

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 ENROLLED ACT No. 1204

AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-3-1-0.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 0.1. As used in this chapter, "electronic edition" means a new edition of a newspaper that is only published on a newspaper's website and not published in a print edition.**

SECTION 2. IC 5-3-1-1.5, AS AMENDED BY P.L.147-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1.5. (a) This section applies to a notice that must be published in accordance with this chapter.

(b) If a newspaper or locality newspaper maintains ~~an Internet web site;~~ **a website**, a notice that is published in the newspaper or locality newspaper must also be posted on the ~~web site~~ **website** of the newspaper or locality newspaper. The notice must appear on the ~~web site~~ **website** on the same day the notice appears in the newspaper or locality newspaper.

(c) The state board of accounts shall develop a standard form for notices posted on a newspaper's or locality newspaper's ~~Internet web site;~~ **website**.

(d) A newspaper or locality newspaper may not charge a fee for posting a notice on the newspaper's or locality newspaper's ~~Internet web site~~ **website** under this section.

SECTION 3. IC 5-3-1-1.6 IS ADDED TO THE INDIANA CODE

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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 1.6. (a) This section applies to a notice published by a political subdivision in a newspaper or locality newspaper under section 4 of this chapter.**

(b) This subsection applies if a newspaper or locality newspaper publishes:

- (1) a print edition not more than three (3) times a week; and**
- (2) an electronic edition.**

A notice may be published in either the print edition or the electronic edition.

(c) This subsection applies if a newspaper or locality newspaper:

- (1) publishes a print edition not more than two (2) times a week; and**
- (2) does not publish an electronic edition.**

A notice may be published in either the print edition or on the website of the newspaper or locality newspaper. If the newspaper or locality newspaper does not maintain a website, a notice may be published in either the print edition or on the political subdivision's official website (as defined in IC 5-3-5-2) in accordance with IC 5-3-5.

(d) A newspaper or locality newspaper may not:

- (1) charge a person a fee for viewing or searching the website or electronic edition for public notices; or**
- (2) require a person to register on the newspaper or locality newspaper's website in order to view or search for public notices on the website.**

(e) The basic charge for publication of a notice in an electronic edition shall be the same as the basic charge for publication of the notice in the print edition in accordance with section 1 of this chapter.

SECTION 4. IC 5-3-1-2, AS AMENDED BY P.L.152-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 2. (a) This section applies only when notice of an event is required to be given by publication in accordance with this chapter.**

(b) If the event is a public hearing or meeting concerning any matter not specifically mentioned in subsection (c), (d), (e), (f), (g), (h), or (i), notice shall be published one (1) time, at least ten (10) days before the date of the hearing or meeting.

(c) If the event is an election, notice shall be published one (1) time, not later than twenty-one (21) days before election day.

(d) If the event is a sale of bonds, notes, or warrants, notice shall be



published two (2) times, at least one (1) week apart, with:

- (1) the first publication made at least fifteen (15) days before the date of the sale; and
- (2) the second publication made at least three (3) days before the date of the sale.

(e) If the event is the receiving of bids, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least seven (7) days before the date the bids will be received.

(f) If the event is the establishment of a cumulative or sinking fund, notice of the proposal and of the public hearing that is required to be held by the political subdivision shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the date of the hearing.

(g) If the event is the submission of a proposal adopted by a political subdivision for a cumulative or sinking fund for the approval of the department of local government finance, the notice of the submission shall be published one (1) time. The political subdivision shall publish the notice when directed to do so by the department of local government finance.

(h) If the event is the required publication of an ordinance, notice of the passage of the ordinance shall be published one (1) time within thirty (30) days after the passage of the ordinance.

(i) If the event is one about which notice is required to be published after the event, notice shall be published one (1) time within thirty (30) days after the date of the event.

(j) If the event is one about which notice is required under IC 36-1-11-5(e), IC 36-7-14-22.6, or IC 36-7-15.1-15.6, notice shall be published:

- (1) one (1) time not more than ten (10) days after the date on which the determination was made; and**
- (2) not less than ten (10) days before the date offers will be received.**

The notice under this subsection may be published solely on the political subdivision's official website (as defined in IC 5-3-5-2) in accordance with IC 5-3-5.

⌘ **(k)** If any officer charged with the duty of publishing any notice required by law is unable to procure publication of notice:

- (1) at the price fixed by law;
- (2) because all newspapers or locality newspapers that are qualified to publish the notice refuse to publish the notice; or
- (3) because the newspapers or locality newspapers referred to in subdivision (2) refuse to post the notice on the newspapers' or



locality newspapers' ~~Internet web sites~~ **websites** (if required under section 1.5 of this chapter);

it is sufficient for the officer to post printed notices in three (3) prominent places in the political subdivision, instead of publication of the notice in newspapers or locality newspapers and on ~~an Internet web site~~ **a website** (if required under section 1.5 of this chapter).

~~(k)~~ **(l)** This subsection applies if an officer described in subsection ~~(j)~~ **(k)** or the officer's designee submits a notice to a newspaper or locality newspaper in a timely manner and the newspaper or locality newspaper does not refuse to publish the notice but subsequently fails to publish the notice. If, within the same period required for publishing notice under this section, the officer or officer's designee posts:

(1) printed notices in three (3) prominent places in the political subdivision; or

(2) notice on the political subdivision's ~~Internet web site~~ **website** in a location where the notice is easily accessible and identifiable; the notice is sufficient, and publication of the notice in newspapers or locality newspapers and on the newspapers' ~~Internet web sites~~ **websites** (if required under section 1.5 of this chapter) is not required.

~~(l)~~ **(m)** A political subdivision that is required under this chapter to publish notice in a newspaper two (2) or more times may make:

(1) the first publication of notice in a newspaper as required under section 4 of this chapter or the applicable statute; and

(2) all subsequent publications of notice:

(A) in accordance with IC 5-3-5; and

(B) on the official ~~web site~~ **website** of the political subdivision.

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

SECTION 5. IC 6-1.1-23.5-10, AS AMENDED BY P.L.152-2021, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10. (a) After preparing the notice described under section 9 of this chapter, the county treasurer shall do the following:

(1) Post a copy of the notice at a public place of posting in the county courthouse or in another public county building at least thirty (30) days before the earliest date on which the application for judgment may be made.

(2) Publish the notice once in accordance with IC 5-3-1-4 at least thirty (30) days before the earliest date on which the application for judgment may be made. The expenses of this publication shall



be paid out of the county general fund without prior appropriation.

(3) Publish a notice twice in accordance with ~~IC 5-3-1-2(f)~~ **IC 5-3-1-2(m)** or IC 5-3-1-4 at the following times stating that the complete listing of mobile homes eligible for sale at auction under this chapter is available on the ~~Internet web site~~ **website** of the county government or the county government's contractor:

(A) The first time at least seven (7) days after the publication of the notice required under subdivision (2).

(B) The second time at least seven (7) days after the publication of the notice required under clause (A).

(4) At least thirty (30) days before the earliest date on which the application for judgment may be made, mail a copy of the notice described under section 9 of this chapter by certified mail, return receipt requested, to any party having a substantial property interest of record.

(b) The notices mailed under this section are considered sufficient notice of the intended application for judgment and of the sale of mobile homes under the order of the court.

(c) For mobile homes that are not sold when initially offered for sale under this chapter, the county treasurer may omit the descriptions of the mobile homes specified in section 9(b)(1) and 9(b)(3) of this chapter for those mobile homes when they are for sale at a subsequent auction if:

(1) the county treasurer includes in the notice a statement that descriptions of those mobile homes are available on the ~~Internet web site~~ **website** of the county government or the county government's contractor and the information may be obtained in an alternative form from the county treasurer upon request; and

(2) the descriptions of those mobile homes eligible for sale a second or subsequent time are made available on the ~~Internet web site~~ **website** of the county government or the county government's contractor and may be obtained from the county treasurer in an alternative form upon request in accordance with section 11 of this chapter.

SECTION 6. IC 10-18-2-19, AS AMENDED BY P.L.152-2021, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 19. (a) If a county executive desires to carry out this chapter, the county executive must adopt a declaratory resolution in substance as follows:

"Be it resolved, by the county executive of _____ County, that said county should proceed alone, or jointly with the city of

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_____ located in such county, to carry out the purposes of IC 10-18-2."

(b) The resolution shall be recorded in the proceedings of the county executive. Notice of the adoption of the declaratory resolution shall be given by the county executive by the publication of the resolution two (2) times in full published at least a week apart in accordance with ~~IC 5-3-1-2(f)~~ **IC 5-3-1-2(m)** or IC 5-3-1-4.

(c) The county executive may:

- (1) appropriate money;
- (2) make loans;
- (3) issue bonds;
- (4) levy taxes; and
- (5) do everything that may be necessary to carry out this chapter.

If any bonds are issued under this chapter by a county and the bonds have to be refunded, it is not necessary for the county executive to adopt a declaratory resolution.

(d) The rights and powers of this chapter vested in any county executive may not be exhausted by being exercised one (1) or more times, but are continuing rights and powers.

(e) If there is a second or other subsequent exercise of power under this chapter by any county, it is not necessary for the county executive to adopt a declaratory resolution. Any county acting a second or subsequent time may proceed to carry out this chapter without any appropriation by the county fiscal body and without being required to comply with any other law relating to appropriations and budgets except for section 2 of this chapter.

SECTION 7. IC 36-1-11-5, AS AMENDED BY P.L.28-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) As used in this section, "abutting landowner" means an owner of property that:

- (1) touches, borders on, or is contiguous to the property that is the subject of sale; and
- (2) does not constitute a:
 - (A) public easement; or
 - (B) public right-of-way.

(b) As used in this section, "offering price" means the appraised value of real property plus all costs associated with the sale, including:

- (1) appraisal fees;
- (2) title insurance;
- (3) recording fees; and
- (4) advertising costs.

(c) The disposing agent may proceed under this section if either of



the following applies:

- (1) The assessed value of a tract of real property to be sold is less than:
 - (A) except as provided in clause (B) and subsection (i), fifteen thousand dollars (\$15,000); or
 - (B) an amount greater than fifteen thousand dollars (\$15,000) that is specified in an ordinance or a resolution adopted by the fiscal body of the political subdivision under subsection (i); based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired.
- (2) If the property has not been assessed and the property was previously part of a public right-of-way.
- (d) The disposing agent may determine that:
 - (1) the highest and best use of the tract is sale to an abutting landowner;
 - (2) the cost to the public of maintaining the tract equals or exceeds the estimated fair market value of the tract; or
 - (3) it is economically unjustifiable to sell the tract under section 4 of this chapter.
- (e) ~~Within ten (10) days~~ After the disposing agent makes a determination under subsection (d), the disposing agent shall publish a notice in accordance with IC 5-3-1 identifying the tracts intended for sale by legal description and, if possible, by key number and street address. **The notice may be published solely on the political subdivision's official website (as defined in IC 5-3-5-2) in accordance with IC 5-3-5.** The notice must also include the offering price, **a deadline for receiving offers**, and a statement that:
 - (1) the property may not be sold to a person who is ineligible under section 16 of this chapter; and
 - (2) an offer to purchase the property submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:
 - (A) beneficiary of the trust; and
 - (B) settlor empowered to revoke or modify the trust.

At the time of publication of notice under this subsection, the disposing agent shall send notice by certified mail to all abutting landowners. This notice shall contain the same information as the published notice.
- (f) The disposing agent shall also have each tract appraised. The appraiser must be professionally engaged in making appraisals, a person licensed under IC 25-34.1, or an employee of the political subdivision who is familiar with the value of the tract. However, if the assessed value of a tract is less than ~~six thousand dollars (\$6,000)~~; **ten thousand dollars (\$10,000)**, based on the most recent assessment of



the tract or of the tract of which it was a part before it was acquired, the disposing agent is not required to have the tract appraised.

(g) If, ~~within ten (10) days after the date of publication of the notice under subsection (e);~~ **after the deadline for receiving offers as determined in the notice,** the disposing agent receives an eligible offer to purchase a tract listed in the notice at or in excess of the offering price, the disposing agent shall conduct the negotiation and sale of the tract under section ~~4(e)~~ **4(d)** through 4(g) of this chapter **to the highest and best qualified offeror.**

(h) Notwithstanding subsection (g), if ~~within ten (10) days after the date of publication of the notice under subsection (e)~~ **after the deadline for receiving offers as determined in the notice,** the disposing agent does not receive from any person other than an abutting landowner an eligible offer to purchase the tract at or in excess of the offering price, the disposing agent shall conduct the negotiation and sale of the tract as follows:

(1) If only one (1) abutting landowner makes an eligible offer to purchase the tract, then subject to section 16 of this chapter and without further appraisal or notice, the disposing agent shall offer to negotiate for the sale of the tract with that abutting landowner.

(2) If more than one (1) eligible abutting landowner submits an offer to purchase the tract, the other eligible abutting landowners who submit offers shall be informed of the highest offer received and be given an opportunity to submit one (1) additional offer. The tract shall be sold to the eligible abutting landowner who submits the highest offer for the tract and who complies with any requirement under subsection (e)(2).

(3) If no eligible abutting landowner submits an offer to purchase the tract, the disposing agent may sell the tract to any person who submits the highest offer for the tract, except a person who is ineligible to purchase the tract under section 16 of this chapter.

(i) The fiscal body of a political subdivision may adopt an ordinance (in the case of a county or municipality) or a resolution (in the case of any other political subdivision) to increase the threshold that applies under subsection (c)(1) to an amount greater than fifteen thousand dollars (\$15,000).

SECTION 8. IC 36-7-14-22.6, AS ADDED BY P.L.169-2006, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 22.6. (a) As used in this section, "abutting landowner" means an owner of property that:

(1) touches, borders on, or is contiguous to the property that is the subject of sale; and



- (2) does not constitute a:
- (A) public easement; or
 - (B) public right-of-way.
- (b) As used in this section, "offering price" means the appraised value of real property plus all costs associated with the sale, including:
- (1) appraisal fees;
 - (2) title insurance;
 - (3) recording fees; and
 - (4) advertising costs.
- (c) If the assessed value of a tract of real property to be sold is less than fifteen thousand dollars (\$15,000), based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired, the commission may proceed under this section.
- (d) The commission may determine that:
- (1) the highest and best use of the tract is sale to an abutting landowner;
 - (2) the cost to the public of maintaining the tract equals or exceeds the estimated fair market value of the tract; or
 - (3) it is economically unjustifiable to sell the tract under section 22 of this chapter.
- (e) ~~Not more than ten (10) days~~ After the commission makes a determination under subsection (d), the commission shall publish a notice in accordance with IC 5-3-1 identifying the tracts intended for sale by legal description and, if possible, by key number and street address. **The notice may be published solely on the political subdivision's official website (as defined in IC 5-3-5-2) in accordance with IC 5-3-5.** The notice must also include the offering price, **a deadline for receiving offers**, and a statement that:
- (1) the property may not be sold to a person who is ineligible under IC 36-1-11-16; and
 - (2) an offer to purchase the property submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:
 - (A) beneficiary of the trust; and
 - (B) settlor empowered to revoke or modify the trust.

At the time of publication of notice under this subsection, the commission shall send notice by certified mail to all abutting landowners. This notice shall contain the same information as the published notice.

(f) The commission shall also have each tract appraised. The appraiser must be a person who is professionally engaged in making appraisals, a person licensed under IC 25-34.1, or an employee of the political subdivision who is familiar with the value of the tract.



However, if the assessed value of a tract is less than ~~six thousand dollars (\$6,000)~~; **ten thousand dollars (\$10,000)**, based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired, the commission is not required to have the tract appraised.

(g) If, ~~not more than ten (10) days after the date of publication of the notice under subsection (c)~~; **after the deadline for receiving offers as determined in the notice**, the commission receives one (1) or more eligible offers to purchase a tract listed in the notice at or in excess of the offering price, the commission shall conduct the negotiation and sale of the tract under section 22(f), 22(g), and 22(i) of this chapter **to the highest and best qualified offeror**.

(h) Notwithstanding subsection (g), if ~~not more than ten (10) days after the date of publication of the notice under subsection (c)~~ **after the deadline for receiving offers as determined in the notice**, the commission does not receive from any person other than an abutting landowner an eligible offer to purchase the tract at or in excess of the offering price, the commission shall conduct the negotiation and sale of the tract as follows:

(1) If only one (1) eligible abutting landowner makes an eligible offer to purchase the tract, then subject to IC 36-1-11-16 and without further appraisal or notice, the commission shall offer to negotiate for the sale of the tract with that abutting landowner.

(2) If more than one (1) eligible abutting landowner submits an eligible offer to purchase the tract, the tract shall be sold to the eligible abutting landowner who submits the highest eligible offer for the tract and who complies with any requirement under subsection (e)(2).

(3) If no eligible abutting landowner submits an eligible offer to purchase the tract, the commission may sell the tract to any person who submits the highest eligible offer for the tract, except a person who is ineligible to purchase the tract under IC 36-1-11-16.

SECTION 9. IC 36-7-15.1-15.6, AS ADDED BY P.L.169-2006, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 15.6. (a) As used in this section, "abutting landowner" means an owner of property that:

(1) touches, borders on, or is contiguous to the property that is the subject of sale; and

(2) does not constitute a:

(A) public easement; or

(B) public right-of-way.



(b) As used in this section, "offering price" means the appraised value of real property plus all costs associated with the sale, including:

- (1) appraisal fees;
- (2) title insurance;
- (3) recording fees; and
- (4) advertising costs.

(c) If the assessed value of a tract of real property to be sold is less than fifteen thousand dollars (\$15,000), based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired, the commission may proceed under this section.

(d) The commission may determine that:

- (1) the highest and best use of the tract is sale to an abutting landowner;
- (2) the cost to the public of maintaining the tract equals or exceeds the estimated fair market value of the tract; or
- (3) it is economically unjustifiable to sell the tract under section 15 of this chapter.

(e) ~~Not more than ten (10) days~~ After the commission makes a determination under subsection (d), the commission shall publish a notice in accordance with IC 5-3-1 identifying the tracts intended for sale by legal description and, if possible, by key number and street address. **The notice may be published solely on the political subdivision's official website (as defined in IC 5-3-5-2) in accordance with IC 5-3-5.** The notice must also include the offering price, **a deadline for receiving offers**, and a statement that:

- (1) the property may not be sold to a person who is ineligible under IC 36-1-11-16; and
- (2) an offer to purchase the property submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:
 - (A) beneficiary of the trust; and
 - (B) settlor empowered to revoke or modify the trust.

At the time of publication of notice under this subsection, the commission shall send notice by certified mail to all abutting landowners. This notice shall contain the same information as the published notice.

(f) The commission shall also have each tract appraised. The appraiser must be a person who is professionally engaged in making appraisals, a person licensed under IC 25-34.1, or an employee of the political subdivision who is familiar with the value of the tract. However, if the assessed value of a tract is less than ~~six thousand dollars (\$6,000)~~; **ten thousand dollars (\$10,000)**, based on the most recent assessment of the tract or of the tract of which it was a part



before it was acquired, the commission is not required to have the tract appraised.

(g) If, ~~not more than ten (10) days after the date of publication of the notice under subsection (e)~~, **after the deadline for receiving offers as determined in the notice**, the commission receives one (1) or more eligible offers to purchase a tract listed in the notice at or in excess of the offering price, the commission shall conduct the negotiation and sale of the tract under section 15(f), 15(g), and 15(i) of this chapter.

(h) Notwithstanding subsection (g), if ~~not more than ten (10) days after the date of publication of the notice under subsection (e)~~ **after the deadline for receiving offers as determined in the notice**, the commission does not receive from any person other than an abutting landowner an eligible offer to purchase the tract at or in excess of the offering price, the commission shall conduct the negotiation and sale of the tract as follows:

(1) If only one (1) eligible abutting landowner makes an eligible offer to purchase the tract, then subject to IC 36-1-11-16 and without further appraisal or notice, the commission shall offer to negotiate for the sale of the tract with that abutting landowner.

(2) If more than one (1) eligible abutting landowner submits an eligible offer to purchase the tract, the tract shall be sold to the eligible abutting landowner who submits the highest eligible offer for the tract and who complies with any requirement under subsection (e)(2).

(3) If no eligible abutting landowner submits an eligible offer to purchase the tract, the commission may sell the tract to any person who submits the highest eligible offer for the tract, except a person who is ineligible to purchase the tract under IC 36-1-11-16.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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