

# Legislative Council

Representative Todd Huston, Chair

Senator Rodric Bray, Vice-Chair

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## JOINT POLICIES FOR THE CONDUCT OF ELECTRONIC MEETINGS OF LEGISLATIVE INTERIM STUDY COMMITTEES

*Whereas, IC 2-5-1.1 authorizes the Legislative Council to do all things necessary and proper to perform the functions of the legislative department of government and to carry out the intent, purposes, and provisions of IC 2-5-1.1 that govern the Legislative Council;*

*Whereas, SECTION 17(a) and SECTION 17(b) of Legislative Council Resolution 20-03 adopted on May 13, 2020, state:*

*SECTION 17. ELECTRONIC MEETINGS. (a) The Chair and Vice-Chair of the Legislative Council jointly may authorize in writing a study committee or a subcommittee or working group of a study committee to conduct one (1) or more meetings as electronic meetings. The Chair and Vice-Chair of the Legislative Council jointly shall establish written policies for the conduct of an electronic meeting under this SECTION. The policies may specify that electronic meetings be conducted in accordance with the requirements of IC 5-14-1.5-3.6 or specify different requirements that give members and the public (including individuals with disabilities) a reasonable opportunity to see, hear, and participate in the electronic meetings.*

*(b) If an electronic meeting is authorized, attendance of a member of the study committee or a subcommittee or working group of a study committee by electronic means shall be treated the same as physical attendance at the meeting. However, the member or lay member is not entitled to mileage or reimbursement other than per diem; and*

*Whereas, due to the COVID-19 virus, a cautious approach to handling group meetings is appropriate;*

*Therefore,*

*Be it Resolved by the Chair and Vice Chair of the Legislative Council:*

SECTION 1. This Joint Policy applies to meetings of study committees occurring in a state fiscal year beginning after June 30, 2020, and ending before July 1, 2021. As used in this Joint Policy, "study committee" refers to a study committee (as defined in SECTION 1 of Legislative Council Resolution 20-03) and any subcommittee or working group of a study committee (as defined in SECTION 1 of Legislative Council Resolution 20-03). This Joint Policy does not apply to the Budget Committee, the Commission on Improving the Status of Children in Indiana, the Youth Advisory Council, or the Indiana Uniform Law Commission.

SECTION 2. Except as otherwise authorized in writing by the Chair and Vice-Chair of the Legislative Council, all study committee meetings must be conducted in conformity with the policies and procedures in APPENDIX A.

SECTION 3. A study committee member is authorized to attend a study committee meeting remotely by electronic means in accordance with APPENDIX A.

SECTION 4. Except as provided in APPENDIX A, a study committee member who attends a meeting remotely shall be treated as attending the meeting to the same extent as if the member was physically present in the meeting room.

Dated this \_\_\_\_\_ day of July 2020.



Representative Todd Huston, Chair  
Legislative Council



Senator Rodric Bray, Vice-Chair  
Legislative Council

## **APPENDIX A STUDY COMMITTEE MEETING PROTOCOL**

### **1.0. NOTICES**

All study committee meetings must have the capacity to be conducted as electronic meetings regardless of whether they are conducted as virtual meetings or hybrid meetings. Meeting dates, meeting room assignments, and meeting agenda for electronic meetings shall be arranged and posted on the legislative Internet website (<http://iga.in.gov/>) in the same manner as study committee meetings for non-electronic meetings.

Notices must be posted on the Internet at least seven (7) regular business days before the date of the meeting.

Each meeting notice and agenda for a study committee either shall include a description of the procedures and policies that will apply to the meeting or contain a cross reference to an Internet webpage where the procedures and policies can be viewed. Information concerning the manner in which a virtual meeting will be conducted shall be posted before the meeting outside Room 230 in the State House. If the meeting is a hybrid meeting, the same information shall be posted before the meeting outside the meeting room.

### **2.0. ELECTION TO ATTEND MEETING REMOTELY**

Legislative Services Agency staff shall provide each member of a study committee with a link to electronic communication software program that will permit the member to participate in the study committee meeting from a remote location. For security purposes, the link should not be posted on social media or otherwise shared with any other individual or organization.

A member of a study committee who chooses to participate in a study committee meeting may elect to attend the meeting from a remote location if the member determines that the member:

- (1) is or might be at increased risk of serious illness from COVID-19 according to the latest guidance from the Indiana State Department of Health or the federal Centers for Disease Control and Prevention (CDC) or from pneumonia, another contagious disease, or a compromised immune system;
- (2) resides with or is providing care to another individual who is or might be at increased risk of serious illness from COVID-19 according to the latest guidance from the Indiana State Department of Health or the federal Centers for Disease Control and Prevention (CDC) or from pneumonia, another contagious disease, or a compromised immune system;
- (3) has been exposed within fourteen (14) days immediately preceding the meeting and guidance from the Indiana State Department of Health or the federal Centers for Disease Control and Prevention (CDC) recommends self-quarantine for that type of exposure; or

- (4) has been advised by a physician to avoid travel through the date of the meeting outside the member's home or a hospital, rehabilitation center, or health facility due to a medical reason.

A member of a study committee who chooses to participate in a study committee meeting shall attend the meeting from a remote location if the member:

- (1) is exhibiting symptoms or within fourteen (14) days immediately preceding the meeting has exhibited symptoms of COVID-19, pneumonia, or another contagious disease;
- (2) resides with or is giving care to an individual who is exhibiting symptoms or within fourteen (14) days immediately preceding the meeting has exhibited symptoms of COVID-19, pneumonia, or another contagious disease;
- (3) is subject to a federal, state, or local quarantine or isolation order that covers the date of the study committee meeting due to concerns related to COVID-19, pneumonia, or another contagious disease; or
- (4) has been advised by a health care provider to self-quarantine through the day of a study committee meeting due to concerns related to COVID-19, pneumonia, another contagious disease, or a compromised immune system.

Information concerning the medical reasons for participation in a meeting from a remote location must be kept confidential.

Study committee members who access a meeting through the electronic communication software link should activate the link ten (10) minutes before the start of the meeting. The member will be sent to an electronic waiting area until the legislative staff member managing the software can positively identify the individual connecting to the software as a member of the study committee. This verification step may require a telephone call or text message exchange with the member as an additional verification step in some cases.

During a meeting, a member attending the meeting remotely must be visible in real time through the electronic communication software in the manner provided by the electronic communication software unless there is a technical failure that permits only audio participation in the meeting. A member participating in a meeting may not turn off the video feature in the electronic software communication software or use a still photograph or other image that replaces the member's live image.

### **3.0. VIRTUAL AND HYBRID STUDY COMMITTEE MEETINGS**

If:

- (1) this Joint Policy allows or requires all members of a study committee to attend a study committee meeting remotely, an electronic meeting shall be conducted as a virtual meeting with no one physically present in a room assigned for the meeting and all participating members using electronic communication software jointly approved by the Speaker of the House of Representatives and the

- President Pro Tempore of the Senate to attend the meeting ("Virtual Meeting"); and
- (2) this Joint Policy does not allow or require all members of a study committee to attend a study committee remotely, the meeting shall be conducted as a hybrid meeting with participating members who are not allowed or required to attend remotely physically present in an assigned meeting room and with any excused members participating remotely using electronic communication software jointly approved by the Speaker of the House of Representatives and the President Pro Tempore of the Senate ("Hybrid Meeting").

#### **4.0. COMMITTEE ROOMS FOR HYBRID MEETINGS**

If a study committee meeting is conducted as a hybrid meeting, the primary meeting room must be a physical room in the State House. The State House is located at 200 West Washington Street in Indianapolis Indiana.

The legislative staff shall identify the physical room in which the meeting will be held in posted notices and agenda. The leader for each political party caucus in the General Assembly shall regularly poll the members of that political party and lay members appointed by the leader on study committees to determine whether they will attend study committee meetings in person or remotely. The designated individuals shall assist the chairs of study committees and the Legislative Services Agency staff in determining the number of members who will be physically present in each meeting.

The number of hybrid meetings that simultaneously can be held may not exceed the number of rooms sufficiently equipped to permit the public to see and hear the meetings and all witnesses testifying to the study committee in real time through the webcast feature on the General Assembly's website. As soon as possible and ordinarily not less than ten (10) regular business days before a proposed meeting, a study committee chair shall notify the Chair of the Legislative Council of the chair's intent to hold a study committee meeting. If study committee chairs wish to hold more than two (2) hybrid meetings that overlap in time, the Chair of the Legislative Council, after consulting with the Vice-Chair, shall determine whether adequate facilities are available and which study committees can meet at the same time. Committee chairs are encouraged to consider Mondays and Fridays for virtual and hybrid meetings as well as other regular business days of the week in order to avoid overlapping meetings.

The maximum number of individuals who may be physically present in a hybrid meeting room at the same time is limited to the number of individuals who may occupy the room while maintaining a safe distance of at least six (6) feet from all other individuals. Regardless of whether all study committee members may safely distance from each other in a hybrid meeting room, the maximum number of members who may be physically present in a hybrid meeting room may not exceed the number of individual microphones that are available in the meeting room. If more than this number wish to be physically present in the meeting room, the presiding study committee chair, after consulting with any co-chair or vice-chair for the study committee, shall determine who may occupy the room. Priority shall be given to allowing

members of the study committee and legislative staff required to provide technical support for the meeting to remain in the meeting room. The determination, to the extent practicable, must treat study committee members and staff affiliated with either of the two major parties equally. If a study committee member must leave the hybrid meeting room and does not have an office space in the State House, the legislative staff shall provide a remote location where study committee members removed from the meeting room may continue to participate in the meeting.

## **5.0. PUBLIC ACCESS TO ELECTRONIC MEETINGS**

### **5.1. Required Health Practices**

To assure the safety of all persons involved in the study committee process, a member of the public must wear a mask or cloth face covering (except when speaking as a witness) and maintain a distance from all other individuals of at least six (6) feet when in or near a study committee meeting room, viewing monitor, remote testimony room, or another area waiting to testify and when transiting to and from these areas. A mask or cloth face covering must be worn correctly covering both the nose and mouth. The mask or cloth covering may not be obviously less effective than surgical masks in preventing respiratory droplets from traveling into the air and onto other individuals when the individual wearing the mask coughs, sneezes, talks, or raises their voices. Masks made of see-through cloth or mesh or made of crochet (yarn), lace, or wire that is loosely woven or constructed with visible gaps in the design do not comply. Individuals should not enter the State House if they have a fever or cough or other symptoms of COVID-19 or another contagious disease. Additionally, regardless of whether an individual exhibits symptoms, it is recommended that an individual not enter the State House within fourteen (14) days after they know they have been exposed to another individual with the virus. The State House restrooms are equipped with soap; individuals in the State House should wash hands often and use hand sanitizer.

### **5.2. Participation as an Observer**

Unless the subject of an electronic meeting meets the criteria in IC 5-14-1.5-6.1 for holding an executive session, members of the public (including staff not participating in an electronic meeting) must be given an electronic opportunity to hear and see the proceedings of a study committee. The general public will not be admitted to a hybrid meeting room. All virtual meetings and hybrid meetings must be webcast through the webcast feature on the legislative Internet website for the General Assembly. In addition, legislative staff shall provide monitors outside a committee room or another location in the State House where the public may view the proceedings of the study committee.

### **5.3. Participation by Submitting Written Testimony or Other Information**

If an individual wishes to distribute material such as documents, written testimony, pre-recorded testimony, or exhibits to members of a study committee or use a digital presentation in testimony to the study committee, the individual must contact the lead Legislative Services Agency staff member for the study committee. To the extent possible, the individual or group should communicate with Legislative Services Agency staff not later than five (5) regular business days before the meeting to arrange for submission of the material.

To contact the lead Legislative Services Agency staff member, an individual must call (317) 233-0696 and ask for one (1) of the staff persons listed at the bottom of the posted notice or agenda for the meeting. The Legislative Services Agency will provide the individual with an email address to which information may be sent.

Material such as documents, written testimony, and exhibits must be provided in Adobe PDF format. Legislative Services Agency staff may accept:

- (1) digital presentations that an individual wishes to use in live testimony to a study committee; and
- (2) pre-recorded testimony;

in another format, if the format is compatible with the equipment used by the study committee. Unless an individual arranges with Legislative Services Agency staff for another secure form of submission, all submissions must be attached to an email sent to the email address provided by the Legislative Services Agency staff. Material contained on thumb drives or in paper format will not be accepted. Digital presentations and pre-recorded testimony that are on thumb drives or on laptops ordinarily will not be accepted. Material, digital presentations, or pre-recorded testimony that are not relevant to the agenda of a study committee or that contain macros, scripts, or other executable programs that initiate a computer operation other than the display the submitted material will not be accepted.

After accepted information is received, subject to the provisions in this Joint Policy on relevance and civility, Legislative Services Agency staff shall inform the members of the study committee of the existence of the submitted information, make the information available to the study committee members, and archive the material as public exhibits on the study committee's webpage. Unless insufficient time exists to upload the information, digital presentations addressing the topics assigned to a study committee will be uploaded to the software used for the electronic meeting before the meeting convenes and be available to the individual testifying.

#### **5.4. Participation by Live Testimony**

If the chair of a study committee will receive public testimony at a meeting, legislative staff shall arrange for a room in the State House where members of the public may make presentations to the study committee. The room must be separate from any hybrid meeting room in which study committee members are located. Live testimony shall not be received from a location other than this remote testimony room. However, the chair of a study committee may make an exception for presentations by staff or an individual compensated as an expert under SECTION 11 of Legislative Council Resolution 20-03.

Rooms used for witnesses must be equipped so that:

- (1) each member of the study committee and individuals electronically observing the meeting can hear and see the live testimony of the witness (including any digital presentation material used by the witness);

- (2) witnesses and members of the study committee can communicate with each other during the testimony; and
- (3) digital presentations of the witnesses can be archived as part of the archive of the study committee meeting.

If the number of witnesses exceed the capacity of the room used for testimony, legislative staff shall arrange for sufficient additional waiting areas where witnesses can stay until they are called to testify. To the extent of available equipment, each waiting area must be equipped with a monitor for witnesses to see and hear the proceedings of the study committee.

Witnesses are encouraged to notify the Legislative Services Agency in advance of a meeting of their intent to testify. To register as a witness:

- (1) if an individual has access to the Internet, the individual should go to the legislative website (<https://iga.in.gov/>) and complete the electronic registration form; and
- (2) if an individual does not have access to the Internet or the Internet registration form is not available, the individual should contact the lead Legislative Services Agency staff member for the study committee by calling (317) 233-0696.

Before a meeting begins and during a meeting, legislative staff shall provide guidance on how to locate and use the remote testimony room. Legislative staff shall wipe microphones and podium tops within six (6) feet of a speaker with a disinfectant between uses by different speakers.

### **5.5 Relevance and Civility**

Material and any part of live testimony that:

- (1) incites, advocates or expresses pornography, obscenity, vulgarity, profanity, hatred, bigotry, racism, or gratuitous violence;
- (2) provides or creates links to external sites that violate this code of conduct;
- (3) threatens, stalks, defames, defrauds, degrades, victimizes or intimidates an individual or group of individuals for any reason; including on the basis of age, race, religion, color, sex, disability, national origin, ancestry, or veteran status; or
- (4) contains or could be considered 'junk mail', 'spam', 'chain letters', 'pyramid schemes', 'affiliate marketing', or other irrelevant commercial advertisement;

shall not be electronically posted, archived, or webcast. The chair of a study committee shall limit live testimony that violates any of the above conditions or that is not relevant to the study topics assigned to the study committee. The chair of a study committee may limit the length of time that each presenter uses to address the study committee.

### **6.0. ALTERNATIVE ARRANGEMENTS IF STATE HOUSE CLOSED TO PUBLIC**

If the State House is not open to the general public, there will not be an opportunity in the State House for a member of the general public (other than pre-registered witnesses) to observe a study committee meeting. Regardless of whether the State House is open to the general public, all virtual study committee meetings and hybrid study committee meetings will

be webcast through the webcast feature on the legislative Internet website for the General Assembly.

The following procedure applies to all members of the public who wish to testify in a study committee meeting, regardless of whether the individual has an access card for the State House. If the State House is not open to the general public, legislative staff shall permit an individual who pre-registers as a witness to be admitted to the State House for the purpose of giving live testimony. To pre-register:

- (3) if an individual has access to the Internet, the individual must go to the legislative website (<https://iga.in.gov/>) and complete the electronic registration form; and
- (4) if an individual does not have access to the Internet or the Internet registration form is not available, the individual must contact the lead Legislative Services Agency staff member for the study committee by calling (317) 233-0696;

not less than three (3) regular business days before the date of the meeting for which the individual wishes to give live testimony.

Beginning not less than thirty (30) minutes before the scheduled time at which a meeting will begin, legislative staff will be present at the west door of the State House to meet pre-registered witnesses. After confirming that an individual is an individual who has pre-registered and is in compliance with the required health practices, legislative staff shall give the individual a name tag and escort the witness either to the remote testimony room or a waiting area. It is recommended that individuals arrive at least twenty (20) minutes before the scheduled start of a meeting to allow for sufficient time to complete the process.

Lay members on a study committee do not need to pre-register but should enter the State House from the west door. Staff (including elected officials), with access cards to the State House who wish to testify should pre-register as witnesses but may use any door to enter the State House.

Members of the public must remain on the first floor (basement floor) of the State House. Except as necessary to use the restroom facilities, members of the public must remain in the presence of legislative staff assigned to assist witnesses. Legislative staff will escort witnesses to the west door of the State House when the witnesses are ready to leave.

Individuals other than individuals giving testimony ordinarily will not be allowed in the State House. However, a care giver for a witness with a disability may enter into the State House with the witness. The care giver will be given a name tag that indicates that the individual is a care giver.

State House staff may limit the number of members of the public who are present at the same time in the State House if a limitation is necessary to permit all individuals in a remote testimony room, in a waiting area, on the first floor of the State House to be at least six (6) feet from each other.

### **7.0. OFFICIAL ACTION**

Study committee votes may be taken by roll call or (if all study committee members and other individuals electronically observing the meeting can see the member's hands when voting) a raised hand.

Attendance at the meeting should be taken by roll call if not all of the members can be seen simultaneously by all members and other individuals electronically observing the meeting. The chair shall ask a member who joins the meeting after it is initially convened to verbally identify themselves for the record.

The electronic communication software used for study committee meetings includes features that allow individuals using the software to privately communicate with each other. These features include mechanically raised hands and chat features. A study committee member may use these features to communicate to the presiding study committee chair the member's interest in speaking. However, none of these features may be used to address the group, give testimony, or otherwise take official study committee action.

### **8.0. MILEAGE ALLOTMENTS**

A study committee member who attends a meeting from a remote location in accordance with this Joint Policy is entitled to per diem payments to the same extent as if the member was physically present in the meeting. However, a member who is not required to travel in order to attend a meeting is not entitled to mileage or other travel reimbursement. For payment of per diem to occur:

- (1) evidence must exist in the minutes of the meeting that verifies the study committee member's electronic participation; and
- (2) the member must provide to the Legislative Services Agency the information required by the Auditor of State for payment.

### **9.0. ARCHIVE**

Legislative staff shall archive the webcast of and exhibits for a hybrid meeting or virtual meeting in the same manner as legislative staff archives non-electronic study committee meetings. The archive shall include a visual record of an individual at least when speaking or taking official action but need not show all participants simultaneously.

### **10.0 EXEMPTIONS**

The Chair and Vice-Chair of the Legislative Council are committed to balancing the need for open, transparent government with the safety of all individuals participating in study committee meetings. If the Chair and Vice-Chair of the Legislative Council determine that one (1) or more study committee meetings can be conducted safely with an exemption to or a revision to this Joint Order, the Chair and Vice Chair may issue in writing an appropriate exemption to or revision to this Joint Order for those meetings or terminate this Joint Order for all subsequent meetings.