

LEGISLATIVE COUNCIL RESOLUTION 17-02
(Adopted May 25, 2017)

BE IT RESOLVED BY THE INDIANA LEGISLATIVE COUNCIL:

POLICIES GOVERNING STUDY COMMITTEES

SECTION 1. DEFINITIONS. For the purposes of this Resolution, "study committee" means a committee or commission that has been established by the Legislative Council or statute and:

- (1) is chaired by a member of the General Assembly and has members of the General Assembly serving as at least one-half of its voting membership;
- (2) is required by law to be staffed by the Legislative Services Agency or to operate under procedures or policies established by the Legislative Council;
- (3) whose chair by law must be selected by the Chair of the Legislative Council, the Speaker of the House, or the President Pro Tempore of the Senate; or
- (4) has members of the General Assembly serving as at least one-half of its voting membership.

The term does not include the Commission on Improving the Status of Children in Indiana.

SECTION 2. APPLICATION AND INTERPRETATION OF RESOLUTION. (a) Study committees (including any subcommittees or working groups established for a study committee) are under the jurisdiction of the Legislative Council. The Legislative Services Agency shall provide staff support to those study committees as directed by the Legislative Council or the Personnel Subcommittee of the Legislative Council acting on behalf of the Legislative Council.

(b) In the event of a conflict between a statute governing a study committee and a provision of this Resolution, the statute shall be treated as a non-binding directive and this Resolution prevails. If the statute in question is silent with regard to a provision of this Resolution, this Resolution prevails. Except to the extent that IC 2-5-1.3 applies, if there is a conflict between IC 2-5-1.2 and another statute, IC 2-5-1.2 prevails.

SECTION 3. TERMS OF APPOINTMENT FOR CERTAIN STUDY COMMITTEE CHAIRS. The appointment of a chair of a study committee expires on December 31 of the year in which the chair is appointed unless otherwise authorized in writing by the Chair and Vice-Chair of the Legislative Council.

SECTION 4. FUNDING FOR STUDY COMMITTEES. (a) The budget of a study committee is \$12,500, unless a greater amount is authorized in writing by the Chair and Vice-Chair of the Legislative Council or is needed as permitted under subsection (g).

(b) Notwithstanding subsection (a), the budget of the Legislative Council and any study committee consisting of at least sixteen (16) members is \$16,500, with the following exceptions:

- (1) \$21,900 is authorized for the Interim Study Committee on Courts and the Judiciary.
- (2) The Chair and Vice-Chair of the Legislative Council may authorize a greater amount in writing for any study committee.
- (3) To pay per diem and mileage expenses incurred to conduct the number of meetings authorized by this Resolution, as provided in subsection (g).

(c) Payments for the following are chargeable against the budgets of study committees:

- (1) Payment of per diem, mileage, or travel allowances as permitted by this Resolution;
- (2) Payment of per diem, mileage, and travel allowances to Legislative Services Agency committee staff when a committee meets outside Indianapolis;
- (3) Payment of any expert witness or outside staff compensation or expenses approved under SECTION 11 of this Resolution;
- (4) Payment for any special materials or publications purchased specifically for use by a study committee; and
- (5) If approved by the Chair and Vice-Chair of the Legislative Council, payments for other necessary expenses of a committee.

(d) Except as provided in subsection (e), the budget of a study committee takes effect on adoption of this Resolution and expires on November 1, 2017.

(e) The Chair and Vice-Chair of the Legislative Council at any time may extend in writing the time during which the budget of a subcommittee is effective to a date after October 31, 2017, and before July 1, 2018.

(f) The Legislative Council is committed to limiting study committee spending to the budgeted amounts specified in subsections (a) and (b) above and authorization for greater amounts will only be approved in extraordinary circumstances. Extraordinary circumstances include the assignment of a significant number of complex topics to the study committee or a requirement imposed by statute to conduct hearings outside the state capitol.

(g) If an amount greater than the budgeted amounts specified in subsections (a) and (b) is necessary to pay the per diem and mileage for members to attend the number of meetings authorized for the study committee in SECTION 8 of this Resolution, the budget of that Committee is increased, as needed, to pay the actual per diem and mileage incurred for members to attend the authorized meetings of the study committee and its subcommittees. If the Chair and Vice-Chair of the Legislative Council authorize a greater number of meetings than the number specified in SECTION 8 of this Resolution, the budget of the study committee is increased only as authorized in writing by the Chair and Vice-Chair of the Legislative Council.

SECTION 5. PER DIEM AND MILEAGE AUTHORIZATION. (a) HEA 1001-2017 establishing appropriations for state fiscal years beginning after June 30, 2017, and ending before July 1, 2019, authorizes the Legislative Services Agency to pay per diem and mileage or travel allowances, in the amounts provided by law, to:

- (1) any member of the General Assembly who is appointed by the Governor, Speaker of the House, President or President Pro Tempore of the Senate, House or Senate Minority Leader, or Legislative Council, to serve on any board or commission or on any research,

- study, or survey committee and who attends a meeting of that body;
- (2) any member of the General Assembly who attends an out-of-state meeting as authorized by the Speaker of the House of Representatives or the President Pro Tempore of the Senate, as the case may be; and
- (3) any person who is not a member of the General Assembly, but who is appointed by the Governor, Speaker of the House of Representatives, President or President Pro Tempore of the Senate, House or Senate Minority Leader, or Legislative Council to serve on any study committee under the jurisdiction of the Legislative Council and who attends a meeting of that committee.

The authorization described in this SECTION includes authority to pay per diem and mileage or travel allowances, in the amounts provided by law, to any member of a study committee attending a meeting of a subcommittee authorized as provided in SECTION 7 of this Resolution or any legislative member of a study committee attending a meeting of a working group authorized under SECTION 7 of this Resolution.

(b) The in-state meeting per diem amount for each member of a study committee who is not a state employee is seventy-five dollars (\$75), regardless of who appointed the lay member.

(c) In addition to per diem and mileage permitted under subsection (a), a lay member of a study committee may request lodging reimbursement not to exceed a total of \$87 per night (inclusive of all applicable hotel taxes) for in-state committee meetings held outside of Marion County. However, the limitation in this subsection prohibiting reimbursement for lodging when meetings are held in Marion County does not apply to a lay member of the commission established by IC 2-7-1.6-1 who resides more than one hundred (100) miles from the location of a meeting held in Marion County.

SECTION 6. This section applies to a study committee established by IC 2-5-1.3-4. The following study committees have the following lay members:

(1) INTERIM STUDY COMMITTEE ON CORRECTIONS & CRIMINAL CODE

- (A) Four (4) lay members appointed under IC 2-5-1.3-6(b).
- (B) An additional two (2) lay members appointed under IC 2-5-1.3-6(c) by the Chair of the Legislative Council, with the advice of the Vice-Chair of the Legislative Council.
- (C) The appointing authorities shall provide for the appointment of lay members under this subdivision with the following experience or training:
 - (i) One (1) lay member who is a circuit or superior court judge who exercises criminal or juvenile jurisdiction.
 - (ii) One (1) lay member who is a public defender.
 - (iii) One (1) lay member who is a prosecuting attorney.
 - (iv) One (1) lay member who is a probation officer.
 - (v) One (1) lay member who is an employee of the department of correction.
 - (vi) One (1) lay member who has experience in administering a

community corrections program and is not an employee of the department of correction.

(2) INTERIM STUDY COMMITTEE ON COURTS & JUDICIARY

- (A) Four (4) lay members appointed under IC 2-5-1.3-6(b).
- (B) One (1) additional lay member appointed under IC 2-5-1.3-6(c) by the Chair of the Legislative Council, with the advice of the Vice-Chair of the Legislative Council.
- (C) The appointing authorities shall provide for the appointment of lay members under this subdivision with the following experience or training:
 - (i) the chief justice of the supreme court or a representative designated by the chief justice.
 - (ii) One (1) lay member who is a sitting judge.
 - (iii) One (1) lay member who is a county commissioner.
 - (iv) One (1) lay member who is a member of a county council.
 - (v) One (1) lay member who is a circuit court clerk.

(3) PROBATE STUDY SUBCOMMITTEE OF THE INTERIM STUDY COMMITTEE ON COURTS AND THE JUDICIARY

- (A) Four (4) lay members appointed under IC 2-5-1.3-6(b) who are members of the Interim Study Committee on Courts and the Judiciary. At least one (1) lay member appointed to the Subcommittee must be a resident 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, only if one (1) or more lay members appointed to the Interim Study Committee on Courts and the Judiciary has these qualifications.

(4) INTERIM STUDY COMMITTEE ON PENSION MANAGEMENT OVERSIGHT

- (A) Four (4) lay members appointed under IC 2-5-1.3-6(b) who are experts in the areas of finance, investments, or pension fund management.

(5) INTERIM STUDY COMMITTEE ON PUBLIC HEALTH, BEHAVIORAL HEALTH, & HUMAN SERVICES

- (A) Four (4) lay members appointed under IC 2-5-1.3-6(b) with experience or training in public health, behavioral health, or human services.

Lay members appointed under this section are voting members of the study committee to which they are appointed.

SECTION 7. LIMITATIONS ON SUBCOMMITTEES AND WORKING GROUPS. (a) As used in this section, "subcommittee" refers to any entity consisting partially

or wholly of a subset of members of a study committee.

(b) This subsection applies to a study committee established by IC 2-5-1.3-4 or IC 2-5-1.1-10. The chair of a study committee established by IC 2-5-1.3-4 may establish not more than two (2) subcommittees in an interim. The Probate Study Subcommittee of the Interim Study Committee on Courts and the Judiciary established by IC 2-5-1.3-4 does not count against the limit for subcommittees under this SECTION. A subcommittee may not have a member that is not a member of the study committee for which it is a subcommittee. The total number of members on a subcommittee may not exceed one-half of the members of the study committee that established the subcommittee.

(c) This subsection applies to a study committee established by IC 2-5-1.3-4 or IC 2-5-1.1-10. A subcommittee of a study committee established by IC 2-5-1.3-4 is subject to IC 2-5-1.3-12. The jurisdiction of a subcommittee is limited to the study topics and other responsibilities assigned to the full study committee or subcommittee under Legislative Council Resolution 17-01, including study topics and responsibilities approved in writing by the Chair and Vice-Chair of the Legislative Council. No official action shall be taken by a subcommittee but the subcommittee may direct a report of its activities only to the full study committee. The report may include requests that the study committee consider a proposal of the subcommittee.

(d) 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.

(e) This subsection does not apply to a study committee established by IC 2-5-1.3-4 or IC 2-5-1.1-10. The chair of a study committee may not create subcommittees unless required or specifically authorized in writing by the Chair and Vice-Chair of the Legislative Council. If a subcommittee is authorized, the chair of a subcommittee must be a legislator member of the study committee whose members form all or part of the subcommittee.

(f) In addition to any subcommittees authorized by IC 2-5-1.3-12, another statute, or the Legislative Council, a chair of a study committee may establish informal work groups made up of study committee members so long as the work groups operate as follows:

- (1) No official action will be taken by a work group but the work group may direct a report that describes its activities only to the full study committee;
- (2) A report of a working group may include requests the full study committee consider a proposal of the working group.
- (3) The Legislative Services Agency will not staff or take minutes during a work group meeting;
- (4) A lay member of a study committee is not entitled to a per diem or any expense reimbursement for activities related to the work group; and
- (5) A legislative member of a study committee may request the Senate or House to receive a per diem and other expense reimbursement for activities related to the work group.

(6) The jurisdiction of a working group is limited to the study topics and other responsibilities assigned to the full study committee under Legislative Council Resolution 17-01, including study topics and responsibilities approved in writing by the Chair and Vice-Chair of the Legislative Council.

SECTION 8. LIMITATIONS ON MEETINGS. (a) A study committee may not hold more than three (3) meetings in an interim with the following exceptions:

- (1) The Interim Study Committee on Courts and the Judiciary may hold not more than five (5) meetings.
- (2) The Public Health, Behavioral Health, and Human Services may hold not more than five (5) meetings.
- (3) The Title 7.1 Code Revision Commission may hold not more than five (5) meetings.
- (4) A study committee may hold a greater number of meetings that specified in this Resolution if approved in writing by the Chair and Vice-Chair of the Legislative Council.

(b) A study committee with subcommittees may hold an aggregate total of not more than two (2) subcommittee and working group meetings that do not count against the meeting limitations in subsection (a), unless the Chair and Vice-Chair of the Legislative Council approve in writing a greater number of subcommittee and working group meetings.

SECTION 9. STUDY COMMITTEE MEETING DEADLINE. (a) This subsection does not apply to the following:

- (1) The Legislative Council.
- (2) A subcommittee of the Legislative Council.
- (3) A study committee created by statute or resolution of the Legislative Council, if that statute or resolution specifically requires or permits meetings during other times of the year or over multiple years. A statutory provision stating that a study committee shall meet upon the call of the chair of the study committee is not specific authority for meetings after October 31, 2017.

Per diem and mileage or travel allowances may be paid for attendance at a meeting of a study committee, subcommittee, or working group only if the meeting is held before November 1, 2017, or the meeting has the prior written approval of the Chair and Vice-Chair of the Legislative Council.

(b) This subsection applies to an approved meeting of a study committee or subcommittee after October 31, 2017. The Executive Director of the Legislative Services Agency may withdraw staff support from study committees (including subcommittees) that propose to meet after Organization Day for the 2018 Regular Session, if, in the Executive Director's opinion, staff resources cannot reasonably be diverted from legislative session work.

SECTION 10. LOCATION OF STUDY COMMITTEE MEETINGS HELD OUTSIDE OF THE STATE HOUSE. If a study committee meeting or meeting of a subcommittee or working group of a study committee is to be held at a site other than the State House, the chair of the study committee should select a site that accommodates the needs of

individuals with disabilities. However, this SECTION does not apply to any part of a meeting that consists of an on-site inspection of a project or program.

SECTION 11. EXPERT WITNESS COMPENSATION. (a) If a study committee or subcommittee or working group of a study committee wishes to compensate an expert witness or outside staff for services, the chair of the study committee must obtain the prior written approval of the Chair and Vice-Chair of the Legislative Council.

(b) Requests for expert witness or outside staff compensation must be submitted to the Chair and Vice-Chair of the Legislative Council in writing, and must indicate the amount of compensation, honorarium (if any), and estimated amount of expense reimbursement (travel and lodging) that is desired. Once approved, the compensation, honorarium (if any), and reimbursement shall be paid from funds appropriated to the Legislative Council and the Legislative Services Agency and allocated to that study committee, unless a study committee has its own appropriation.

SECTION 12. ISSUANCE OF SUBPOENA. Study committees and subcommittees and working groups of study committees do not have the power to subpoena or otherwise compel the production of testimony or documents except to the extent such power is specifically granted by the Legislative Council under IC 2-5-1.1.

SECTION 13. TAKING FINAL ACTION BY STUDY COMMITTEES. (a) Unless there are specific contrary provisions in a statute, a study committee may not recommend a final bill draft, a final report, or take other final action, unless that draft, report, or other final action has been approved by a majority of the voting members appointed to serve on that study committee. A subcommittee or working group of a study committee may not make a recommendation concerning a final bill draft, a final report, or take other final action except to recommend to the study committee that the subcommittee or working group serves adopt the subcommittee or working group's proposal. The recommendation of a subcommittee or working group to a study committee must be approved by a majority of the voting members appointed to serve on the subcommittee or working group. All such votes of a study committee, subcommittee, or working group must be taken at a public meeting and shall be recorded in its report.

(b) A member of a study committee, subcommittee, or working group must be present at a meeting of the study committee, subcommittee, or working group to cast a vote. Proxy votes are never in order at a study committee, subcommittee, or working group meeting.

(c) Absence from one (1) or more meetings does not disqualify a member of study committee or subcommittee or working group of a study committee from casting votes at a subsequent meeting.

SECTION 14. STUDY COMMITTEE REPORTS; DEADLINES. (a) Each study committee shall submit a final report to the Legislative Council within ten (10) working days in an electronic format under IC 5-14-6 after the final meeting of the study committee. However, the Chair and Vice-Chair of the Legislative Council may jointly extend the due date for a study committee's final report beyond that ten (10) day period. The final report shall set forth, in

separate sections, background information, the committee's findings, and its recommendations concerning the topics identified in its work program.

(b) This subsection does not apply to a study committee. A committee created by statute to which to which study topics have been referred by the Legislative Council is requested to submit final reports at such times and contain such information as the Legislative Council directs. These committees are requested to report their findings and recommendations on those topics to the Legislative Council in an electronic format under IC 5-14-6 within ten (10) working days after their final meeting for the interim.

(c) Requests for any minority reports on study topics assigned by the Legislative Council must follow the procedures outlined in SECTION 16 of this Resolution.

SECTION 15. STUDY COMMITTEE POLICY RECOMMENDATIONS. A study committee may not direct a public policy recommendation (except in its final report) to any public or private entity (except the Indiana House of Representatives, the Indiana Senate, or the Legislative Council) unless that study committee has first obtained the written approval of the Personnel Subcommittee of the Legislative Council to do so.

SECTION 16. STUDY COMMITTEE MINORITY REPORTS. (a) Legislative Services Agency study committee staff may not prepare a "minority report" for members of a study committee unless at least four (4) legislator members of that study committee jointly make such a request in writing to the Executive Director of the Legislative Services Agency. The request must be made within five (5) working days after adoption of a final report, and the minority report must be completed by not later than the ten (10) working days after the date the request is made. No more than one (1) minority report may be prepared for any study committee.

(b) Legislative Services Agency study committee staff may not prepare a "minority report" for members of a subcommittee or working group.

SECTION 17. DURATION OF THIS RESOLUTION. (a) This Resolution, as amended from time to time, remains in force until specifically repealed or superseded.

(b) This Resolution supercedes Legislative Council Resolution 16-02.