



January 28, 2015

SENATE BILL No. 291

DIGEST OF SB 291 (Updated January 26, 2015 1:20 pm - DI 106)

Citations Affected: IC 2-5.

Synopsis: Probate code study commission. Establishes the probate code study commission (commission). Allows the commission to meet only during interim periods. 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 the governor to appoint 10 lay members, for the president pro tempore of the senate to appoint three members from the senate, and for the speaker of the house of representatives to appoint three members from the house of representatives.

Effective: July 1, 2015.

**Zakas, Steele, Delph, Broden,
Randolph**

January 8, 2015, read first time and referred to Committee on Civil Law.
January 27, 2015, amended, reported favorably — Do Pass.

SB 291—LS 6784/DI 55



January 28, 2015

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 291

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 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]:

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

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

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

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

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

14 **(c) As used in this chapter, "lay member" means a member of**
15 **the commission who is appointed under section 3(a)(1) of this**
16 **chapter.**

SB 291—LS 6784/DI 55



1 (d) As used in this chapter, "legislative member" means a
 2 member of the commission who is appointed under section 3(a)(2)
 3 or 3(a)(3) of this chapter.

4 Sec. 2. The probate code study commission is established.

5 Sec. 3. (a) The commission has the following members:

6 (1) Ten (10) members appointed by the governor. At least one
 7 (1) resident of each of Indiana's congressional districts shall
 8 be appointed as a member of the commission under this
 9 subdivision.

10 (2) Three (3) members appointed by the president pro
 11 tempore from among the members of the senate, not more
 12 than two (2) of whom may be affiliated with the same political
 13 party.

14 (3) Three (3) members appointed by the speaker from among
 15 the members of the house, not more than two (2) of whom
 16 may be affiliated with the same political party.

17 (b) If a legislative member of the commission ceases to be a
 18 member of the chamber from which the member was appointed,
 19 the person ceases to be a member of the commission.

20 (c) Subject to subsection (d) and section 4 of this chapter, the
 21 term of a member is two (2) years. A member of the commission
 22 may be reappointed to the commission.

23 (d) Upon the expiration of the two (2) year period for which a
 24 member was appointed, the term of the member continues until:

25 (1) the member is reappointed under subsection (c); or

26 (2) a successor to the member is appointed under subsection
 27 (a).

28 (e) A vacancy on the commission shall be filled by the original
 29 appointing authority.

30 Sec. 4. The commission may meet and take action only during
 31 an interim.

32 Sec. 5. (a) For the interim beginning in calendar year 2015, and
 33 for the interim beginning in every fourth calendar year thereafter,
 34 the president pro tempore shall appoint:

35 (1) a chairperson; and

36 (2) a vice chairperson;

37 from among the commission's legislative members.

38 (b) For the interim beginning in calendar year 2017, and for the
 39 interim beginning in every fourth calendar year thereafter, the
 40 speaker shall appoint:

41 (1) a chairperson; and

42 (2) a vice chairperson;



1 from among the commission's legislative members.

2 (c) A legislative member appointed under subsection (a) or (b)
3 serves as chairperson or vice chairperson for a term of two (2)
4 years.

5 (d) If the office of chairperson or vice chairperson of the
6 commission becomes vacant, the commission shall elect a legislative
7 member of the commission to fill the vacancy.

8 Sec. 6. (a) A quorum for a meeting of the commission is
9 determined as follows:

10 STEP ONE: Determine the total number of members serving
11 on the commission.

12 STEP TWO: Divide the number determined in STEP ONE by
13 two (2). If the quotient is not a whole number, round the
14 quotient up to the nearest whole number.

15 STEP THREE: Add one (1) member to the quotient
16 determined under STEP TWO.

17 (b) For the commission to take any final action, the number of
18 votes in favor of the action must at least equal the number of
19 members in a quorum, as determined under subsection (a).

20 Sec. 7. The commission shall operate under the policies and
21 rules of the legislative council.

22 Sec. 8. The commission shall submit reports in an electronic
23 format under IC 5-14-6 to the legislative council as and when
24 requested by the council.

25 Sec. 9. The commission shall carry out a program to study and
26 recommend to the general assembly changes that are needed in the
27 following:

28 (1) The probate code (IC 29-1).

29 (2) The trust code (IC 30-4).

30 (3) Other statutes affecting the administration of a decedent's
31 estate, guardianships, probate jurisdiction, trusts, or
32 fiduciaries.

33 Sec. 10. The legislative council may refer any issue related to
34 probate or trusts and fiduciaries to the commission for study. If an
35 issue is referred to the commission under this section, the
36 commission shall study the issue and report the results of its study
37 in an electronic format under IC 5-14-6 to the legislative council as
38 requested by the legislative council.



COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill No. 291, 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 2, line 31, delete "interim that begins in an odd-numbered calendar year." and insert "**interim.**".

Page 3, line 18, after "must" insert "**at least**".

Page 3, delete lines 20 through 40, begin a new paragraph and insert:

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

Page 3, line 41, delete "12." and insert "**8.**".

Page 4, line 2, delete "13." and insert "**9.**".

Page 4, line 10, delete "14." and insert "**10.**".

and when so amended that said bill do pass.

(Reference is to SB 291 as introduced.)

ZAKAS, Chairperson

Committee Vote: Yeas 9, Nays 0.

