

HOUSE BILL No. 1168

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-14-1.5-5.

Synopsis: Expanded notice of state agency agendas. Requires state agencies to give written notice of a hearing to: (1) a member of the general assembly if the topic of the hearing affects the member's county; and (2) all members of the general assembly if the topic of the hearing has statewide implications.

Effective: July 1, 2006.

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January 9, 2006, read first time and referred to Committee on Government and Regulatory Reform.

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Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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HOUSE BILL No. 1168



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

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

1 SECTION 1. IC 5-14-1.5-5, AS AMENDED BY P.L.177-2005,
2 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2006]: Sec. 5. (a) Public notice of the date, time, and place of
4 any meetings, executive sessions, or of any rescheduled or reconvened
5 meeting, shall be given at least forty-eight (48) hours (excluding
6 Saturdays, Sundays, and legal holidays) before the meeting. This
7 requirement does not apply to reconvened meetings (not including
8 executive sessions) where announcement of the date, time, and place
9 of the reconvened meeting is made at the original meeting and recorded
10 in the memoranda and minutes thereof, and there is no change in the
11 agenda.

12 (b) Public notice shall be given by the governing body of a public
13 agency by:

- 14 (1) posting a copy of the notice at the principal office of the
15 public agency holding the meeting or, if no such office exists, at
16 the building where the meeting is to be held; and
- 17 (2) delivering notice to all news media which deliver by January



1 an annual written request for such notices for the next
2 succeeding calendar year to the governing body of the public
3 agency. The governing body shall give notice by one (1) of the
4 following methods:

5 (A) Depositing the notice in the United States mail with
6 postage prepaid.

7 (B) Transmitting the notice by electronic mail.

8 (C) Transmitting the notice by facsimile (fax).

9 If a governing body comes into existence after January 1, it shall
10 comply with this subdivision upon receipt of a written request for
11 notice.

12 In addition, a state agency (as defined in IC 4-13-1-1) shall provide
13 electronic access to the notice through the computer gateway
14 administered by the office of technology established by IC 4-13.1-2-1.

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

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

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

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

29 (e) This section shall not apply where notice by publication is
30 required by statute, ordinance, rule, or regulation.

31 (f) This section shall not apply to:

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

37 (2) the executive of a county or the legislative body of a town if
38 the meetings are held solely to receive information or
39 recommendations in order to carry out administrative functions,
40 to carry out administrative functions, or confer with staff
41 members on matters relating to the internal management of the
42 unit. "Administrative functions" do not include the awarding of

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1 contracts, the entering into contracts, or any other action creating
 2 an obligation or otherwise binding a county or town.
 3 (g) This section does not apply to the general assembly.
 4 (h) Notice has not been given in accordance with this section if a
 5 governing body of a public agency convenes a meeting at a time so
 6 unreasonably departing from the time stated in its public notice that the
 7 public is misled or substantially deprived of the opportunity to attend,
 8 observe, and record the meeting.
 9 **(i) This subsection applies only to a state agency (as defined in**
 10 **IC 4-13-1-1(b)). A state agency required to give public notice under**
 11 **this section shall send written notice to members of the general**
 12 **assembly under the following circumstances:**
 13 **(1) If the matter to be considered at the meeting affects a**
 14 **specific Indiana county, notice must be sent to each member**
 15 **of the general assembly representing the affected county.**
 16 **(2) If the matter to be considered at the meeting affects the**
 17 **entire state, notice must be sent to each member of the general**
 18 **assembly.**

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