
SENATE BILL No. 409

DIGEST OF INTRODUCED BILL

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

Synopsis: Notice of meetings. Requires a governing body of a public agency to give notice to any person who makes an annual request for notice. Allows the person requesting notice to determine whether notice will be given by United States mail or electronic mail. Requires the governing body of the public agency to charge a \$10 fee for provision of notice by mail. Requires notice to be given not less than five business days before a meeting that does not deal with an emergency.

Effective: July 1, 2003.

Mrvan

January 21, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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SENATE BILL No. 409



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 5-14-1.5-5, AS AMENDED BY P.L.90-2002,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 5. (a) Public notice of the date, time, and place of
4 any meetings, executive sessions, or of any rescheduled or reconvened
5 meeting, shall be:
6 **given at least forty-eight (48) hours (1) posted under subsection**
7 **(b)(1);**
8 **(2) made accessible by a state agency through the computer**
9 **gateway under subsection (c);**
10 **(3) mailed, if notice is given under subsection (b)(2)(A); and**
11 **(4) transmitted, if notice is given under subsection (b)(2)(B);**
12 **not less than five (5) business days** (excluding Saturdays, Sundays,
13 and legal holidays) before the meeting. This requirement does not
14 apply to reconvened meetings (not including executive sessions) where
15 announcement of the date, time, and place of the reconvened meeting
16 is made at the original meeting and recorded in the memoranda and
17 minutes thereof, and there is no change in the agenda.



1 (b) Public notice shall be given by the governing body of a public
2 agency ~~by~~ **as follows:**

3 (1) ~~posting~~ **The governing body of the public agency shall post**
4 a copy of the notice:

5 (A) at the principal office of the public agency holding the
6 meeting; or

7 (B) if no such office exists, at the building where the meeting
8 is to be held. ~~and~~

9 (2) ~~depositing in the United States mail with postage prepaid or~~
10 ~~by delivering notice to all news media which deliver by January~~
11 ~~† an annual written request for such notices for the next~~
12 ~~succeeding calendar year to the governing body of the public~~
13 ~~agency. The governing body of a public agency shall provide~~
14 ~~notice to any person who delivers to the governing body of the~~
15 ~~public agency an annual written request for the notices for the~~
16 ~~next succeeding calendar year. Notice shall be given by one (1)~~
17 ~~of the following methods, which shall be determined by the~~
18 ~~person requesting the notice:~~

19 (A) ~~United States mail with postage prepaid. The~~
20 ~~governing body of the public agency shall charge a~~
21 ~~requestor an annual fee of ten dollars (\$10) for providing~~
22 ~~by mail the notices of all boards, commissions, and~~
23 ~~committees of the public agency.~~

24 (B) ~~Electronic mail.~~

25 If a governing body comes into existence after January 1, it shall
26 comply with this subdivision upon receipt of a written request for
27 notice.

28 (c) ~~In addition to the notice required under subsection (b),~~ a state
29 agency (as defined in IC 4-13-1-1) shall provide electronic access to
30 the notice through the computer gateway administered by the intelnet
31 commission under IC 5-21-2.

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

36 (d) ~~(e)~~ If a meeting is called to deal with an emergency involving
37 actual or threatened injury to person or property, or actual or threatened
38 disruption of the governmental activity under the jurisdiction of the
39 public agency by any event, then the time requirements of notice under
40 this section shall not apply, but:

41 (1) ~~news media which~~ **any persons who** have requested notice of
42 meetings **under subsection (b)(2)** must be given the same notice

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1 as is given to the members of the governing body; and
 2 (2) the public must be notified by posting a copy of the notice
 3 according to this section.
 4 ~~(e)~~ (f) This section shall not apply where notice by publication is
 5 required by statute, ordinance, rule, or regulation.
 6 ~~(f)~~ (g) This section shall not apply to:
 7 (1) the department of local government finance, the Indiana board
 8 of tax review, or any other governing body which meets in
 9 continuous session, except that this section applies to meetings of
 10 these governing bodies which are required by or held pursuant to
 11 statute, ordinance, rule, or regulation; or
 12 (2) the executive of a county or the legislative body of a town if
 13 the meetings are held solely to receive information or
 14 recommendations in order to carry out administrative functions,
 15 to carry out administrative functions, or confer with staff
 16 members on matters relating to the internal management of the
 17 unit. "Administrative functions" do not include the awarding of
 18 contracts, the entering into contracts, or any other action creating
 19 an obligation or otherwise binding a county or town.
 20 ~~(g)~~ (h) This section does not apply to the general assembly.
 21 ~~(h)~~ (i) Notice has not been given in accordance with this section if
 22 a governing body of a public agency convenes a meeting at a time so
 23 unreasonably departing from the time stated in its public notice that the
 24 public is misled or substantially deprived of the opportunity to attend,
 25 observe, and record the meeting.

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