



February 9, 2023

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## HOUSE BILL No. 1167

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DIGEST OF HB 1167 (Updated February 8, 2023 5:02 pm - DI 125)

**Citations Affected:** IC 5-14; IC 34-30.

**Synopsis:** Live streaming and archiving meetings. Requires governing bodies of state and local agencies (excluding a state supported college or university) to provide, on a publicly accessible platform: (1) live transmissions of public meetings; and (2) an archive of copies of the live transmissions with links to any meeting agendas, minutes, or memoranda. Provides that if a governing body does not have Internet capability for live transmission of public meetings, the governing body shall record the meeting. Provides that transmissions and recordings of public meetings may be destroyed after 90 days.

**Effective:** July 1, 2023.

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### Smaltz, Pressel, Miller D, Abbott

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January 10, 2023, read first time and referred to Committee on Government and Regulatory Reform.

January 24, 2023, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

February 9, 2023, amended, reported — Do Pass.

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February 9, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## HOUSE BILL No. 1167

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 5-14-1.5-2.9 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2023]: **Sec. 2.9. (a) This section does not**  
4 **apply to the following:**

5 (1) **A meeting under section 6.1 of this chapter.**

6 (2) **A state educational institution.**

7 **(b) This section applies only to the following:**

8 (1) **A governing body of a state agency.**

9 (2) **The following governing bodies of agencies that are not**  
10 **state agencies:**

11 (A) **The executive (as defined in IC 36-1-2-5), legislative**  
12 **body (as defined in IC 36-1-2-9), or fiscal body (IC**  
13 **36-1-2-6) of a county, city, town, or township.**

14 (B) **A school board that has members who are elected.**

15 (C) **Any governing body that conducts the governing**  
16 **body's regular meetings in the same meeting room in**  
17 **which a governing body described in clause (A) or (B)**

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- 1                    conducts its regular meetings.
- 2                    (D) After June 30, 2024, any governing body that is not
- 3                    described in clause (A), (B), or (C).
- 4                    (c) Except as provided in subsection (e), a governing body shall
- 5                    provide on a publicly accessible platform of the public agency's
- 6                    choice, the following:
- 7                    (1) Live transmissions of the governing body's meetings.
- 8                    (2) Archived copies of the live transmissions described in
- 9                    subdivision (1). Each archived copy of a live transmission
- 10                   must provide access by links to the meeting's:
- 11                   (A) agenda, if any;
- 12                   (B) minutes, if any; and
- 13                   (C) memoranda.
- 14                   (d) A governing body shall include the website for live
- 15                   transmissions and archived copies of live transmissions in the
- 16                   meeting notice.
- 17                   (e) If a governing body does not have Internet capability for live
- 18                   transmission of meetings, the governing body shall record the
- 19                   meeting and retain the recording as provided in subsection (f).
- 20                   (f) The public agency is subject to the following:
- 21                   (1) The public agency shall make a copy of the transmission
- 22                   or recording available for public inspection and copying or
- 23                   downloading for at least ninety (90) days after the date of the
- 24                   meeting. The public agency shall, at the public agency's
- 25                   discretion, permit a person to inspect and copy or download
- 26                   the transmission or recording:
- 27                   (A) without charge, from a publicly accessible platform of
- 28                   the public agency's choosing; or
- 29                   (B) from the public agency's data storage system:
- 30                   (i) upon a request submitted by the person under
- 31                   IC 5-14-3-3; and
- 32                   (ii) during the regular business hours of the public
- 33                   agency.
- 34                   The public agency may charge a fee under IC 5-14-3-8 for
- 35                   providing a copy or downloaded copy under clause (B).
- 36                   (2) More than ninety (90) days after the date of the meeting,
- 37                   the public agency may destroy the transmission or recording.
- 38                   (g) A technological failure that disrupts or prevents the
- 39                   governing body from live streaming, recording, archiving, or
- 40                   maintaining a copy of a live transmission or recording of a meeting
- 41                   does not:
- 42                   (1) prevent the governing body from conducting the meeting;



1           **(2) affect the validity of an action taken by the governing body**  
2           **at the meeting;**  
3           **(3) violate this chapter or any statute concerning the**  
4           **retention, preservation, or production of public records; or**  
5           **(4) subject any person to civil or criminal liability.**  
6           SECTION 2. IC 34-30-2.1-40.5 IS ADDED TO THE INDIANA  
7           CODE AS A NEW SECTION TO READ AS FOLLOWS  
8           [EFFECTIVE JULY 1, 2023]: **Sec. 40.5. IC 5-14-1.5-2.9 (Concerning**  
9           **public officers, public employees, or other entities for a**  
10          **technological failure that prevents transmission or recording of a**  
11          **meeting).**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1167, 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:

Page 2, delete lines 8 through 10, begin a new line block indented and insert:

**"(1) The public agency shall make a copy of the transmission or recording available for public inspection and copying or downloading for at least ninety (90) days after the date of the meeting. The public agency shall, at the public agency's discretion, permit a person to inspect and copy or download the transmission or recording:**

**(A) without charge, from a publicly accessible platform of the public agency's choosing; or**

**(B) from the public agency's data storage system:**

**(i) upon a request submitted by the person under IC 5-14-3-3; and**

**(ii) during the regular business hours of the public agency.**

**The public agency may charge a fee under IC 5-14-3-8 for providing a copy or downloaded copy under clause (B)."**

Page 2, line 11, delete "three (3) years" and insert "**ninety (90) days**".

Page 2, after line 17, begin a new paragraph and insert:

**"(g) A technological failure that disrupts or prevents the governing body from live streaming, recording, archiving, or maintaining a copy of a live transmission or recording of a meeting does not:**

**(1) prevent the governing body from conducting the meeting;**

**(2) affect the validity of an action taken by the governing body at the meeting;**

**(3) violate this chapter or any statute concerning the retention, preservation, or production of public records; or**

**(4) subject any person to civil or criminal liability.**

SECTION 2. IC 34-30-2.1-40.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 40.5. IC 5-14-1.5-2.9 (Concerning public officers, public employees, or other entities for a technological failure that prevents transmission or recording of a meeting)."**



Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to HB 1167 as introduced.)

MILLER D

Committee Vote: yeas 11, nays 0.

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#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1167, 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:

Page 1, line 3, delete "This section does not" and insert "**This section does not apply to the following:**

- (1) **A meeting under section 6.1 of this chapter.**
- (2) **A state educational institution.**

**(b) This section applies only to the following:**

- (1) **A governing body of a state agency.**
- (2) **The following governing bodies of agencies that are not state agencies:**

**(A) The executive (as defined in IC 36-1-2-5), legislative body (as defined in IC 36-1-2-9), or fiscal body (IC 36-1-2-6) of a county, city, town, or township.**

**(B) A school board that has members who are elected.**

**(C) Any governing body that conducts the governing body's regular meetings in the same meeting room in which a governing body described in clause (A) or (B) conducts its regular meetings.**

**(D) After June 30, 2024, any governing body that is not described in clause (A), (B), or (C)."**

Page 1, delete lines 4 through 5.

Page 2, line 5, delete "Copies of live transmissions under subsection (c) and".

Page 2, line 6, delete "recorded copies under subsection (e) are permanent records."

Page 2, line 24, delete "transfer a copy of the transmission or" and insert "**destroy the transmission or recording.**".

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Page 2, delete lines 25 through 29.  
and when so amended that said bill do pass.

(Reference is to HB 1167 as printed January 24, 2023.)

THOMPSON

Committee Vote: yeas 24, nays 0.

