

AGENDA
INDIANA LEGISLATIVE COUNCIL

First Meeting of the 2010 Interim
Room 404, Statehouse
June 2, 2010
1:30 P.M.

- I. Welcome and introduction of Legislative Council members - Speaker B. Patrick Bauer, Chairman
- II. Consideration of leadership recommendations for the creation of interim study committees and assignment of study topics to statutory commissions
 - A. Proposed LCR 10-01 concerning the creation of ad hoc interim study committees and assignment of topics to statutory commissions
 - B. Proposed LCR 10-02 concerning the operational rules and funding for interim committees
- III. Announcement of membership and naming of chairs for the subcommittees of the Legislative Council - Chairman Bauer
- IV. Consideration of LCR 10-03 concerning the designation of a committee to receive the report from LSA, prepared pursuant to LCR 09-04, regarding disproportionate share and other indigent hospital care payment programs
- V. Consideration of LCR 10-04 concerning the payment of annual dues to the National Conference of State Legislators (NCSL), the Council of State Governments (CSG), and the National Conference of Insurance Legislators (NCOIL)
- VI. Other business
- VII. Adjournment

LEGISLATIVE COUNCIL RESOLUTION 10-01
(AS PROPOSED)

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 House by the Chairman of the Council, and six (6) appointed from the Senate 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 committees identified in this SECTION are established and shall study and make findings and recommendations concerning the topics assigned to them.

INTERIM STUDY COMMITTEE ON EDUCATION

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPIC:

The causes and effects of, and solutions for the problem of K-12 absenteeism.

INTERIM STUDY COMMITTEE ON GAMING

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Horse racing committees;
- B. Breed development funds;
- C. New requirements and rules regarding races solely for Indiana owned, sired, or bred horses; and
- D. Other issues related to the distribution of money between horsemen and horse racing tracks.

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, 2010:

1. CENSUS DATA ADVISORY COMMITTEE (IC 2-5-19)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPIC:

Plans to redistrict the legislative and congressional districts (HB 1013, 1030, 1347, SB 136, 289, SR 66).

2. CODE REVISION COMMISSION (IC 2-5-1.1-10)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPIC:

Corrective legislation for introduction in the 2011 session of the General Assembly to make changes to IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7, as necessary or appropriate, to reflect the changes made by IC 6-3.5-1.1-1.5, IC 6-3.5-6-1.5, and IC 6-3.5-7-4.9. The Code Revision Commission may, as part of its review, consider the relevant amendments to IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7 proposed in the introduced version of HB 1086-2010 (HEA 1086-2010).

3. COMMISSION ON COURTS (IC 33-23-10-1)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Use of mechanic's liens in the state as contemplated in HB 1179 (Representative Bartlett); and
- B. Renter safety (SR 71).

4. CRIMINAL LAW AND SENTENCING POLICY STUDY COMMITTEE (IC 2-5.5-5)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. The laws relating to the following:
 - (1) the investigation of crimes
 - (2) the prosecution of crimes
 - (3) criminal procedures
 - (4) alternative sentencing programs
 - (5) the department of correction
 - (6) parole
 - (7) probation
 - (8) community corrections
 - (9) home detention programs
 - (10) criminal registries
 - (11) victim rights
 - (12) the classification of criminal offenses into felony and misdemeanor categories
 - (13) sex offenders
 - (14) juvenile offenders(SEA 81-2010);
- B. Federal requirements or incentives for states to pass certain laws or establish specific programs (SEA 81-2010);
- C. The long range needs of the criminal justice and corrections systems and recommend policy priorities for those systems (SEA 81-2010);

- D. The critical problems in the criminal justice and corrections systems and recommend strategies to solve the problems (SEA 81-2010);
 - E. The cost effectiveness of the use of state and local funds in the criminal justice and corrections systems (SEA 81-2010);
 - F. Plans, programs, and legislation for improving the effectiveness of the criminal justice and corrections systems (SEA 81-2010);
 - G. Whether individuals on parole should be eligible to receive credit time to potentially shorten their period of parole (SEA 81-2010);
 - H. The sending of sexually suggestive or sexually explicit material over the Internet or by use of a cellular telephone or similar device by minors, including whether school corporations should adopt policies regarding this topic (SEA 81-2010, SEA 224-2010);
 - I. The effects of methamphetamines on state and local governments and individuals (HEA 1320-2010);
 - J. The costs of enforcement and clean up related to methamphetamines (HEA 1320-2010);
 - K. The implementation and effectiveness of a PSE tracking system (HEA 1320-2010); and
 - L. Whether or not ephedrine and pseudoephedrine should be classified as controlled substances (HEA 1320-2010).
5. **INTERIM STUDY COMMITTEE ON ECONOMIC DEVELOPMENT (HEA 1086)**

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Best practices in state and local economic development policies and activities;
- B. The use and effectiveness of tax credits and deductions;
- C. Whether there are any specific sectors of the economy for which Indiana might have comparative advantages over other states;
- D. The extent to which Indiana's tax laws encourage business investment, and any improvements that might be made to Indiana's tax laws;
- E. The extent to which Indiana's education systems support economic development; and
- F. The benefits of existing community revitalization enhancement districts and possible new community revitalization enhancement districts as an economic development tool.

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

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Whether pharmacists should be required to inform a prescribing physician or physician's office of a change in the brand name manufacturer of a prescribed medicine to treat certain long term health conditions (HEA 1320-2010);
- B. Whether a paramedic board should be established to license paramedics instead of paramedics being certified by the Emergency Medical Services Commission (SEA 356-2010);
- C. The Indiana check-up plan and provide guidance and make recommendations regarding the plan (HB 1132);
- D. Methods to increase availability of affordable coverage for health care services for all Indiana residents (HB 1132);
- E. An education and orientation program for individuals participating in the check-up plan (HB 1132);
- F. The impact of new federal health and health insurance laws on the Indiana check-up plan (HB 1132);
- G. LSA report on Patient Protection and Affordable Care Act (PPACA) (SCR 15);
- H. Long term care savings plans (HR 32);
- I. The prevalence of brain injury, the scope of brain injury services, and financing for those services in Indiana (SCR 32); and
- J. Impact of a statewide smoking ban in Indiana (Representative C Brown).

7. SELECT JOINT COMMISSION ON MEDICAID OVERSIGHT (2-5-26-1)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. The administration of public assistance in Indiana, including the process of making eligibility determinations (HB 1003, 1174, SB 295);
- B. The problems or concerns regarding the administration of public assistance in Indiana based on public testimony and updates concerning changes in the public assistance eligibility process in Indiana from the office of the secretary of FSSA, or the director of the Division of Family Resources if the secretary is unavailable, or a contractor for the office of the secretary (HB 1003, 1174, SB 295); and
- C. Recommendations concerning any changes that the committee considers necessary concerning the public assistance process in Indiana (HB 1003, 1174, SB 295).

8. COMMISSION ON MENTAL HEALTH (IC 12-21-6.5)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Issues surrounding youth suicides (SCR 3, SEA 226-2010);
- B. The flow of medical information on inmates between local units of government and the Department of Correction (SCR 3);
- C. Changes to Medicaid Rehabilitation Option (MRO) and shifts in services caused by funding changes (SCR 3);
- D. A single drug formulary for Medicaid and the Department of Correction (SCR 3); and
- E. The mental health and addiction services available to children in the Evansville area including the following:
 - (1) quality of the care provided to patients in the Evansville State Hospital and the Evansville State Psychiatric Treatment Center for Children
 - (2) utilization of the facilities and the cause for any underutilization
 - (3) viability and need for the Evansville State Hospital and the Evansville State Psychiatric Treatment Center for Children (SB 295).

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

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPIC:

State contracting with disabled veterans (HCR 53).

10. NATURAL RESOURCES STUDY COMMITTEE (IC 2-5-5-1)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

Whether new or amended statutes or rules are appropriate concerning the following:

- (1) The safety of miners who could be affected by coal bed methane extraction activities;
- (2) Coal bed methane well spacing, unit, and bonding requirements;
- (3) The relative interests with respect to real property of:
 - (A) the owner of the right to coal bed methane
 - (B) the owner or owners of the surface rights and other mineral rights
- (4) Requirements with respect to real property for the owner of the right to coal bed methane to give notice of coal bed methane extraction activities to the owners of the surface rights and other mineral rights;
- (5) Requirements for the issuance of permits for the extraction of coal bed methane, including public notice of the filing of permit applications;

- (6) Requirements for the protection of surface water and ground water from any potential effects of coal bed methane extraction activities;
- (7) Encouragement of the development of coal bed methane that adequately takes into account the protection of commercially minable coal resources;
- (8) The right of the person, who is entitled to develop a well for oil and gas purposes with respect to real property and who is not the owner of the surface rights, to enter the property for extraction activities and the responsibility of that person to pay damages or compensation to the owner of the surface rights;
- (9) The adequacy of conventional oil and gas statutes and rules to protect the owners of the surface rights to real property, the public, and commercially minable coal resources;
- (10) Any other issue the committee considers appropriate.

(HEA 1265-2010)

11. PENSION MANAGEMENT OVERSIGHT COMMISSION (IC 2-5-12-1)

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPIC:

Whether PERF and TRF boards should include a clear summary of statutory requirements in any handbooks prepared for fund members (SR 74).

12. REGULATORY FLEXIBILITY COMMITTEE (IC 8-1-2.5-9 AND IC 8-1-2.6-4)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. The use of cloud computing technology and the safety and protection of information generated by state agencies. The study must cover issues regarding potential security risks presented by the use of cloud computing services based on the following:
 - (1) mission of an agency that might use cloud computing services
 - (2) types of data that an agency might have
 - (3) level of sensitivity of the data
 - (4) potential services to be used
 - (5) existing and potential security related threats to the state agency(SEA 384-2010);
- B. Additional public or private funding sources and mechanisms for the 211 services account established by IC 8-1-19.5-11 (HR 47, SR 43); and
- C. Parity among the fees imposed in IC 36-8-16, IC 36-8-16.5 and IC 36-8-16.6 and funding inequities for consolidated public safety answering points (HR 96).

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

THE COMMISSION IS CHARGED WITH STUDYING THE FOLLOWING TOPICS:

- A. Allocation and distribution of county adjusted gross income taxes (IC 6-3.5-1.1), county option income taxes (IC 6-3.5-6), and county economic development income taxes (IC 6-3.5-7) to civil taxing units within a county, including the allocation of revenues derived from a public safety tax rate imposed under IC 6-3.5-1.1-25 or IC 6-3.5-6-31 (HEA 1086-2010);
- B. State and local road funding, including the following:
 - (1) existing sources of state and local road funding
 - (2) existing and historical distribution and appropriation levels for state and local road funding
 - (3) funding needs for state and local roads
 - (4) alternative strategies to replace or supplement the motor carrier fuel tax imposed under IC 6-6-4.1
 - (5) alternative funding sources and revenue collection systems, including user and nonuser fees
 - (6) strategies to maximize public awareness of the benefits of investments in transportation
 - (7) road funding and its effect on economic activity and personal mobility in Indiana(HB 1342);
- C. Tax credits for contributions to K-12 foundations (SR 32);
- D. Dynamic fiscal scoring (SR 57); and
- E. Fire protection districts and territories, including their funding, services, and costs (Representative Cherry).

14. UNEMPLOYMENT INSURANCE OVERSIGHT COMMITTEE (IC 2-5-30)

THE COMMITTEE IS CHARGED WITH STUDYING THE FOLLOWING TOPIC:

Feasibility and value of indexing unemployment benefits and the taxable wage base under IC 22-4 (SEA 23-2010).

LEGISLATIVE COUNCIL RESOLUTION 10-02
(AS PROPOSED)

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. 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.
- (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, 2010. This subsection does not apply to the Legislative Council or to a study committee created by statute, if that statute specifically requires or permits meetings during other times of the year (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, 2010).

(b) The Executive Director of the LSA may withdraw staff support from committees which propose to meet after organization day for the 2011 Regular Session, if in the Executive Director's opinion staff resources cannot reasonably be diverted from legislative session work.

FIRMLY
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.~~ (ABOUT 3 MEETINGS) .

AMENDED
BY
VOICE VOTE

(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) 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.
 - (5) If approved by the chairman, payments for other necessary expenses of a committee.

(d) The budget of a study committee created by the Legislative Council takes effect on adoption of this resolution and expires on November 30, 2010.

(e) The budgets of any study committees created by statute during the 2010 regular legislative session take effect on the adoption of this resolution, and expire June 30, 2011. However, the budgets of study committees previously created by statute take effect on July 1, 2010, and expire June 30, 2011.

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 containing 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.

LEGISLATIVE COUNCIL RESOLUTION 10-03
(AS PROPOSED)

BE IT RESOLVED BY THE INDIANA LEGISLATIVE COUNCIL:

SECTION 1. The Legislative Council charges the Health Finance Commission to review the results of the evaluation of the disproportionate share and other indigent hospital care payment programs prepared by the Legislative Services Agency pursuant to LCR 09-04.

LEGISLATIVE COUNCIL RESOLUTION 10-04
(As Proposed)

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(ss)-2009.

(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(ss)-2009.

(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(ss)-2009.

PRESIDENT PRO TEMPORE'S ANNOUNCEMENT OF SUBCOMMITTEE MEMBERSHIP
AND CHAIRS

LEGISLATIVE COUNCIL DATA PROCESSING SUBCOMMITTEE

Representative Stilwell, Chair
Representative Richardson
Senator Lawson
Senator Lanane

LEGISLATIVE COUNCIL EVALUATION AND OVERSIGHT POLICY SUBCOMMITTEE

Representative Pelath, Chair
Representative Friend
Senator Hershman
Senator Lanane

LEGISLATIVE COUNCIL PERSONNEL SUBCOMMITTEE

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

LEGISLATIVE COUNCIL SPACE UTILIZATION SUBCOMMITTEE

Representative Grubb, Chair
Representative Richardson
Senator Merritt
Senator Sipes