

LEGISLATIVE COUNCIL RESOLUTION 12-02
(As Adopted May 23, 2012)

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, the statute supersedes such a provision, but 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, 2012. 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, 2012).

(b) The Executive Director of the LSA may withdraw staff support from committees which propose to meet after organization day for the 2013 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 Department of Child Services Study Committee to meet up to five (5) times during the 2012 interim and recognizes that additional amounts will most likely be needed by said committee. Furthermore, as provided in statute, the Select Commission on Education shall meet at least five (5) times and the Legislative Council recognizes that additional amounts will also 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, 2012.

(f) The budgets of any study committees created by statute during the 2012 regular legislative session take effect on the adoption of this resolution, and expire June 30, 2013. However, the budgets of study committees previously created by statute take effect on July 1, 2012, and expire June 30, 2013.

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.