

HOUSE BILL No. 1431

DIGEST OF INTRODUCED BILL

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

Synopsis: Executive sessions. Provides that a governing body may admit to an executive session of the governing body an individual who has been elected to the governing body but has not been sworn in as a member of the governing body. Makes a technical correction.

Effective: July 1, 2017.

GiaQuinta, Lehman

January 17, 2017, read first time and referred to Committee on Local Government.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1431

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, AS AMENDED BY P.L.103-2013,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 2. For the purposes of this chapter:

4 (a) "Public agency", except as provided in section 2.1 of this
5 chapter, means the following:

6 (1) Any board, commission, department, agency, authority, or
7 other entity, by whatever name designated, exercising a portion of
8 the executive, administrative, or legislative power of the state.

9 (2) Any county, township, school corporation, city, town, political
10 subdivision, or other entity, by whatever name designated,
11 exercising in a limited geographical area the executive,
12 administrative, or legislative power of the state or a delegated
13 local governmental power.

14 (3) Any entity which is subject to either:
15 (A) budget review by either the department of local
16 government finance or the governing body of a county, city,
17 town, township, or school corporation; or



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



- 1 decisions, or final action on the terms of a request or an offer of
 2 public financial resources.
- 3 (6) An orientation of members of the governing body on their role
 4 and responsibilities as public officials, but not for any other
 5 official action.
- 6 (7) A gathering for the sole purpose of administering an oath of
 7 office to an individual.
- 8 (8) Collective bargaining discussions that the governing body of
 9 a school corporation engages in directly with bargaining
 10 adversaries. This subdivision ~~only~~ applies **only** to a governing
 11 body that has not appointed an agent or agents to conduct
 12 collective bargaining on behalf of the governing body as
 13 described in subsection (b)(3).
- 14 (d) "Official action" means to:
- 15 (1) receive information;
 16 (2) deliberate;
 17 (3) make recommendations;
 18 (4) establish policy;
 19 (5) make decisions; or
 20 (6) take final action.
- 21 (e) "Public business" means any function upon which the public
 22 agency is empowered or authorized to take official action.
- 23 (f) "Executive session" means a meeting from which the public is
 24 excluded, except the governing body may admit those persons
 25 necessary to carry out its purpose. **The governing body may also**
 26 **admit an individual who has been elected to the governing body but**
 27 **has not been sworn in as a member of the governing body.**
- 28 (g) "Final action" means a vote by the governing body on any
 29 motion, proposal, resolution, rule, regulation, ordinance, or order.
- 30 (h) "Caucus" means a gathering of members of a political party or
 31 coalition which is held for purposes of planning political strategy and
 32 holding discussions designed to prepare the members for taking official
 33 action.
- 34 (i) "Deliberate" means a discussion which may reasonably be
 35 expected to result in official action (defined under subsection (d)(3),
 36 (d)(4), (d)(5), or (d)(6)).
- 37 (j) "News media" means all newspapers qualified to receive legal
 38 advertisements under IC 5-3-1, all news services (as defined in
 39 IC 34-6-2-87), and all licensed commercial or public radio or television
 40 stations.
- 41 (k) "Person" means an individual, a corporation, a limited liability
 42 company, a partnership, an unincorporated association, or a



1 governmental entity.

