



March 12, 1999

ENGROSSED HOUSE BILL No. 1284

DIGEST OF HB1284 (Updated March 10, 1999 3:39 pm - DI 87)

Citations Affected: IC 4-13.6; IC 5-3; IC 5-14; IC 5-22.

Synopsis: Internet notice of state meetings and bid lists. Requires state agencies to provide electronic access to notices of public meetings and invitations to bid on contracts for public works and supplies. (The introduced version of this bill was prepared by the interim study committee on state government issues.)

Effective: July 1, 1999.

Kruzan, Munson, Weinzapfel, Bardon

(SENATE SPONSORS — MERRITT, ALEXA)

January 11, 1999, read first time and referred to Committee on Public Policy, Ethics and Veteran Affairs.

January 20, 1999, reported — Do Pass.

February 8, 1999, read second time, ordered engrossed.

February 9, 1999, engrossed.

February 10, 1999, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 22, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.

March 11, 1999, reported favorably — Do Pass.

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EH 1284—LS 6123/DI 44+



March 12, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED HOUSE BILL No. 1284

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 4-13.6-5-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) This section
3 applies only to public works contracts bid under section 2 of this
4 chapter.

5 (b) The division shall solicit sealed bids by public notice inserted
6 once each week for two (2) successive weeks before the final date of
7 submitting bids in:

8 (1) one (1) newspaper of general circulation in Marion County,
9 Indiana; and

10 (2) if any part of the project is located in an area outside Marion
11 County, Indiana, one (1) newspaper of general circulation in that
12 area.

13 The commissioner shall designate the newspapers for these
14 publications. The commissioner may designate different newspapers
15 according to the nature of the project and may direct that additional

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1 notices be published.

2 (c) The division shall also solicit sealed bids for public works
3 projects by:

4 (1) sending notices by mail to prospective contractors known to
5 the division; ~~and by~~

6 (2) posting notices on a public bulletin board in its office; **and**

7 (3) **providing electronic access to notices through the**
8 **computer gateway administered by the intelenet commission**
9 **under IC 5-21-2;**

10 at least seven (7) days before the final date for submitting bids for the
11 public works project.

12 SECTION 2. IC 5-3-1-6 IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) In all cases where notices are
14 required by law to be published in the public newspaper by or under
15 the supervision of any state officer, board, commission, or institution
16 of the state of Indiana, said notices are hereby required to be published
17 in each of two (2) daily newspapers published in the city of
18 Indianapolis and in such other cities as is required by law, said notices
19 to be in all cases published in two (2) newspapers in each city where
20 they are required to be published. In all cases where the officer, board,
21 commission, or institution making said publication is located outside
22 of the city of Indianapolis, said notices shall also be published in
23 newspapers published within the county where said officer, board,
24 commission, or institution maintains its office. The rate charged for all
25 such notices and advertising shall be the same as is set out in section
26 1 of this chapter.

27 (b) **In addition to the requirements of subsection (a), a state**
28 **officer, board, commission, or institution of the state of Indiana**
29 **that is required by law to publish a notice of a public meeting shall**
30 **also provide electronic access to the notice through the computer**
31 **gateway administered by the intelenet commission under IC 5-21-2.**

32 SECTION 3. IC 5-14-1.5-5 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) Public notice of
34 the date, time, and place of any meetings, executive sessions, or of any
35 rescheduled or reconvened meeting, shall be given at least forty-eight
36 (48) hours (excluding Saturdays, Sundays, and legal holidays) before
37 the meeting. This requirement does not apply to reconvened meetings
38 (not including executive sessions) where announcement of the date,
39 time, and place of the reconvened meeting is made at the original
40 meeting and recorded in the memoranda and minutes thereof, and there
41 is no change in the agenda.

42 (b) Public notice shall be given by the governing body of a public

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1 agency by:
 2 (1) posting a copy of the notice at the principal office of the
 3 public agency holding the meeting or, if no such office exists, at
 4 the building where the meeting is to be held; and
 5 (2) depositing in the United States mail with postage prepaid or
 6 by delivering notice to all news media which deliver by January
 7 1 an annual written request for such notices for the next
 8 succeeding calendar year to the governing body of the public
 9 agency. If a governing body comes into existence after January 1,
 10 it shall comply with this subdivision upon receipt of a written
 11 request for 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 intelenet commission under IC 5-21-2.**

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 state board of tax commissioners or any other governing
 33 body which meets in continuous session, except that this section
 34 applies to meetings of these governing bodies which are required
 35 by or held pursuant to statute, ordinance, rule, or regulation; or

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

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an obligation or otherwise binding a county or town.

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

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

SECTION 4. IC 5-22-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The purchasing agency shall give notice of the invitation for bids in the manner required by IC 5-3-1. **In addition, the purchasing agency for a state agency shall provide electronic access to the notice through the electronic gateway administered by the intelenet commission under IC 5-21-2.**

SECTION 5. IC 5-22-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The purchasing agency shall give public notice of the request for proposals in the manner required by IC 5-3-1. **In addition, the purchasing agency for a state agency shall provide electronic access to the notice through the electronic gateway administered by the intelenet commission under IC 5-21-2.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1284, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

KUZMAN, Chair

Committee Vote: yeas 11, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred House Bill No. 1294, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1294 as printed January 21, 1999.)

MERRITT, Chairperson

Committee Vote: Yeas 9, Nays 0.

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