

Members

Sen. David Long, Chairperson
Rep. Brian Bosma, Vice-Chairperson
Sen. James Merritt
Sen. Connie Lawson
Sen. Brandt Hershman
Sen. Brent Steele
Sen. Vi Simpson
Sen. James Arnold
Sen. Timothy Lanane
Rep. Kathy Kreag Richardson
Rep. William Friend
Rep. Eric Turner
Rep. Timothy Brown
Rep. B. Patrick Bauer
Rep. Dale Grubb
Rep. Linda Lawson



LEGISLATIVE COUNCIL

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Authority: IC 2-5-1.1

MEETING MINUTES¹

Meeting Date: June 07, 2011
Meeting Time: 11:00 A.M.
Meeting Place: State House, 200 W. Washington St., 431
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Sen. David Long, Chairperson; Rep. Brian Bosma, Vice-Chairperson; Sen. James Merritt; Sen. Connie Lawson; Sen. Brent Steele; Sen. Vi Simpson; Sen. James Arnold; Sen. Timothy Lanane; Rep. William Friend; Rep. Eric Turner; Rep. B. Patrick Bauer; Rep. Dale Grubb; Rep. Linda Lawson.

Members Absent: Sen. Brandt Hershman; Rep. Kathy Kreag Richardson; Rep. Timothy Brown.

The meeting was called to order at 11:10 a.m. by the Chairman of the Legislative Council, President Pro Tempore David Long.

Chairman Long introduced the individual members of the Legislative Council.

The first order of business was consideration of proposed Legislative Council Resolution 11-01 (LCR 11-01) concerning the creation of ad hoc study committees and assignment of

¹ These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at <http://www.in.gov/legislative>. Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies.

topics to statutory committees and commissions. (See Exhibit 1.) Chairman Long called upon Jack Ross, the Executive Director of the Legislative Services Agency (LSA), to explain LCR 11-01. Mr. Ross explained that LCR 11-01 sets forth the recommendations of the leadership of the Council regarding the topics to be studied this summer and the committee to which each topic should be assigned. The resolution created one new ad hoc study committee, the Interim Study Committee on Redistricting. In addition, Mr. Ross advised that the resolution assigned topics to existing and newly created statutory committees.

Chairman Long raised a question concerning the topics assigned to the Criminal Code Evaluation Committee and whether the recodification of the criminal code was included in those topics. Mr. Ross responded by saying that 2009 language that created this committee provided that its general task was to evaluate the criminal code and make recommendations to the General Assembly regarding needed changes. Mr. Ross opined that this language was broad enough to include a recodification of the criminal code. To insure that the intent of the council was clear, Chairman Long moved that the specific task of studying the potential recodification of the criminal code be added to the list of topics to be studied by this committee. The motion was approved by consent of the full council.

Senator Lanane questioned whether the third topic to be studied by the Interim Study Committee on Economic Development should look at the "competitive" advantages Indiana might have over other states in specific sectors of the economy rather than the "comparative" advantages Indiana might have. Mr. Ross advised that "comparative" was the language in HEA 1004.

The Legislative Council adopted Resolution LCR 11-01, as amended, by voice vote.

The Legislative Council considered proposed Legislative Council Resolution 11-02 (LCR 11-02). (See Exhibit 2.) Chairman Long asked Jack Ross to explain LCR 11-02. Mr. Ross advised that this proposed resolution contains the policies governing the interim and statutory study committees. He indicated that the resolution is virtually the same as the resolution adopted over the past several years regarding the policies governing interim and statutory study committees.

The Legislative Council adopted LCR 11-02 by voice vote.

Chairman Long announced a new subcommittee of the Legislative Council to review the recent Indiana Supreme Court decision in the case of *Barnes v. State*. Senator Steele will chair the subcommittee and will be joined on the subcommittee by Senator Lanane, Representative Turner and Representative Lawson. The subcommittee is to report back to the Council later this interim.

Chairman Long announced the membership of the other four subcommittees of the Council. (See Exhibit 3.) At the request of Speaker Bosma, the Data Processing Subcommittee was charged with studying and reporting back to the Council regarding the potential savings to be realized through the use of iPad type technology in the General Assembly. Included in the study will be a review of what other states are doing and an analysis of the potential cost savings, flexibility and convenience of such devices. This subcommittee would also report back to the Council later this interim.

Chairman Long called upon Jack Ross to discuss the project assigned to the Legislative Evaluation and Oversight Policy Subcommittee (LEOPS) as set forth in Legislative Council Resolution 11-03 (LCR 11-03). (See Exhibit 4.) Mr. Ross explained that LSA, under the direction of LEOPS, would study the potential reorganization of summer study committees

into a permanent group of topical committees and the elimination of existing, unnecessary committees. A report on this study will be submitted on or before July 1, 2012. Chairman Long emphasized that the goal of this project will be to get some control over the proliferation of study committees, including the elimination of committees that never meet or that are otherwise unnecessary.

The Legislative Council adopted LCR 11-03 by voice vote.

Chairman Long asked Jack Ross to explain Legislative Council Resolution 11-04 (LCR 11-04). (See Exhibit 5.) Mr. Ross advised the Council that this resolution authorized the payment of dues to the National Conference of State Legislatures (NCSL), the Council of State Governments (CSG) and the National Conference of Insurance Legislators (NCOIL). The amounts authorized in this resolution are the amounts appropriated in the budget bill (HEA 1001-2011). The amounts appropriated have remained constant over the past several years and represent approximately 90% of the dues assessed by NCSL and CSG for FY 2012. NCOIL's dues have remained constant and this resolution authorizes payment in full of NCOIL's assessed dues.

The Legislative Council adopted LCR 11-04 by voice vote.

No further business came before the Council and the meeting adjourned at 11:40 a.m.

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EXHIBIT 1

LEGISLATIVE COUNCIL RESOLUTION 11-01

(As Adopted June 7, 2011)

BE IT RESOLVED BY THE INDIANA LEGISLATIVE COUNCIL:

SECTION 1. Any interim study committee created by statute, and required to operate under the rules of the Council, unless otherwise provided by statute, and any interim committee created by the Legislative Council shall be composed of twelve (12) voting members, with six (6) appointed from the Senate by the Chairman of the Council, and six (6) appointed from the House by the Vice-Chairman of the Council. Appointments from each chamber shall be divided equally between the two major political parties. The Chairman and Vice-Chairman of the Council may each appoint non-legislators to serve as non-voting members of a committee. Except as provided by statute, the Chairman of the Council, with the advice of the Vice-Chairman, shall designate the chairman of each committee, and may in the same manner designate a vice-chairman of each committee.

SECTION 2. The committee identified in this SECTION is established and shall study and make findings and recommendations concerning the topics assigned to it.

INTERIM STUDY COMMITTEE ON REDISTRICTING (SB 401)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Redistricting and make recommendations on ways to improve the redistricting process;
- B. Proposals to amend the Constitution of the State of Indiana to establish an independent commission to draw legislative and congressional district boundaries, beginning with the 2021 redistricting;
- C. The successes and failures of redistricting commission in other states and analyze the results of the 2010 election in Indiana and other states to make recommendations to the general assembly; and
- D. Certain standards for drawing legislative and congressional districts.

This committee is authorized to meet up to four times during the 2011 interim.

SECTION 3. The Legislative Council charges the following entities to study the topics indicated, and to submit findings and recommendations to the Council before November 1, 2011:

1. CRIMINAL CODE EVALUATION COMMISSION (SEA 90, HEA 1083)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Child solicitation (IC 35-42-4-6), including whether or not there should be an increased penalty for a person who is at least twenty-one years of age to knowingly or intentionally solicit a child less than fourteen years of age, or an

individual the person believes to be a child less than fourteen years of age (HEA 1083);

- B. Child trafficking, including whether the general assembly should enact a crime of promotion of child trafficking and if promotion of child trafficking should be added to the list of sex offenses under IC 11-8-8-4.5 (HEA 1083);
 - C. Sex crimes against children, including whether there should be an increased penalty, or creation of a new crime, for the commission of a sex crime by a person at least twenty-one years of age with whom the child victim has a relationship of trust or emotional dependence, including a school employee, school volunteer, counselor, therapist, member of the clergy, and medical personnel (HEA 1083);
 - D. The appropriate statute of limitations for sex crimes against children, including child molesting (IC 35-42-4-3), child exploitation (IC 35-42-4-4(b)), and sexual misconduct with a minor (IC 35-42-4-9) (HEA 1083);
 - E. Whether to elevate the offense of the following:
 - (1) child molesting from a Class C felony to a Class B felony if the child is compelled to submit to the fondling or touching by force or the threat of force; and
 - (2) child solicitation:
 - (a) from a Class D felony to a Class C felony if a person solicits a child and performs an overt act demonstrating an intent to physically meet the child;
 - (b) from a Class C felony to a Class B felony if a person solicits a child by means of a computer and performs an overt act demonstrating an intent to physically meet the child; and
 - (c) to a Class A felony if a person solicits a child by means of a computer and has a previous conviction for soliciting a child by means of a computer;(HEA 1324);
 - F. The provisions in IC 4 and IC 5 addressing and governing the conduct of state workers and determine if these provisions should be reorganized and potentially recodified to promote clarity and understanding (Speaker Bosma); and
 - G. Recodification of the criminal code.
2. **CRIMINAL LAW AND SENTENCING POLICY STUDY COMMITTEE (IC 2-5-32.5)**

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. The laws relating to:
 - (a) the investigation of crimes;
 - (b) the prosecution of crimes;
 - (c) criminal procedures;

- (d) alternative sentencing programs;
- (e) the department of correction;
- (f) parole;
- (g) probation;
- (h) community corrections;
- (i) home detention programs;
- (j) criminal registries;
- (k) victim rights;
- (l) the classification of criminal offenses into felony and misdemeanor categories;
- (m) sex offenders; and
- (n) juvenile offenders;

(SEA 90, 490, HEA 1153);

- B. Federal requirements or incentives for states to pass certain laws or establish specific programs (SEA 90, 490, HEA 1153);
- C. The long range needs of the criminal justice and corrections systems and recommend policy priorities for those systems (SEA 90, 490, HEA 1153);
- D. Critical problems in the criminal justice and corrections systems and recommend strategies to solve the problems (SEA 90, 490, HEA 1153);
- E. The cost effectiveness of the use of state and local funds in the criminal justice and corrections systems (SEA 90, 490, HEA 1153);
- F. Plans, programs, and legislation for improving the effectiveness of the criminal justice and corrections systems (SEA 90, 490, HEA 1153);
- G. The proposal that this committee be required to review all requests for proposed legislative or constitutional changes in criminal law, criminal procedure, the law governing delinquent acts, or juvenile court procedures related to alleged delinquent acts before they are considered by the House of Representatives or Senate, unless the proposed change in criminal law has been approved by certain legislative committees and specific amounts of money have been appropriated to the department of correction if certain department expenses will increase (SB 558, HB 1571);
- H. Truth in sentencing, good time credit and earned credit time, and felony classifications (SB 561, HB 1530);
- I. Developing a criminal information packet that would contain all relevant information that pertains to an offender's dangerousness or lack of dangerousness, including: (1) the original charges; (2) the terms of any plea agreement; (3) whether the jury found the offender guilty of lesser included offenses; and (4) any other information that would allow a more accurate assessment of an offender's character (SB 561);
- J. The criminal laws regarding marijuana (SR 20, 70); and

K. Issues regarding the establishment of a child protection registry (SR 84).

3. INTERIM STUDY COMMITTEE ON ECONOMIC DEVELOPMENT (IC 2-5-31.8)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Best practices in state and local economic development policies and activities (HEA 1004, SB 589, HB 1007, 1466);
- B. The use and effectiveness of tax credits and deductions (HEA 1004, SB 589, HB 1007, 1466);
- C. Whether there are any specific sectors of the economy for which Indiana might have comparative advantages over other states (HEA 1004, SB 589, HB 1007, 1466);
- D. The extent to which Indiana's tax laws encourage business investment, and any improvements that might be made to Indiana's tax laws (HEA 1004, SB 589, HB 1007, 1466);
- E. The extent to which Indiana's education systems support economic development (HEA 1004, SB 589, HB 1007, 1466);
- F. The benefits of existing community revitalization enhancement districts and possible new community revitalization enhancement districts as an economic development tool (HEA 1004, SB 589, HB 1007, 1466);
- G. Any other issue as directed by the committee's co-chairs (HEA 1004, SB 589, HB 1007, 1466);
- H. The effect IC 5-22-15-20.9 and IC 36-1-12-22 will have on non-local businesses (Senator Yoder); and
- I. Unfair practice laws and the use of stolen information technology by businesses that offer products for sale in the state of Indiana (SR 57).

4. INTERIM STUDY COMMITTEE ON EDUCATION ISSUES (IC 2-5-33.5)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. The causes of low graduation rates in Indiana high schools (SEA 85, HB 1369);
- B. Best practices that increase graduation rates in high schools in Indiana and other states (SEA 85, HB 1369);

- C. Training and technical assistance opportunities for high schools to effectively address low graduation rates (SEA 85, HB 1369);
- D. The impact that school counselors, teachers, school administrators, and parents have on graduation rates (SEA 85, HB 1369);
- E. Superintendent compensation throughout Indiana, including salary and salary related fringe benefits and accident, sickness, health, dental, and retirement benefits, as well as whether the establishment of a statewide salary schedule based upon school corporation ADM would be beneficial to governing bodies and the state (HB 1369); and
- F. The placement of students in special education programs and the waiver process for high school graduation for students in special education programs (HB 1380).

5. INTERIM STUDY COMMITTEE ON EMPLOYMENT ISSUES (IC 2-5-34)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Laws related to the issue of whether or not an employee should be required to join an employee organization as a condition of employment (HEA 1001); and
- B. Project labor agreements (HEA 1001).

6. ENVIRONMENTAL QUALITY SERVICE COUNCIL (IC 13-13-7)

THE COUNCIL IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Topics related to the supply and quality of water in the Great Lakes as set forth in IC 13-13-7-9 (6) (SEA 157);
- B. Federal funds for water protection, infrastructure conditions and regulatory matters affecting shipping, and other relevant matters (SEA 157);
- C. Each program administered by IDEM for which the annual revenue generated by the program exceeds IDEM's annual cost to administer the program (SEA 433); and
- D. The actual and potential air emissions created by the distillation of mint and whether the distillation of mint should be considered a farming operation (as defined in 326 IAC 1-2-28) for the purpose of requiring a permit under IC 13-17. EQSC shall prepare a report on these topics and advise the department of environmental management on the feasibility of establishing permit requirements for mint distillation operations under IC 13-17 (HEA 1451).

7. CHARITY GAMING STUDY COMMITTEE (IC 2-5-31.9)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. The requirements for obtaining a charity gaming license (SEA 340);
- B. Whether qualified organizations should be permitted to use charity gaming proceeds to pay the salaries and benefits of the qualified organization's employees (SEA 340);
- C. The reporting requirements for conducting charity gaming events (SEA 340);
- D. Whether qualified organizations should be permitted to conduct charity gaming events more frequently (SEA 340);
- E. The hours in which charity gaming events may be conducted (SEA 340); and
- F. Issues related to licensing and regulating national organizations and their affiliates (SEA 340).

8. HEALTH FINANCE COMMISSION (IC 2-5-23)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Possible prohibitions on certain insurer and health maintenance organization activities related to outpatient benefits (SEA 178);
- B. The credentialing of vendors in hospitals (SEA 199);
- C. Whether to require a hospital to report to the state department of health the immunization rate for influenza for the individuals who work in the hospital, including employees, staff, and contractors and the manner and format for the report (SEA 366);
- D. Whether a pharmacist should be required to notify the prescribing physician and inform the patient if the pharmacist selects a drug other than the brand name drug listed on an antiepileptic drug prescription; and whether a pharmacist should be required to dispense a prescription in a manner to allow label accessibility to an individual who is blind (SB 25);
- E. Legislation necessary to design, establish, and implement the exchanges for health insurance coverage, including the following:
 - (1) Whether an exchange should be administered by an agency of the state or a nonprofit organization;
 - (2) Any necessary governing structure for an exchange;
 - (3) Authority and responsibilities of an exchange, including procedures for staff hiring and procurement of resources;
 - (4) Responsibilities of state agencies in coordination of activities with an exchange; and
 - (5) Other recommendations determined appropriate by the Health Finance Commission;
 (SB580);

- F. Innovations in nursing home services and housing (SC 11); and
- G. Enhancing employment and training opportunities for Indiana's citizens with disabilities through studying the feasibility of establishing a non-profit business enterprises preference program for contracting or subcontracting with prime contractors for products and services provided by reviewing and making recommendations of how to maximize employment opportunities through IC 16-32-2 and IC 5-22-13 (SC 53, HR 40).

9. INTERIM STUDY COMMITTEE ON INSURANCE (IC 2-5-33.3)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Issues determined by the chairperson of the committee (HEA 1233);
- B. Issues regulated under IC 27 (HEA 1233);
- C. Worker's compensation insurance (HEA 1233);
- D. Health plan access to health care providers (HB 1582);
- E. Health care service prices and information (HB 1582);
- F. Health care provider office billing in connection with hospital charges HB 1582); and
- G. The appropriate statute of limitations for making a claim for occupational disease compensation (SB 576).

10. SELECT JOINT COMMISSION ON MEDICAID OVERSIGHT (IC 2-5-26)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPIC:

The proposed state plan amendment, including an advisory recommendation to the office concerning the state plan amendment (SEA 461).

11. COMMISSION ON MILITARY AND VETERANS AFFAIRS (IC 2-5-20)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Veterans' procurement preferences (HEA 1183); and
- B. Needs of all returning Hoosier Veterans (HR 23).

12. NATURAL RESOURCES STUDY COMMITTEE (IC 2-5-5)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. The present and future use of Versailles Lake to meet the needs of the public

water supply of the surrounding communities (HB 1051);

- B. Options to increase the volume of water in Versailles Lake, including transforming Versailles Lake into a reservoir (HB 1051);
- C. Options to increase and enhance the recreational opportunities and fish and wildlife habitat at Versailles Lake (HB 1051);
- D. Potential funding sources to pay for any recommended changes made to Versailles Lake (HB 1051);
- E. Any other topic related to Versailles Lake or the public water supply of surrounding communities (HB 1051);
- F. The extraction and severance of minerals in Indiana (SR 66, HR 68); and
- G. Whether or not customers only frequenting a restaurant within a state park should pay an entrance fee (Representative Cheatham).

13. PENSION MANAGEMENT OVERSIGHT COMMISSION (IC 2-5-12)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPIC:

Cost of living adjustments or other increases in the survivor benefits for widows of judges (Senator Long).

14. PROBATE CODE STUDY COMMISSION (IC 2-5-16)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPIC:

How the probate code should be amended to permit the sale of real estate located in Indiana to satisfy a claim by:

- (1) the office of Medicaid policy and planning;
- (2) the United States;
- (3) the state; or
- (4) a subdivision of the state;

against a decedent regardless of whether letters testamentary or of administration are issued within five months of the decedent's death (SEA 331).

15. REGULATORY FLEXIBILITY COMMITTEE (IC 8-1-2.6-4)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Whether video service franchise fees paid to local units under:
 - (1) a certificate of franchise authority issued by the commission under IC 8-1-34; or
 - (2) an unexpired local franchise issued by a local unit before July 1, 2006;are used by local units for purposes related to the provision of video service in the

units and in a manner consistent with IC 8-1-34 (HEA 1131);

- B. Whether the video service franchise fees described in A have an anticompetitive effect on the pricing and provision of video service in Indiana (The IURC shall provide any data or other information requested by the committee to conduct this study. However, this subsection does not empower the commission to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this subsection) (HEA 1131); and
- C. Disproportionate water and sewer rates (HR 15).

16. COMMISSION ON STATE TAX AND FINANCING POLICY (IC 2-5-3)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. How the Indiana income tax structure, including existing and potentially new income tax credits and deductions, may influence a senior's decision on residency in Indiana after retirement (SEA 39);
- B. How each of the local option income taxes imposed under IC 6-3.5 affects the ability of political subdivisions to provide services to:
 - (1) a facility that employs a significant number of individuals who reside outside the county in which the facility is located; and
 - (2) the individuals who reside outside the county in which a facility described in clause (1) is located and commute to a job at that facility;(SEA 39);
- C. Whether counties and other political subdivisions should be provided additional financing options for providing services to the facilities and individuals described in subdivision B (SEA 39);
- D. How local option income taxes should be distributed within a county to local units of government (SEA 39);
- E. Transit funding and whether and to what extent transit funding should be a state or local responsibility (HEA 1001);
- F. Issues related to fire protection territories, including the following:
 - (1) The formation process for territories;
 - (2) The establishment of tax rates and tax levies for territories, including tax rates for agricultural land; and
 - (3) Other issues as determined by the commission;(HEA 1004, HB 1007);
- G. All aspects, including the advantages and disadvantages, of phasing out the state inheritance tax (HEA 1004, HB 1007, SB 589);

- H. Issues related to township assistance provided in Calumet Township in Lake County, including any effects on taxpayers in the town of Griffith (HEA 1004, HB 1007);
- I. Whether commercial rental property should for property tax purposes be valued by using the lowest valuation determined by applying each of the appraisal approaches used for determining the assessed valuation of residential rental property under IC 6-1.1-4-39 (HEA 1004, HB 1007);
- J. Issues related to periodic or "rolling" reassessment (HEA 1004, HB 1007);
- K. Whether a tax incentive for logistics and homeland security expenditures will provide a net gain in tax revenue and investment in Indiana (HEA 1004, HB 1007);
- L. Methods for eliminating or reducing the personal property tax statewide and the appropriateness of allowing local government the option of eliminating or abating personal property tax, including the authority to offer deductions or exemptions for new investment and economic development purposes (HEA 1004, HB 1007);
- M. Differences between the eligibility of nonprofit entities for federal income tax exemptions and the eligibility of nonprofit entities for Indiana property tax exemptions (HEA 1004, HB 1007);
- N. Issues related to sales tax holidays (HEA 1004, HB 1007);
- O. Internet sales and taxation (HEA 1004, HB 1007);
- P. Whether county government should be granted the authority to exempt personal property (HB 1007);
- Q. Whether property tax credits and deductions for residential property to which the seller of the property was entitled should be transferred to the buyer in the year of the sale if the property is determined to be exempt for the year following the year of the sale (HB 1007);
- R. Issues related to the earned income tax credit (HB 1007);
- S. Modernizing Indiana legislative timelines for assessment and budget cycles to address current taxation practices and changes in technology (SR 83); and
- T. The history and use of historic preservation tax credits and the economic benefits of expanding the availability and increasing the statutory limits of such credits (Representative Clere).

17. JOINT STUDY COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE ASSESSMENT AND SOLUTIONS (IC 2-5-28.5)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. The condition of Indiana's transportation infrastructure in both the public and private sectors (HEA 1371);
- B. In connection with the Indiana department of transportation and other interested parties, project Indiana's transportation demands through 2035 (HEA 1371);
- C. Whether Indiana's existing transportation infrastructure is capable of meeting the transportation demands projected under B (HEA 1371);
- D. The appropriate roles and responsibilities for:
 - (1) the state and county and municipal governments; and
 - (2) the private sector; in meeting Indiana's projected transportation demands(HEA 1371);
- E. Potential funding sources for both public and private transportation and infrastructure projects (HEA 1371);
- F. Report its findings to the governor and, in an electronic format under IC 5-14-6, the general assembly (HEA 1371);
- G. The use of motorized bicycles and motor scooters in Indiana, including the following topics:
 - (1) Definitions of the following:
 - (a) Motorized bicycle;
 - (b) Motor scooter;
 - (c) Moped; and
 - (d) Motor-driven cycle;
 - (2) Issues related to:
 - (a) internal combustion power; and
 - (b) battery power; of motor vehicles described in subdivision (1);(HEA 1334, HB 1426);
- H. Registration of, taxation of; and insurance requirements for; motor vehicles described in subdivision G(1) (HEA 1334, HB 1426); and
- I. The necessity of informing governmental bodies about proposed state highway projects that require the highway to be closed at least five consecutive days (SC 50).

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EXHIBIT 2

LEGISLATIVE COUNCIL RESOLUTION 11-02
(As Adopted June 7, 2011)

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 which 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 (LSA) or to operate under procedures or policies established by the Legislative Council;
- (3) whose chairman by law must be selected by the Chairman of the Legislative Council, the Speaker of the House, or the President Pro Tempore of the Senate; or
- (4) is comprised of standing committees of both the House and Senate.

SECTION 2. APPLICATION AND INTERPRETATION OF RESOLUTION. (a) Study committees as defined in SECTION 1 of this resolution are under the jurisdiction of the Legislative Council. The LSA shall provide staff support to those committees as directed by the Legislative Council.

(b) In the event of a conflict between a statute governing a study committee and a provision of this resolution, that statute supersedes such a provision only to the extent of the conflict. If the statute in question is silent with regard to a provision of this resolution, this resolution prevails.

SECTION 3. TERMS OF CERTAIN COMMITTEE CHAIRMANSHIPS. Unless otherwise provided by a statute or by Council resolution, the appointment of a chairman of a statutory or Council-created study committee expires on December 31 of the year in which the chairman is appointed.

SECTION 4. CREATION OF SUBCOMMITTEES PROHIBITED. (a) As used in this section, "subcommittee" refers to any entity consisting wholly or partially of a subset of members of a study committee.

(b) Unless required or specifically authorized by statute, or authorized by the Legislative Council, a study committee chairman may not create subcommittees. The chairman of a subcommittee must be a legislator member of the study committee whose members form all or part of the subcommittee.

- (c) Notwithstanding subsection (b), a study committee chair 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 report on its activities to the full study committee;
 - (2) The LSA will not staff or take minutes during a work group meeting;
 - (3) 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
 - (4) 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.

SECTION 5. PER DIEM AND MILEAGE AUTHORIZATION. (a) The LSA is authorized 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.

(b) In addition to per diem and mileage, a lay member may request lodging reimbursement not to exceed a total of \$85 per night (inclusive of all applicable hotel taxes) for in-state committee meetings held outside of Marion County.

SECTION 6. STUDY COMMITTEE MEETING DEADLINE. (a) Per diem and mileage or travel allowances may be paid for attendance at a meeting of a study committee only if the meeting is held before November 1, 2011. This subsection does not apply to the Legislative Council or to 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 chairman is not specific authority for meetings after October 31, 2011).

(b) The Executive Director of the LSA may withdraw staff support from committees which propose to meet after organization day for the 2012 Regular Session, if, in the Executive Director's opinion, staff resources cannot reasonably be diverted from legislative session work.

SECTION 7. FUNDING FOR STUDY COMMITTEES. (a) The budget of a study committee is \$9,500, unless a greater amount is authorized in writing by the Legislative Council Chairman and Vice-Chairman.

(b) Notwithstanding subsection (a), the budget of the Legislative Council and any study committee consisting of at least 16 members is \$16,500, unless a greater amount is authorized in writing by the Chairman and Vice-Chairman.

(c) The Legislative Council is committed to limiting study committee spending to the budgeted amounts specified in (a) and (b) above and authorization for greater amounts will only be approved in extraordinary circumstances. However, the Legislative Council authorizes the Criminal Code Evaluation Commission to meet up to ten (10) times during the 2011 interim and recognizes that additional amounts will most likely be needed by said commission.

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

- (1) Payment of per diem, mileage, or travel allowances as permitted by SECTION 5 of 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 9 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 chairman, payments for other necessary expenses of a committee.

(e) Unless provided otherwise by the Legislative Council, the budget of a study committee created by the Legislative Council takes effect on adoption of this resolution and expires on November 30, 2011.

(f) The budgets of any study committees created by statute during the 2011 regular legislative session take effect on the adoption of this resolution, and expire June 30, 2012. However, the budgets of study committees previously created by statute take effect on July 1, 2011, and expire June 30, 2012.

SECTION 8. STUDY COMMITTEE REPORT DEADLINES. (a) Each study committee created by the Legislative Council shall submit a final report to the Council within 10 working days after the final meeting of the study committee; however, the Council Chairman and Vice-Chairman may jointly extend the due date for a committee's final report beyond that 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) Study committees created by statute shall submit final reports at such times and

contain such information as the Council directs.

(c) Study committees created by statute to which topics have been referred by the Council are requested to report their findings and recommendations on those topics to the Council within 10 working days after their final meeting for the interim. Requests for any minority reports on those topics must follow the procedures outlined in SECTION 12 of this resolution.

SECTION 9. EXPERT WITNESS COMPENSATION. If a study committee wishes to compensate an expert witness or outside staff for his or her services, the chairman must obtain the prior written approval of the Chairman of the Legislative Council.

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

SECTION 10. 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 committee has first obtained the written approval of the Personnel Subcommittee of the Legislative Council to do so.

SECTION 11. TAKING ACTION BY STUDY COMMITTEES. (a) Unless there are specific contrary provisions in a statute, a study committee may not recommend a final bill draft, or a final report, unless that draft or report has been approved by a majority of the voting members appointed to serve on that committee. All such votes taken by a study committee must be taken at a public meeting of the committee and shall be recorded in the committee's final report.

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

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

SECTION 12. STUDY COMMITTEE MINORITY REPORTS. LSA study committee staff may not prepare a "minority report" for members of a study committee unless at least 4 legislator members of that committee jointly make such a request in writing to the Executive Director of the LSA. The request must be made within 5 working days after adoption of a final report, and the minority report must be completed by not later than 10 working days after the date the request is made. No more than 1 minority report may be prepared for any study

committee.

SECTION 13. LOCATION OF STUDY COMMITTEE MEETINGS HELD OUTSIDE OF THE STATE HOUSE. If a study committee meeting is to be held at a site other than the State House, the chairman 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 14. ISSUANCE OF SUBPOENA. A study committee does not have the power to subpoena or otherwise compel the production of testimony or documents except to the extent such power is specifically granted to the study committee by the Legislative Council under IC 2-5-1.1.

SECTION 15. DURATION OF THIS RESOLUTION. This resolution, as amended from time to time, remains in force until specifically repealed or superseded.

PRESIDENT PRO TEMPORE'S ANNOUNCEMENT OF SUBCOMMITTEE MEMBERSHIP
AND CHAIRS

LEGISLATIVE COUNCIL DATA PROCESSING SUBCOMMITTEE

Senator Hershman, Chair
Senator Simpson
Representative Richardson
Representative Lawson

LEGISLATIVE COUNCIL EVALUATION AND OVERSIGHT POLICY SUBCOMMITTEE

Senator Lawson, Chair
Senator Simpson
Representative T Brown
Representative Bauer

LEGISLATIVE COUNCIL PERSONNEL SUBCOMMITTEE

President Pro Tempore Long, Chair
Speaker Bosma
Senator Simpson
Representative Bauer

LEGISLATIVE COUNCIL SPACE UTILIZATION SUBCOMMITTEE

Senator Merritt, Chair
Senator Arnold
Representative Richardson
Representative Grubb

SUBCOMMITTEE TO REVIEW CASE OF BARNES v. STATE, INDIANA SUPREME
COURT, MAY 2011

Senator Steele, Chair
Senator Lanane
Representative Turner
Representative Lawson

LCOU

6/7/11

EXHIBIT 4

LEGISLATIVE COUNCIL RESOLUTION 11-03
(As Adopted June 7, 2011)

BE IT RESOLVED BY THE INDIANA LEGISLATIVE COUNCIL:

SECTION 1. The Legislative Council, pursuant to IC 2-5-21-10(c), directs that the Legislative Services Agency, under the direction of the Council's Legislative Evaluation and Oversight Policy Subcommittee, study the potential reorganization of summer study committees into a group of topical committees and the elimination of unnecessary study committees and report as required under IC 2-5-21.

SECTION 2. The staff of the Legislative Services Agency shall complete the study and report required by SECTION 1 by July 1, 2012.

SECTION 3. The Legislative Council charges the Health Finance Commission to review the results of the evaluation of the Healthy Indiana Plan prepared and to be submitted by the Legislative Services Agency by July 1, 2011, pursuant to LCR 09-04.

LC04
6/7/11

EXHIBIT 5

LEGISLATIVE COUNCIL RESOLUTION 11-04
(As Adopted June 7, 2011)

BE IT RESOLVED BY THE INDIANA LEGISLATIVE COUNCIL:

SECTION 1. (a) The Legislative Council desires to continue its membership in the National Conference of State Legislatures (NCSL). To this end, the Legislative Council authorizes the Executive Director of the Legislative Services Agency to pay \$190,337 from funds appropriated under HEA 1001-2011.

(b) The Legislative Council desires to continue its membership in the Council of State Governments (CSG). To this end, the Legislative Council authorizes the Executive Director of the Legislative Services Agency to pay \$143,944 from funds appropriated under HEA 1001-2011.

(c) The Legislative Council desires to continue its membership in the National Conference of Insurance Legislators (NCOIL). To this end, the Legislative Council authorizes the Executive Director of the Legislative Services Agency to pay \$10,000 from funds appropriated under HEA 1001-2011.