

SENATE BILL No. 245

DIGEST OF INTRODUCED BILL

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

Synopsis: Notice of meetings. Requires a public agency to give notice of the agency's meetings to any person who makes an annual request for notice. Requires the public agency to charge a \$10 fee for providing notice by mail. Requires notice to be given not less than five business days before a meeting that does not deal with an emergency.

Effective: July 1, 2007.

Mrvan

January 8, 2007, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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SENATE BILL No. 245



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 5-14-1.5-5, AS AMENDED BY P.L.177-2005,
2 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: 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~~ **five (5) business**
6 **days** (excluding Saturdays, Sundays, and legal holidays) before the
7 meeting. This requirement does not apply to reconvened meetings (not
8 including executive sessions) where announcement of the date, time,
9 and place of the reconvened meeting is made at the original meeting
10 and recorded in the memoranda and minutes thereof, and there is no
11 change in the 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 ~~† any person who delivers~~ an annual written request for ~~such the~~
2 notices **not later than December 31** for the next succeeding
3 calendar year to the governing body of the public agency. The
4 governing body shall give notice by one (1) of the following
5 methods, **which shall be determined by the person requesting**
6 **notice:**

- 7 (A) ~~Depositing the notice in the~~ United States mail with
8 postage prepaid. **The governing body of the public agency**
9 **shall charge a requestor an annual fee of ten dollars (\$10)**
10 **for providing by mail the notices of all boards,**
11 **commissions, and committees of the public agency.**
- 12 (B) ~~Transmitting the notice by~~ Electronic mail.
- 13 (C) ~~Transmitting the notice by~~ Facsimile (fax).

14 If a governing body comes into existence after ~~January †,~~
15 **December 31**, it shall comply with this subdivision upon receipt
16 of a written request for notice.

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

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

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

- 29 (1) ~~news media which persons who~~ have requested notice of
30 meetings **under subsection (b)(2)** must be given the same notice
31 as is given to the members of the governing body; and
- 32 (2) the public must be notified by posting a copy of the notice
33 according to this section.

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

- 36 (f) This section shall not apply to:
 - 37 (1) the department of local government finance, the Indiana board
38 of tax review, or any other governing body which meets in
39 continuous session, except that this section applies to meetings of
40 these governing bodies which are required by or held pursuant to
41 statute, ordinance, rule, or regulation; or
 - 42 (2) the executive of a county or the legislative body of a town if

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

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