Legislative Council
Rep. Todd Huston, Chair
Sen. Rodric Bray, Vice-Chair
Sen. Jean Breaux
Sen. Ed Charbonneau
Sen. Susan Glick
Sen. Tim Lanane
Sen. James Merritt
Sen. Mark Messmer
Sen. Karen Tallian
Rep. Brian Bosma
Rep. Timothy Brown
Rep. Mara Candelaria Reardon
Rep. Phil GiaQuinta
Rep. Matt Lehman
Rep. Rep. Cherrish Pryor
Rep. Gregory Steuerwald

LEGISLATIVE COUNCIL RESOLUTION 20-02
(May 13, 2020)

A RESOLUTION to assign study topics to study committees for the 2020 interim:

Whereas, among the powers granted to the Legislative Council, IC 2-5-1.1 authorizes the Legislative Council to:

(1) on its own initiative or at the direction of the General Assembly or of the Senate or House of Representatives, study subjects of interest and concern, and based on such study, recommend such legislation as the welfare of the state may require;
(2) direct standing committees of the Senate or House of Representatives, or appoint committees and subcommittees subject to the authority of the Council, to carry out studies on subjects of interest and concern; and
(3) do all other things necessary and proper to perform the functions of the legislative department of government and to carry out the intent, purposes and provisions of IC 2-5-1.1;

Therefore,

Be it Resolved by the Indiana Legislative Council:

STUDY TOPICS FOR 2020 INTERIM

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

(1) is required by law to be staffed by the Legislative Services Agency or to operate under procedures or policies established by the Legislative Council;
(2) 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
(3) has members of the General Assembly serving as at least one-half (0.5) of its voting membership.

The term does not include the Commission on Improving the Status of Children in Indiana, the Youth Advisory Council, or the Indiana Uniform Law Commission.

SECTION 2. **LIMITATION ON STUDY TOPICS; APPLICATION.** (a) A study committee may not study a topic or take testimony on a topic, including topics described by statute, unless the topic is assigned by the Legislative Council or the topic is approved in writing by a majority of the members of the Personnel Subcommittee of the Legislative Council.

(b) A report, by whatever name denominated, that is required by law to be distributed to members of the General Assembly, the Legislative Council, a study committee, one (1) or more members of a study committee, or another appointed or elected official or agency is not a topic assigned for study by a study committee, unless the topic is assigned by the Legislative Council in this Resolution or the report is approved as a topic in writing by a majority of the Personnel Subcommittee of the Legislative Council.

(c) 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. If the conflict is only between IC 2-5-1.2 or IC 2-5-1.3 and another statute, IC 2-5-1.2 and IC 2-5-1.3 prevail, and if there is a conflict between IC 2-5-1.2 and IC 2-5-1.3, IC 2-5-1.3 prevails.

SECTION 3. **STATUTORY STUDY COMMITTEES NOT ASSIGNED TOPIC.** (a) At least one (1) topic is assigned in this Resolution to each of the study committees established by IC 2-5-1.3-4.

(b) No studies or activities are authorized or funded and no legislative staff are assigned for the Indiana Standards and Assessment Accommodation Task Force. (SEA 346-2020).

SECTION 4. **TOPICS ASSIGNED TO STUDY COMMITTEES BY LEGISLATIVE COUNCIL.** The following study committees established by IC 2-5-1.3-4 shall study and make findings and recommendations concerning the following topics assigned to them and submit a final report to the Legislative Council in an electronic format under IC 5-14-6 before November 1, 2020:

(1) INTERIM STUDY COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPIC:

(A) Mechanism by which corporations can voluntarily invest in conservation and reforestation of Indiana Forest land through the Benjamin Harrison Trust Fund

or for promoting programs for agricultural soil health through "carbon farming" funds administered by the Department of Agriculture, in order to achieve a corporation's carbon footprint goals. (Source: Letter: Glick; Messmer; Stoops; Bassler; Ruckelshaus)

(2) INTERIM STUDY COMMITTEE ON COMMERCE AND ECONOMIC DEVELOPMENT

The COMMITTEE IS CHARGED WITH THE STUDY OF THE FOLLOWING TOPICS:

(A) Whether discriminatory pricing by distributors among different types of businesses (Channels of Trade) without a material economic justification is occurring.

(B) Whether discriminatory exclusion of a more efficient distribution option via loading docks to most that qualify, including small grocery stores and supermarkets, is being practiced.

(C) Whether coercive and intimidating practices by soft drink distributors are being used to prevent big box stores from selling their floor inventory or accepting orders from smaller retailers.

(D) Whether packaging size discrimination against specific retailers is being used.

(E) Whether forced non-disclosure agreements and boiler-plate contracts that are non-negotiable are being used to perpetuate fraudulent activity against consumers.

(F) Whether threats and intimidation are often used to demand, from the retailer, substantially more space than is needed in their coolers and products that the consumer has not heard of or wants to buy for the purpose of restraining small independent brands from effectively competing against them.

(Source: Letter: Soliday; HB 1121 (2020))

(3) INTERIM STUDY COMMITTEE ON CORRECTIONS AND CRIMINAL CODE

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

(A) Efficacy and impact of defining consent for sexual encounters in the Indiana Code and how other states and jurisdictions managing these health and safety issues. (Source: Letters: Errington; McNamara; Campbell; Negele; Tallian; See HB 1160 (2020))

(B) Multi-year review of current trends with respect to criminal behavior, sentencing,

incarceration, and treatment, including issues related to the implementation of HEA 1006-2014 and HEA 1006-2015 and criminal laws concerning fraud and deception. (Source IC 2-5-1.3-13; SEA 519-2019; SR 29 (2019))

(4) INTERIM STUDY COMMITTEE ON COURTS AND THE JUDICIARY

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

(A) All requests for new courts, additional magistrates or judges, and changes in jurisdiction of existing courts, including magistrate requests for Gibson County Jennings County, and the Lake County Superior Court, County Division 4. (Source: SEA 256-2020; Letter: Niemeyer; Aylesworth)

(B) The most recent weighted caseload measurement system report published by the office of judicial administration and do the following: (1) Identify each county in which the number of courts or judicial officers exceeds the number used by the county in that report year. (2) Determine the number of previous report years in which the number of courts or judicial officers in a county identified in subdivision (1) exceeded the number used by the county in that particular report year. (3) Make a recommendation on whether the number of courts or judicial officers in the county should be decreased. (Source: Multi-year study every 2 years; no expiration date; SEA 256-2020; IC 2-5-1.3-13)

(C) Providing mutual full faith and credit to the judgments, decrees, orders, warrants, subpoenas, and other judicial acts of a tribal court of a federally recognized Indian tribe (as defined by IC 5-33.5-2-1) that are not already given full faith and credit as required under federal law. (Source: SEA 256-2020)

(5) INTERIM STUDY COMMITTEE ON ENVIRONMENTAL AFFAIRS

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPIC:

(A) IDEM Recycling Market Development Board assessment of recycling markets in Indiana and the nature and extent of recycling resources to meet the needs of the state. (Source: Letter: Buchanan; Breaux; Schaibley; Errington; IC 4-23-6.6-9)

(6) INTERIM STUDY COMMITTEE ON FINANCIAL INSTITUTIONS AND INSURANCE

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

(A) Medicaid payment coverage, including the following:

(i) Whether medical payment coverage should be supplemental to the benefits to which a covered individual is entitled under a health plan and that are the same as or similar to benefits available to the covered individual under the medical payment coverage.

(ii) Whether a health plan should be prohibited from requiring the use or exhaustion of medical payment coverage as a condition of payment of benefits under the health plan for health care services rendered to a covered individual.

(Source: HEA 13720-2020)

(B) Potential effect of breaking up the Uniform Consumer Credit Code (UCCC) codified at IC 24-4.5 and, whether to create a new chapter in Title 28 (Financial Institutions) of the Indiana Code that would apply existing UCCC provisions to banks and credit unions, while separating the consumer credit provisions governing depository and non-depository institutions within the Indiana Code. (Source: SEA 395-2020; 2019 Final Report of the Interim Study Committee on Financial Institutions and Insurance)

(7) INTERIM STUDY COMMITTEE ON FISCAL POLICY

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

(A) A multi-year review of tax incentive reports from the Legislative Services Agency for which a statute requires a Committee hearing. (Source: IC 2-5-3.2-1)

(B) A multi-year review of workforce related program reports from the Legislative Services Agency for which statute requires a Committee hearing (Source: IC 2-5-42.4-6)

(8) INTERIM STUDY COMMITTEE ON ROADS AND TRANSPORTATION

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS AND WITH THE FOLLOWING RESPONSIBILITIES:

(A) Examining driver's license and registration reinstatement fees under Title 9 (Motor Vehicles) of the Indiana Code, including the following:

(i) Different categories and causes of license suspension.

(ii) Data concerning the impact of the increase in reinstatement fees (effective January 1, 2015) after the enactment of HEA 1059-2014.

(iii) Potential legislation to allow for the payment of reinstatement fees under a payment plan.

(iv) Data concerning reinstatement fees as an impediment to juveniles obtaining a driver's license.

(Source: 2019 Final Report of the Interim Study Committee on Financial Institutions and Insurance)

(B) Current system concerning divisible loads, the state of road and bridge infrastructure, and issues related to the permitting process for heavy truck loads. (Source: Letter: Sullivan; Crider)

(C) Subscription sales, the moratorium of subscription sales, and development of a tax structure for subscription sales that balances issues related to local dealerships and the availability to the public of new products. (Source: Letter: Sullivan; Crider)

(D) Highway speed limits for heavy trucks. (Source: Letter: Sullivan; Crider)

(E) Need and content of a state or local regulatory framework for personal delivery devices (PDD). (Source: Letter: Sullivan; Crider)

(F) Review of information and recommendations from the Bureau of Motor Vehicles concerning electronic alternatives to the current paper registration and proof of registration process. (Source: Letter: Sullivan; Crider)

(G) Advising the Bureau of Motor Vehicles regarding the suitability of a special group to have a special group recognition license plate. (Source: IC 2-5-1.3-13; IC 9-18.5-12.)

SECTION 5. Notwithstanding SECTION 2 of this Resolution, a subcommittee of the Legislative Council shall carry out the responsibilities assigned to the Subcommittee by the Chair and Vice-Chair of the Legislative Council, by law, or by this Resolution. Unless a different date is set by the Chair and Vice-Chair of the Legislative Council, a subcommittee that is assigned a responsibility shall make a final report with findings and recommendations to the Legislative Council before November 1, 2020, in an electronic format under IC 5-14-6.

SECTION 6. The following study committees established by statute shall carry out the responsibilities assigned to the study committee by law. In addition, the following study committees shall study and make findings and recommendations concerning the following topics assigned to them and submit a report of their activities to the Legislative Council in an electronic format under IC 5-14-6 before November 1, 2020:

(1) CODE REVISION COMMISSION (IC 2-5-1.1-10)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS AND THE FOLLOWING RESPONSIBILITIES:

(A) Preparation of one or more technical corrections bills to resolve technical conflicts and correct technical errors in statutes and other responsibilities under IC 2-5-1.1-10. (Source: IC 2-5-1.1-10)

(B) The organization of the Indiana Administrative Code and proposals to recodify and improve the organization of administrative rules. (Source; 2019 Final Report of the Code Revision Commission)

(2) PROBATE CODE STUDY COMMISSION (IC 2-5-16.1 (SEA 518-2019))

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPIC:

(A) Needed changes in the following:

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

(ii) The trust code (IC 30-4).

(iii) Any other statute affecting the administration of a decedent's estate, guardianship, probate jurisdiction, trust, or fiduciary.

(Source: IC 2-5-16.1-12.)

(3) 21st CENTURY ENERGY POLICY DEVELOPMENT TASK FORCE (IC 2-5-45 (HEA 1278-2019))

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPIC AND THE FOLLOWING RESPONSIBILITIES:

(A) Multi-year study covering the following:

(i) Examination of the state's existing policies regulating electric generation portfolios.

(ii) Examination of how possible shifts in electric generation portfolios may impact the reliability, system resilience, and affordability of electric utility service.

(iii) Evaluation of whether state regulators have the appropriate authority and statutory flexibility to consider the statewide impact of the changes described in item (ii), while still protecting ratepayer interests.

(iv) Recommendations concerning the following:

(a) Outcomes that must be achieved in order to overcome any identified challenges concerning Indiana's electric generation portfolios, along with a timeline for achieving those outcomes.

(b) Whether existing state policy and statutes enable state regulators to properly consider the statewide impact of changing electric generation portfolios and, if not, the best approaches to enable state regulators to consider those impacts.

(c) How to maintain reliable, resilient, and affordable electric service for all electric utility consumers, while encouraging the adoption and deployment of advanced energy technologies.

(Source: IC 2-5-45-6; IC 2-5-45-7; Task Force expires December 31, 2020)

SECTION 7. (a) As used in this SECTION, "emergency" refers to an epidemic, enemy attack, natural disaster, or other event that does not permit normal operation of state or local government or severely impacts the health of individuals or the economy in the entire state or a majority of area or individuals in the state.

(b) Pursuant to IC 2-5-1.1-5, the agency head or the designee of the agency head of each of the following identified state agencies shall submit the information required in subsection (c) to the below designated study committees in the format and in the manner provided in subsection (d):

AGRICULTURE AND NATURAL RESOURCES, INTERIM STUDY COMMITTEE ON

- Indiana State Department on Agriculture (ISDA)
- Indiana Department of Natural Resources (DNR)
- Indiana Board of Animal Health (BOAH)

COMMERCE AND ECONOMIC DEVELOPMENT, INTERIM STUDY COMMITTEE ON

- Indiana Economic Development Corporation (IEDC)
- Indiana Small Business Development Center (ISBDC)
- Indiana Office of Rural Affairs (OCRA)
- Indiana Office of Tourism

CORRECTIONS AND CRIMINAL CODE, INTERIM STUDY COMMITTEE ON

- Indiana Department of Corrections (DOC)

COURTS AND THE JUDICIARY, INTERIM STUDY COMMITTEE ON

- Indiana Supreme Court – Office of Judicial Administration (OJA)
- Indiana Criminal Justice Institute (ICJI)

EDUCATION, INTERIM STUDY COMMITTEE ON

- Indiana Department of Education (DOE)
- Indiana Commission for Higher Education (CHE)

ELECTIONS, INTERIM STUDY COMMITTEE ON

- Indiana Secretary of State (SOS)

EMPLOYMENT AND LABOR, INTERIM STUDY COMMITTEE ON

- Indiana Department of Workforce Development (DWD)
- Indiana Department of Labor (DOL)

ENERGY, UTILITIES, AND TELECOMMUNICATIONS, INTERIM STUDY COMMITTEE ON

- Indiana Utility Regulatory Commission (IURC)

ENVIRONMENTAL AFFAIRS, INTERIM STUDY COMMITTEE ON

- Indiana Department of Environmental Management (IDEM)

FINANCIAL INSTITUTIONS AND INSURANCE, INTERIM STUDY COMMITTEE ON

- Indiana Department of Financial Institutions (DFI)
- Indiana Department of Insurance (DOI)
- Indiana Housing and Community Development Authority (IHCDA)

FISCAL POLICY, INTERIM STUDY COMMITTEE ON

- Indiana Office of Management and Budget (OMB)
- Indiana State Budget Agency (SBA)
- Indiana Department of Revenue (DOR)
- Indiana Department of Local Government Finance (DLGF)
- Indiana Finance Authority (IFA)

GOVERNMENT, INTERIM STUDY COMMITTEE ON

- Indiana Department of Local Government Finance (DLGF)
- Indiana Department of Administration (IDOA)
- Indiana State Personnel Department (SPD)
- Indiana Professional Licensing Agency (PLA)
- Indiana Public Access Counselor (PAC)

LEGISLATIVE COUNCIL, AUDIT AND FINANCIAL REPORTING SUBCOMMITTEE

- Indiana State Board of Accounts (SBOA)

PENSION MANAGEMENT OVERSIGHT, INTERIM STUDY COMMITTEE ON

- Indiana Public Retirement System (INPRS)

PUBLIC HEALTH, BEHAVIORAL HEALTH, AND HUMAN SERVICES, INTERIM STUDY COMMITTEE ON

- Indiana Department of Health (ISDH)
- Indiana Family and Social Services Administration (FSSA)
- Indiana Department of Child Services (DCS)

PUBLIC POLICY, INTERIM STUDY COMMITTEE ON

- Indiana Gaming Commission (IGC)
- Indiana Alcohol and Tobacco Commission (ATC)

PUBLIC SAFETY AND MILITARY AFFAIRS, INTERIM STUDY COMMITTEE ON

- Indiana State Police (ISP)
- Indiana Department of Homeland Security (DHS)
- Indiana Department of Veterans Affairs (IDVA)
- Indiana National Guard

ROADS AND TRANSPORTATION, INTERIM STUDY COMMITTEE ON

- Indiana Bureau of Motor Vehicles (BMV)
- Indiana Department of Transportation (INDOT)

LEGISLATIVE CONTINUITY COMMITTEE

- Indiana lobby Registration Commission (LRC)

(c) Each report under subsection (b) must include at least the following information in MS Excel, MS Word, or WordPerfect format:

(1) Overview of which, if any, operations or services were reduced or suspended during the COVID-19 pandemic, including the following information:

(a) Whether the suspension or reduction was required by an Executive Order or an internal agency decision?

(b) To the extent applicable, include citations for the laws, rules, and policies affected by or authorizing the reduction or suspension.

(2) Overview on preparations to address future emergencies and recovery from emergencies based on the state agency's experience with the COVID-19 pandemic. To the extent applicable, include citations for the laws, rules, and policies that are affected by or authorize the preparations.

(3) Recommendations, if any, for legislation that may be needed to help ensure the agency is prepared to address future emergencies.

(4) Recommendations, if any, for legislation to permanently repeal or modify any regulations or laws that were or are partially or fully suspended due to the COVID-19 pandemic.

A report under this subsection exempts the state agency from the requirement applicable to calendar year 2020 of submitting a report under IC 4-1-13-2 not later than November 1, 2020. The report submitted by the Indiana Department of Workforce Development must include the information described in IC 22-4-18-1(f)(2). If the Indiana Department of Workforce Development complies with this subsection and subsection (d), the Indiana Department of Workforce Development is exempt from submitting an additional report to the General Assembly before December 1 under IC 22-4-18-1(f)(1) and exempt from making an additional presentation to the Interim Study Committee on Employment and Labor under IC 22-4-18-1(f)(2).

(d) Each state agency shall complete and return a copy of the information required under subsection (c) in an electronic format under IC 5-14-6 to the executive director of the Legislative Services Agency in his capacity as an agent of the Legislative Council before September 14, 2020. The executive director shall distribute the information submitted by a state agency to the appropriate study committee with jurisdiction over the state agency's report under subsection (b). The chair of each study committee may establish a schedule for one (1) or more of the agency heads or the designees of the agency heads to appear before the study committee and respond to questions from members of the study committee. A summary of the information received by the study committee and any recommendations approved by the study committee shall be submitted as part of the study committee's final report to the Legislative Council.

(e) Although it is the responsibility of the study committee and Legislative Council to conduct themselves in a manner that gives assurance to the public that state government is prepared to handle emergencies and recovery from emergencies, a study committee listed in subsection (b) and the Legislative Council may conduct executive sessions and maintain confidential records when the chair and vice chair of the Legislative Council jointly determine that public release of technical or administrative information would jeopardize a record keeping, security, or safety system. If a state agency submits information that otherwise qualifies as confidential and the state agency identifies the information with particularity, the study committee and Legislative Council shall maintain the information as confidential.

SECTION 8. (a) The Legislative Continuity Committee is established as a study committee. The study committee shall develop and recommend to the Legislative Council plans for the response by, and continuation of operations of the General Assembly and the agencies in the legislative branch of state government in the event of an emergency, which is defined as an epidemic, enemy attack, natural disaster, or other event that does not permit normal operations and may recommend legislation, including proposed amendments to the state constitution on this topic. The plans must be designed to work in coordination with continuity plans established for the executive and judicial branches of state government.

(b) IC 2-5-1.2 (to the extent it is not in conflict with IC 2-5-1.3) and IC 2-5-1.3 applies to the legislative continuity committee to the same extent as if it were listed as an interim study committee in IC 2-5-1.3-4. However, the study committee has the following members:

(1) Two (2) members of the General Assembly appointed by the president pro tempore of the Senate. The president pro tempore shall designate one (1) of the appointed members as a co-chair of the study committee.

(2) One (1) member of the General Assembly appointed by the minority leader of the Senate.

(3) Two (2) members of the General Assembly appointed by the speaker of the House of Representatives. The speaker shall designate one (1) of the appointed members as a co-chair of the study committee.

(4) One (1) member of the General Assembly appointed by the minority leader of the House of Representatives.

(c) The proposed recommendations and plans must address at least the following:

(1) Public participation. The study committee must consider and recommend how to ensure continued public input and participation in the functions of the general assembly during an emergency.
(2) Communication. While cellular and electronic communication are now the norm for legislators and legislative staff, the study committee should consider whether these technologies could be disrupted during an emergency and make plans for alternate communication, if needed.
(3) Safeguarding vital legislative records. The study committee should consider selection, reproduction, preservation, and dispersal of data critical to the legislative function and legislative records necessary to the continuity of legislative operations, particularly in the event the capitol is rendered unusable.
(4) Continuity of legislative functions. The study committee should consider what should happen if some or all members of the general assembly or staff are unable or limited in their ability to perform their functions during an emergency, an emergency occurs when the general assembly is not in session, or when the state capitol building is not useable.

(d) Although it is the responsibility of the study committee and Legislative Council to conduct themselves in a manner that give assurance to the public that the legislative branch of state government will be able to carry out its responsibilities in the event of an emergency, the study committee and the Legislative Council may conduct executive sessions and maintain confidential records when the chair and vice chair of the Legislative Council jointly determine that public release of technical or administrative information would jeopardize a record keeping, security, or safety system.

SECTION 9. **DURATION OF THIS RESOLUTION.** (a) This Resolution, as amended from time to time, remains in force until specifically repealed or superseded.
(b) This Resolution supersedes Legislative Council Resolution 19-02.