

# SENATE BILL No. 193

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-5-16.1.

**Synopsis:** Probate code study commission. Provides that the chief justice of the supreme court, or the chief justice's designee, is a nonvoting member of the probate code study commission (commission). Provides that eight affirmative votes are required for the commission to take final action.

**Effective:** July 1, 2022.

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## Sandlin, Freeman

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January 6, 2022, read first time and referred to Committee on Judiciary.

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Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

# SENATE BILL No. 193

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 2-5-16.1-3, AS ADDED BY P.L.231-2019,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]: Sec. 3. (a) The commission has the following  
4 membership:  
5 (1) Nine (9) members appointed by the governor that meet the  
6 following requirements:  
7 (A) Each Indiana congressional district must be represented by  
8 at least one (1) member appointed under this subdivision who  
9 is a resident of that congressional district.  
10 (B) One (1) member must work in the trust department of a  
11 bank, trust company, savings institution, or credit union  
12 chartered and supervised under IC 28 or federal law.  
13 (C) One (1) member must be an attorney licensed in Indiana  
14 who primarily practices in the area of creditors' rights.  
15 (D) One (1) member must be an attorney licensed in Indiana  
16 who practices in the area of estate planning.  
17 (E) One (1) member must be an attorney licensed in Indiana



- 1 who practices in the area of guardianships.  
 2 (F) One (1) member must be an attorney licensed in Indiana  
 3 who practices in the area of trusts.  
 4 (G) One (1) member must be an attorney licensed in Indiana  
 5 who practices in the area of probate of estates.  
 6 (H) One (1) member must be an attorney licensed in Indiana  
 7 who practices in the area of probate litigation.  
 8 (I) One (1) member must be an Indiana trial court judge,  
 9 full-time magistrate, or full-time commissioner whose  
 10 jurisdiction includes probate.  
 11 (J) One (1) member must be an active or retired faculty  
 12 member of an Indiana institution of higher learning who  
 13 specializes in the field of estate planning and probate.  
 14 (2) Three (3) members appointed by the president pro tempore of  
 15 the senate from among the members of the senate, not more than  
 16 two (2) of whom may be affiliated with the same political party.  
 17 (3) Three (3) members appointed by the speaker of the house of  
 18 representatives from among the members of the house of  
 19 representatives, not more than two (2) of whom may be affiliated  
 20 with the same political party.  
 21 (4) The chief justice of the supreme court or a designee of the  
 22 chief justice, **who shall serve as a nonvoting member.**  
 23 (b) If a legislative member of the commission ceases to be a  
 24 member of the chamber from which the member was appointed, the  
 25 person ceases to be a member of the commission.  
 26 (c) The term of a member is two (2) years.  
 27 (d) If:  
 28 (1) the term of a member expires;  
 29 (2) the member is not reappointed; and  
 30 (3) a successor is not appointed;  
 31 the term of the member continues until a successor is appointed.  
 32 (e) All initial appointments to the probate code study commission  
 33 must be made no later than July 1, 2019.  
 34 SECTION 2. IC 2-5-16.1-6, AS ADDED BY P.L.231-2019,  
 35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2022]: Sec. 6. (a) A quorum for a meeting of the commission  
 37 is determined as follows:  
 38 STEP ONE: Determine the total number of members currently  
 39 serving on the commission.  
 40 STEP TWO: Divide the number determined in STEP ONE by two  
 41 (2). If the quotient is not a whole number, round the quotient up  
 42 to the nearest whole number.



1           STEP THREE: Add one (1) member to the quotient determined  
2           in STEP TWO.

3           (b) ~~Before the commission takes any final action;~~ The number of  
4           affirmative votes ~~on the action must be at least equal to the number of~~  
5           members in a quorum: **of at least eight (8) voting members of the**  
6           **commission are required for the commission to take final action.**

