

HOUSE BILL No. 1290

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-14-1.5-3.7.

Synopsis: Virtual public meetings during disaster emergency. 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.

Effective: July 1, 2022.

Lauer

January 10, 2022, read first time and referred to Committee on Government and Regulatory Reform.



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.

HOUSE BILL No. 1290

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 5-14-1.5-3.7, AS ADDED BY P.L.88-2021,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 3.7. (a) ~~This section applies only if:~~ **As used in**
4 **this section, "disaster emergency" means:**
5 (1) ~~the governor declares~~ **a disaster emergency declared by the**
6 **governor** under IC 10-14-3-12; or
7 (2) ~~the executive (as defined in IC 36-1-2-5) of a political~~
8 ~~subdivision declares~~ **a local disaster emergency declared by the**
9 **executive (as defined in IC 36-1-2-5) of a political subdivision**
10 **under IC 10-14-3-29.**
11 (b) Notwithstanding section 3.5 or 3.6 of this chapter, the members
12 of a governing body are not required to be physically present at a
13 meeting ~~until~~ **if:**
14 (1) ~~the a disaster emergency or local disaster emergency is~~
15 **terminated is in effect for all or part of the area within the**
16 **governing body's jurisdiction; and**
17 (2) **because of the particular danger, threat, or emergency**



1 **conditions that are the basis for the declaration of the disaster**
 2 **emergency, meeting in person:**

3 **(A) would be impractical; or**

4 **(B) would present an imminent risk to the health or safety**
 5 **of the members of the public and the governing body who**
 6 **attend the meeting.**

7 **(c)** The members of a governing body may meet by any means of
 8 electronic communication, if the following are satisfied:

9 (1) At least a quorum of the members of the governing body
 10 participate in the meeting by means of electronic communication
 11 or in person.

12 (2) The public is able to simultaneously attend and observe the
 13 meeting. However, this subdivision does not apply to a meeting
 14 held in executive session.

15 ~~(c)~~ **(d)** The memoranda for a meeting prepared under section 4 of
 16 this chapter for a meeting held under this section must:

17 (1) state the name of each member of the governing body who:

18 (A) participated in the meeting by using any electronic means
 19 of communication; and

20 (B) was absent; and

21 (2) identify the electronic means of communication by which:

22 (A) members of the governing body participated in the
 23 meeting; and

24 (B) the public attended and observed the meeting, if the
 25 meeting was not held in executive session.

26 ~~(d)~~ **(e)** All votes taken during a meeting under this section must be
 27 taken by roll call vote.

