IC 2-5-1.1

Chapter 1.1. Legislative Council

IC 2-5-1.1-1

Creation; membership

Sec. 1. There is hereby created a legislative council which shall be composed of sixteen (16) members of the general assembly as follows:

(a) From the senate: The president pro tempore, the minority leader, the majority caucus chairman, the minority caucus chairman, three (3) members appointed by the president pro tempore, and one (1) member appointed by the minority leader.

(b) From the house of representatives: The speaker of the house, the majority leader, the minority leader, the majority caucus chairman, the minority caucus chairman, two (2) members appointed by the speaker, and one (1) member appointed by the minority leader.

(c) The president of the senate may serve as an ex officio non-voting member of the council.

(d) The members of the council who serve by virtue of their office shall serve until their successors are selected.

(e) The appointed members shall serve from the date of their appointment until the next general election at which they run for reelection, or until the convening of the first regular session of the next general assembly, whichever is first to occur. The president pro tempore, speaker, and minority leaders shall appoint their members not later than five (5) days after the close of a first regular session of a general assembly.

As added by Acts 1978, P.L.5, SEC.1.

IC 2-5-1.1-2

Chairman and vice-chairman

Sec. 2. (a) The president pro tempore shall be chairman of the council beginning January 1 of odd-numbered years and vice-chairman beginning January 1 of even-numbered years.

(b) The speaker shall be chairman of the council beginning January 1 of even-numbered years and vice-chairman beginning January 1 of odd-numbered years.

As added by Acts 1978, P.L.5, SEC.1.

IC 2-5-1.1-3

Vacancies

Sec. 3. (a) The chairman shall fill any vacancy on the council in a position held by virtue of office. The person appointed shall be from the same house and party as the person whose position was vacated. In filling the vacancy, the chairman shall accept the recommendation of the ranking member on the council from the house and party affected. The replacement shall serve until his successor has been selected.

(b) Any vacancy in a position held by appointment shall be filled by the council member making the original appointment.

As added by Acts 1978, P.L.5, SEC.1.

IC 2-5-1.1-4
Meetings; per diem and expenses; quorum

Sec. 4. (a) The council shall meet at the call of the chairman, and where he designates. Meetings of the council may also be called upon the written request of any seven (7) members and upon forty-eight (48) hours notice to the members of the council.

(b) The members of the council are entitled to receive the per diem of members of the general assembly for time spent in attendance at the meetings of such council. The members of the council are also entitled to be reimbursed for actual necessary expenses incurred while attending such meetings. Per diem and expenses of council members shall be paid from the appropriation of the council upon approval by the chairman.

(c) A majority of the entire membership of the council shall constitute a quorum. No action of the council shall be valid unless approved by at least nine (9) members.

(d) When the general assembly is in regular session, those persons who are members of the council by virtue of their office constitute a quorum of the council and may continue to exercise all rights, privileges, and powers, and to perform all duties of the council until their successors are appointed.

As added by Acts 1978, P.L.5, SEC.1.

IC 2-5-1.1-5
Powers of council

Sec. 5. (a) The council may:

(1) on its own initiative or at the direction of the general assembly or of the senate or house of representatives, study subjects of interest and concern, and based on such a study, recommend such legislation as the welfare of the state may require;

(2) direct standing committees of the senate or house of representatives, or appoint committees and subcommittees subject to the authority of the council, to carry out studies on subjects of interest and concern;

(3) recommend such codification and general revision of the constitution and the laws of the state as may from time to time be necessary;

(4) require any officer or agency, board, commission, committee or other instrumentality of the state or of a political subdivision of the state to provide information bearing on subjects under consideration by the council or by standing committee or any of its committees or subcommittees;

(5) by an affirmative vote of two-thirds (2/3) of its members present and voting:

(A) administer oaths, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony and have the deposition of witnesses

taken in the manner prescribed by law for taking depositions in civil actions bearing on subjects under consideration by the council or by any of its committees or subcommittees;

(B) petition, through the presiding officer of the council, any circuit court of the appropriate county for an order for compliance with any order or subpoenas issued under this section;

(6) adopt such rules and procedures and organize such agencies as may be necessary or appropriate to carry out its duties;

(7) receive appropriations and make allocations for the reasonable and necessary expenditures of the council and the standing and interim committees of the house of representatives, senate and general assembly;

(8) enter into whatever contracts or other arrangements deemed by it to be necessary or appropriate to exercising its rights, privileges, and powers and performing its duties under this chapter and IC 2-6-1.5 and to carrying out the intent, purposes, and provisions of this chapter and IC 2-6-1.5; and

(9) do all other things necessary and proper to perform the functions of the legislative department of government and to carry out the intent, purposes and provisions of this chapter.

(b) The council may authorize its executive director to act on its behalf and with its authority on any matter of administration under this chapter and under IC 2-6-1.5, including executing and implementing any contract or other arrangement under which it agrees to be bound.

As added by Acts 1978, P.L.5, SEC.1.

IC 2-5-1.1-6
Duties of council

Sec. 6. The council shall:

(1) coordinate and assist the work of standing or interim committees, subcommittees or commissions appointed by the council or at the direction of the general assembly or of the senate or house of representatives;

(2) review the operations, budgetary practices and expenditures of all state agencies, including departments, boards, offices, commissions and political subdivisions;

(3) recommend such changes in the rules and procedures of the senate and house of representatives as may advance the consideration of legislation by the general assembly;

(4) work with the standing and interim committees, subcommittees and commissions of the general assembly or of the senate or house of representatives to assure efficient utilization of legislative services agency employees;

(5) publish such records, schedules, indexes and reports as the general assembly may require;

(6) arrange and contract for the printing of bills, enrolled acts, session laws, journals, the Indiana Code and supplements to the Indiana Code, the Indiana Administrative Code and

supplements to the Indiana Administrative Code, the Indiana Register, and the miscellaneous printing needs, supplies and equipment of the council, legislative services agency, and the general assembly;

(7) provide adequate quarters and office space for all legislative activities;

(8) serve as the policy-making board for, and in general supervise the operation of, all staff services of the legislative services agency whether the general assembly is in or out of session;

(9) submit a report of its activities to the general assembly in an electronic format under IC 5-14-6 and to the governor; and

(10) do all other things necessary and proper to perform the functions of the legislative department.

As added by Acts 1978, P.L.5, SEC.1. Amended by P.L.28-2004, SEC.1.

IC 2-5-1.1-6.3

Audit and financial reporting subcommittee

Sec. 6.3. (a) The following definitions apply throughout this section:

(1) "Audit committee" refers to the audit and financial reporting subcommittee of the legislative council established by subsection (b).

(2) "Audited entity" refers to the state, a municipality, a public hospital, or another person or entity that is subject to an examination by the state board of accounts under IC 5-11-1 or another law. However, the term applies to an entity (as defined in IC 5-11-1-16(e)) to the extent that the entity is required to be examined under IC 5-11-1-9 or another law.

(3) "Examination" refers to an audit, examination, or other engagement by the state board of accounts, its field examiners, or private examiners under IC 5-11-1 or another law.

(b) The audit and financial reporting subcommittee of the legislative council is established to assure the independence of the state board of accounts. The subcommittee is comprised of five (5) voting members and one (1) advisory member, who shall be the director of the office of management and budget, or the director's designee. The chairman of the legislative council, with the advice of the vice chairman of the legislative council, shall appoint the voting members of the audit committee and its chairperson. The audit committee may have members who are not members of the legislative council. If the individual appointed is not a member of the general assembly, the term of the member is three (3) years. If the individual appointed is a member of the general assembly, the term of the member is one (1) year. However, to stagger the terms of the members, if the individual appointed is not a member of the general assembly, the initial term of two (2) of these members is two (2) years instead of three (3) years. All members of the audit committee must possess or obtain a basic understanding of governmental

financial reporting and auditing. To ensure the audit committee's independence and effectiveness, a member of the audit committee may not exercise managerial responsibilities that fall within the scope of an examination required by IC 5-11-1.

(c) It is the responsibility of the audit committee to provide independent review and oversight of the state board of accounts and the examination process used by the state board of accounts. To carry out this responsibility, the audit committee shall do at least the following:

(1) Review and monitor the independence and objectivity of the state board of accounts and the effectiveness of the examination process, taking into consideration relevant professional and regulatory requirements.

(2) Evaluate the findings and recommendations of any peer review of the state board of accounts that is required by recognized government auditing standards.

(3) Receive and review reports of examinations submitted under IC 5-11-5-1 or another law to monitor the integrity of the financial reporting process and the effectiveness of the state board of accounts in evaluating the internal accounting controls of audited entities.

(4) Monitor the actions of the examined entities to follow up on reported findings to assure corrective action is taken.

(5) Review the policy on the engagement of the state board of accounts, its field examiners, and private examiners to supply nonaudit services, taking into account relevant ethical guidance regarding the provision of nonaudit services by the state board of accounts.

(6) Provide guidance to the state board of accounts on any accounting, examination, or financial reporting matter requested by the state board of accounts.

(7) At least annually, report to the legislative council on how the audit committee has discharged its duties and met its responsibilities.

(d) An examined entity shall provide the audit committee with information, including any reports of internal auditors and annual internal audit work plans, that the audit committee requests as necessary or appropriate to carry out the responsibilities of the audit committee.

(e) IC 2-5-1.2 applies to the committee. In addition, the audit committee may retain the services of at least one (1) financial expert who is either an audit committee member or an outside party engaged by the audit committee for this purpose. The financial expert must, through both education and experience and in a manner specifically relevant to the government sector, possess:

(1) an understanding of generally accepted accounting principles and financial statements;

(2) experience in preparing or auditing financial statements of comparable entities;

(3) experience in applying such principles in connection with

the accounting for estimates, accruals, and reserves;

(4) experience with internal accounting controls; and

(5) an understanding of audit committee functions.

The expenses of the audit committee shall be paid from appropriations for the legislative council and the legislative services agency.

As added by P.L.104-2014, SEC.1.

IC 2-5-1.1-6.5

Annual report format

Sec. 6.5. (a) The council shall, upon consultation with the governor's office, develop an annual report format taking into consideration, among other things, program budgeting, with the final format to be determined by the council. The format may be distributed to any agency (as defined in IC 2-5-21-1). The agency shall complete and return a copy in an electronic format under IC 5-14-6 to the legislative council before September 1 of each year for the preceding fiscal year.

(b) The council shall distribute one (1) copy to the governor's office, one (1) copy to the budget agency, and three (3) copies to the state library.

(c) The reports are a public record and are open to inspection.

As added by Acts 1978, P.L.6, SEC.35. Amended by P.L.3-1990, SEC.5; P.L.11-1993, SEC.1; P.L.28-2004, SEC.2.

IC 2-5-1.1-7

Legislative services agency

Sec. 7. (a) The council shall maintain a bipartisan service and administrative agency for the general assembly to assist it in the performance of its constitutional responsibilities as a separate and independent legislative branch of state government. The service and administrative agency shall be known as the "Legislative Services Agency."

(b) In maintaining the legislative services agency the council shall:

(1) establish the qualifications for and employ such personnel as are required to carry out the purposes and provisions of this chapter;

(2) employ an executive director, to be charged with the administrative responsibility of all offices, departments, or divisions which the council may from time to time establish, and to serve as chief executive under the council;

(3) adopt rules and regulations governing personnel practices and establishing the rights, privileges, powers, and duties of all employees;

(4) provide for employees to be covered by the public employees' retirement fund; and

(5) establish a pay scale for all employees including the executive director.

Rules and regulations adopted by the council under subdivision (3)

are not subject to IC 4-22-2. In those rules and regulations, the council may limit the political activity of legislative services agency employees.

(c) The executive director is entitled to serve as long as he properly performs his duties, but he may be removed at any time upon the affirmative vote of twelve (12) members of the council.

(d) The executive director may submit to the council such reports and drafts of resolutions, budgets, and appropriation bills as may be required for the efficient operation of the council's activities and programs.

(e) The legislative services agency shall perform such bill drafting, research, code revision, fiscal, budgetary, and management analysis, information, administrative, and other services as are requested by the council.

As added by Acts 1978, P.L.5, SEC.1. Amended by Acts 1982, P.L.7, SEC.1.

IC 2-5-1.1-7.5

Electronic geographic information system

Sec. 7.5. (a) For purposes of IC 5-14-3-4(b)(13), the work product of the legislative services agency includes an electronic geographic information system produced from data:

(1) gathered by the legislative services agency; and

(2) processed using proprietary software that has been licensed to the legislative services agency.

(b) This subsection applies to a public agency (as defined by IC 5-14-3-2) with access to the information described by subsection (a). A paper copy of a map that can be printed using the geographic information system described in subsection (a) must be available to any person under rules approved by the legislative council. Electronic copies of the information are available only under rules approved by the legislative council.

As added by P.L.251-1999, SEC.1.

IC 2-5-1.1-8

Reports to council by bodies performing official legislative business

Sec. 8. (a) All boards, commissions, and committees performing official legislative business between the regular sessions of the general assembly may be required to submit to the council progress reports and a final report. Such reports shall contain such information as the council may require and must be in an electronic format under IC 5-14-6.

(b) The budget committee of the state budget agency shall, upon request of the council, report to the council in an electronic format under IC 5-14-6 on the progress of its activities including an estimate of the revenues, an estimate of the surplus of revenues over expenditures, a report of current and projected expenditures and any other data which will enhance an understanding of the fiscal affairs of the state.

As added by Acts 1978, P.L.5, SEC.1. Amended by P.L.28-2004,

SEC.3.

IC 2-5-1.1-9
Repealed

(Repealed by P.L.3-1983, SEC.5.)

IC 2-5-1.1-10
Indiana code revision commission; establishment; advisory function

Sec. 10. (a) The Indiana code revision commission is established. The commission shall function as an advisory body to the legislative council. In that capacity, the commission shall:

(1) assist the council in supervising the compilation, computerization, indexing, and printing of the Indiana Code;

(2) assist the council in developing standards for the codification and revision of statutes to make those statutes clear, concise, and easy to interpret and to apply;

(3) assist the council, as required by IC 4-22-8-11, with the publication of the Indiana Register and in the compilation, computerization, indexing, and printing of the Indiana Administrative Code;

(4) assist the council, as required by IC 4-22-2-42, in developing and revising standards, techniques, format, and numbering system to be used in drafting rules for promulgation;

(5) assist the council in developing and revising standards, techniques, and format to be used when preparing legislation for consideration by the Indiana general assembly; and

(6) assist the council with any other related tasks assigned to the commission by the council.

(b) The commission consists of the following members:

(1) Four (4) members of the house of representatives, not more than two (2) of whom are members of the same political party, to be appointed by the speaker of the house of representatives.

(2) Four (4) members of the senate, not more than two (2) of whom are members of the same political party, to be appointed by the president pro tempore of the senate.

(3) The chief justice of Indiana or his designee.

(4) The chief judge of the Indiana court of appeals or his designee.

(5) The Indiana attorney general or his designee.

(6) An attorney admitted to the practice of law before the Indiana supreme court selected by the chairman of the council.

(7) A present or former professor of law selected by the chairman of the council.

(8) The Indiana secretary of state or his designee.

(9) An individual appointed by the governor.

Appointive members of the commission shall be appointed to serve a term of two (2) years or until their successors are appointed and qualified. However, an appointing authority may replace a member appointed under subsection (b)(1) or (b)(2) at any time during the

member's term. Notwithstanding this subsection, the term of a member appointed to the commission under subsection (b)(1) or (b)(2) and serving on the commission after March 14, 2014, and before December 31, 2014, expires December 31, 2014.

(c) IC 2-5-1.2-8.5 applies to the appointment of a chair and a vice-chair of the commission.

(d) Commission members serve without compensation other than per diem and travel allowance as authorized for legislative study committees.

(e) The commission shall meet as often as is necessary to properly perform its duties.

(f) The council may direct the legislative services agency to provide such clerical, research, and administrative personnel and other assistance as the council considers necessary to enable the commission to properly perform its duties.

(g) Subject to the authorization of the council, the expenses incurred by the commission in performing its duties shall be paid from the funds appropriated to the council.

As added by Acts 1981, P.L.8, SEC.1. Amended by P.L.31-1985, SEC.37; P.L.53-2014, SEC.1.

IC 2-5-1.1-11
Examination of state board of accounts

Sec. 11. The legislative council may examine the accounts, financial affairs, or performance of the state board of accounts. The examination is governed by IC 5-11. This examination may include a followup financial examination of a sample of those examined by the state board of accounts.

As added by P.L.3-1986, SEC.1.

IC 2-5-1.1-12
Repealed

(Repealed by P.L.1-2002, SEC.170.)

IC 2-5-1.1-12.1
Video or audio coverage of legislative sessions and activities

Sec. 12.1. The legislative council may contract with the office of technology established by IC 4-13.1-2-1 or another public or private person to provide video or audio coverage, or both, over the Internet or another broadcast medium of any of the following:

(1) Sessions of the general assembly.

(2) Other legislative activities authorized by the legislative council.

As added by P.L.1-2002, SEC.1. Amended by P.L.177-2005, SEC.1.

IC 2-5-1.1-12.2
Legislative services agency; office of census data

Sec. 12.2. (a) The definitions in IC 1-1-3.5 and IC 3-5-2 apply throughout this section.

(b) As used in this section, "council" refers to the legislative

council established by section 1 of this chapter.

(c) As used in this section, "GIS" refers to the geographic information system that the office is required to establish and maintain under subsection (f)(7).

(d) As used in this section, "office" refers to the office of census data established by subsection (e).

(e) The office of census data is established within the legislative services agency. Appointment of staff members of the office is subject to the approval of the legislative council.

(f) The office shall do the following:

(1) Advise and assist the Bureau of the Census in defining the boundaries of census blocks in Indiana.

(2) Work with other state and federal agencies to assist in the Census Bureau's local review program conducted in Indiana.

(3) Participate in national associations of state governments to obtain information regarding census count activities conducted by other states.

(4) Work with political subdivisions following each decennial census to provide information and assistance concerning special censuses, special tabulations, and corrected population counts.

(5) Work with the election division, state agencies, and political subdivisions to maintain accurate information concerning the boundaries of precincts and political subdivisions.

(6) Provide technical assistance to counties, the election commission, and the election division to comply with Indiana law concerning establishing a precinct (as defined in IC 3-11-1.5-1).

(7) Establish and maintain a geographic information system that contains the boundaries of all precincts, legislative districts, and congressional districts. The geographic information system may contain other boundaries and information as determined by the executive director of the legislative services agency or as required by the council.

(8) Perform other census and mapping research as determined by the executive director of the legislative services agency or as required by the council.

(g) The office shall provide the election division a network connection to the GIS. The network connection must do the following:

(1) Provide the election division with read access to the GIS.

(2) Enable the election division to download any information, including maps, contained in the GIS.

(h) The election division is the agency through which public access to information contained in the GIS shall be provided.

As added by P.L.1-2002, SEC.2. Amended by P.L.53-2014, SEC.2.

IC 2-5-1.1-13

Use of Internet coverage for commercial purpose

Sec. 13. (a) A person may use all or a part of audio or video coverage provided under section 12.1 of this chapter for a

commercial purpose intended to result in a profit or other tangible benefit to any person only if:

(1) the legislative council gives its permission for the person's commercial use; and

(2) the person:

(A) uses the audio or video coverage only for educational or public affairs programming, including news programming, that does not also constitute a use prohibited under section 14 of this chapter; or

(B) transmits to paid subscribers an unedited feed of the audio or visual coverage.

(b) The legislative council shall give its permission to a person to use the coverage provided under section 12.1 of this chapter for a commercial purpose if:

(1) the person or the person's representative submits to the legislative council, or its designated agent, a signed, written request for the use that:

(A) states the purpose for which the audio or video coverage will be used and that the stated purpose is allowed under subsection (a); and

(B) contains an agreement by the person that the audio or visual coverage will not be used for a commercial purpose other than the stated purpose; and

(2) the purpose stated in subdivision (1)(A) is a use allowed under subsection (a).

(c) The legislative council:

(1) is not required to give its permission to any person; and

(2) may limit the number of persons to whom it gives its permission;

to use coverage provided under section 12.1 of this chapter for a purpose described in subsection (a)(2)(B).

(d) Subsection (a) and an agreement under subsection (b)(1)(B) do not prohibit compiling, describing, quoting from, analyzing, or researching the verbal content of audio or visual coverage provided under section 12.1 of this chapter for a commercial purpose.

(e) The attorney general may enforce this section at the request of the legislative council by bringing a civil action to enjoin a violation of subsection (a) or an agreement under subsection (b)(1)(B).

As added by P.L.179-2001, SEC.2. Amended by P.L.1-2002, SEC.3.

IC 2-5-1.1-14

Internet coverage as part of legislative history

Sec. 14. Audio or video coverage provided under section 12.1 of this chapter is not part of the legislative history of an act enacted or resolution adopted by the general assembly unless:

(1) the content of audio or video coverage provided under section 12.1 of this chapter is:

(A) incorporated by resolution contemporaneously adopted by the chamber in which the coverage originated into the house or senate journal required under Article 4, Section 12

of the Constitution of the State of Indiana; or

(B) declared to be part of the legislative history of a bill or resolution in a bill contemporaneously enacted by the general assembly; and

(2) the content of the incorporated audio or video coverage is certified for accuracy and completeness by the principal clerk or principal secretary of the chamber in which the coverage originated.

As added by P.L.179-2001, SEC.3. Amended by P.L.1-2002, SEC.4.

IC 2-5-1.1-15

Internet coverage as an expression of legislative intent

Sec. 15. Audio or video coverage provided under section 12.1 of this chapter does not constitute an expression of the legislative intent, purpose, or meaning of an act enacted or resolution adopted by the general assembly unless:

(1) the content of audio or video coverage provided under section 12.1 of this chapter is incorporated by a bill contemporaneously enacted by the general assembly; and

(2) the content of the incorporated audio or video coverage is certified for accuracy and completeness by the principal clerk or principal secretary of the chamber in which the coverage originated.

As added by P.L.179-2001, SEC.4. Amended by P.L.1-2002, SEC.5.

IC 2-5-1.1-16

Internet coverage; use as evidence

Sec. 16. It is not the intent of the general assembly in enacting section 12.1 of this chapter to have the content of the audio or video coverage provided under section 12 of this chapter (repealed) used as evidence of the legislative intent, purpose, or meaning of an act enacted or resolution adopted by the general assembly.

As added by P.L.179-2001, SEC.5. Amended by P.L.1-2002, SEC.6; P.L.1-2003, SEC.1.

IC 2-5-1.1-17

Intent of general assembly in enactment of sections 12, 13, 14, 15, and 16 of chapter

Sec. 17. It is not the intent of the general assembly in enacting sections 12 (repealed), 13, 14, 15, and 16 of this chapter to change the judicial rule of statutory construction expressed in Tinder, Pros. Atty. et al. v. Clarke Auto Co., Inc. (1958), 238 Ind. 302, 149 N.E.2d 808 and later cases that the motive of individual sponsors of legislation cannot be imputed to the general assembly unless there is a basis for it in its statutory expression.

As added by P.L.16-2009, SEC.8.

IC 2-5-1.1-18

Annual appropriation to legislative employers

Sec. 18. There is annually appropriated to legislative employers

(as defined in IC 5-10-8) from the fund established under section 17 of this chapter sufficient funds to pay for employer paid benefit charges or premiums arising as a result of elections made by legislative employers under IC 5-10-8.
As added by P.L.178-2002, SEC.141.

IC 2-5-1.1-19
Small business impact comments

Sec. 19. The legislative services agency, under the direction of the legislative council, shall establish a process that permits small business impact comments concerning proposed legislation to be posted on the general assembly's web site after submission by the office of management and budget under IC 4-3-22-16.
As added by P.L.137-2006, SEC.1.