

## **IC 2-5-21**

Chapter 21. Legislative Evaluation and Oversight of Agencies and Programs

### **IC 2-5-21-0.3**

#### **Certain agencies and agency programs not abolished**

Sec. 0.3. An agency or agency program that would be abolished or terminated under IC 4-26 after December 31, 1992, if IC 4-26 had not been repealed by P.L.11-1993, is not abolished or terminated.

*As added by P.L.220-2011, SEC.7.*

### **IC 2-5-21-1**

#### **"Agency" defined**

Sec. 1. As used in this chapter, "agency" includes an agency, an authority, a board, a bureau, a commission, a committee, a department, a division, an institution, or other similar entity created or established by law.

*As added by P.L.11-1993, SEC.3.*

### **IC 2-5-21-2**

#### **"Committee" defined**

Sec. 2. As used in this chapter, "committee" refers to a committee established under section 10 of this chapter.

*As added by P.L.11-1993, SEC.3.*

### **IC 2-5-21-3**

#### **"Council" defined**

Sec. 3. As used in this chapter, "council" refers to the legislative council established by IC 2-5-1.1-1.

*As added by P.L.11-1993, SEC.3.*

### **IC 2-5-21-4**

#### **"Program" defined**

Sec. 4. As used in this chapter, "program" means either of the following:

- (1) An activity done by an agency.
- (2) An activity an agency is authorized or required to perform by law.

*As added by P.L.11-1993, SEC.3.*

### **IC 2-5-21-5**

#### **"Subcommittee" defined**

Sec. 5. As used in this chapter, "subcommittee" refers to the legislative evaluation and oversight policy subcommittee established by section 6 of this chapter.

*As added by P.L.11-1993, SEC.3.*

### **IC 2-5-21-6**

#### **Subcommittee established**

Sec. 6. The legislative evaluation and oversight policy

subcommittee of the council is established.  
*As added by P.L.11-1993, SEC.3.*

#### **IC 2-5-21-7**

##### **Membership of subcommittee**

Sec. 7. (a) The subcommittee consists of four (4) members of the council as follows:

- (1) Two (2) members of the house of representatives who may not be members of the same political party.
- (2) Two (2) members of the senate who may not be members of the same political party.

(b) The chairman of the council, with the advice of the vice chairman of the council, shall appoint the members of the subcommittee.

(c) An individual serves as a member of the subcommittee until the earlier of the following:

- (1) The individual resigns as a member of the subcommittee.
- (2) The individual ceases to be a member of the council.
- (3) The individual is replaced by the chairman of the council.

(d) The chairman of the council, with the advice of the vice chairman of the council, shall fill a vacancy on the subcommittee.

*As added by P.L.11-1993, SEC.3.*

#### **IC 2-5-21-8**

##### **Chair of subcommittee**

Sec. 8. (a) When making appointments to the subcommittee, the chairman of the council, with the advice of the vice chairman of the council, shall appoint a member of the subcommittee as the chair of the subcommittee.

(b) The chair of the subcommittee serves until the earlier of the following:

- (1) The individual resigns as chair.
- (2) The individual ceases to be a member of the subcommittee.
- (3) The individual is replaced by the chairman of the council.

*As added by P.L.11-1993, SEC.3.*

#### **IC 2-5-21-9**

##### **Duties of subcommittee**

Sec. 9. Subject to the direction of the council, the subcommittee shall do the following:

- (1) Identify the agencies and programs to be reviewed by the staff and the committee assigned to the evaluation project.
- (2) Direct the staff in performing audits of agencies and programs.
- (3) Assist the committees in performing the duties of a committee under this chapter.
- (4) Perform other functions assigned by the council.

*As added by P.L.11-1993, SEC.3.*

#### **IC 2-5-21-10**

### **Committee to evaluate agencies and programs**

Sec. 10. (a) Subject to subsection (c), the chairman of the council, with the advice of the vice chairman of the council, shall appoint a committee to evaluate each of the following:

- (1) Agencies and programs with highway or transportation matters as their major function during 1994.
- (2) Agencies and programs with occupational licensing as their major function during 1995.
- (3) Agencies and programs with commerce matters as their major function during 1996.
- (4) Agencies and programs with agricultural matters as their major function during 1997.
- (5) Agencies and programs with human resources or economic security as their major function during 1998.
- (6) Agencies and programs with management or administration as their major function during 1999.
- (7) Agencies and programs with corrections or judicial matters as their major function during 2000.
- (8) Agencies and programs with public safety matters as their major function during 2001.
- (9) Agencies and programs with education matters as their major function during 2002.
- (10) Agencies and programs with human services as their major function during 2003.
- (11) Agencies and programs with labor matters as their major function during 2004.
- (12) Agencies and programs with taxation or finance as their major function during 2005.
- (13) Agencies and programs with business regulation as their major function during 2006.
- (14) Agencies and programs with health matters as their major function during 2007.
- (15) Agencies and programs with natural resources or recreation as their major function during 2008.

(b) The committee shall be appointed before July 1 of the year the agencies and programs are required to be evaluated under this section.

(c) The council by resolution may do any of the following with respect to agencies and programs evaluated under this section:

- (1) Require evaluation of agencies and programs in an order different from the order specified in subsection (a).
- (2) Assign specific topics or issues for audit and evaluation by staff and a committee.
- (3) Assign areas for audit and evaluation in classifications different from the areas described in subsection (a).

*As added by P.L.11-1993, SEC.3.*

### **IC 2-5-21-11**

#### **Committee membership**

Sec. 11. (a) A committee must consist of the following:

(1) Four (4) members of the house of representatives appointed by the chairman of the council with the advice of the vice chairman of the council. Not more than two (2) members appointed under this subdivision may be members of the same political party.

(2) Four (4) members of the senate appointed by the chairman of the council with the advice of the vice chairman of the council. Not more than two (2) members appointed under this subdivision may be members of the same political party.

(b) A member of a committee serves until the earlier of the following:

(1) The individual resigns from the committee.

(2) The individual ceases to be a member in the chamber of the general assembly from which the individual was appointed.

(3) The individual is replaced by the chairman of the council.

(c) The chairman of the council, with the advice of the vice chairman of the council, shall fill a vacancy on the committee.

*As added by P.L.11-1993, SEC.3.*

#### **IC 2-5-21-12**

##### **Committee chair**

Sec. 12. (a) When making appointments to a committee, the chairman of the council, with the advice of the vice chairman of the council, shall appoint a member of the committee to be the chair of the committee.

(b) The chair of a committee serves until the earlier of the following:

(1) The individual resigns as chair.

(2) The individual ceases to be a member of the committee.

(3) The individual is replaced as chair by the chairman of the council.

*As added by P.L.11-1993, SEC.3.*

#### **IC 2-5-21-13**

##### **Considerations when auditing or evaluating agencies and programs**

Sec. 13. As directed by the subcommittee or the council, any of the following shall be considered by staff in doing audits and by the committee when evaluating and doing follow-up evaluation of agencies and programs:

(1) The objectives intended for the agency or program and the problem or need that the agency or program was intended to address.

(2) The degree to which the intended objectives of the agency or program have been achieved expressed in terms of performance, impact, or accomplishments of the agency or program.

(3) Budget and other fiscal factors relating to the agency or program.

(4) Areas or aspects of outstanding agency or program performance that might be effectively used by other agencies or

programs.

(5) The effect of the agency or program on the Indiana economy, including costs to consumers and businesses.

(6) Whether another public or private program or entity can better or more economically meet the need for which the agency or program was established.

(7) Whether the operation of the agency or program has been efficient and responsive to public needs.

(8) The management efficiency of the agency or program and the cost effectiveness and value of the information the agency or program processes.

(9) Any criteria identified by the subcommittee or by the council.

*As added by P.L.11-1993, SEC.3.*

#### **IC 2-5-21-14**

##### **Committee duties**

Sec. 14. Subject to the direction of the subcommittee, a committee shall do the following during the year the committee is appointed to evaluate agencies and programs:

(1) Review audit reports.

(2) Take testimony regarding audit reports and other areas the committee considers related to the committee's work.

(3) Make recommendations for legislation.

(4) Make recommendations for administrative changes.

*As added by P.L.11-1993, SEC.3.*

#### **IC 2-5-21-15**

##### **Extension of committee's work beyond original calendar year**

Sec. 15. With the consent of the subcommittee, a committee may extend the committee's work under section 14 of this chapter through the next calendar year after the committee is appointed.

*As added by P.L.11-1993, SEC.3.*

#### **IC 2-5-21-16**

##### **Evaluations and determinations following committee review of audit reports and recommendations**

Sec. 16. After the committee completes its work under sections 14 and 15 of this chapter, the committee shall do the following:

(1) Evaluate the results of the audit and the recommendations made by the committee.

(2) Determine whether additional corrective or other legislation is required.

*As added by P.L.11-1993, SEC.3.*

#### **IC 2-5-21-17**

##### **Expiration of committee**

Sec. 17. Subject to section 18 of this chapter, a committee expires on the earlier of the following dates:

(1) December 31 of the second full year after the committee is

appointed.

(2) When terminated by the council.

*As added by P.L.11-1993, SEC.3.*

#### **IC 2-5-21-18**

##### **Extension of committee's work beyond expiration date**

Sec. 18. The council by resolution may extend the work of a committee beyond the committee's expiration date under section 17 of this chapter.

*As added by P.L.11-1993, SEC.3.*

#### **IC 2-5-21-19**

##### **Committee operating procedures**

Sec. 19. (a) For purposes of this section, "committee" includes the subcommittee.

(b) The following apply to the operation of a committee:

(1) The council may provide that there is a vice chair of the committee.

(2) The chair of a committee may delegate any of the chair's powers to a vice chair of the committee.

(3) The committee shall meet at the call of the chair.

(4) A quorum consists of a majority of the voting members of the committee.

(5) An affirmative vote of a majority of the members of the committee is required for the committee to take official action. For purposes of this subdivision, meeting to take testimony is not considered official action.

(6) The legislative services agency shall provide staff and administrative support for the committee as directed by the council.

(7) The committee shall make reports as required by the council or the subcommittee.

(8) The council may establish a budget for the committee.

(9) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative members of interim study committees established by the legislative council.

(10) The expenditures of the committee shall be paid from appropriations to the council or the legislative services agency.

*As added by P.L.11-1993, SEC.3.*

#### **IC 2-5-21-20**

##### **Cooperation of agency under evaluation**

Sec. 20. The chief administrative officer and the employees of an agency or agency that administers a program subject to evaluation under this chapter shall cooperate with a committee, the subcommittee, and the council as the committee, subcommittee, or council performs the duties under this chapter.

*As added by P.L.11-1993, SEC.3.*

## **IC 2-5-21-21**

### **Information provided by agency under evaluation**

Sec. 21. The chief administrative officer and the employees of an agency or agency that administers a program subject to evaluation under this chapter shall provide a committee, the subcommittee, or the council with the following information upon request:

- (1) The identity of all agencies or subunits under the agency's direct or advisory control.
- (2) A statement of all the agency's powers, duties, and functions currently performed.
- (3) A citation to all constitutional, statutory, or other authority under which the agency carries out the agency's powers, duties, and functions.
- (4) A statement of the number and types of persons the agency serves.
- (5) A summary statement, for the last completed fiscal year, of the number, type, and cost of personnel the agency employs in carrying out each program, and a summary statement of the cost of personnel the agency employs under contract in carrying out each program.
- (6) A statement identifying the source of all funds for which the agency has some responsibility.
- (7) A statement of the agency's performance and accomplishments in the last fiscal year and of the budgetary costs the agency incurred in the operation of each program.
- (8) A summary statement of the agency's reporting and recordkeeping requirements and activities, including the agency's management and control of information and records and the value of the information gathered compared to the cost to respondents, and an assessment of the agency's methods to reduce and simplify the reporting and recordkeeping requirements.
- (9) A summary statement of the agency's budget and program for the current fiscal year and the agency's budget projections for the next succeeding fiscal year.
- (10) An estimate of potential outputs of services to be produced by varying levels of budgetary inputs.
- (11) A statement concerning any powers, duties, or functions that in the agency's opinion are being performed and duplicated to any extent by another public or private program or entity, including the manner in which and the extent to which this duplication of effort is occurring, and any recommendations the agency has as to eliminating this situation.
- (12) A statement of any powers, duties, or functions that in the agency's opinion are inconsistent with current and projected public demands and that should be terminated or altered.
- (13) A statement of the names of those private programs or entities with which the agency has substantial contact, and a description of the nature of that contact.
- (14) Any other information that a committee, the subcommittee,

or the council feels is necessary and proper to assist the committee, the subcommittee, or the council in carrying out its duties.

*As added by P.L.11-1993, SEC.3.*