

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington St., Suite 301
Indianapolis, IN 46204
(317) 233-0696
iga.in.gov

FISCAL IMPACT STATEMENT

LS 6918
BILL NUMBER: HB 1080

NOTE PREPARED: Dec 28, 2021
BILL AMENDED:

SUBJECT: Public Meetings.

FIRST AUTHOR: Rep. Abbott
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a member of a governing body may participate but may not vote in a meeting of the governing body by electronic communication if the governing body is attempting to take certain final actions. The bill restricts the circumstances in which the governing body of a state or local public agency may hold a virtual meeting during a declared disaster emergency without any of the governing body members physically present. It requires a governing body, with certain exceptions, to do the following:

- (1) Post an agenda at the meeting site that has each agenda item clearly specified.
- (2) Provide a meeting attendee with a reasonable opportunity to speak regarding an agenda item.
- (3) Limit all official action to the agenda items.

The bill provides that a meeting that violates these requirements may result in a court action to:

- (1) void a final action, policy, or decision based upon official action taken at the meeting; or
- (2) assess civil penalties against the officer or employee responsible for the violation.

Effective Date: July 1, 2022.

Explanation of State Expenditures: The bill could increase the workload for any governing body of a public agency that does not currently create an agenda (current agenda requirements are for any public agency that utilizes an agenda) or for any governing body of a public agency that does not currently allow for public testimony or written submission of data, views, or arguments for each agenda item.

Explanation of State Revenues: The bill adds to the list of Open Door Law violations for which a court may impose a civil penalty, allowing a civil penalty of no more than \$100 for the first violation and \$500 for each additional violation on an officer of a public agency or an employee in a management level position

who, with specific intent to violate the law, fails to post a meeting agenda, discusses item(s) not on the agenda, or takes final action on an agenda item without providing meeting attendees a reasonable opportunity to speak on the item or to provide written submission of data, views, or arguments. Any civil penalties received are to be deposited into the Public Access Counselor's Education Fund.

Explanation of Local Expenditures: The bill could increase workload for any governing body of a public agency that does not currently create an agenda or allow for public testimony or written submission of data, views, or arguments for each agenda item. (See *Explanation of State Expenditures.*)

Explanation of Local Revenues:

State Agencies Affected: Potentially all.

Local Agencies Affected: Potentially all.

Information Sources: *Guide to Filing a Formal Complaint*, Office of the Indiana Public Access Counselor, July 2015.

Fiscal Analyst: Heather Puletz, 317-234-9484.