

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Local Government and Elections, to which was referred Senate Bill No. 103, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 5-14-1.5-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. For the purposes of
5 this chapter:
6 (a) "Public agency" means the following:
7 (1) Any board, commission, department, agency, authority, or
8 other entity, by whatever name designated, exercising a portion of
9 the executive, administrative, or legislative power of the state.
10 (2) Any county, township, school corporation, city, town, political
11 subdivision, or other entity, by whatever name designated,
12 exercising in a limited geographical area the executive,
13 administrative, or legislative power of the state or a delegated
14 local governmental power.
15 (3) Any entity which is subject to either:
16 (A) budget review by either the department of local
17 government finance or the governing body of a county, city,
18 town, township, or school corporation; or
19 (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 the governing body to conduct collective bargaining on behalf
 23 of the governing body does not constitute a governing body for
 24 purposes of this chapter.
- 25 (c) "Meeting" means a gathering of a majority of the governing body
 26 of a public agency for the purpose of taking official action upon public
 27 business. It does not include:
- 28 (1) any social or chance gathering not intended to avoid this
 29 chapter;
- 30 (2) any on-site inspection of any: ~~project or program;~~
- 31 (A) **project;**
- 32 (B) **program; or**
- 33 (C) **facilities of applicants for incentives or assistance from**
 34 **the governing body;**
- 35 (3) traveling to and attending meetings of organizations devoted
 36 to betterment of government; ~~or~~
- 37 (4) a caucus;
- 38 (5) **a gathering to receive information about an industrial or**

1 **a commercial prospect that does not include a discussion of**
 2 **the terms of a request or an offer of public financial**
 3 **resources;**

4 **(6) training of members of the governing body on their role**
 5 **and responsibilities by the presiding officer of a governing**
 6 **body, but not for any other official action; or**

7 **(7) a gathering for the sole purpose of administering an oath**
 8 **of office to an individual.**

9 (d) "Official action" means to:

10 (1) receive information;

11 (2) deliberate;

12 (3) make recommendations;

13 (4) establish policy;

14 (5) make decisions; or

15 (6) take final action.

16 (e) "Public business" means any function upon which the public
 17 agency is empowered or authorized to take official action.

18 (f) "Executive session" means a meeting from which the public is
 19 excluded, except the governing body may admit those persons
 20 necessary to carry out its purpose.

21 (g) "Final action" means a vote by the governing body on any
 22 motion, proposal, resolution, rule, regulation, ordinance, or order.

23 (h) "Caucus" means a gathering of members of a political party or
 24 coalition which is held for purposes of planning political strategy and
 25 holding discussions designed to prepare the members for taking official
 26 action.

27 (i) "Deliberate" means a discussion which may reasonably be
 28 expected to result in official action (defined under subsection (d)(3),
 29 (d)(4), (d)(5), or (d)(6)).

30 (j) "News media" means all newspapers qualified to receive legal
 31 advertisements under IC 5-3-1, all news services (as defined in
 32 IC 34-6-2-87), and all licensed commercial or public radio or television
 33 stations.

34 (k) "Person" means an individual, a corporation, a limited liability
 35 company, a partnership, an unincorporated association, or a
 36 governmental entity."

37 Page 2, line 24, after "intended" insert "**by any member of the**
 38 **governing body**".

1 Page 2, line 26, delete "an onsite inspection of any project or
2 program;" and insert "**an onsite inspection of any:**

3 **(A) project;**

4 **(B) program; or**

5 **(C) facilities of applicants for incentives or assistance from
6 the governing body;".**

7 Page 2, delete lines 30 through 32.

8 Page 2, line 33, delete "(6)" and insert "(5)".

9 Page 2, line 35, delete "." and insert ";".

10 Page 2, between lines 35 and 36, begin a new line block indented
11 and insert:

12 **"(6) a conversation between the presiding officer of a
13 governing body and one (1) other member of the governing
14 body for the purpose of receiving information, but not for any
15 other official action;**

16 **(7) training of members of the governing body on their role
17 and responsibilities by the presiding officer of a governing
18 body, but not for any other official action; or**

19 **(8) a gathering for the sole purpose of administering an oath
20 of office to an individual."**

21 Page 5, delete lines 28 through 42, begin a new paragraph and
22 insert:

23 "SECTION 5. IC 20-12-1-13 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25 1, 2007]: **Sec. 13. (a) This section applies to a meeting of the board
26 of trustees or a committee of the board of trustees of any state
27 educational institution (as defined in IC 20-12-0.5-1).**

28 **(b) A member of the board of trustees may participate in a
29 meeting of the board at which at least a quorum is physically
30 present at the place where the meeting is conducted by using a
31 means of communication that permits:**

32 **(1) all other members participating in the meeting; and**

33 **(2) all members of the public physically present at the place
34 where the meeting is conducted;**

35 **to simultaneously communicate with each other during the
36 meeting.**

37 **(c) A member of a committee of the board of trustees may
38 participate in a committee meeting by using a means of**

1 **communication that permits:**
 2 **(1) all other members participating in the meeting; and**
 3 **(2) all members of the public physically present at the place**
 4 **where the meeting is conducted;**
 5 **to simultaneously communicate with each other during the**
 6 **meeting.**

7 **(d) A member who participates in a meeting under subsection**
 8 **(b) or (c) is considered to be present at the meeting.**

9 **(e) The memoranda of the meeting prepared under**
 10 **IC 5-14-1.5-4 must state the name of:**

11 **(1) each member who was physically present at the place**
 12 **where the meeting was conducted;**
 13 **(2) each member who participated in the meeting by using a**
 14 **means of communication described in subsection (b) or (c);**
 15 **and**
 16 **(3) each member who was absent."**

17 Page 6, delete lines 1 through 8.

18 Page 7, after line 13, begin a new paragraph and insert:

19 "SECTION 8. IC 25-1-14 IS ADDED TO THE INDIANA CODE
 20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2007]:

22 **Chapter 14. Meetings**

23 **Sec. 1. This section applies to a meeting of a board, committee,**
 24 **or commission listed in IC 25-1-5-3 or IC 25-1-6-3.**

25 **Sec. 2. A member of a board, committee, or commission may**
 26 **participate in a meeting of the board, committee, or commission by**
 27 **using a means of communication that permits:**

28 **(1) all other members participating in 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 **Sec. 3. A member who participates in a meeting under section**
 34 **2 of this chapter:**

35 **(1) is considered to be present at the meeting;**
 36 **(2) shall be counted for purposes of establishing a quorum;**
 37 **and**
 38 **(3) may vote at the meeting.**

1 **Sec. 4. The memoranda of the meeting prepared under**
2 **IC 5-14-1.5-4 must state the name of:**

3 **(1) each member who was physically present at the place**
4 **where the meeting was conducted;**

5 **(2) each member who participated in the meeting by using a**
6 **means of communication described in section 2 of this**
7 **chapter; and**

8 **(3) each member who was absent."**

9 Renumber all SECTIONS consecutively.

(Reference is to SB 103 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 2.

Lawson C

Chairperson