assembly at which the
3 joint resolution was passed.

4 Sec. 4. (a) This section applies only to bills passed during a
5 technical session.

6 (b) The presiding officers of the house and senate shall sign each
7 bill passed under Article 4, Section 25 of the Constitution of the
8 State of Indiana as soon as practicable, but not later than the next
9 business day after sine die adjournment of the technical session at
10 which the bill was passed.

11 (c) A bill that has been signed under subsection (b) must be
12 presented to the governor as soon as practicable, but not later than
13 the second business day after sine die adjournment of the technical
14 session at which the bill was passed.

15 Sec. 5. For purposes of Article 5, Section 14 of the Constitution
16 of the State of Indiana, a vetoed bill passed at a session of the
17 general assembly must be reconsidered and voted upon as provided
18 in Article 5, Section 14 of the Constitution of the State of Indiana
19 not later than the sine die adjournment of the next regular session
20 that occurs after the session that first passed the bill.

21 Chapter 3. First Regular Session

22 Sec. 1. (a) The first regular session of each term of the general
23 assembly shall convene on the third Tuesday after the first Monday
24 of November of each even-numbered year to do the following:

- 25 (1) Receive the oath of office.
26 (2) Elect its officers.
27 (3) Organize itself.

28 (b) If a special session is called:

- 29 (1) after the beginning of the term of the general assembly;
30 and
31 (2) before the date set in subsection (a);

32 then the receiving the oath of office, the election of officers, and the
33 organization shall be held on the first day of the special session.

34 Sec. 2. (a) As used in this section, "chief justice" refers to the
35 chief justice of the state, or an associate justice of the supreme
36 court designated by the chief justice of the state.

37 (b) The secretary of state shall preside at the organizational
38 meeting of the house of representatives until the speaker is elected
39 and takes the oath of office. If the office of secretary of state is
40 vacant, or if the secretary of state is absent or unable to serve, the
41 chief justice shall preside until the speaker is elected and takes the
42 oath of office.



1 (c) The chief justice shall administer the oath of office to
2 representatives-elect.

3 (d) Subject to section 3 of this chapter, the speaker shall be
4 elected. The chief justice shall administer the oath of office to the
5 individual elected as the speaker.

6 (e) Upon being elected and taking the oath of office, the speaker
7 shall take the chair and conduct the further business of the house,
8 including the election and swearing in of such other officers as may
9 be determined by the standing rules and orders of the house.

10 Sec. 3. (a) This section applies only if the number of members of
11 the house of representatives affiliated with one (1) political party
12 equals the number of members of the house of representatives
13 affiliated with a different political party.

14 (b) For purposes of this section, an individual is considered to be
15 affiliated with a political party if the individual was:

16 (1) the nominee (as defined in IC 3-5-2-33) of that political
17 party for election to the office to which the individual was
18 elected at the previous general election; or

19 (2) selected by that political party to fill a candidate vacancy
20 or a vacancy in the office under IC 3-13 for the office the
21 individual currently holds.

22 (c) The speaker and the principal clerk of the house of
23 representatives shall be elected by the members of the house of
24 representatives affiliated with the political party whose:

25 (1) candidate was elected governor at the previous general
26 election; or

27 (2) candidate was elected secretary of state at the previous
28 general election, if the governor was not elected at the
29 previous general election.

30 (d) The rules that governed the house of representatives before
31 the previous general election shall govern the house of
32 representatives after the general election until those rules are
33 amended as provided in those rules.

34 Sec. 4. (a) As used in this section, "chief justice" refers to the
35 chief justice of the state, or an associate justice of the supreme
36 court designated by the chief justice of the state.

37 (b) The president of the senate shall preside at the
38 organizational meeting until the president pro tempore and other
39 officers of the senate are elected and take their respective oaths of
40 office. If the office of president is vacant or if the president is
41 absent or unable to serve, the chief justice shall preside during the
42 election of the president pro tempore. After the individual who is



1 elected president pro tempore is elected and takes the oath of
2 office, the president pro tempore shall take the chair and conduct
3 the further business of the senate until the vacancy in the office of
4 president is filled, if there is no president, or until the president is
5 able to serve, if the president is absent or unable to serve.

6 (c) The chief justice shall administer the oath of office to
7 senators-elect.

8 (d) The president pro tempore and such other officers as may be
9 determined by the standing rules and orders of the senate shall be
10 elected. The oath of office shall be administered to the president
11 pro tempore by the chief justice, and to the other officers by the
12 president of the senate.

13 Sec. 5. (a) Upon the election of the officers in each house, the
14 membership of each house shall adopt standing rules and orders
15 for their respective house, and joint rules for conducting the
16 business in the two (2) houses.

17 (b) Each house, by rule, shall determine such other business as
18 the respective houses may perform at the organizational meeting.

19 (c) The rules, as adopted, shall govern the respective houses for
20 that term of the general assembly, unless amended or suspended.

21 (d) The officers elected at the organizational meeting shall serve
22 for the entire term of that general assembly, unless removed,
23 suspended, or unable to serve.

24 Sec. 6. At the conclusion of its respective organizational meeting,
25 each house shall then adjourn until:

26 (1) a day certain fixed by a concurrent resolution; or

27 (2) the day when the gavel of each house falls in the presence
28 of a quorum whether or not a day certain to reconvene in
29 session has been fixed.

30 Sec. 7. The general assembly shall reconvene in session not later
31 than the second Monday in January of the following year.

32 Sec. 8. (a) The first regular session of each term of the general
33 assembly shall adjourn sine die not later than April 29 of the
34 odd-numbered year.

35 (b) Notwithstanding subsection (a), the first regular session of
36 the general assembly shall adjourn sine die not later than April 26
37 in 2023.

38 Sec. 9. (a) The presiding officers of each house shall make
39 appointments to the standing committees of their respective houses
40 and announce those appointments by not later than ten (10) days
41 after the election of the presiding officers as provided in sections 2
42 and 4 of this chapter.



1 (b) At the reconvening in January, the lists of appointments to
2 the standing committees shall be read in their respective houses
3 and recorded in their respective journals.

4 (c) The members of each standing committee serve for the term
5 of the general assembly in which they are appointed, unless
6 removed, suspended, or unable to serve.

7 Chapter 4. Second Regular Session

8 Sec. 1. The second regular session of each term of the general
9 assembly shall convene on the third Tuesday after the first Monday
10 of November of each odd-numbered year.

11 Sec. 2. At the conclusion of its respective meeting held under
12 section 1 of this chapter, each house shall then adjourn until:

13 (1) a day certain fixed by a concurrent resolution; or

14 (2) the day when the gavel of each house falls in the presence
15 of a quorum whether or not a day certain to reconvene in
16 session has been fixed.

17 Sec. 3. The general assembly shall reconvene in session not later
18 than the second Monday in January of the following year.

19 Sec. 4. (a) The second regular session of each term of the general
20 assembly shall adjourn sine die not later than March 14 of the
21 even-numbered year.

22 (b) Notwithstanding subsection (a), the second regular session
23 of the general assembly shall adjourn sine die not later than March
24 12 in 2022.

25 Chapter 5. Technical Sessions

26 Sec. 1. (a) Before a regular session adjourns sine die, the general
27 assembly may adopt a concurrent resolution to fix a day to convene
28 a technical session of the general assembly for that regular session.

29 (b) The day fixed under this section for a technical session may
30 not be earlier than thirty (30) days after the previous regular
31 session adjourns sine die.

32 Sec. 2. Only the following may be considered and acted upon
33 during a technical session:

34 (1) Bills enacted during the previous regular session vetoed by
35 the governor.

36 (2) Bills to correct conflicts among bills enacted during the
37 previous regular session.

38 (3) Bills to correct technical errors in bills enacted during the
39 previous regular session.

40 Sec. 3. A technical session must adjourn sine die before midnight
41 after it convenes.

42 Sec. 4. The concurrent resolution adopted under section 1 of this



1 chapter may provide that the technical session is not required to
 2 convene if the presiding officers jointly issue an order finding that
 3 the purposes for which a technical session may meet under section
 4 2 of this chapter do not justify the cost and inconvenience of
 5 meeting in a technical session.

6 **Chapter 6. Initiated Sessions**

7 **Sec. 1.** As used in this chapter, "requisite number" refers to the
 8 following:

9 (1) For the house, fifty-one (51) or more members.

10 (2) For the senate, twenty-six (26) or more members.

11 **Sec. 2.** The general assembly may convene under this chapter if
 12 both of the following apply:

13 (1) The requisite number of members of each house sign a
 14 petition addressed jointly to the presiding officers requesting
 15 that the general assembly convene on a date specified in the
 16 petition.

17 (2) The presiding officers file the petition with the secretary
 18 of state under section 5 of this chapter.

19 **Sec. 3. (a)** A member who signs a petition under this chapter
 20 must sign and date the petition.

21 (b) Except as provided in subsection (c), the signature of a
 22 member on a petition expires on the thirtieth day after the date of
 23 the signature and may not be counted as part of the requisite
 24 number.

25 (c) The signature of a member does not expire as provided in
 26 subsection (b) if the petition is filed with the secretary of state
 27 under section 5 of this chapter before the thirtieth day after the
 28 date of the signature.

29 **Sec. 4. (a)** The joint rules of the house and the senate may
 30 prescribe the form of the petition under this chapter.

31 (b) The joint rules may provide for the following:

32 (1) Electronic signature of a petition by a member.

33 (2) Electronic submission of a petition.

34 **Sec. 5.** If the presiding officers receive a petition under this
 35 chapter with the requisite number of signatures, the presiding
 36 officers may file the petition with the secretary of state.

37 **Sec. 6. (a)** This section applies only if the presiding officers file
 38 a petition under section 5 of this chapter not later than thirty (30)
 39 days after the earliest date of a signature on the petition.

40 (b) The presiding officers shall convene their respective houses
 41 in session on the date specified in the petition.

42 **Sec. 7.** An initiated session may continue for not more than forty



1 (40) calendar days following the day upon which the session is
2 convened.

3 **Sec. 8. This chapter expires July 1, 2023.**

4 **Chapter 7. Special Sessions**

5 **Sec. 1. This chapter applies to a special session.**

6 **Sec. 2. A special session may continue for not more than forty**
7 **(40) calendar days following the day upon which the session is**
8 **convened.**

9 **Chapter 8. Legislative Bolting**

10 **Sec. 1. This chapter does not apply to a day that a member:**

11 (1) is excused by the member's presiding officer; or

12 (2) has a verified illness or injury diagnosed by a physician
13 holding an unlimited license to practice medicine that
14 prevents the member from attending session.

15 **Sec. 2. (a) Except during the final day of session or during a**
16 **special session, this section does not apply to an absence of fewer**
17 **than three (3) consecutive session days, regardless of the reason for**
18 **the absence.**

19 (b) Except as provided in subsection (d), a member who is
20 absent from the member's chamber with the result that the
21 member's body is unable to form a quorum commits the act of
22 legislative bolting and is liable for a civil penalty.

23 (c) If a member's body is unable to form a quorum, the
24 member's absence from the chamber at the time of a quorum call
25 constitutes prima facie evidence that the member committed
26 legislative bolting.

27 (d) A member who proves by a preponderance of the evidence
28 that the member's absence from the member's chamber was not
29 carried out with the intent to defeat, delay, or obstruct legislative
30 action has not committed legislative bolting and is not liable for a
31 civil penalty.

32 **Sec. 3. (a) A presiding officer, on behalf of the presiding officer's**
33 **body, may bring an action for legislative bolting against a member.**
34 **The presiding officer has the authority to control the litigation,**
35 **including final settlement authority.**

36 (b) The presiding officer who brings an action for legislative
37 bolting must show by a preponderance of the evidence that the
38 member has violated section 2 of this chapter. A prevailing
39 presiding officer is entitled to the following:

40 (1) An order imposing a civil penalty of one thousand dollars
41 (\$1,000) for each day the member has violated section 2 of this
42 chapter.



1 **(2) Reasonable attorney's fees and court costs.**
 2 **(c) A civil penalty imposed under this section shall be paid to the**
 3 **state general fund.**
 4 **Sec. 4. Venue for an action brought under this chapter is in**
 5 **Marion County.**
 6 **Sec. 5. A penalty imposed under this chapter on a member who**
 7 **violates section 2 of this chapter is in addition to any penalties**
 8 **imposed by the member's body under the Constitution of the State**
 9 **of Indiana or the rules adopted by the member's chamber.**
 10 SECTION 3. IC 2-8.2-3-1, AS ADDED BY P.L.183-2013,
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2021]: Sec. 1. (a) An individual must satisfy the following to
 13 be appointed as a delegate to an Article V convention:
 14 (1) The individual must reside in Indiana.
 15 (2) The individual must be a registered voter in Indiana.
 16 (3) The individual must be at least eighteen (18) years of age.
 17 (4) The individual is not registered or required to be registered as
 18 a lobbyist under ~~IC 2-2-1~~, **IC 2-7**, IC 4-2-7, IC 4-2-8, 2 U.S.C.
 19 1603, or rules or regulations adopted under any of these laws.
 20 (b) An individual may not be appointed as a delegate if the
 21 individual holds a federal office.
 22 SECTION 4. IC 3-9-2-12, AS AMENDED BY P.L.58-2010,
 23 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2021]: Sec. 12. (a) This section does not apply to:
 25 (1) a member of the general assembly; or
 26 (2) a candidate's committee of a member of the general assembly;
 27 with respect to an office other than a legislative office or a state office
 28 to which the member seeks election.
 29 (b) As used in this section, "affected person" refers to any of the
 30 following:
 31 (1) An individual who holds a legislative office.
 32 (2) A candidate for a legislative office.
 33 (3) An individual who holds a state office.
 34 (4) A candidate for a state office.
 35 (c) As used in this section, "prohibited period" means the period:
 36 (1) beginning on the day in January in each odd-numbered year
 37 the general assembly reconvenes under ~~IC 2-2-1-1-2~~;
 38 **IC 2-2.3-3-7**; and
 39 (2) through the day the general assembly adjourns sine die in an
 40 odd-numbered year under ~~IC 2-2-1-1-2~~. **IC 2-2.3-3-8.**
 41 (d) During the prohibited period, an affected person, an affected
 42 person's candidate's committee, and a legislative caucus committee may



- 1 not do any of the following:
- 2 (1) Solicit campaign contributions.
- 3 (2) Accept campaign contributions.
- 4 (3) Conduct other fundraising activities. This subdivision does not
- 5 prohibit an affected person from participating in party activities
- 6 conducted by a regular party committee.
- 7 SECTION 5. IC 4-6-2-1, AS AMENDED BY P.L.215-2016,
- 8 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2021]: Sec. 1. (a) The attorney general shall prosecute and
- 10 defend all suits instituted by or against the state of Indiana, the
- 11 prosecution and defense of which is not otherwise provided for by law,
- 12 whenever the attorney general has been given ten (10) days' notice of
- 13 the pendency of the suit by the clerk of the court in which the suit is
- 14 pending, or whenever the governor or a majority of the officers of state
- 15 require the attorney general in writing, with reasonable notice, to
- 16 prosecute or defend a suit. The attorney general shall represent the state
- 17 in all criminal cases in the Supreme Court, and shall defend all suits
- 18 brought against the state officers in their official relations, except suits
- 19 brought against them by the state; and the attorney general shall be
- 20 required to attend to the interests of the state in all suits, actions, or
- 21 claims in which the state is or may become interested in the Supreme
- 22 Court of this state.
- 23 (b) The attorney general may not defend a member (as defined in
- 24 ~~IC 2-2.1-4-5~~ **IC 2-2.3-1-11**) in an action for legislative bolting brought
- 25 under ~~IC 2-2.1-4~~ **IC 2-2.3-8**.
- 26 SECTION 6. IC 5-10-8-8.2, AS AMENDED BY P.L.1-2007,
- 27 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JULY 1, 2021]: Sec. 8.2. (a) As used in this section, "former legislator"
- 29 means a former member of the general assembly.
- 30 (b) As used in this section, "dependent" means an unmarried person
- 31 who:
- 32 (1) is:
- 33 (A) a dependent child, stepchild, foster child, or adopted child
- 34 of a former legislator or spouse of a former legislator; or
- 35 (B) a child who resides in the home of a former legislator or
- 36 spouse of a former legislator who has been appointed legal
- 37 guardian for the child; and
- 38 (2) is:
- 39 (A) less than twenty-three (23) years of age;
- 40 (B) at least twenty-three (23) years of age, incapable of
- 41 self-sustaining employment by reason of mental or physical
- 42 disability, and is chiefly dependent on a former legislator or



- 1 spouse of a former legislator for support and maintenance; or
 2 (C) at least twenty-three (23) years of age and less than
 3 twenty-five (25) years of age and is enrolled in and is a
 4 full-time student at an accredited college or university.
- 5 (c) As used in this section, "spouse" means a person who is or was
 6 married to a former legislator.
- 7 (d) After June 30, 2001, the state shall provide to a former
 8 legislator:
- 9 (1) whose last day of service as a member of the general assembly
 10 was after December 31, 2000;
- 11 (2) who served in all or part of at least four (4) terms of the
 12 general assembly (as defined in ~~IC 2-2.1-1-1~~; **IC 2-2.3-1-19**);
- 13 (3) who pays an amount equal to the employee's and employer's
 14 premium for the group health insurance for an active employee;
 15 and
- 16 (4) who files a written request for insurance coverage with the
 17 employer within ninety (90) days after the former legislator's:
- 18 (A) last day of service as a member of the general assembly;
 19 or
 20 (B) retirement date;
- 21 a group health insurance program that is equal to that offered to active
 22 employees.
- 23 (e) Except as provided by section 8(j) of this chapter, the eligibility
 24 of a former legislator to continue insurance under this section ends
 25 when the former legislator becomes eligible for Medicare coverage as
 26 prescribed by 42 U.S.C. 1395 et seq. or when the employer terminates
 27 the health insurance program.
- 28 (f) A former legislator who is eligible for insurance coverage under
 29 this section may elect to have a spouse or dependent of the former
 30 legislator covered under the health insurance program. A former
 31 legislator who makes an election under this subsection must pay the
 32 employee's and employer's premium for the group health insurance
 33 program for an active employee that is attributable to the inclusion of
 34 a spouse or dependent.
- 35 (g) A spouse or dependent may continue insurance under this
 36 section after the death of the former legislator if the spouse or
 37 dependent pays the amount the former legislator would have been
 38 required to pay for coverage selected by the spouse or dependent.
- 39 (h) Except as provided under section 8(j) of this chapter, the
 40 eligibility of a spouse to continue insurance under this section ends on
 41 the earliest of the following:
- 42 (1) When the employer terminates the health insurance program.



- 1 (2) The date of the legislative spouse's remarriage.
 2 (3) When the required amount for coverage is not paid with
 3 respect to the spouse.
 4 (4) When the spouse becomes eligible for Medicare coverage as
 5 prescribed by 42 U.S.C. 1395 et seq.
 6 (i) The eligibility of a dependent to continue insurance under this
 7 section ends on the earliest of the following:
 8 (1) When the employer terminates the health insurance program.
 9 (2) The date the dependent no longer meets the definition of a
 10 dependent.
 11 (3) When the required amount for coverage is not paid with
 12 respect to the dependent.
 13 (j) The spouse of a deceased former legislator may elect to
 14 participate in the group health insurance program under this section if
 15 all of the following apply:
 16 (1) The deceased legislator:
 17 (A) died after December 31, 2000, while serving as a member
 18 of the general assembly; and
 19 (B) served in all or part of at least four (4) terms of the general
 20 assembly (as defined in ~~IC 2-2.1-1-1~~; **IC 2-2.3-1-19**).
 21 (2) The surviving spouse files a written request for insurance
 22 coverage with the employer.
 23 (3) The surviving spouse pays an amount equal to the employee's
 24 and employer's premium for the group health insurance for an
 25 active employee, including any amount with respect to covered
 26 dependents of the former legislator.
 27 (k) Except as provided under section 8(j) of this chapter, the
 28 eligibility of the surviving spouse under subsection (j) ends on the
 29 earliest of the following:
 30 (1) When the employer terminates the health insurance program.
 31 (2) The date of the spouse's remarriage.
 32 (3) When the required amount for coverage is not paid with
 33 respect to the spouse and any covered dependent.
 34 (4) When the surviving spouse becomes eligible for Medicare
 35 coverage as prescribed by 42 U.S.C. 1395 et seq.

