

SENATE BILL No. 167

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5.

Synopsis: Probate code study commission. Abolishes the probate study subcommittee. Establishes the probate code study commission (commission). Requires the commission to study and recommend to the general assembly changes that are needed in the probate code (IC 29-1), the trust code (IC 30-4), and other statutes affecting the administration of a decedent's estate, guardianships, probate jurisdiction, trusts, or fiduciaries. Provides for: (1) the governor to appoint 11 lay members, including two residents of Indiana who work in the trust department of a bank, trust company, savings institution, or credit union; (2) the president pro tempore of the senate to appoint three members from the senate; and (3) the speaker of the house of representatives to appoint three members from the house of representatives. Provides that a legislative or lay member serves a term of two years and may be reappointed to the commission. Provides for the president pro tempore of the senate to appoint a chairperson and vice chairperson in odd-numbered years and for the speaker of the house of representatives to appoint a chairperson and vice chairperson in even-numbered years.

Effective: July 1, 2017.

Zakas

January 4, 2017, read first time and referred to Committee on Civil Law.



First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

SENATE BILL No. 167

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 2-5-1.2-1, AS AMENDED BY P.L.53-2014,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 1. (a) Except as provided in subsection (b) or
4 otherwise in this article, this chapter applies to all committees
5 established under this article.

6 (b) This chapter does not apply to the following:
7 (1) The legislative council (IC 2-5-1.1).
8 (2) The youth advisory council (IC 2-5-29).
9 (3) The commission on improving the status of children in
10 Indiana (IC 2-5-36).

11 **(4) The probate code study commission (IC 2-5-16.1).**

12 SECTION 2. IC 2-5-1.3-4, AS AMENDED BY P.L.123-2016,
13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2017]: Sec. 4. The following interim study committees are
15 established:

16 (1) Agriculture and Natural Resources.
17 (2) Commerce and Economic Development.



- 1 (3) Corrections and Criminal Code.
 2 (4) Courts and the Judiciary. ~~including the Probate Study~~
 3 ~~subcommittee established under section 12 of this chapter.~~
 4 (5) Education.
 5 (6) Elections.
 6 (7) Employment and Labor.
 7 (8) Energy, Utilities, and Telecommunications.
 8 (9) Environmental Affairs.
 9 (10) Financial Institutions and Insurance.
 10 (11) Government.
 11 (12) Public Safety and Military Affairs.
 12 (13) Pension Management Oversight.
 13 (14) Public Health, Behavioral Health, and Human Services.
 14 (15) Public Policy.
 15 (16) Roads and Transportation.
 16 (17) Fiscal Policy.

17 SECTION 3. IC 2-5-1.3-12, AS AMENDED BY P.L.123-2016,
 18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2017]: Sec. 12. (a) ~~Except as provided by subsection (b);~~ The
 20 chair of a study committee may establish not more than two (2)
 21 subcommittees in an interim to assist the study committee. The chair
 22 of a study committee establishing a subcommittee shall appoint the
 23 members of the subcommittee from among the members of the study
 24 committee. Notwithstanding IC 2-5-1.2-8.5, the chair of the study
 25 committee shall appoint the chair of the subcommittee. A nonvoting
 26 member on the study committee is a nonvoting member on a
 27 subcommittee. A subcommittee established by a chair of a study
 28 committee exists for the duration of only (1) interim.

29 (b) ~~A probate study subcommittee is established for the interim~~
 30 ~~study committee on courts and the judiciary. The chair of the interim~~
 31 ~~study committee on courts and the judiciary may establish not more~~
 32 ~~than one (1) other subcommittee under subsection (a). The probate~~
 33 ~~study subcommittee consists of the following members:~~

34 (1) ~~One (1) member, appointed by the president pro tempore of~~
 35 ~~the senate, who is a member of the senate on the interim study~~
 36 ~~committee on courts and the judiciary.~~

37 (2) ~~One (1) member, appointed by the minority leader of the~~
 38 ~~senate, who is a member of the senate on the interim study~~
 39 ~~committee on courts and the judiciary.~~

40 (3) ~~One (1) member, appointed by the speaker of the house of~~
 41 ~~representatives, who is a member of the house of representatives~~
 42 ~~on the interim study committee on courts and the judiciary.~~



1 (4) One (1) member, appointed by the minority leader of the
 2 house of representatives, who is a member of the house of
 3 representatives on the interim study committee on courts and the
 4 judiciary.

5 (5) Lay members appointed under section 6 of this chapter, if the
 6 legislative council authorizes the appointment of lay members to
 7 the probate study subcommittee. One (1) of the members
 8 appointed under this subdivision must be a resident of Indiana
 9 and work in the trust department of a bank, trust company,
 10 savings institution, or credit union chartered and supervised under
 11 IC 28 or federal law.

12 A member of the probate study subcommittee serves at the pleasure of
 13 the appointing authority. IC 2-5-1.2-8.5 applies to the appointment of
 14 a chair and vice-chair of the probate study subcommittee. The probate
 15 study subcommittee shall meet on the call of the chair of the probate
 16 study subcommittee with the consent of the chair of the interim study
 17 committee on courts and the judiciary. The probate study subcommittee
 18 shall carry out a program to study and recommend to the interim study
 19 committee on courts and the judiciary changes that are needed in the
 20 probate code (IC 29-1), the trust code (IC 30-4), and other statutes
 21 affecting guardianships, probate jurisdiction, trusts, or fiduciaries.

22 (c) (b) The expenses of a subcommittee, including per diem,
 23 mileage, and travel allowances payable under IC 2-5-1.2-11, shall be
 24 paid from money authorized by the legislative council for operation of
 25 the study committee. The amount authorized by the legislative council
 26 for expenditures of a study committee may not be increased to pay for
 27 the operation of a subcommittee.

28 SECTION 4. IC 2-5-16.1 IS ADDED TO THE INDIANA CODE
 29 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2017]:

31 **Chapter 16.1. Probate Code Study Commission**

32 **Sec. 1. (a) As used in this chapter, "commission" refers to the**
 33 **probate code study commission established by section 2 of this**
 34 **chapter.**

35 **(b) As used in this chapter, "interim period" means the part of**
 36 **a year that:**

37 **(1) begins immediately after the day on which a regular**
 38 **session of the general assembly adjourns sine die; and**

39 **(2) ends immediately before the day on which the next regular**
 40 **session of the general assembly convenes.**

41 **(c) As used in this chapter, "lay member" means a member of**
 42 **the commission who is appointed under section 3(a)(1) or 3(a)(2) of**



- 1 this chapter.
- 2 (d) As used in this chapter, "legislative member" means a
3 member of the commission who is appointed under section 3(a)(3)
4 or 3(a)(4) of this chapter.
- 5 Sec. 2. The probate code study commission is established.
- 6 Sec. 3. (a) The commission has the following members:
- 7 (1) Nine (9) members appointed by the governor, each of
8 whom must reside in a separate Indiana congressional
9 district.
- 10 (2) Two (2) additional members appointed by the governor
11 who are residents of Indiana and work in the trust
12 department of a bank, trust company, savings institution, or
13 credit union chartered and supervised under IC 28 or federal
14 law.
- 15 (3) Three (3) members appointed by the president pro
16 tempore of the senate from among the members of the senate,
17 not more than two (2) of whom may be affiliated with the
18 same political party.
- 19 (4) Three (3) members appointed by the speaker of the house
20 of representatives from among the members of the house, not
21 more than two (2) of whom may be affiliated with the same
22 political party.
- 23 (b) If a legislative member of the commission ceases to be a
24 member of the chamber from which the member was appointed,
25 the person ceases to be a member of the commission.
- 26 (c) Subject to subsection (d), the term of a member is two (2)
27 years. A member of the commission may be reappointed to the
28 commission.
- 29 (d) Upon the expiration of the two (2) year period for which a
30 member was appointed, the term of the member continues until:
- 31 (1) the member is reappointed under subsection (c); or
32 (2) a successor to the member is appointed under subsection
33 (a).
- 34 (e) A vacancy on the commission shall be filled by the original
35 appointing authority.
- 36 Sec. 4. The commission may meet and take action only during
37 an interim period.
- 38 Sec. 5. (a) For the interim period beginning in calendar year
39 2017, and for the interim period beginning in every odd-numbered
40 calendar year thereafter, the president pro tempore shall appoint:
- 41 (1) a chairperson; and
42 (2) a vice chairperson;



1 from among the commission's legislative members.

2 (b) For the interim period beginning in calendar year 2018, and
3 for the interim period beginning in every even-numbered calendar
4 year thereafter, the speaker shall appoint:

- 5 (1) a chairperson; and
6 (2) a vice chairperson;

7 from among the commission's legislative members.

8 (c) A legislative member appointed under subsection (a) or (b)
9 serves as chairperson or vice chairperson for a term of one (1)
10 year.

11 (d) If the office of chairperson or vice chairperson of the
12 commission becomes vacant, the commission shall elect a legislative
13 member of the commission to fill the vacancy.

14 Sec. 6. (a) The number of members constituting a quorum for a
15 meeting of the commission is determined as follows:

16 STEP ONE: Determine the total number of members serving
17 on the commission.

18 STEP TWO: Divide the number determined in STEP ONE by
19 two (2). If the number resulting from the division is not a
20 whole number, round it up to the nearest whole number.

21 STEP THREE: Add one (1) to the number determined under
22 STEP TWO.

23 (b) For the commission to take any final action, the number of
24 votes in favor of the action must equal at least the number of
25 members constituting a quorum, as determined under subsection
26 (a).

27 Sec. 7. The commission shall operate under the policies and
28 rules of the legislative council.

29 Sec. 8. The legislative services agency shall provide staff support
30 to the commission.

31 Sec. 9. All funds necessary for the commission to carry out its
32 functions shall be paid from appropriations to the legislative
33 council and the legislative services agency.

34 Sec. 10. The commission shall submit reports in an electronic
35 format under IC 5-14-6 to the legislative council as requested by
36 the council.

37 Sec. 11. The commission shall carry out a program to study and
38 recommend to the general assembly changes that are needed in the
39 following:

- 40 (1) The probate code (IC 29-1).
41 (2) The trust code (IC 30-4).
42 (3) Other statutes affecting the administration of a decedent's



1 estate, guardianships, probate jurisdiction, trusts, or
2 fiduciaries.

3 **Sec. 12. The legislative council may refer any issue related to**
4 **probate or trusts and fiduciaries to the commission for study. If an**
5 **issue is referred to the commission under this section, the**
6 **commission shall study the issue and report the results of its study**
7 **in an electronic format under IC 5-14-6 to the legislative council as**
8 **requested by the legislative council.**

