

# SENATE BILL No. 237

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-3-5; IC 5-14-1.5.

**Synopsis:** Notice requirements for local government meetings. Requires an agency of a political subdivision (local agency) under the open door law to post a meeting notice and meeting agenda (if any) on the local agency's official web site, in addition to giving notice by any other method required by law. Specifies that the local agency's official web site may be on a social media platform for purposes of: (1) the open door law; and (2) the law allowing a local agency to make the first required publication of a notice in the newspaper and any required subsequent publications of the notice on the local agency's official web site. Specifies that the official web site of a local agency may not require a user to register or pay a fee to access the web site.

**Effective:** July 1, 2022.

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## Boehnlein

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January 6, 2022, read first time and referred to Committee on Local Government.

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Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

# SENATE BILL No. 237

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 5-3-5-1, AS ADDED BY P.L.152-2021, SECTION  
2 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2022]: Sec. 1. This chapter applies to a political subdivision that ~~(1)~~  
4 **has an official web site; and (2)** is authorized under IC 5-3-1-2 or  
5 another statute to publish a notice on the political subdivision's ~~Internet~~  
6 **official** web site in accordance with this chapter.

7 SECTION 2. IC 5-3-5-2, AS ADDED BY P.L.152-2021, SECTION  
8 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
9 2022]: Sec. 2. As used in this chapter, "official web site" means the  
10 Internet location **that is:**

- 11 **(1) accessible to the public without charge; and**
- 12 **(2) designated by a political subdivision as its primary source of**
- 13 **information about the political subdivision on the Internet.**
- 14 **The term includes a political subdivision's web page on a social**
- 15 **media platform.**

16 SECTION 3. IC 5-3-5-4, AS ADDED BY P.L.152-2021, SECTION  
17 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,



1 2022]: Sec. 4. (a) A political subdivision that is required by statute to  
 2 publish notice in a newspaper two (2) or more times may make:

- 3 (1) the first publication of a notice in a newspaper or newspapers  
 4 as required under IC 5-3-1-4 or the applicable statute; and  
 5 (2) if the political subdivision maintains an official web site, all  
 6 subsequent publications of the notice only on the official web site  
 7 of the political subdivision.

8 (b) If a political subdivision is required to publish a notice two (2)  
 9 or more times in at least two (2) newspapers more or less  
 10 contemporaneously, the first publication of the notice includes the first  
 11 publication of the notice in both newspapers.

12 SECTION 4. IC 5-14-1.5-4, AS AMENDED BY P.L.134-2012,  
 13 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2022]: Sec. 4. (a) A governing body of a public agency  
 15 utilizing an agenda shall post a copy of the agenda:

- 16 (1) at the entrance to the location of the meeting prior to the  
 17 meeting; and  
 18 (2) on the public agency's official web site (as defined in  
 19 IC 5-3-5-2).

20 A rule, regulation, ordinance, or other final action adopted by reference  
 21 to agenda number or item alone is void.

22 (b) As the meeting progresses, the following memoranda shall be  
 23 kept:

- 24 (1) The date, time, and place of the meeting.  
 25 (2) The members of the governing body recorded as either present  
 26 or absent.  
 27 (3) The general substance of all matters proposed, discussed, or  
 28 decided.  
 29 (4) A record of all votes taken by individual members if there is  
 30 a roll call.  
 31 (5) Any additional information required under section 3.5 or 3.6  
 32 of this chapter or any other statute that authorizes a governing  
 33 body to conduct a meeting using an electronic means of  
 34 communication.

35 (c) The memoranda are to be available within a reasonable period  
 36 of time after the meeting for the purpose of informing the public of the  
 37 governing body's proceedings. The minutes, if any, are to be open for  
 38 public inspection and copying.

39 SECTION 5. IC 5-14-1.5-5, AS AMENDED BY P.L.10-2019,  
 40 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2022]: Sec. 5. (a) Public notice of the date, time, and place of  
 42 any meetings, executive sessions, or of any rescheduled or reconvened



1 meeting, shall be given at least forty-eight (48) hours (excluding  
 2 Saturdays, Sundays, and legal holidays) before the meeting. This  
 3 requirement does not apply to reconvened meetings (not including  
 4 executive sessions) where announcement of the date, time, and place  
 5 of the reconvened meeting is made at the original meeting and recorded  
 6 in the memoranda and minutes thereof, and there is no change in the  
 7 agenda.

8 (b) Public notice shall be given by the governing body of a public  
 9 agency as follows:

10 (1) The governing body of a public agency shall give public  
 11 notice by posting a copy of the notice at the principal office of the  
 12 public agency holding the meeting or, if no such office exists, at  
 13 the building where the meeting is to be held.

14 (2) The governing body of a public agency shall give public  
 15 notice by delivering notice to all news media which deliver an  
 16 annual written request for the notices not later than December 31  
 17 for the next succeeding calendar year to the governing body of the  
 18 public agency. The governing body shall give notice by one (1) of  
 19 the following methods, which shall be determined by the  
 20 governing body:

21 (A) Depositing the notice in the United States mail with  
 22 postage prepaid.

23 (B) Transmitting the notice by electronic mail, if the public  
 24 agency has the capacity to transmit electronic mail.

25 (C) Transmitting the notice by facsimile (fax).

26 (3) This subdivision applies only to the governing body of a  
 27 public agency of a political subdivision described in section  
 28 2(a)(2), 2(a)(4), or 2(a)(5) of this chapter that adopts a policy to  
 29 provide notice under this subdivision. Notice under this  
 30 subdivision is in addition to providing notice under subdivisions  
 31 (1), ~~and (2), and (4)~~. If the governing body adopts a policy under  
 32 this subdivision, the governing body of a public agency shall give  
 33 public notice by delivering notice **by electronic mail** to any  
 34 person (other than news media) who delivers to the governing  
 35 body of the public agency an annual written request for the  
 36 notices not later than December 31 for the next succeeding  
 37 calendar year. ~~The governing body shall give notice by one (1) of~~  
 38 ~~the following methods, which shall be determined by the~~  
 39 ~~governing body: (A) Transmitting the notice by electronic mail;~~  
 40 ~~if the public agency has the capacity to send electronic mail: (B)~~  
 41 ~~Publishing the notice on the public agency's Internet web site at~~  
 42 ~~least forty-eight (48) hours in advance of the meeting; if the~~



1 public agency has an Internet web site.

2 **(4) This subdivision applies only to the governing body of a**  
 3 **public agency of a political subdivision described in section**  
 4 **2(a)(2), 2(a)(4), or 2(a)(5) of this chapter. Notice under this**  
 5 **subdivision is in addition to providing notice under**  
 6 **subdivisions (1), (2), and (3). At least forty-eight (48) hours**  
 7 **before the meeting, a governing body must publish a copy of**  
 8 **the notice of the meeting on the public agency's official web**  
 9 **site (as defined in IC 5-3-5-2).**

10 A court may not declare void any policy, decision, or final action under  
 11 section 7 of this chapter based on a failure to give a person notice under  
 12 subdivision (3) or (4) if the public agency made a good faith effort to  
 13 comply. ~~with subdivision (3):~~ If a governing body comes into existence  
 14 after December 31, it shall comply with this subsection upon receipt of  
 15 a written request for notice. In addition, a state agency (as defined in  
 16 IC 4-13-1-1) shall provide electronic access to the notice through the  
 17 computer gateway administered by the office of technology established  
 18 by IC 4-13.1-2-1.

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

23 (d) If a meeting is called to deal with an emergency involving actual  
 24 or threatened injury to person or property, or actual or threatened  
 25 disruption of the governmental activity under the jurisdiction of the  
 26 public agency by any event, then the time requirements of notice under  
 27 this section shall not apply, but:

28 (1) news media which have requested notice of meetings under  
 29 subsection (b)(2) must be given the same notice as is given to the  
 30 members of the governing body; and

31 (2) the public must be notified by posting a copy of the notice  
 32 according to subsection (b)(1) **and (b)(4).**

33 (e) This section shall not apply where notice by publication is  
 34 required by statute, ordinance, rule, or regulation.

35 (f) This section shall not apply to the following:

36 (1) The department of local government finance, the Indiana  
 37 board of tax review, or any other governing body which meets in  
 38 continuous session, except that this section applies to meetings of  
 39 these governing bodies which are required by or held pursuant to  
 40 statute, ordinance, rule, or regulation.

41 (2) The executive of a county or the legislative body of a town if  
 42 the meetings are held solely to carry out the administrative



1 functions related to the county executive or town legislative  
2 body's executive powers. "Administrative functions" means only  
3 routine activities that are reasonably related to the everyday  
4 internal management of the county or town, including conferring  
5 with, receiving information from, and making recommendations  
6 to staff members and other county or town officials or employees.  
7 "Administrative functions" does not include:  
8 (A) taking final action on public business;  
9 (B) the exercise of legislative powers; or  
10 (C) awarding of or entering into contracts, or any other action  
11 creating an obligation or otherwise binding the county or town.  
12 (g) This section does not apply to the general assembly.  
13 (h) Notice has not been given in accordance with this section if a  
14 governing body of a public agency convenes a meeting at a time so  
15 unreasonably departing from the time stated in its public notice that the  
16 public is misled or substantially deprived of the opportunity to attend,  
17 observe, and record the meeting.

