

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

Your Committee on Government and Regulatory Reform, to which was referred House Bill 1102, 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:

- 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, AS AMENDED BY P.L.179-2007,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2013]: Sec. 2. For the purposes of this chapter:
- 6 (a) "Public agency", except as provided in section 2.1 of this
- 7 chapter, means the following:
- 8 (1) Any board, commission, department, agency, authority, or
- 9 other entity, by whatever name designated, exercising a portion of
- 10 the executive, administrative, or legislative power of the state.
- 11 (2) Any county, township, school corporation, city, town, political
- 12 subdivision, or other entity, by whatever name designated,
- 13 exercising in a limited geographical area the executive,
- 14 administrative, or legislative power of the state or a delegated
- 15 local governmental power.
- 16 (3) Any entity which is subject to either:

- 1 (A) budget review by either the department of local
 2 government finance or the governing body of a county, city,
 3 town, township, or school corporation; or
 4 (B) audit by the state board of accounts that is required by
 5 statute, rule, or regulation.
- 6 (4) Any building corporation of a political subdivision of the state
 7 of Indiana that issues bonds for the purpose of constructing public
 8 facilities.
- 9 (5) Any advisory commission, committee, or body created by
 10 statute, ordinance, or executive order to advise the governing
 11 body of a public agency, except medical staffs or the committees
 12 of any such staff.
- 13 (6) The Indiana gaming commission established by IC 4-33,
 14 including any department, division, or office of the commission.
- 15 (7) The Indiana horse racing commission established by IC 4-31,
 16 including any department, division, or office of the commission.
- 17 (b) "Governing body" means two (2) or more individuals who are:
 18 (1) A public agency that:
 19 (A) is a board, a commission, an authority, a council, a
 20 committee, a body, or other entity; and
 21 (B) takes official action on public business.
 22 (2) The board, commission, council, or other body of a public
 23 agency which takes official action upon public business. ~~or~~
 24 (3) Any committee appointed directly by the governing body or
 25 its presiding officer to which authority to take official action upon
 26 public business has been delegated. An agent or agents appointed
 27 by the governing body to conduct collective bargaining on behalf
 28 of the governing body does not constitute a governing body for
 29 purposes of this chapter.
- 30 (c) "Meeting" means a gathering of a majority of the governing body
 31 of a public agency for the purpose of taking official action upon public
 32 business. It does not include **any of the following:**
 33 (1) Any social or chance gathering not intended to avoid this
 34 chapter.
 35 (2) Any on-site inspection of any:
 36 (A) project;
 37 (B) program; or
 38 (C) facilities of applicants for incentives or assistance from the

- 1 governing body.
- 2 (3) Traveling to and attending meetings of organizations devoted
3 to betterment of government.
- 4 (4) A caucus.
- 5 (5) A gathering to discuss an industrial or a commercial prospect
6 that does not include a conclusion as to recommendations, policy,
7 decisions, or final action on the terms of a request or an offer of
8 public financial resources.
- 9 (6) An orientation of members of the governing body on their role
10 and responsibilities as public officials, but not for any other
11 official action. ~~or~~
- 12 (7) A gathering for the sole purpose of administering an oath of
13 office to an individual.
- 14 **(8) Collective bargaining discussions that the governing body**
15 **of a school corporation engages in directly with bargaining**
16 **adversaries. This subdivision only applies to a governing body**
17 **that has not appointed an agent or agents to conduct collective**
18 **bargaining on behalf of the governing body as described in**
19 **subsection (b)(3).**
- 20 (d) "Official action" means to:
- 21 (1) receive information;
- 22 (2) deliberate;
- 23 (3) make recommendations;
- 24 (4) establish policy;
- 25 (5) make decisions; or
- 26 (6) take final action.
- 27 (e) "Public business" means any function upon which the public
28 agency is empowered or authorized to take official action.
- 29 (f) "Executive session" means a meeting from which the public is
30 excluded, except the governing body may admit those persons
31 necessary to carry out its purpose.
- 32 (g) "Final action" means a vote by the governing body on any
33 motion, proposal, resolution, rule, regulation, ordinance, or order.
- 34 (h) "Caucus" means a gathering of members of a political party or
35 coalition which is held for purposes of planning political strategy and
36 holding discussions designed to prepare the members for taking official
37 action.
- 38 (i) "Deliberate" means a discussion which may reasonably be

- 1 expected to result in official action (defined under subsection (d)(3),
 2 (d)(4), (d)(5), or (d)(6)).
- 3 (j) "News media" means all newspapers qualified to receive legal
 4 advertisements under IC 5-3-1, all news services (as defined in
 5 IC 34-6-2-87), and all licensed commercial or public radio or television
 6 stations.
- 7 (k) "Person" means an individual, a corporation, a limited liability
 8 company, a partnership, an unincorporated association, or a
 9 governmental entity."
- 10 Page 1, line 14, delete "action," and insert **"action or**
 11 **administrative law proceeding under federal or state law."**
- 12 Page 1, delete lines 15 through 16.
- 13 Page 2, delete lines 8 through 15.
- 14 Page 2, line 16, reset in roman "(3)".
- 15 Page 2, line 16, delete "(4)".
- 16 Page 2, line 19, reset in roman "(4)".
- 17 Page 2, line 19, delete "(5)".
- 18 Page 2, line 27, reset in roman "(5)".
- 19 Page 2, line 27, delete "(6)".
- 20 Page 2, line 29, reset in roman "(6)".
- 21 Page 2, line 29, delete "(7)".
- 22 Page 2, line 38, reset in roman "(7)".
- 23 Page 2, line 38, delete "(8)".
- 24 Page 2, line 40, reset in roman "(8)".
- 25 Page 2, line 40, delete "(9)".
- 26 Page 2, line 42, reset in roman "(9)".
- 27 Page 2, line 42, delete "(10)".
- 28 Page 3, line 4, reset in roman "(10)".
- 29 Page 3, line 4, delete "(11)".
- 30 Page 3, line 20, reset in roman "(11)".
- 31 Page 3, line 20, delete "(12)".
- 32 Page 3, line 23, reset in roman "(12)".
- 33 Page 3, line 23, delete "(13)".
- 34 Page 3, line 25, reset in roman "(13)".
- 35 Page 3, line 25, delete "(14)".
- 36 Page 3, line 27, reset in roman "(14)".
- 37 Page 3, line 27, delete "(15)".
- 38 Page 4, delete lines 7 through 42.

- 1 Delete pages 5 through 8.
- 2 Renumber all SECTIONS consecutively.
(Reference is to HB 1102 as introduced.)

and when so amended that said bill do pass.

Representative Mahan