



February 21, 2003

SENATE BILL No. 276

DIGEST OF SB 276 (Updated February 20, 2003 11:59 AM - DI 87)

Citations Affected: IC 5-14.

Synopsis: Notice of public meetings. Requires a local government agency to send an electronic mail copy of the agendas of the meetings of the agency's governing body to any person or news medium who makes a an annual request for an electronic mail copy of the agendas if the governing body uses an agenda and the public agency has the ability to send electronic mail. Requires a local government 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: (1) reasonably related to reasonable and just rates and charges; and (2) not more than \$2 for providing the agendas and notices.

Effective: July 1, 2003.

Broden, Meeks R, Zakas

January 9, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.
February 20, 2003, amended, reported favorably — Do Pass.

C
O
P
Y

SB 276—LS 6647/DI 75+



February 21, 2003

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.

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 **local government 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 agency's**
9 **governing body, the agency shall send an electronic mail copy of**
10 **the meeting agenda to each person and news medium that has**
11 **delivered by not later than December 31 an annual written request**
12 **for the meeting agendas for the next succeeding calendar year to**
13 **the governing body of the agency. If a governing body comes into**
14 **existence after December 31, the governing body shall comply with**
15 **this section upon receipt of a written request for the agendas.**
16 (c) **An agency may charge a person who requests agendas under**
17 **this section a fee that is:**

SB 276—LS 6647/DI 75+



C
O
P
Y

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

(1) reasonably related to reasonable and just rates and charges for the service as provided in IC 36-1-3-8(6); and
(2) not more than two dollars (\$2).

(d) A person or news medium may request to receive copies of the meeting agendas of the governing body of an agency by:

- (1) sending a written request to the agency by United States mail;
- (2) delivering a written request to the agency; or
- (3) sending an electronic mail request to the agency at the agency's electronic mail address.

(e) When an agency receives a request for agendas under this section from a for profit or nonprofit corporation, organization, or association, the agency shall deliver the notice to the registered agent of the corporation, organization, or association.

(f) Notwithstanding subsection (b), an agency is not required to send a copy of the agendas of the meetings of the governing body of the agency to a person or news medium who requests to be removed from the agency's electronic mail agenda list.

(g) The failure of an agency to send the agenda of a meeting of the agency's governing body to any person or news medium does not invalidate any action the governing body takes at the meeting.

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

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

- (1) Posting a copy of the notice at the principal office of the public agency holding the meeting or, if no such office exists, at the building where the meeting is to be held. ~~and~~
- (2) Depositing in the United States mail with postage prepaid or by delivering notice to all news media which deliver by January 1 an annual written request for such notices for the next succeeding calendar year to the governing body of the public agency. If a governing body comes into existence after January 1,

C
o
p
y



1 it shall comply with this subdivision upon receipt of a written
2 request for notice.

3 ~~In addition,~~

4 **(3) This subdivision applies only to a local government**
5 **agency. Depositing in the United States mail with postage**
6 **prepaid to all persons that deliver by December 31 an annual**
7 **written request for such notices for the next succeeding**
8 **calendar year to the governing body of the agency. If a**
9 **governing body comes into existence after December 31, it**
10 **shall comply with this subdivision upon receipt of a written**
11 **request for notice. When an agency receives a request for**
12 **agendas under this subdivision from a for profit or nonprofit**
13 **corporation, organization, or association, the agency shall**
14 **deliver the notice to the registered agent of the corporation,**
15 **organization, or association. An agency may charge a person**
16 **requesting notice under this subdivision a fee that is:**

17 **(1) reasonably related to reasonable and just rates and**
18 **charges for the service as provided in IC 36-1-3-8(6); and**

19 **(2) not more than two dollars (\$2).**

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

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

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

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

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

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

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

40 (1) the department of local government finance, the Indiana board
41 of tax review, or any other governing body which meets in
42 continuous session, except that this section applies to meetings of

C
O
P
Y



1 these governing bodies which are required by or held pursuant to
2 statute, ordinance, rule, or regulation; or
3 (2) the executive of a county or the legislative body of a town if
4 the meetings are held solely to receive information or
5 recommendations in order to carry out administrative functions,
6 to carry out administrative functions, or confer with staff
7 members on matters relating to the internal management of the
8 unit. "Administrative functions" do not include the awarding of
9 contracts, the entering into contracts, or any other action creating
10 an obligation or otherwise binding a county or town.
11 (g) This section does not apply to the general assembly.
12 (h) Notice has not been given in accordance with this section if a
13 governing body of a public agency convenes a meeting at a time so
14 unreasonably departing from the time stated in its public notice that the
15 public is misled or substantially deprived of the opportunity to attend,
16 observe, and record the meeting.

C
o
p
y



SENATE MOTION

Mr. President: I move that Senator Meeks R be added as coauthor of Senate Bill 276.

BRODEN

SENATE MOTION

Mr. President: I move that Senator Zakas be added as coauthor of Senate Bill 276.

BRODEN

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 276, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, delete "public agency:" and insert "**local government agency:**".

Page 1, line 8, delete "public".

Page 1, line 9, delete "public".

Page 1, line 11, delete "requested to receive copies of the governing body's meeting" and insert "**delivered by not later than December 31 an annual written request for the meeting agendas for the next succeeding calendar year to the governing body of the agency. If a governing body comes into existence after December 31, the governing body shall comply with this section upon receipt of a written request for the agendas.**".

Page 1, delete line 12, begin a new paragraph and insert:

"(c) An agency may charge a person who requests agendas under this section a fee that is:

- (1) reasonably related to reasonable and just rates and charges for the service as provided in IC 36-1-3-8(6); and**
- (2) not more than two dollars (\$2)."**

Page 1, line 13, delete "(c)" and insert "(d)".

Page 1, line 14, delete "a public" and insert "**an**".

Page 1, line 15, delete "public".

Page 1, line 17, delete "public".

Page 2, line 1, delete "public".

Page 2, line 2, delete "public".

Page 2, between lines 2 and 3, begin a new paragraph and insert:

"(e) When an agency receives a request for agendas under this section from a for profit or nonprofit corporation, organization, or association, the agency shall deliver the notice to the registered agent of the corporation, organization, or association."

Page 2, line 3, delete "(d)" and insert "**(f)**".

Page 2, line 3, delete "a public" and insert "**an**".

Page 2, line 5, delete "public".

Page 2, line 6, delete "public".

Page 2, line 8, delete "(e)" and insert "**(g)**".

Page 2, line 8, delete "a public" and insert "**an**".

Page 2, line 9, delete "public".

Page 2, line 36, after "(3)" insert "**This subdivision applies only to**

C
O
P
Y



a local government agency."

Page 2, line 39, delete "public".

Page 2, line 42, after "notice." insert **"When an agency receives a request for agendas under this subdivision from a for profit or nonprofit corporation, organization, or association, the agency shall deliver the notice to the registered agent of the corporation, organization, or association."**

Page 2, line 42, delete "A public" and insert "An".

Page 3, line 1, delete "of not more than two dollars (\$2)." and insert **"that is:**

- (1) reasonably related to reasonable and just rates and charges for the service as provided in IC 36-1-3-8(6); and**
- (2) not more than two dollars (\$2)."**

and when so amended that said bill do pass.

(Reference is to SB 276 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 5, Nays 4.

C
O
P
Y

