

Studies: Legislative and Non-legislative

Purpose and types of studies

Studies allow for the examination of topics beyond what may be possible during a legislative session. Studies, including legislative and non-legislative studies, may take many forms and be tailored to meet the needs of the Legislature. A study usually results in a written 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 outside funding. Legislative studies are placed on a special study table prior to final approval in the Senate and are reviewed by the Legislative Council, which decides what studies 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

A “non-legislative study” or “non-legislative study group” is any group of individuals directed by legislation to report back to the Legislature on any issue, but is not otherwise a legislative study. Non-legislative studies include the following.

- Stakeholder group study or an on-going board or commission: Legislative Council policy allows these groups to include up to two legislators as long as no other legislative resources are used; if no more than two legislators are included, the proposal will go on the study table but the other requirements relating to legislative studies do not apply.
- Agency study: An agency is directed to study an issue and report back to a committee or the Legislature.
- Staff study: Nonpartisan legislative staff is directed to collect data, research legal and policy issues and provide an analysis and summary.

A study that proposes to use any legislative resources will likely be placed on the special study table pending review by the Legislative Council.

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 the 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 as adopted by the 130th Legislature, neither a legislative nor a non-legislative study may introduce legislation but may include proposed legislation in its report to the Legislature. Under that rule, 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.