

SENATE BILL No. 343

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-14-1.5-6.1.

Synopsis: Executive session regarding real estate. Provides that a governing body may conduct an executive session to discuss strategy with respect to: (1) the sale of real property; or (2) the lease of property, as lessor or lessee.

Effective: July 1, 2012.

Broden

January 9, 2012, read first time and referred to Committee on Local Government.

C
O
P
Y



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 2011 Regular Session of the General Assembly.

C
o
p
y

SENATE BILL No. 343



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 5-14-1.5-6.1, AS AMENDED BY P.L.139-2011,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2012]: Sec. 6.1. (a) As used in this section, "public official"
- 4 means a person:
 - 5 (1) who is a member of a governing body of a public agency; or
 - 6 (2) whose tenure and compensation are fixed by law and who
 - 7 executes an oath.
- 8 (b) Executive sessions may be held only in the following instances:
 - 9 (1) Where authorized by federal or state statute.
 - 10 (2) For discussion of strategy with respect to any of the following:
 - 11 (A) Collective bargaining.
 - 12 (B) Initiation of litigation or litigation that is either pending or
 - 13 has been threatened specifically in writing.
 - 14 (C) The implementation of security systems.
 - 15 (D) The purchase, **sale**, or lease (**as lessor or lessee**) of real
 - 16 property by the governing body up to the time a contract or
 - 17 option to purchase, **sell**, or lease is executed by the parties.



- 1 However, all such strategy discussions must be necessary for
 2 competitive or bargaining reasons and may not include
 3 competitive or bargaining adversaries.
 4 (3) For discussion of the assessment, design, and implementation
 5 of school safety and security measures, plans, and systems.
 6 (4) Interviews and negotiations with industrial or commercial
 7 prospects or agents of industrial or commercial prospects by the
 8 Indiana economic development corporation, the office of tourism
 9 development, the Indiana finance authority, the ports of Indiana,
 10 an economic development commission, the Indiana state
 11 department of agriculture, a local economic development
 12 organization (as defined in IC 5-28-11-2(3)), or a governing body
 13 of a political subdivision.
 14 (5) To receive information about and interview prospective
 15 employees.
 16 (6) With respect to any individual over whom the governing body
 17 has jurisdiction:
 18 (A) to receive information concerning the individual's alleged
 19 misconduct; and
 20 (B) to discuss, before a determination, the individual's status
 21 as an employee, a student, or an independent contractor who
 22 is:
 23 (i) a physician; or
 24 (ii) a school bus driver.
 25 (7) For discussion of records classified as confidential by state or
 26 federal statute.
 27 (8) To discuss before a placement decision an individual student's
 28 abilities, past performance, behavior, and needs.
 29 (9) To discuss a job performance evaluation of individual
 30 employees. This subdivision does not apply to a discussion of the
 31 salary, compensation, or benefits of employees during a budget
 32 process.
 33 (10) When considering the appointment of a public official, to do
 34 the following:
 35 (A) Develop a list of prospective appointees.
 36 (B) Consider applications.
 37 (C) Make one (1) initial exclusion of prospective appointees
 38 from further consideration.
 39 Notwithstanding IC 5-14-3-4(b)(12), a governing body may
 40 release and shall make available for inspection and copying in
 41 accordance with IC 5-14-3-3 identifying information concerning
 42 prospective appointees not initially excluded from further

C
O
P
Y

1 consideration. An initial exclusion of prospective appointees from
 2 further consideration may not reduce the number of prospective
 3 appointees to fewer than three (3) unless there are fewer than
 4 three (3) prospective appointees. Interviews of prospective
 5 appointees must be conducted at a meeting that is open to the
 6 public.

7 (11) To train school board members with an outside consultant
 8 about the performance of the role of the members as public
 9 officials.

10 (12) To prepare or score examinations used in issuing licenses,
 11 certificates, permits, or registrations under IC 25.

12 (13) To discuss information and intelligence intended to prevent,
 13 mitigate, or respond to the threat of terrorism.

14 (14) To train members of a board of aviation commissioners
 15 appointed under IC 8-22-2 or members of an airport authority
 16 board appointed under IC 8-22-3 with an outside consultant about
 17 the performance of the role of the members as public officials. A
 18 board may hold not more than one (1) executive session per
 19 calendar year under this subdivision.

20 (c) A final action must be taken at a meeting open to the public.

21 (d) Public notice of executive sessions must state the subject matter
 22 by specific reference to the enumerated instance or instances for which
 23 executive sessions may be held under subsection (b). The requirements
 24 stated in section 4 of this chapter for memoranda and minutes being
 25 made available to the public is modified as to executive sessions in that
 26 the memoranda and minutes must identify the subject matter
 27 considered by specific reference to the enumerated instance or
 28 instances for which public notice was given. The governing body shall
 29 certify by a statement in the memoranda and minutes of the governing
 30 body that no subject matter was discussed in the executive session
 31 other than the subject matter specified in the public notice.

32 (e) A governing body may not conduct an executive session during
 33 a meeting, except as otherwise permitted by applicable statute. A
 34 meeting may not be recessed and reconvened with the intent of
 35 circumventing this subsection.

C
o
p
y

