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LEGISLATIVE COUNCIL RESOLUTION 20-03
(May 13, 2020)

A RESOLUTION establishing policies to govern the conduct of legislative study committees:

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;
(3) receive appropriations and make allocations for the reasonable and necessary expenditures of the Council and the standing and interim committees of the House of Representatives, Senate, and General Assembly;
(4) enter into whatever contracts or other arrangements deemed by it to be necessary or appropriate to exercising its rights, privileges, and powers and performing its duties under IC 2-5-1.1 and IC 2-6-1.5 and to carrying out the intent, purposes, and provisions of IC 2-5-1.1 and IC 2-6-1.5;
(5) coordinate and assist the work of standing or interim committees, subcommittees, or commissions appointed by the Council or at the direction of the General Assembly or of the Senate or House of Representatives; and
(6) 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;

Whereas, IC 2-5-1.2 and IC 2-5-1.3 grant additional authority over study committees to the Legislative Council; and

Whereas, the establishment of policies to govern the conduct of study committees will carry out the intent, purposes, and provisions of IC 2-5-1.1, IC 2-5-1.2, and IC 2-5-1.3 and facilitate the work of study committees and the General Assembly;

Therefore,

Be it Resolved by the Indiana Legislative Council:

INTERIM STUDY COMMITTEE POLICIES

SECTION 1. **DEFINITIONS.** 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 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. **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 $13,500, 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 $17,500, with the following exceptions:

(1) The Chair and Vice-Chair of the Legislative Council jointly may authorize a greater amount in writing for any study committee.
(2) 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, 2020.

(e) The Chair and Vice-Chair of the Legislative Council at any time jointly may extend in writing the time during which the budget of a subcommittee is effective to a date after October 31, 2020, and before July 1, 2021.

(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 jointly authorized in writing by the Chair and Vice-Chair of the Legislative Council.

SECTION 5. **PER DIEM AND MILEAGE AUTHORIZATION.** (a) HEA 1001-2019 establishing appropriations for state fiscal years beginning after June 30, 2019, and ending before July 1, 2021, authorize 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 lay 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 one hundred twenty-eight dollars ($128) 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. **LAY MEMBER APPOINTMENTS.** This section applies to study committees established by IC 2-5-1.3. 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 subdivisions (A) and (B) 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 subdivisions (A) and (B) 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) 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.

(4) 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 of a subset of members of a study committee.

(b) This subsection applies to study committees that are not subject to IC 2-5-1.3-12. The chair of a study committee may establish not more than two (2) subcommittees in an interim. A subcommittee may not have a member that is not a member of the study committee establishing the subcommittee. The total number of members on a subcommittee may not exceed one-half (0.5) of the members of the study committee that established the subcommittee. A lay member on a subcommittee is a non-voting member of the subcommittee, may participate only in the meetings or presentations of the subcommittee, and is not a voting member of the full study committee. 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.

(c) This subsection applies to all study committees. The jurisdiction of a subcommittee is limited to the study topics and other responsibilities assigned to the full study committee or the subcommittee under Legislative Council Resolution 20-02, including study topics and responsibilities subsequently approved in writing by a majority of the members of the Personnel Subcommittee 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) This subsection applies to all study committees. 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 applies to all study committees. 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 working groups made up of study committee members or other individuals selected by the chair so long as the working groups operate as follows:

(1) No official action will be taken by a working group. The work group only may direct a report to the full committee that describes its activities to the full study committee.

(2) A report of a working group may include requests that 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 working group.

(5) A legislative member of a study committee may request directly to the Senate or House of Representatives, in accordance with the chamber's internal procedures, to receive a per diem and other expense reimbursement for activities related to the working 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 20-02, including study topics and responsibilities subsequently approved in writing by a majority of the members on the Personnel Subcommittee 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 Financial Institutions and Insurance may hold not more than five (5) meetings.
(2) A study committee may hold a greater number of meetings than specified in this Resolution if jointly 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 jointly 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, 2020.

Per diem and mileage or travel allowances may be paid for attendance at a meeting of a study committee or subcommittee only if the meeting is held before November 1, 2020, or the meeting has the prior written approval of the Chair and Vice-Chair of the Legislative Council.

(b) This subsection applies to a study committee or subcommittee for which authority or approval to meet after Organization Day is given. 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 2021 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.** (a) This SECTION does not apply to any part of a meeting that consists of an on-site inspection of a project or program.

(b) A study committee meeting or meeting of a subcommittee or working group of a study committee that is to be held at a site other than the State House must be pre-approved by the Chair and Vice-Chair of the Legislative Council. The chair of the study committee shall select a site:

(1) that accommodates the needs of individuals with disabilities; and
(2) from which meetings may be web cast on the legislative web site using available equipment and internet connections that meet the legislature's technical requirements.

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 are 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, which have been allocated to that study committee, unless a study committee has its own appropriation enacted by law.

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 that the study committee adopt the subcommittee's 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 applies only to a committee or other entity that is not a study committee. An entity 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 entities 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 a majority of the members on the Personnel Subcommittee of the Legislative Council to do so.

SECTION 16. **STUDY COMMITTEE MINORITY REPORTS.** (a) Staff of the Legislative Services Agency 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 not later than five (5) working days after adoption of a final report, and the minority report must be completed not later than the ten (10) working days after the date the request is made. Not more than one (1) minority report may be prepared for any study committee.

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

SECTION 17. **ELECTRONIC MEETINGS.** (a) The Chair and Vice-Chair of the Legislative Council jointly may authorize in writing a study committee or a subcommittee or working group of a study committee to conduct one (1) or more meetings as electronic meetings. The Chair and Vice-Chair of the Legislative Council jointly shall establish written policies for the conduct of an electronic meeting under this SECTION. The policies may specify that electronic meetings be conducted in accordance with the requirements of IC 5-14-1.5-3.6 or specify different

requirements that give members and the public (including individuals with disabilities) a reasonable opportunity to see, hear, and participate in the electronic meetings.

(b) If an electronic meeting is authorized, attendance of a member of the study committee or a subcommittee or working group of a study committee by electronic means shall be treated the same as physical attendance at the meeting. However, the member or lay member is not entitled to mileage or reimbursement other than per diem.

(c) This subsection applies only to a meeting of a commission, committee, task force, or other group that does not qualify under SECTION 1 of this Resolution as a study committee or a subcommittee of a study committee and for which SECTION 2 of HEA 1001-2019 or this Resolution authorizes the Legislative Services to pay per diem, mileage, and other travel expenses. The Chair and Vice-Chair of the Legislative Council jointly may establish a policy in writing to authorize the payment of per diem to a member of the General Assembly or lay member who attends a meeting by electronic means to the same extent as if the member physically attended the meeting. The member or lay member is not entitled to mileage or other reimbursement.

SECTION 18. **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 19-03.