



January 20, 2000

HOUSE BILL No. 1328

DIGEST OF HB 1328 (Updated January 19, 2000 11:52 AM - DI 87)

Citations Affected: IC 3-7; IC 4-1; IC 5-14.

Synopsis: Public access to information. Provides that a voter registration form must require an applicant to provide the last four digits of the applicant's Social Security number. Provides that a public agency may not disclose a Social Security number or a personal identification number unless expressly authorized by state or federal statute. Provides that when a state or local agency, office, or officer is allowed under state or federal statute to disclose a voter registration form to another agency, officer, or office for voter registration purposes, the last four digits of the applicant's Social Security number may be disclosed to the agency, office, or officer. Allows a member to participate in a public meeting by telephone or video conferencing. Prohibits the public access counselor from issuing an advisory opinion or a written response to an informal inquiry concerning a record or meeting that is: (1) the subject of a pending lawsuit under the open door law or the access to public records law; or (2) the subject of discovery in pending litigation in any court.

Effective: July 1, 2000; July 1, 2001.

Kruzan

January 11, 2000, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.
January 19, 2000, amended, reported — Do Pass.

HB 1328—LS 7282/DI 87+



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January 20, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

HOUSE BILL No. 1328

A BILL FOR AN ACT to amend the Indiana Code concerning public access to meetings and records.

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

- 1 SECTION 1. IC 3-7-30-7 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2000]: **Sec. 7. (a) When a state or local agency, office, or officer
4 is authorized under state or federal law to disclose a voter
5 registration form, voter registration record, or voter record to
6 another state or local agency, office, or officer for voter
7 registration purposes, the agency, office, or officer may disclose:**
8 (1) the last four (4) digits of a Social Security number; or
9 (2) an identification number;
10 to the other agency, office, or officer if the form or record contains
11 a Social Security number or an identification number.
12 (b) A state or local agency, office, or officer may disclose a
13 number referred to in subsection (a) to the person who is the
14 subject of the voter registration form, voter registration record, or
15 voter record containing the number.
16 (c) A state or local agency, office, or officer may not disclose a
17 number referred to in subsection (a) to the public.

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1 SECTION 2. IC 3-7-31-5 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2001]: Sec. 5. The registration forms prescribed
 3 under section 1 of this chapter must:

4 (1) provide for the residence address and the mailing address of
 5 the individual completing the forms;

6 (2) contain a statement that a notice of disposition of the ~~person's~~
 7 **individual's** registration application will be mailed to the mailing
 8 address of the individual; and

9 (3) ~~request~~ **require** the **individual to provide the last four (4)**
 10 **digits of the individual's** Social Security number. ~~of the~~
 11 ~~applicant, as permitted under the federal Privacy Act of 1974 (5~~
 12 ~~U.S.C. 552a).~~

13 SECTION 3. IC 4-1-8-8 IS ADDED TO THE INDIANA CODE AS
 14 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 15 2000]: **Sec. 8. A state agency may not disclose a Social Security**
 16 **number or any other identification number of an individual unless**
 17 **authorized by state or federal statute.**

18 SECTION 4. IC 5-14-1.5-3.5 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2000]: **Sec. 3.5. (a) This section applies to a**
 21 **meeting of a governing body at which at least a quorum of**
 22 **members of the governing body are physically present at the place**
 23 **where the meeting is conducted.**

24 (b) A member of the governing body may participate in a
 25 meeting of the governing body by using a means of communication
 26 that permits:

27 (1) all other members of the governing body participating in
 28 the meeting; and

29 (2) all members of the public physically present at the place
 30 where the meeting is conducted;

31 to simultaneously communicate with each other during the
 32 meeting.

33 (c) A member who participates in a meeting under subsection
 34 (b) is considered to be present at the meeting.

35 (d) The memoranda of a meeting of a governing body must
 36 include, in addition to the information required by section 4(b) of
 37 this chapter, the name of:

38 (1) each member who was physically present at the place
 39 where the meeting was conducted;

40 (2) each member who participated in the meeting by using a
 41 means of communication described in subsection (b); and

42 (3) each member who was absent.



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1 SECTION 5. IC 5-14-3-4.5 IS ADDED TO THE INDIANA CODE
 2 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 3 1, 2000]: **Sec. 4.5. A public agency may not disclose a Social**
 4 **Security number or any other identification number of an**
 5 **individual unless authorized by state or federal statute.**

6 SECTION 6. IC 5-14-4-10, AS ADDED BY P.L.191-1999,
 7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2000]: Sec. 10. (a) The counselor has the following powers
 9 and duties:

10 (1) To establish and administer a program to train public officials
 11 and educate the public on the rights of the public and the
 12 responsibilities of public agencies under the public access laws.
 13 The counselor may contract with a person or a public or private
 14 entity to fulfill the counselor's responsibility under this
 15 subdivision.

16 (2) To conduct research.

17 (3) To prepare interpretive and educational materials and
 18 programs in cooperation with the office of the attorney general.

19 (4) To distribute to newly elected or appointed public officials the
 20 public access laws and educational materials concerning the
 21 public access laws.

22 (5) To respond to informal inquiries made by the public and
 23 public agencies by telephone, in writing, in person, by facsimile,
 24 or by electronic mail concerning the public access laws.

25 (6) To issue advisory opinions to interpret the public access laws
 26 upon the request of a person or a public agency. ~~However, the~~
 27 ~~counselor may not issue an advisory opinion concerning a specific~~
 28 ~~matter with respect to which a lawsuit has been filed under~~
 29 ~~IC 5-14-1.5 or IC 5-14-3.~~

30 (7) To make recommendations to the general assembly
 31 concerning ways to improve public access.

32 **(b) The counselor may not respond under subsection (a)(5) to an**
 33 **informal inquiry concerning a specific matter:**

34 **(1) with respect to which a lawsuit has been filed under**
 35 **IC 5-14-1.5 or IC 5-14-3; or**

36 **(2) that is the subject of discovery in pending litigation in any**
 37 **court.**

38 SECTION 7. IC 5-14-5-10.1 IS ADDED TO THE INDIANA CODE
 39 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 40 1, 2000]: **Sec. 10.1. Notwithstanding sections 9 and 10 of this**
 41 **chapter, the counselor may not issue an advisory opinion under**
 42 **this chapter concerning a record or a meeting that is the subject of:**



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- 1 **(1) a pending lawsuit under IC 5-14-1.5 or IC 5-14-3; or**
- 2 **(2) discovery in pending litigation in any court.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1328, 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:

Replace the effective date in SECTION 2 with "[EFFECTIVE JULY 1, 2001]".

Page 2, line 9, strike "request" and insert "**require**".

and when so amended that said bill do pass.

(Reference is to HB 1328 as introduced.)

KUZMAN, Chair

Committee Vote: yeas 12, nays 0.

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