

HOUSE BILL No. 1044

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-14-1.5-2.

Synopsis: Bargaining agent exemption from open door law. Exempts from the open door law agents appointed by a governing body of a public agency to conduct collective bargaining.

Effective: July 1, 2002.

Frenz

January 8, 2002, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

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HOUSE BILL No. 1044



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 5-14-1.5-2 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. For the purposes of
- 3 this chapter:
- 4 (a) "Public agency" means the following:
- 5 (1) Any board, commission, department, agency, authority, or
- 6 other entity, by whatever name designated, exercising a portion of
- 7 the executive, administrative, or legislative power of the state.
- 8 (2) Any county, township, school corporation, city, town, political
- 9 subdivision, or other entity, by whatever name designated,
- 10 exercising in a limited geographical area the executive,
- 11 administrative, or legislative power of the state or a delegated
- 12 local governmental power.
- 13 (3) Any entity which is subject to either:
- 14 (A) budget review by either the state board of tax
- 15 commissioners or the governing body of a county, city, town,
- 16 township, or school corporation; or
- 17 (B) audit by the state board of accounts.



- 1 (4) Any building corporation of a political subdivision of the state
 2 of Indiana that issues bonds for the purpose of constructing public
 3 facilities.
- 4 (5) Any advisory commission, committee, or body created by
 5 statute, ordinance, or executive order to advise the governing
 6 body of a public agency, except medical staffs or the committees
 7 of any such staff.
- 8 (6) The Indiana gaming commission established by IC 4-33,
 9 including any department, division, or office of the commission.
- 10 (7) The Indiana horse racing commission established by IC 4-31,
 11 including any department, division, or office of the commission.
- 12 (b) "Governing body" means two (2) or more individuals who are:
 13 (1) a public agency that:
 14 (A) is a board, a commission, an authority, a council, a
 15 committee, a body, or other entity; and
 16 (B) takes official action on public business;
 17 (2) the board, commission, council, or other body of a public
 18 agency which takes official action upon public business; or
 19 (3) any committee appointed directly by the governing body or its
 20 presiding officer to which authority to take official action upon
 21 public business has been delegated. An agent or agents appointed
 22 by a ~~school corporation~~ **the governing body** to conduct collective
 23 bargaining on behalf of ~~that school corporation~~ **the governing**
 24 **body** does not constitute a governing body for purposes of this
 25 chapter.
- 26 (c) "Meeting" means a gathering of a majority of the governing body
 27 of a public agency for the purpose of taking official action upon public
 28 business. It does not include:
 29 (1) any social or chance gathering not intended to avoid this
 30 chapter;
 31 (2) any on-site inspection of any project or program;
 32 (3) traveling to and attending meetings of organizations devoted
 33 to betterment of government; or
 34 (4) a caucus.
- 35 (d) "Official action" means to:
 36 (1) receive information;
 37 (2) deliberate;
 38 (3) make recommendations;
 39 (4) establish policy;
 40 (5) make decisions; or
 41 (6) take final action.
- 42 (e) "Public business" means any function upon which the public

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1 agency is empowered or authorized to take official action.
2 (f) "Executive session" means a meeting from which the public is
3 excluded, except the governing body may admit those persons
4 necessary to carry out its purpose.
5 (g) "Final action" means a vote by the governing body on any
6 motion, proposal, resolution, rule, regulation, ordinance, or order.
7 (h) "Caucus" means a gathering of members of a political party or
8 coalition which is held for purposes of planning political strategy and
9 holding discussions designed to prepare the members for taking official
10 action.
11 (i) "Deliberate" means a discussion which may reasonably be
12 expected to result in official action (defined under subsection (d)(3),
13 (d)(4), (d)(5), or (d)(6)).
14 (j) "News media" means all newspapers qualified to receive legal
15 advertisements under IC 5-3-1, all news services (as defined in
16 IC 34-6-2-87), and all licensed commercial or public radio or television
17 stations.
18 (k) "Person" means an individual, a corporation, a limited liability
19 company, a partnership, an unincorporated association, or a
20 governmental entity.

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