

HOUSE BILL No. 1310

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-3-1-1.

Synopsis: Public notice requirements. Provides that a political subdivision may not pay more than \$300 for each insertion of a public notice. Provides that if: (1) the cost of a public notice that is required to be published exceeds \$300; or (2) a public notice corrects a previous public notice that contains an error or omission; publication of the public notice on the political subdivision's Internet web site satisfies the requirements applicable to the publication of such notices.

Effective: July 1, 2020.

Wolkins, McNamara

January 14, 2020, read first time and referred to Committee on Local Government.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1310

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 5-3-1-1, AS AMENDED BY P.L.147-2016,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 1. (a) The cost of all public notice advertising
4 which any elected or appointed public official or governmental agency
5 is required by law to have published, or orders published, for which the
6 compensation to the newspapers, locality newspapers, or qualified
7 publications publishing such advertising is drawn from and is the
8 ultimate obligation of the public treasury of the governmental unit
9 concerned with the advertising shall be charged to and collected from
10 the proper fund of the public treasury and paid over to the newspapers,
11 locality newspapers, or qualified publications publishing such
12 advertising, after proof of publication and claim for payment has been
13 filed.

14 (b) The basic charges for publishing public notice advertising shall
15 be by the line and shall be computed based on a square of two hundred
16 and fifty (250) ems at the following rates:

17 (1) Before January 1, 1996, three dollars and thirty cents (\$3.30)



1 per square for the first insertion in newspapers or qualified
2 publications plus one dollar and sixty-five cents (\$1.65) per
3 square for each additional insertion in newspapers, or qualified
4 publications.

5 (2) After December 31, 1995, and before December 31, 2005, a
6 newspaper or qualified publication may, effective January 1 of
7 any year, increase the basic charges by five percent (5%) more
8 than the basic charges that were in effect during the previous year.
9 However, the basic charges for the first insertion of a public
10 notice in a newspaper, or qualified publication may not exceed the
11 lowest classified advertising rate charged to advertisers by the
12 newspaper, or qualified publication for comparable use of the
13 same amount of space for other purposes.

14 (3) After December 31, 2009, and before January 1, 2017, a
15 newspaper or qualified publication may, effective January 1 of
16 any year, increase the basic charges by not more than two and
17 three-quarters percent (2.75%) more than the basic charges that
18 were in effect during the previous year. However, the basic
19 charges for the first insertion of a public notice in a newspaper or
20 qualified publication may not exceed the lowest classified
21 advertising rate charged to advertisers by the newspaper or
22 qualified publication for comparable use of the same amount of
23 space for other purposes and must include all multiple insertion
24 discounts extended to the newspaper's other advertisers.

25 (4) After December 31, 2016, a newspaper, locality newspaper,
26 or qualified publication may, effective January 1 of any year,
27 increase the basic charges by not more than two and
28 three-quarters percent (2.75%) more than the basic charges that
29 were in effect during the previous year. However, the basic
30 charges for the first insertion of a public notice in a newspaper,
31 locality newspaper, or qualified publication may not exceed the
32 lowest classified advertising rate charged to advertisers by the
33 newspaper, locality newspaper, or qualified publication for
34 comparable use of the same amount of space for other purposes
35 and must include all multiple insertion discounts extended to the
36 newspaper's, locality newspaper's, or qualified publication's other
37 advertisers.

38 An additional charge of fifty percent (50%) shall be allowed for the
39 publication of all public notice advertising containing rule or tabular
40 work.

41 **(c) Notwithstanding subsection (b), a political subdivision may**
42 **not pay more than three hundred dollars (\$300) for each insertion**



1 **of a public notice. If:**

2 **(1) the cost of a public notice that is required to be published**
 3 **exceeds three hundred dollars (\$300); or**

4 **(2) a public notice corrects a previous public notice that**
 5 **contains an error or omission;**

6 **publication of the public notice on the political subdivision's**
 7 **Internet web site satisfies the requirements of this chapter.**

8 ~~(c)~~ **(d)** All public notice advertisements shall be set in solid type that
 9 is at least 7 point type, without any leads or other devices for increasing
 10 space. All public notice advertisements shall be headed by not more
 11 than two (2) lines, neither of which shall total more than four (4) solid
 12 lines of the type in which the body of the advertisement is set. Public
 13 notice advertisements may be submitted by an appointed or elected
 14 official or a governmental agency to a newspaper, locality newspaper,
 15 or qualified publication in electronic form, if the newspaper, locality
 16 newspaper, or qualified publication is equipped to accept information
 17 in compatible electronic form.

18 ~~(d)~~ **(e)** Each newspaper, locality newspaper, or qualified publication
 19 publishing public notice advertising shall submit proof of publication
 20 and claim for payment in duplicate on each public notice advertisement
 21 published. For each additional proof of publication required by a public
 22 official, a charge of one dollar (\$1) per copy shall be allowed each
 23 newspaper, locality newspaper, or qualified publication furnishing
 24 proof of publication.

25 ~~(e)~~ **(f)** The circulation of a newspaper, locality newspaper, or
 26 qualified publication is determined as follows:

27 (1) For a newspaper, by the circulation stated on line 10.C. (Total
 28 Paid and/or Requested Circulation of Single Issue Published
 29 Nearest to Filing Date) of the Statement of Ownership,
 30 Management and Circulation required by 39 U.S.C. 3685 that was
 31 filed during the previous year.

32 (2) For a locality newspaper, by a verified affidavit filed with each
 33 agency, department, or office of the political subdivision that has
 34 public notices the locality newspaper wants to publish. The
 35 affidavit must:

36 (A) be filed with the agency, department, or office of the
 37 political subdivision before January 1 of each year; and

38 (B) attest to the circulation of the locality newspaper for the
 39 issue published nearest to October 1 of the previous year, as
 40 determined by an independent audit of the locality newspaper
 41 performed for the previous year.

42 (3) For a qualified publication, by a verified affidavit filed with



1 each governmental agency that has public notices the qualified
2 publication wants to publish. The affidavit must:
3 (A) be filed with the governmental agency before January 1 of
4 each year; and
5 (B) attest to the circulation of the qualified publication for the
6 issue published nearest to October 1 of the previous year.

