
SENATE BILL No. 276

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-14-1.5.

Synopsis: Notice of public meetings. Requires a public agency to send an electronic mail copy of the agendas of the meetings of the public agency's governing body to any person or news medium that requests an electronic mail copy of the agenda if the governing body uses an agenda and the public agency has the ability to send electronic mail. Requires a public agency to give notice of the meetings of the public agency's governing body to any person who makes an annual request for notices. Provides that the governing body may charge a fee of not more than \$2 for providing the notices.

Effective: July 1, 2003.

Broden

January 9, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

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SENATE BILL No. 276



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-14-1.5-4.5 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2003]: **Sec. 4.5. (a) This section applies to a**
- 4 **public agency:**
- 5 (1) whose governing body uses an agenda for its meetings; and
- 6 (2) that has the capacity to send electronic mail.
- 7 (b) Not later than forty-eight (48) hours before a meeting,
- 8 rescheduled meeting, or reconvened meeting of the public agency's
- 9 governing body, the public agency shall send an electronic mail
- 10 copy of the meeting agenda to each person and news medium that
- 11 has requested to receive copies of the governing body's meeting
- 12 agendas.
- 13 (c) A person or news medium may request to receive copies of
- 14 the meeting agendas of the governing body of a public agency by:
- 15 (1) sending a written request to the public agency by United
- 16 States mail;
- 17 (2) delivering a written request to the public agency; or



1 **(3) sending an electronic mail request to the public agency at**
 2 **the public agency's electronic mail address.**

3 **(d) Notwithstanding subsection (b), a public agency is not**
 4 **required to send a copy of the agendas of the meetings of the**
 5 **governing body of the public agency to a person or news medium**
 6 **who requests to be removed from the public agency's electronic**
 7 **mail agenda list.**

8 **(e) The failure of a public agency to send the agenda of a**
 9 **meeting of the public agency's governing body to any person or**
 10 **news medium does not invalidate any action the governing body**
 11 **takes at the meeting.**

12 SECTION 2. IC 5-14-1.5-5, AS AMENDED BY P.L.90-2002,
 13 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2003]: Sec. 5. (a) Public notice of the date, time, and place of
 15 any meetings, executive sessions, or of any rescheduled or reconvened
 16 meeting, shall be given at least forty-eight (48) hours (excluding
 17 Saturdays, Sundays, and legal holidays) before the meeting. This
 18 requirement does not apply to reconvened meetings (not including
 19 executive sessions) where announcement of the date, time, and place
 20 of the reconvened meeting is made at the original meeting and recorded
 21 in the memoranda and minutes thereof, and there is no change in the
 22 agenda.

23 (b) Public notice shall be given by the governing body of a public
 24 agency by **doing the following:**

25 (1) Posting a copy of the notice at the principal office of the
 26 public agency holding the meeting or, if no such office exists, at
 27 the building where the meeting is to be held. ~~and~~

28 (2) Depositing in the United States mail with postage prepaid or
 29 by delivering notice to all news media which deliver by January
 30 1 an annual written request for such notices for the next
 31 succeeding calendar year to the governing body of the public
 32 agency. If a governing body comes into existence after January 1,
 33 it shall comply with this subdivision upon receipt of a written
 34 request for notice.

35 **In addition;**

36 **(3) Depositing in the United States mail with postage prepaid**
 37 **to all persons that deliver by December 31 an annual written**
 38 **request for such notices for the next succeeding calendar year**
 39 **to the governing body of the public agency. If a governing**
 40 **body comes into existence after December 31, it shall comply**
 41 **with this subdivision upon receipt of a written request for**
 42 **notice. A public agency may charge a person requesting notice**

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1 **under this subdivision a fee of not more than two dollars (\$2).**

2 **(4)** A state agency (as defined in IC 4-13-1-1) shall provide
3 electronic access to the notice through the computer gateway
4 administered by the intelenet commission under IC 5-21-2.

5 (c) Notice of regular meetings need be given only once each year,
6 except that an additional notice shall be given where the date, time, or
7 place of a regular meeting or meetings is changed. This subsection does
8 not apply to executive sessions.

9 (d) If a meeting is called to deal with an emergency involving actual
10 or threatened injury to person or property, or actual or threatened
11 disruption of the governmental activity under the jurisdiction of the
12 public agency by any event, then the time requirements of notice under
13 this section shall not apply, but:

14 (1) news media which have requested notice of meetings must be
15 given the same notice as is given to the members of the governing
16 body; and

17 (2) the public must be notified by posting a copy of the notice
18 according to this section.

19 (e) This section ~~shall does~~ not apply ~~where if~~ notice by publication
20 is required by statute, ordinance, rule, or regulation.

21 (f) This section ~~shall does~~ not apply to:

22 (1) the department of local government finance, the Indiana board
23 of tax review, or any other governing body which meets in
24 continuous session, except that this section applies to meetings of
25 these governing bodies which are required by or held pursuant to
26 statute, ordinance, rule, or regulation; or

27 (2) the executive of a county or the legislative body of a town if
28 the meetings are held solely to receive information or
29 recommendations in order to carry out administrative functions,
30 to carry out administrative functions, or confer with staff
31 members on matters relating to the internal management of the
32 unit. "Administrative functions" do not include the awarding of
33 contracts, the entering into contracts, or any other action creating
34 an obligation or otherwise binding a county or town.

35 (g) This section does not apply to the general assembly.

36 (h) Notice has not been given in accordance with this section if a
37 governing body of a public agency convenes a meeting at a time so
38 unreasonably departing from the time stated in its public notice that the
39 public is misled or substantially deprived of the opportunity to attend,
40 observe, and record the meeting.

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