



Reprinted  
March 1, 2016

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## ENGROSSED SENATE BILL No. 31

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DIGEST OF SB 31 (Updated February 29, 2016 5:07 pm - DI 87)

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

**Synopsis:** Probate study subcommittee. Establishes a probate study subcommittee of the interim study committee on courts and the judiciary.

**Effective:** Upon passage.

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**Zakas, Steele, Buck, Broden,  
Randolph Lonnie M, Taylor, Delph**  
(HOUSE SPONSORS — KOCH, STEUERWALD, WASHBURNE)

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January 5, 2016, read first time and referred to Committee on Civil Law.  
January 11, 2016, amended, reported favorably — Do Pass.  
January 21, 2016, read second time, ordered engrossed. Engrossed.  
February 1, 2016, read third time, passed. Yeas 48, nays 2.

HOUSE ACTION

February 8, 2016, read first time and referred to Committee on Rules and Legislative Procedures.  
February 25, 2016, amended, reported — Do Pass.  
February 29, 2016, read second time, amended, ordered engrossed.

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ES 31—LS 6121/DI 55





Reprinted  
March 1, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 31

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

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

- 1 SECTION 1. IC 2-5-1.3-4, AS ADDED BY P.L.53-2014, SECTION  
2 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
3 PASSAGE]: Sec. 4. The following interim study committees are  
4 established:
- 5 (1) Agriculture and Natural Resources.
  - 6 (2) Commerce and Economic Development.
  - 7 (3) Corrections and Criminal Code.
  - 8 (4) Courts and the Judiciary, **including the Probate Study**  
9 **subcommittee established under section 12 of this chapter.**
  - 10 (5) Education.
  - 11 (6) Elections.
  - 12 (7) Employment and Labor.
  - 13 (8) Energy, Utilities, and Telecommunications.
  - 14 (9) Environmental Affairs.
  - 15 (10) Financial Institutions and Insurance.
  - 16 (11) Government.
  - 17 (12) Public Safety and Military Affairs.

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- 1 (13) Pension Management Oversight.
- 2 (14) Public Health, Behavioral Health, and Human Services.
- 3 (15) Public Policy.
- 4 (16) Roads and Transportation.
- 5 (17) Fiscal Policy.

6 SECTION 2. IC 2-5-1.3-12, AS ADDED BY P.L.53-2014,  
 7 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 UPON PASSAGE]: Sec. 12. (a) **Except as provided by subsection**  
 9 **(b)**, the chair of a study committee may establish not more than two (2)  
 10 subcommittees in an interim to assist the study committee. The chair  
 11 of a study committee establishing a subcommittee shall appoint the  
 12 members of the subcommittee from among the members of the study  
 13 committee. Notwithstanding IC 2-5-1.2-8.5, the chair of the study  
 14 committee shall appoint the chair of the subcommittee. A nonvoting  
 15 member on the study committee is a nonvoting member on a  
 16 subcommittee. A subcommittee established by a chair of a study  
 17 committee exists for the duration of only (1) interim.

18 **(b) A probate study subcommittee is established for the interim**  
 19 **study committee on courts and the judiciary. The chair of the**  
 20 **interim study committee on courts and the judiciary may establish**  
 21 **not more than one (1) other subcommittee under subsection (a).**  
 22 **The probate study subcommittee consists of the following**  
 23 **members:**

- 24 (1) **One (1) member, appointed by the president pro tempore**  
 25 **of the senate, who is a member of the senate on the interim**  
 26 **study committee on courts and the judiciary.**
- 27 (2) **One (1) member, appointed by the minority leader of the**  
 28 **senate, who is a member of the senate on the interim study**  
 29 **committee on courts and the judiciary.**
- 30 (3) **One (1) member, appointed by the speaker of the house of**  
 31 **representatives, who is a member of the house of**  
 32 **representatives on the interim study committee on courts and**  
 33 **the judiciary.**
- 34 (4) **One (1) member, appointed by the minority leader of the**  
 35 **house of representatives, who is a member of the house of**  
 36 **representatives on the interim study committee on courts and**  
 37 **the judiciary.**
- 38 (5) **Lay members appointed under section 6 of this chapter, if**  
 39 **the legislative council authorizes the appointment of lay**  
 40 **members to the probate study subcommittee. One (1) of the**  
 41 **members appointed under this subdivision must be a resident**  
 42 **of Indiana and work in the trust department of a bank, trust**



1            **company, savings institution, or credit union chartered and**  
2            **supervised under IC 28 or federal law.**  
3            **A member of the probate study subcommittee serves at the**  
4            **pleasure of the appointing authority. IC 2-5-1.2-8.5 applies to the**  
5            **appointment of a chair and vice-chair of the probate study**  
6            **subcommittee. The probate study subcommittee shall meet on the**  
7            **call of the chair of the probate study subcommittee with the**  
8            **consent of the chair of the interim study committee on courts and**  
9            **the judiciary. The probate study subcommittee shall carry out a**  
10           **program to study and recommend to the interim study committee**  
11           **on courts and the judiciary changes that are needed in the probate**  
12           **code (IC 29-1), the trust code (IC 30-4), and other statutes affecting**  
13           **guardianships, probate jurisdiction, trusts, or fiduciaries.**  
14           ~~(b)~~ (c) The expenses of a subcommittee, including per diem,  
15           mileage, and travel allowances payable under IC 2-5-1.2-11, shall be  
16           paid from money authorized by the legislative council for operation of  
17           the study committee. The amount authorized by the legislative council  
18           for expenditures of a study committee may not be increased to pay for  
19           the operation of a subcommittee.  
20           **SECTION 3. An emergency is declared for this act.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill No. 31, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, delete lines 24 through 42.

Page 4, delete lines 1 through 2.

Page 4, line 3, delete "Sec. 12." and insert "**Sec. 7.**".

Page 4, line 6, delete "Sec. 13." and insert "**Sec. 8.**".

Page 4, line 14, delete "Sec. 14." and insert "**Sec. 9.**".

and when so amended that said bill do pass.

(Reference is to SB 31 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 1.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 31, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:  
"SECTION 1. IC 2-5-1.3-4, AS ADDED BY P.L.53-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The following interim study committees are established:

- (1) Agriculture and Natural Resources.
- (2) Commerce and Economic Development.
- (3) Corrections and Criminal Code.
- (4) Courts and the Judiciary, **including the Probate Study subcommittee established under section 12 of this chapter.**
- (5) Education.
- (6) Elections.
- (7) Employment and Labor.
- (8) Energy, Utilities, and Telecommunications.
- (9) Environmental Affairs.
- (10) Financial Institutions and Insurance.
- (11) Government.

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- (12) Public Safety and Military Affairs.
- (13) Pension Management Oversight.
- (14) Public Health, Behavioral Health, and Human Services.
- (15) Public Policy.
- (16) Roads and Transportation.
- (17) Fiscal Policy.

SECTION 2. IC 2-5-1.3-12, AS ADDED BY P.L.53-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) **Except as provided by subsection (b),** the chair of a study committee may establish not more than two (2) subcommittees in an interim to assist the study committee. The chair of a study committee establishing a subcommittee shall appoint the members of the subcommittee from among the members of the study committee. Notwithstanding IC 2-5-1.2-8.5, the chair of the study committee shall appoint the chair of the subcommittee. A nonvoting member on the study committee is a nonvoting member on a subcommittee. A subcommittee established by a chair of a study committee exists for the duration of only (1) interim.

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

- (1) One (1) member, appointed by the president pro tempore of the senate, who is a member of the senate on the interim study committee on courts and the judiciary.**
- (2) One (1) member, appointed by the minority leader of the senate, who is a member of the senate on the interim study committee on courts and the judiciary.**
- (3) One (1) member, appointed by the speaker of the house of representatives, who is a member of the house of representatives on the interim study committee on courts and the judiciary.**
- (4) One (1) member, appointed by the minority leader of the house of representatives, who is a member of the house of representatives on the interim study committee on courts and the judiciary.**
- (5) Lay members appointed under section 6 of this chapter, if the legislative council authorizes the appointment of lay members to the probate study subcommittee. Two (2) of the members appointed under this subdivision must be residents**



of Indiana and work in the trust department of a bank, trust company, savings institution, or credit union chartered and supervised under IC 28 or federal law.

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

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

SECTION 3. **An emergency is declared for this act."**

Delete pages 2 through 3.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 31 as printed January 12, 2016.)

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Committee Vote: yeas 6, nays 0.

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#### HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 31 be amended to read as follows:

Page 2, line 40, delete "Two (2)" and insert "**One (1)**".

Page 2, line 41, delete "residents" and insert "**a resident**".

(Reference is to ESB 31 as printed February 26, 2016.)

KOCH

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