



Reprinted
April 9, 1999

ENGROSSED SENATE BILL No. 204

DIGEST OF SB 204 (Updated April 8, 1999 8:12 pm - DI 75)

Citations Affected: IC 2-5; IC 4-13.6; IC 4-23; IC 5-3; IC 5-14; IC 5-22; IC 36-1.

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. Exempts work product of the legislative services agency that is processed using proprietary software as part of an electronic geographic information system. Provides that a library board of a public library and certain private libraries may participate in energy efficiency programs and enter into guaranteed energy savings contracts that exist for school corporations and political subdivisions. Provides that school corporations, political subdivisions, and libraries may apply for loans from the Indiana energy efficiency loan fund to undertake energy efficiency projects.

Effective: Upon passage; July 1, 1999.

Merritt

(HOUSE SPONSOR — KRUZAN)

January 6, 1999, read first time and referred to Committee on Public Policy.
January 26, 1999, reported favorably — Do Pass.
February 1, 1999, read second time, ordered engrossed. Engrossed.
February 2, 1999, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

March 3, 1999, read first time and referred to Committee on Rules and Legislative Procedures.
April 5, 1999, amended, reported — Do Pass.
April 8, 1999, read second time, amended, ordered engrossed.

ES 204—LS 6641/DI 44+



C
O
P
Y

Reprinted
April 9, 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 SENATE BILL No. 204

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 2-5-1.1-7.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
3 **UPON PASSAGE]: Sec. 7.5. (a) For purposes of IC 5-14-3-4(b)(13),**
4 **the work product of the legislative services agency includes an**
5 **electronic geographic information system produced from data:**
6 (1) gathered by the legislative services agency; and
7 (2) processed using proprietary software that has been
8 licensed to the legislative services agency.
9 (b) A paper copy of a map that can be printed using the
10 geographic information system described in subsection (a) must be
11 available to any person under rules approved by the legislative
12 council. Electronic copies of the information are available only
13 under rules approved by the legislative council.
14 SECTION 2. IC 4-13.6-5-8 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) This section
16 applies only to public works contracts bid under section 2 of this

ES 204—LS 6641/DI 44+



C
O
P
Y

1 chapter.

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

5 (1) one (1) newspaper of general circulation in Marion County,
6 Indiana; and

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

10 The commissioner shall designate the newspapers for these
11 publications. The commissioner may designate different newspapers
12 according to the nature of the project and may direct that additional
13 notices be published.

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

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

18 (2) posting notices on a public bulletin board in its office; ~~and~~

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

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

24 SECTION 3. IC 4-23-5.5-15 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. (a) The Indiana
26 energy efficiency loan fund is established for the purpose of assisting
27 Indiana industries **and governing bodies (as defined in**
28 **IC 36-1-12.5-1.5)** in undertaking energy efficiency projects. The fund
29 shall be administered by the board.

30 (b) Sources of money for the fund consist of the following:

31 (1) Appropriations from the general assembly.

32 (2) Repayment proceeds, including interest, of loans made from
33 the fund.

34 (3) Donations, gifts, and money received from any other source,
35 including transfers from other funds or accounts.

36 (c) Money remaining in the fund at the end of a state fiscal year
37 does not revert to the state general fund.

38 (d) The treasurer of state shall invest the money in the fund not
39 currently needed to meet the obligations of the fund in the same
40 manner as other public funds may be invested. Interest that accrues
41 from these investments shall be deposited in the fund.

42 (e) The board shall establish:



C
O
P
Y

- 1 (1) amounts, terms, and interest rates for loans under this section;
 2 and
 3 (2) criteria for awarding loans under this section.

4 (f) A person, business, **governing body**, or manufacturer that wants
 5 a loan from the fund must file an application in the manner prescribed
 6 by the board.

7 SECTION 4. IC 5-3-1-6 IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) In all cases where notices are
 9 required by law to be published in the public newspaper by or under
 10 the supervision of any state officer, board, commission, or institution
 11 of the state of Indiana, said notices are hereby required to be published
 12 in each of two (2) daily newspapers published in the city of
 13 Indianapolis and in such other cities as is required by law, said notices
 14 to be in all cases published in two (2) newspapers in each city where
 15 they are required to be published. In all cases where the officer, board,
 16 commission, or institution making said publication is located outside
 17 of the city of Indianapolis, said notices shall also be published in
 18 newspapers published within the county where said officer, board,
 19 commission, or institution maintains its office. The rate charged for all
 20 such notices and advertising shall be the same as is set out in section
 21 1 of this chapter.

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

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

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

- 39 (1) posting a copy of the notice at the principal office of the
 40 public agency holding the meeting or, if no such office exists, at
 41 the building where the meeting is to be held; and
 42 (2) depositing in the United States mail with postage prepaid or

C
O
P
Y



1 by delivering notice to all news media which deliver by January
 2 1 an annual written request for such notices for the next
 3 succeeding calendar year to the governing body of the public
 4 agency. If a governing body comes into existence after January 1,
 5 it shall comply with this subdivision upon receipt of a written
 6 request for notice.

7 **In addition, a state agency (as defined in IC 4-13-1-1) shall provide**
 8 **electronic access to the notice through the computer gateway**
 9 **administered by the intelenet commission under IC 5-21-2.**

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

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

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

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

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

26 (f) This section shall not apply to:

27 (1) the state board of tax commissioners or any other governing
 28 body which meets in continuous session, except that this section
 29 applies to meetings of these governing bodies which are required
 30 by or held pursuant to statute, ordinance, rule, or regulation; or

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

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

40 (h) Notice has not been given in accordance with this section if a
 41 governing body of a public agency convenes a meeting at a time so
 42 unreasonably departing from the time stated in its public notice that the

C
O
P
Y



1 public is misled or substantially deprived of the opportunity to attend,
2 observe, and record the meeting.

3 SECTION 6. IC 5-22-7-5 IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 1999]: Sec. 5. The purchasing agency shall give
5 notice of the invitation for bids in the manner required by IC 5-3-1. **In
6 addition, the purchasing agency for a state agency shall provide
7 electronic access to the notice through the electronic gateway
8 administered by the intelenet commission under IC 5-21-2.**

9 SECTION 7. IC 5-22-9-3 IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 1999]: Sec. 3. The purchasing agency shall give
11 public notice of the request for proposals in the manner required by
12 IC 5-3-1. **In addition, the purchasing agency for a state agency shall
13 provide electronic access to the notice through the electronic
14 gateway administered by the intelenet commission under IC 5-21-2.**

15 SECTION 8. IC 36-1-12.5-1.5 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.5. As used in this
17 chapter, "governing body" means **the following:**

18 (1) With respect to school corporations, the governing body (as
19 defined in IC 20-10.1-1-5). ~~and~~

20 **(2) With respect to a public library, the library board (as
21 defined in IC 20-14-1-2).**

22 **(3) With respect to a library described in IC 20-14-7-6, the
23 trustees of the library.**

24 ~~(4)~~ **(4)** With respect to other political subdivisions, the legislative
25 body (as defined in IC 36-1-2-9).

26 SECTION 9. **An emergency is declared for this act.**

C
O
P
Y



COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill No. 204, 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 Senate Bill 204 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 204, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-5-1.1-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. (a) For purposes of IC 5-14-3-4(b)(13), the work product of the legislative services agency includes an electronic geographic information system produced from data:**

- (1) gathered by the legislative services agency; and**
- (2) processed using proprietary software that has been licensed to the legislative services agency.**

(b) A paper copy of a map that can be printed using the geographic information system described in subsection (a) must be available to any person under rules approved by the legislative council. Electronic copies of the information are available only under rules approved by the legislative council."

Page 4, after line 17, begin a new paragraph and insert:
"SECTION 7. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 204 as printed January 27, 1999.)

MOSES, Chair

Committee Vote: yeas 9, nays 0.

C
O
P
Y



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 204 be amended to read as follows:

Page 2, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 3. IC 4-23-5.5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. (a) The Indiana energy efficiency loan fund is established for the purpose of assisting Indiana industries **and governing bodies (as defined in IC 36-1-12.5-1.5)** in undertaking energy efficiency projects. The fund shall be administered by the board.

(b) Sources of money for the fund consist of the following:

- (1) Appropriations from the general assembly.
- (2) Repayment proceeds, including interest, of loans made from the fund.
- (3) Donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(c) Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) The board shall establish:

- (1) amounts, terms, and interest rates for loans under this section; and
- (2) criteria for awarding loans under this section.

(f) A person, business, **governing body**, or manufacturer that wants a loan from the fund must file an application in the manner prescribed by the board."

Page 4, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 8. IC 36-1-12.5-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.5. As used in this chapter, "governing body" means **the following**:

- (1) With respect to school corporations, the governing body (as defined in IC 20-10.1-1-5). ~~and~~
- (2) **With respect to a public library, the library board (as defined in IC 20-14-1-2).**
- (3) **With respect to a library described in IC 20-14-7-6, the trustees of the library.**
- (~~2~~) (4) With respect to other political subdivisions, the legislative body (as defined in IC 36-1-2-9)."



C
O
P
Y

Renumber all SECTIONS consecutively.

(Reference is to ESB 204 as printed April 6, 1999.)

HASLER

C
o
p
y

