



Office of the Indiana Attorney General

UNNECESSARY & UNUSED LAWS REPORT

October 31, 2018

Pursuant to Indiana Code 4-1-13-2, this report identifies state laws that the office considers to be in need of substantive amendment or repeal because the laws are no longer necessary or used.

- (a) Not later than November 1 of each year, each state agency shall:
 - (1) compile a list of all state laws administered by the state agency that the state agency considers to be in need of substantive amendment or repeal because the laws are no longer necessary or used; and
 - (2) report the list compiled under subdivision (1) to the legislative council in an electronic format under IC 5-14-6.
- (b) A list compiled under subsection (a) must include the:
 - (1) state agency's rationale for each substantive amendment or repeal; and
 - (2) manner in which the state agency suggests each substantive amendment should be drafted for inclusion in amending legislation.

1. Annual notice of teachers' rights

IC 4-6-2-1.5 provides that the Office of the Attorney General (OAG) is required to send by first class mail an annual letter to teachers summarizing teachers' rights and protections under state and federal law. Statute requires the Department of Education (DOE) to provide the OAG with the teachers' residential addresses to fulfil this requirement. Sending these letters by first class mail is administratively burdensome and costs the OAG approximately \$40,000 annually.

Proposed change:

Amend IC 4-6-2-1.5 to allow sending the annual letter electronically instead of via first class mail, which would be more efficient and cost effective. The OAG would work with the DOE to obtain employees' school email addresses instead of residential addresses, and both the OAG and the DOE would post the annual letter on their websites. The OAG intends to pursue this statutory change in the 2019 legislative session.

2. Substantially bound books

IC 4-6-2-4 requires the OAG to keep a record of all opinions given by the attorney general to the governor, the general assembly, or to any of the state officers, and an accurate account of all money collected or received by the attorney general, in "substantially bound books." In 2016, the OAG spent approximately \$4,200 on binding and publishing opinions from 2008-2016 to meet this statutory requirement.

Proposed change:

Amend IC 4-6-2-4 to remove the requirement that all opinions be kept in "substantially bound books." Using the general term "publish" would allow the OAG to maintain digital records of opinions at a much lower cost.

3. Monthly reports of imported cigarettes

IC 24-3-4-10 requires that a person who, for the purpose of selling or distributing the cigarettes in Indiana, imports cigarettes into Indiana that were manufactured outside the United States, shall file a monthly report with the Department of Revenue (DOR). The DOR has never enforced this monthly report requirement, and it was arguably supplanted by IC 24-3-5.4 in 2003, as well as by the federal Prevent All Cigarette Trafficking (PACT) Act in 2010.

Proposed change:

Repeal IC 24-3-4-10.

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