

IC 8-1-1.5

Chapter 1.5. Utility Regulatory Commission Nominating Committee

IC 8-1-1.5-0.3

Validation of certain actions taken before March 5, 1985

Sec. 0.3. Any action taken before March 5, 1985, that would have been valid if taken under this chapter, as amended by P.L.87-1985, is validated.

As added by P.L.220-2011, SEC.184.

IC 8-1-1.5-1

Purpose; intent

Sec. 1. The purpose and intent of this chapter is to provide for the establishment, operation, and organization of a nominating committee to submit to the governor nominations of candidates to fill vacancies on the commission.

As added by P.L.43-1983, SEC.8. Amended by P.L.23-1988, SEC.19.

IC 8-1-1.5-2

Definitions

Sec. 2. As used in this chapter:

"Nominating committee" or "committee" means the nominating committee established by section 3 of this chapter.

"Vacancy" means an opening on the membership of the commission or nominating committee which occurs by reason of death, retirement, resignation, removal, expiration of term without reappointment.

As added by P.L.43-1983, SEC.8. Amended by P.L.23-1988, SEC.20.

IC 8-1-1.5-3

Establishment; members; terms; vacancies; notice

Sec. 3. (a) There is established a nominating committee for the purpose of submitting to the governor nominations of candidates to fill vacancies on the commission. The committee consists of seven (7) members, not more than four (4) of whom shall belong to the same political party and none of whom may be a member of the general assembly.

(b) The governor shall appoint three (3) members of the nominating committee and designate one (1) as chairman. The speaker of the house of representatives, the president pro tempore of the senate, the minority leader of the senate, and the minority leader of the house of representatives shall each appoint one (1) member of the nominating committee. Each appointment shall be certified to the secretary of state within ten (10) days of the appointment.

(c) Each member of the nominating committee shall be appointed for a term of four (4) years.

(d) Whenever a vacancy occurs on the nominating committee, the chairman of the committee shall promptly notify the official who appointed the member whose position is vacant. That official shall

appoint a new member within sixty (60) days after receiving notice of the vacancy. The term of the member so appointed shall be for the unexpired term of the member whose vacancy he has filled. An appointment to fill a vacancy shall be certified to the secretary of state within ten (10) days of the appointment.

(e) After the names of members appointed to the nominating committee have been certified to the secretary of state, the secretary of state shall, by regular mail, notify the members of the committee of their appointment.

As added by P.L.43-1983, SEC.8. Amended by P.L.87-1985, SEC.1.

IC 8-1-1.5-4

Term of office; reappointment

Sec. 4. A member of the nominating committee serves until his successor is appointed. No committee member is eligible for successive reappointment, unless he has been appointed to fill a vacancy on the committee for less than three (3) years in which case he is eligible, upon the expiration of that term, for a succeeding term.

As added by P.L.43-1983, SEC.8.

IC 8-1-1.5-5

Vacancy on public service commission; notice; meeting; nomination of candidates; appointment

Sec. 5. (a) When a vacancy occurs on the commission, the governor shall promptly notify the chairman of the nominating committee of the vacancy. The chairman shall call a meeting of the committee within ten (10) days after the notice. The nominating committee shall submit its nominations of three (3) candidates for each vacancy and certify them to the governor no later than forty (40) days from the time the vacancy occurs. When it is known that a vacancy will occur at a definite future date, but the vacancy has not yet occurred, the governor shall notify the nominating committee immediately thereof, and the committee may, within sixty (60) days of the notice of the vacancy, make its nominations and submit to the governor the names of three (3) persons nominated for the forthcoming vacancy.

(b) The governor may appoint to the commission one (1) of the three (3) persons nominated by the nominating committee for a vacancy, or the governor may reject all of such nominees. If the governor rejects all of such nominees, he shall so notify the chairman of the nominating committee, and the committee shall certify the nominations of three (3) additional candidates to the governor not later than forty (40) days after receipt of such notice. The governor shall fill the vacancy on the commission from one (1) of such additional nominees.

As added by P.L.43-1983, SEC.8.

IC 8-1-1.5-6

Candidates; evaluation; list of nominees for commission vacancy; number

Sec. 6. (a) It is the intent of this chapter that the nominating committee shall submit to the governor, from among those names the committee considers for a vacancy on the commission, the names of only the three (3) most highly qualified candidates. In determining which candidates are most highly qualified, each committee member shall evaluate each candidate on the following considerations:

- (1) Education and academic honors and awards achieved.
- (2) Professional experience and reputation.
- (3) Financial interests, including any such interest which might conflict with the performance of commission responsibilities.
- (4) Activities in public service.
- (5) Any other pertinent information which the committee believes is important in selecting the most highly qualified individuals for commission membership.

(b) The nominating committee shall not make an investigation to determine these considerations until the individual states in writing that he desires to be appointed to fill an existing or forthcoming commission vacancy.

(c) The nominating committee shall submit with the list of three (3) nominees to the governor their written evaluation of each such nominee, based on those considerations stated in subsection (a) of this section. The list of names submitted to the governor may be publicly disclosed by the committee. The evaluations of candidates whose names have been submitted to the governor shall remain confidential.

As added by P.L.43-1983, SEC.8.

IC 8-1-1.5-7

Meetings; rules

Sec. 7. (a) The nominating committee shall meet from time to time as may be necessary to discharge its responsibilities under this chapter. Meetings of the committee shall be called by its chairman, or in the event of his failure to call a meeting when a meeting may be necessary, upon the call of any four (4) members of the committee. The chairman, whenever he deems a meeting necessary or upon the request of any four (4) members of the committee for a meeting, shall give each member of the committee at least five (5) days written notice by mail of the time and place of every meeting, unless the committee at its previous meeting designated the time and place of its next meeting.

(b) Meetings of the nominating committee are to be held at such a place in Indiana as the chairman of the committee may arrange.

(c) The nominating committee shall act only at a meeting and may act only on the concurrence of a majority of its members attending a meeting. Four (4) members shall constitute a quorum. The committee has the power to adopt rules under IC 4-22-2 for the conduct of its proceedings and the discharge of its duties. These rules shall include procedures by which eligible candidates for a vacancy on the commission may submit their names to the nominating committee.

As added by P.L.43-1983, SEC.8.

IC 8-1-1.5-8

Death or withdrawal of nominee; renomination of replacement

Sec. 8. (a) If any nominee dies or requests in writing that his name be withdrawn, the nominating committee shall nominate another person to replace him from the list of candidates previously considered for that vacancy.

(b) Whenever there are existing at the same time two (2) or more vacancies, the committee shall submit to the governor a single list of the names of those persons nominated for the vacancies. The number of names that the nominating committee shall include on the list equals three (3) times the number of vacancies. The rights provided and duties assigned to the governor and the nominating committee by section 5(b) of this chapter also apply to a list of names submitted by the nominating committee to the governor under this subsection.

As added by P.L.43-1983, SEC.8. Amended by P.L.87-1985, SEC.2.

IC 8-1-1.5-9

Investigators and experts; aid of governor's staff; appropriation

Sec. 9. (a) The nominating committee shall have the authority to employ investigators and such experts as the committee in its discretion determines to be necessary to carry out its functions and purposes.

(b) The office and staff of the governor shall also serve the nominating committee in performing its functions under this chapter.

(c) There is annually appropriated to the nominating committee the sum of five thousand dollars (\$5,000) from the state general fund for the purpose of defraying any and all expenses which may be incurred in the administration of this chapter.

As added by P.L.43-1983, SEC.8. Amended by P.L.87-1985, SEC.3.

IC 8-1-1.5-10

Compensation; expenses

Sec. 10. Each member of the nominating committee is entitled to receive the minimum salary per diem as provided in IC 4-10-11-2.1(b) while performing his duties. Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with his duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

As added by P.L.43-1983, SEC.8. Amended by P.L.87-1985, SEC.4.