

## **IC 2-5-21**

### **Chapter 21. Legislative Evaluation and Oversight of Agencies and Programs**

#### **IC 2-5-21-0.3**

##### **Certain agencies and agency programs not abolished**

Sec. 0.3. An agency or agency program that would be abolished or terminated under IC 4-26 after December 31, 1992, if IC 4-26 had not been repealed by P.L.11-1993, is not abolished or terminated.

*As added by P.L.220-2011, SEC.7.*

#### **IC 2-5-21-1**

##### **"Agency" defined**

Sec. 1. As used in this chapter, "agency" includes an agency, an authority, a board, a bureau, a commission, a committee, a department, a division, an institution, or other similar entity created or established by law.

*As added by P.L.11-1993, SEC.3.*

#### **IC 2-5-21-2**

##### **Repealed**

*(As added by P.L.11-1993, SEC.3. Repealed by P.L.53-2014, SEC.16.)*

#### **IC 2-5-21-3**

##### **"Council" defined**

Sec. 3. As used in this chapter, "council" refers to the legislative council established by IC 2-5-1.1-1.

*As added by P.L.11-1993, SEC.3.*

#### **IC 2-5-21-4**

##### **"Program" defined**

Sec. 4. As used in this chapter, "program" means either of the following:

- (1) An activity done by an agency.
- (2) An activity an agency is authorized or required to perform by law.

*As added by P.L.11-1993, SEC.3.*

#### **IC 2-5-21-5**

##### **"Subcommittee" defined**

Sec. 5. As used in this chapter, "subcommittee" refers to the legislative evaluation and oversight policy subcommittee established by section 6 of this chapter.

*As added by P.L.11-1993, SEC.3.*

#### **IC 2-5-21-6**

##### **Subcommittee established**

Sec. 6. The legislative evaluation and oversight policy subcommittee of the council is established.

*As added by P.L.11-1993, SEC.3.*

#### **IC 2-5-21-7**

##### **Membership of subcommittee**

Sec. 7. (a) The subcommittee consists of four (4) members of the council as follows:

(1) Two (2) members of the house of representatives who may not be members of the same political party.

(2) Two (2) members of the senate who may not be members of the same political party.

(b) The chairman of the council, with the advice of the vice-chairman of the council, shall appoint the members of the subcommittee.

*As added by P.L.11-1993, SEC.3. Amended by P.L.53-2014, SEC.17.*

#### **IC 2-5-21-8**

##### **Chair; vice-chair**

Sec. 8. IC 2-5-1.2-8.5 applies to the appointment of a chair and vice-chair of the subcommittee.

*As added by P.L.11-1993, SEC.3. Amended by P.L.53-2014, SEC.18.*

#### **IC 2-5-21-9**

##### **Duties of subcommittee; evaluation of the role and governance of Indiana University-Purdue University Fort Wayne**

Sec. 9. (a) Subject to the direction of the council and subsection (d), the subcommittee shall do the following:

(1) Annually recommend to the legislative council the agencies and programs to be reviewed by the staff and a committee to receive and evaluate the agencies and programs selected for review after the review is completed.

(2) Direct the staff in performing reviews of agencies and programs.

(3) Perform other functions assigned by the council.

(b) The council shall determine which agencies and programs to review.

(c) Unless assigned by the legislative council to a committee established under IC 2-5-1.3, the subcommittee shall do the following:

(1) Evaluate the results of the review.

(2) Determine whether additional corrective or other legislation is required.

If the legislative council assigns the duties under this subsection to a committee established under IC 2-5-1.3, the assigned committee has the duties and powers of the subcommittee established by this chapter.

(d) In 2015, the staff of the legislative services agency shall

evaluate the role and governance of Indiana University-Purdue University Fort Wayne and potential models for the role and governance of Indiana University-Purdue University Fort Wayne after June 30, 2016. The study may cover any subject that is relevant to the role of or governance of Indiana University-Purdue University Fort Wayne. Section 13 of this chapter does not apply to the study. Section 21 of this chapter applies to the study. The president of Purdue University, the president of Indiana University, and the chancellor of Indiana University-Purdue University Fort Wayne shall each provide the executive director of the legislative services agency with contact information for an individual who will be primarily responsible for coordinating submission of information required or requested from the university under section 21 of this chapter. The initial contact information must be provided before May 16, 2015. For the purposes of the study under this section, which is conducted for the council:

- (1) Purdue University, its boards, its officers, and its employees;
- (2) Indiana University-Purdue University Fort Wayne, its officers, and its employees; and
- (3) Indiana University, its boards, its officers, and its employees;

shall respond to data or information requests, including requests for confidential data or information with respect to Indiana University-Purdue University Fort Wayne, from the executive director of the legislative services agency in a complete and timely manner. Information requested under this section shall be delivered to the executive director of the legislative services agency in the form and in the manner specified by the executive director of the legislative services agency. The legislative services agency shall maintain the confidentiality of confidential information received under this section. A final report shall be distributed to the legislative council before January 16, 2016. The report must include, as an appendix, any role and governance proposals or plans recommended by and agreements entered into by Purdue University or Indiana University before December 16, 2015.

*As added by P.L. 11-1993, SEC.3. Amended by P.L. 53-2014, SEC.19; P.L. 213-2015, SEC.36.*

#### **IC 2-5-21-10**

##### **Repealed**

*(As added by P.L. 11-1993, SEC.3. Repealed by P.L. 53-2014, SEC.20.)*

#### **IC 2-5-21-11**

##### **Repealed**

*(As added by P.L. 11-1993, SEC.3. Repealed by P.L. 53-2014, SEC.21.)*

**IC 2-5-21-12****Repealed**

*(As added by P.L.11-1993, SEC.3. Repealed by P.L.53-2014, SEC.22.)*

**IC 2-5-21-13****Considerations when evaluating agencies and programs**

Sec. 13. Any of the following shall be considered by staff when reviewing and doing follow-up reviews of agencies and programs:

- (1) The objectives intended for the agency or program and the problem or need that the agency or program was intended to address.
- (2) The degree to which the intended objectives of the agency or program have been achieved expressed in terms of performance, impact, or accomplishments of the agency or program.
- (3) Budget and other fiscal factors relating to the agency or program.
- (4) Areas or aspects of outstanding agency or program performance that might be effectively used by other agencies or programs.
- (5) The effect of the agency or program on the Indiana economy, including costs to consumers and businesses.
- (6) Whether another public or private program or entity can better or more economically meet the need for which the agency or program was established.
- (7) Whether the operation of the agency or program has been efficient and responsive to public needs.
- (8) The management efficiency of the agency or program and the cost effectiveness and value of the information the agency or program processes.
- (9) Any criteria identified by the subcommittee or by the council.

*As added by P.L.11-1993, SEC.3. Amended by P.L.53-2014, SEC.23.*

**IC 2-5-21-14****Repealed**

*(As added by P.L.11-1993, SEC.3. Repealed by P.L.53-2014, SEC.24.)*

**IC 2-5-21-15****Repealed**

*(As added by P.L.11-1993, SEC.3. Repealed by P.L.53-2014, SEC.25.)*

**IC 2-5-21-16****Repealed**

*(As added by P.L.11-1993, SEC.3. Repealed by P.L.53-2014, SEC.26.)*

**IC 2-5-21-17**

**Repealed**

*(As added by P.L.11-1993, SEC.3. Repealed by P.L.53-2014, SEC.27.)*

**IC 2-5-21-18**

**Repealed**

*(As added by P.L.11-1993, SEC.3. Repealed by P.L.53-2014, SEC.28.)*

**IC 2-5-21-19**

**Repealed**

*(As added by P.L.11-1993, SEC.3. Repealed by P.L.53-2014, SEC.29.)*

**IC 2-5-21-20**

**Cooperation of agency under evaluation**

Sec. 20. The chief administrative officer and the employees of an agency or agency that administers a program subject to evaluation under this chapter shall cooperate with the subcommittee, the council, and the legislative services agency as the staff to the subcommittee and the council, as they perform the duties under this chapter.

*As added by P.L.11-1993, SEC.3. Amended by P.L.53-2014, SEC.30.*

**IC 2-5-21-21**

**Information provided by agency under evaluation**

Sec. 21. The chief administrative officer and the employees of an agency or agency that administers a program subject to review under this chapter shall provide the legislative services agency as the staff of the subcommittee and council with the following information upon request in an electronic format under IC 5-14-6:

- (1) The identity of all agencies or subunits under the agency's direct or advisory control.
- (2) A description of all the agency's powers, duties, and functions currently performed.
- (3) A citation to all constitutional, statutory, or other authority under which the agency carries out the agency's powers, duties, and functions.
- (4) A description of the number and types of persons the agency serves.
- (5) A summary description, for the last completed fiscal year, of the number, type, and cost of personnel the agency employs in carrying out each program, and a summary description of the cost of personnel the agency employs under contract in carrying

out each program.

(6) A description identifying the source of all funds for which the agency has some responsibility.

(7) A description of the agency's performance and accomplishments in the last fiscal year and of the budgetary costs the agency incurred in the operation of each program.

(8) A summary description of the agency's reporting and recordkeeping requirements and activities, including the agency's management and control of information and records and the value of the information gathered compared to the cost to respondents, and an assessment of the agency's methods to reduce and simplify the reporting and recordkeeping requirements.

(9) A summary description of the agency's budget and program for the current fiscal year and the agency's budget projections for the next succeeding fiscal year.

(10) An estimate of potential outputs of services to be produced by varying levels of budgetary inputs.

(11) A description concerning any powers, duties, or functions that in the agency's opinion are being performed and duplicated to any extent by another public or private program or entity, including the manner in which and the extent to which this duplication of effort is occurring, and any recommendations the agency has as to eliminating this situation.

(12) A description of any powers, duties, or functions that in the agency's opinion are inconsistent with current and projected public demands and that should be terminated or altered.

(13) A description of the names of those private programs or entities with which the agency has substantial contact, and a description of the nature of that contact.

(14) Any other information that the subcommittee, the staff of the subcommittee, or the council feels is necessary and proper to assist the subcommittee or the council in carrying out its duties.

*As added by P.L.11-1993, SEC.3. Amended by P.L.53-2014, SEC.31.*