



January 23, 2024

HOUSE BILL No. 1306

DIGEST OF HB 1306 (Updated January 23, 2024 12:13 pm - DI 101)

Citations Affected: IC 5-14; IC 8-1.

Synopsis: Live streaming and archiving meetings. Exempts the Indiana utility regulatory commission (IURC) from providing a live transmission of hearings, regarding which a stenographic record is required to be made and kept by statute. Adds language to the chapter in the Indiana Code governing the IURC to require the IURC to: (1) provide on a publicly accessible platform a live transmission of any IURC proceeding that the IURC reasonably determines will include: (A) an examination of witnesses; or (B) a matter of public interest; and (2) issue a general administrative order to implement a policy that governs the live transmission of IURC proceedings and that includes: (A) criteria to be used by the IURC in determining matters of public interest for purposes of determining whether to provide a live transmission of an IURC proceeding; and (B) processes: (i) by which members of the public may request the live transmission of an IURC proceeding; and (ii) for archiving the live transmission of an IURC proceeding.

Effective: July 1, 2024; July 1, 2025.

Smaltz

January 10, 2024, read first time and referred to Committee on Utilities, Energy and Telecommunications.
January 23, 2024, amended, reported — Do Pass.

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January 23, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1306

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, AS ADDED BY P.L.127-2023,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 2.9. (a) This section does not apply to the
4 following:
5 (1) A meeting under section 6.1 of this chapter.
6 (2) A state educational institution.
7 **(3) A hearing noticed under IC 8-1-1-8, regarding which a**
8 **stenographic record is required to be made and kept pursuant**
9 **to IC 8-1-2-65.**
10 (b) This section applies only to the following:
11 (1) A governing body of a state agency.
12 (2) The following governing bodies of agencies that are not state
13 agencies:
14 (A) The executive (as defined in IC 36-1-2-5), legislative body
15 (as defined in IC 36-1-2-9), or fiscal body (IC 36-1-2-6) of a
16 county, city, town, or township.
17 (B) A school board that has members who are elected.

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



1 the meeting;

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

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

5 SECTION 2. IC 8-1-1-8.1 IS ADDED TO THE INDIANA CODE
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2024]: **Sec. 8.1. (a) As used in this section, "commission
8 proceeding" means a hearing for which notice is provided under
9 section 8 of this chapter.**

10 **(b) The commission shall provide on a publicly accessible
11 platform of the commission's choice a live transmission of any
12 commission proceeding that the commission reasonably determines
13 will include:**

14 **(1) an examination of witnesses; or**

15 **(2) a matter of public interest.**

16 **(c) The commission shall issue a general administrative order to
17 implement a policy that governs the live transmission of
18 commission proceedings and that includes the following:**

19 **(1) The criteria the commission will use to determine if a
20 commission proceeding involves a matter of public interest
21 under subsection (b).**

22 **(2) For a commission proceeding that the commission
23 determines is not subject to live transmission under
24 subsection (b), a process by which members of the public may
25 request the live transmission of the commission proceeding.**

26 **(3) For any commission proceeding for which the commission
27 will provide a live transmission, whether under subsection (b)
28 or upon a request made under subdivision (2), the following:**

29 **(A) A process by which members of the public may access
30 the live transmission of the commission proceeding.**

31 **(B) A process for:**

32 **(i) archiving the live transmission of the commission
33 proceeding; and**

34 **(ii) members of the public to access or request the
35 archived live transmission of the commission proceeding.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1306, 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 3, after line 4, begin a new paragraph and insert:

"SECTION 2. IC 8-1-1-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 8.1. (a) As used in this section, "commission proceeding" means a hearing for which notice is provided under section 8 of this chapter.**

(b) The commission shall provide on a publicly accessible platform of the commission's choice a live transmission of any commission proceeding that the commission reasonably determines will include:

- (1) an examination of witnesses; or**
- (2) a matter of public interest.**

(c) The commission shall issue a general administrative order to implement a policy that governs the live transmission of commission proceedings and that includes the following:

- (1) The criteria the commission will use to determine if a commission proceeding involves a matter of public interest under subsection (b).**
- (2) For a commission proceeding that the commission determines is not subject to live transmission under subsection (b), a process by which members of the public may request the live transmission of the commission proceeding.**
- (3) For any commission proceeding for which the commission will provide a live transmission, whether under subsection (b) or upon a request made under subdivision (2), the following:**
 - (A) A process by which members of the public may access the live transmission of the commission proceeding.**
 - (B) A process for:**
 - (i) archiving the live transmission of the commission proceeding; and**
 - (ii) members of the public to access or request the archived live transmission of the commission proceeding."**

and when so amended that said bill do pass.



(Reference is to HB 1306 as introduced.)

SOLIDAY

Committee Vote: yeas 9, nays 1.

