



January 27, 1999

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## SENATE BILL No. 204

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DIGEST OF SB0204 (Updated January 26, 1999 11:02 am - DI 71)

**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.

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**Merritt**

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January 6, 1999, read first time and referred to Committee on Public Policy.  
January 26, 1999, reported favorably — Do Pass.

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SB 204—LS 6641/DI 44+



January 27, 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.

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## SENATE BILL No. 204

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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  
16 notices be published.

17 (c) The division shall also solicit sealed bids for public works

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1 projects by:

- 2 (1) sending notices by mail to prospective contractors known to  
 3 the division; **and by**  
 4 (2) posting notices on a public bulletin board in its office; **and**  
 5 (3) **providing electronic access to notices through the**  
 6 **computer gateway administered by the intelenet commission**  
 7 **under IC 5-21-2;**

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

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

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

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

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

- 42 (1) posting a copy of the notice at the principal office of the

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1 public agency holding the meeting or, if no such office exists, at  
2 the building where the meeting is to be held; and

3 (2) depositing in the United States mail with postage prepaid or  
4 by delivering notice to all news media which deliver by January  
5 1 an annual written request for such notices for the next  
6 succeeding calendar year to the governing body of the public  
7 agency. If a governing body comes into existence after January 1,  
8 it shall comply with this subdivision upon receipt of a written  
9 request for notice.

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

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

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

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

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

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

29 (f) This section shall not apply to:

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

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

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

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

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

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

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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.

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