

OPINION 29

OFFICIAL OPINION NO. 29

April 30, 1953.

Ralph G. Hines,
Member of House of Representatives,
1422 S. Meridian Street,
Portland, Indiana.

Dear Sir:

I have your request for an official opinion which reads as follows:

"You are probably cognizant of the fact that the Governor vetoed the bill creating a Legislative Advisory Commission, with broad enough scope, to allow the Lt. Governor to appoint a Mental Institutions Visiting Committee. As a member of the old Legislative Advisory Bureau, for the past eight years, it was my hopes to operate my Mental Institutions Visiting Committee under this bill.

"As a member of the Legislative Advisory Bureau, I have written the Lt. Governor asking if he would have the authority to appoint such a Committee under Chapter 88 of the Acts of 1945. He has advised me, that he will go into the matter upon his return from a short vacation.

"I would appreciate an official opinion from your Department, as to whether or not the Lt. Governor would have the authority to create a sub-committee, under this Act, to act as a Visiting Committee of our Mental Institutions."

Chapter 88 of the Acts of 1945 is found in Burns' Indiana Statutes Annotated (1951 Repl.) 60-1701 *et seq.* Section 2 of that act provides for the Indiana Legislative Advisory Commission to be composed of three members of the House and three members of the Senate. Section 6 of that act, same being Burns' Indiana Statutes Annotated, 60-1706 concerns the duties of this Advisory Commission. This section reads as follows:

"It shall be the duty of the commission to collect information concerning the government and general

welfare of the state, examine the effects of previously enacted statutes and recommend amendments thereto, to instruct the director of the bureau as to what research and investigation shall be made by the bureau. Said commission shall advise the director as to the employment of such assistants and research agencies as it may deem desirable in the preparation of a program of legislative research and investigation, or in regard to any matters of state-wide public importance within the jurisdiction of the legislative branch. *Said commission shall also make or cause to be made for the use of the legislative branch of the state government, studies seeking to improve legislative procedure, to improve administrative organizations of the state, to eliminate waste and overlapping functions, and to institute economies.* Said commission shall have the power to call upon any department or agency of the state government for such information as it deems pertinent to the studies in which it is engaged. *Said commission shall also have the power to designate members of the general assembly to such subcommittees as it shall create, for the purpose of making investigations and studies, and said committee may call and examine witnesses."*

You will notice that the Lieutenant-Governor is given no authority to appoint any committees. However, he is the presiding officer of this commission and the commission is given the specific authority to create subcommittees to study and investigate any problem in which the commission feels such action is necessary. This power would seem to include the right to create a subcommittee to investigate any mental institution or institutions should the commission determine that such action was proper. However, in this regard it should be noted that Chapter 266 of the Acts of 1953 makes specific provision for visiting committees for each of the state mental institutions.