



March 5, 2019

ENGROSSED
SENATE BILL No. 80

DIGEST OF SB 80 (Updated March 4, 2019 11:33 am - DI 123)

Citations Affected: IC 9-14; IC 21-14; IC 29-1.

Synopsis: Code revision corrections. Addresses problems in the Indiana Code not suitable for resolution in the annual Technical Corrections bill, including corresponding amendment to certain percentages and overly broad or ambiguous language. (The introduced version of this bill was prepared by the code revision commission.)

Effective: Upon passage.

Young M, Messmer,
Randolph Lonnie M
(HOUSE SPONSOR — STEUERWALD)

January 3, 2019, read first time and referred to Committee on Judiciary.
January 16, 2019, reported favorably — Do Pass.
January 22, 2019, read second time, ordered engrossed. Engrossed.
January 24, 2019, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 26, 2019, read first time and referred to Committee on Judiciary.
March 4, 2019, amended, reported — Do Pass.

ES 80—LS 6202/DI 112



March 5, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 80

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

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

- 1 SECTION 1. IC 9-14-14-5, AS ADDED BY P.L.198-2016,
2 SECTION 194, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: Sec. 5. Money distributed to or
4 deposited in the highway, road and street fund under this title shall be
5 allocated as follows:
6 (1) ~~Fifty-five percent (55%)~~ To the state highway fund as
7 provided in IC 8-14-2-3.
8 (2) ~~Forty-five percent (45%)~~ To the local road and street account
9 as provided in IC 8-14-2-4.
10 SECTION 2. IC 21-14-13-5, AS ADDED BY P.L.143-2018,
11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 UPON PASSAGE]: Sec. 5. A person **otherwise eligible under section**
13 **4 of this chapter** who
14 (†) ~~is no longer serving in the armed forces of the United States;~~
15 ~~and~~
16 (‡) ~~enrolls in a state educational institution later than twelve (12)~~
17 ~~months after the date of the person's discharge or separation from~~

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1 the armed forces of the United States
 2 is subject to the tuition policies determined by the state educational
 3 institution.

4 SECTION 3. IC 29-1-17-2, AS AMENDED BY P.L.163-2018,
 5 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 2. (a) After the expiration of the time limit for
 7 the filing of claims, and after all claims against the estate, including
 8 state and federal inheritance and estate taxes, have been determined,
 9 paid, or provision made therefor, except contingent and unmatured
 10 claims which cannot then be paid, the personal representative shall, if
 11 the estate is in a condition to be closed, render a final account and at
 12 the same time petition the court to decree the final distribution of the
 13 estate.

14 (b) The final account ~~will~~ **must** include a verified statement that the
 15 clerk of the court, the personal representative, or a previous personal
 16 representative, has done the following:

17 (1) Published notice to creditors as provided in IC 29-1-7-7(b),
 18 with the first publication occurring more than three (3) months
 19 before the date of the final account.

20 (2) Provided notice to creditors as required under IC 29-1-7-7(c)
 21 and IC 29-1-7-7(d).

22 (c) Notice of the hearing of the petition shall be provided under
 23 IC 29-1-16-6.

24 (d) In its decree of final distribution, the court shall designate the
 25 persons to whom distribution is to be made, and the proportions or
 26 parts of the estate, or the amounts, to which each is entitled under the
 27 will and the provisions of this probate code, including the provisions
 28 regarding advancements, election by the surviving spouse, lapse,
 29 renunciation, adjudicated compromise of controversies, and retainer.
 30 Every tract of real property so distributed shall be specifically
 31 described therein. The decree shall find that all state and federal
 32 inheritance and estate taxes are paid, and if all claims have been paid,
 33 it shall so state; otherwise, the decree shall state that all claims except
 34 those therein specified are paid and shall describe the claims for the
 35 payment of which a special fund is set aside, and the amount of such
 36 fund. If any contingent claims which have been duly allowed are still
 37 unpaid and have not become absolute, such claims shall be described
 38 in the decree, which shall state whether the distributees take subject to
 39 them. If a fund is set aside for the payment of contingent claims, the
 40 decree shall provide for the distribution of such fund in the event that
 41 all or a part of it is not needed to satisfy such contingent claims. If a
 42 decree of partial distribution has been previously made, the decree of



1 final distribution shall expressly confirm it, or, for good cause, shall
2 modify said decree and state specifically what modifications are made.

3 (e) If a distributee dies before distribution to the distributee of the
4 distributee's share of the estate, the distributee's share may be
5 distributed to the personal representative of the distributee's estate, if
6 there is one; or if no administration on the deceased distributee's estate
7 is had and none is necessary according to IC 29-1-8, the share of the
8 deceased distributee shall be distributed in accordance with IC 29-1-8.

9 (f) The decree of final distribution shall be a conclusive
10 determination of the persons who are the successors in interest to the
11 estate of the decedent and of the extent and character of their interest
12 therein, subject only to the right of appeal and the right to reopen the
13 decree. It shall operate as the final adjudication of the transfer of the
14 right, title, and interest of the decedent to the distributees therein
15 designated; but no transfer before or after the decedent's death by an
16 heir or devisee shall affect the decree, nor shall the decree affect any
17 rights so acquired by grantees from the heirs or devisees.

18 (g) Whenever the decree of final distribution includes real property,
19 a certified copy thereof shall be recorded by the personal representative
20 in every county of this state in which any real property distributed by
21 the decree is located except the county in which the estate is
22 administered. The cost of recording such decree shall be charged to the
23 estate.

24 **SECTION 4. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 80, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 80 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 11, Nays 0

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 80, 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 2, delete lines 4 through 13.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 80 as printed January 17, 2019.)

TORR

Committee Vote: yeas 11, nays 0.

