

Studies: Legislative and Non-Legislative

Purpose

Studies allow for the examination of topics beyond what may be possible during a legislative session.

Types

Studies can take many forms and can be tailored to meet the needs of the Legislature. Generally studies result in a report of findings and recommendations for legislative consideration in a subsequent legislative session. The Legislature is not bound to adopt the recommendations of a study.

Legislative study

A “legislative study” is a study undertaken by any group of people that uses any legislative resources (requires legislative appointments, includes legislators, uses legislative study funds or involves legislative staff). Except for limited exemptions adopted in policies of the Legislative Council, a “legislative study” must conform to Joint Rule 353, which includes many requirements relating to the composition and appointment of membership, compensation, report deadlines and limits on outside funding. Legislative studies are placed on a special study table in the Senate and reviewed by the Legislative Council, which decides which to authorize. Unless the Legislative Council directs otherwise, Legislative Council staff are assigned only to legislative studies that conform to Joint Rule 353.

Non-legislative study

Non-legislative studies include the following.

- Stakeholder group study or an on-going board or commission. Council policy allows such groups to include up to 2 legislators, provided no other legislative resources are used; if no more than 2 legislators are included, the proposal will go on the study table, but the other rules relating to legislative studies do not apply.
- Agency study. An agency directed to study an issue and report back.
- Staff study. Nonpartisan legislative staff can collect data, research legal and policy issues and provide an analysis and summary.
- Special committees established by the Presiding Officers. The Speaker may establish a House special committee, the President a Senate special committee, or jointly they may establish a joint special committee to study matters as directed by the order of the Presiding Officers.

Creating a study

If a committee believes a study may be appropriate, its first step should be to define the study’s purpose. The committee should then consider whether a legislative study is the most appropriate form of study to achieve that purpose. A legislative study may be created by joint study order, if no one outside Legislature is required to do anything and the study will be completed within the Legislative biennium. Otherwise, some form of law is required to create a study.

Implementing study recommendations

Under Joint Rule 353, legislative and non-legislative studies may not introduce legislation but may include proposed legislation in their reports to the Legislature. Upon receipt of a report submitted by a study, a joint standing committee may introduce a bill on matters relating to the study (e.g., the legislation proposed by the study).