

# HOUSE BILL No. 1610

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-3; IC 36-2-2-19; IC 36-6-4-13.

**Synopsis:** Publication of notice. Requires, beginning July 1, 2016, a public entity to publish notice of certain events on the public entity's Internet web site. Provides that a public entity may publish notice of an event in any other publication in addition to publishing notice on the public entity's Internet web site. Provides that certain statutes relating to giving notice expire July 1, 2016. Reorganizes certain other statutes relating to the giving of notice by a public entity. Requires the legislative services agency to prepare legislation for introduction in the 2016 regular session of the general assembly to make appropriate changes in statutes as required by the new statutes relating to publication of notice.

**Effective:** July 1, 2015.

---

---

## McMillin

---

---

January 22, 2015, read first time and referred to Committee on Government and Regulatory Reform.

---

---



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

# HOUSE BILL No. 1610



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 5-3-1-10 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2015]: **Sec. 10. This chapter expires July 1, 2016.**
- 4 SECTION 2. IC 5-3-1.1 IS ADDED TO THE INDIANA CODE AS
- 5 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 6 1, 2015]:
- 7 **Chapter 1.1. Publication Procedures**
- 8 **Sec. 1. This chapter applies only to publication of notice of an**
- 9 **event that occurs after June 30, 2016.**
- 10 **Sec. 2. As used in this chapter, "public entity" refers to any of**
- 11 **the following:**
- 12 **(1) An authority, a board, a branch, a commission, a**
- 13 **committee, a department, a division, or another**
- 14 **instrumentality of the executive, including the administrative,**
- 15 **department of state government.**



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

2           **(3) A political subdivision (as defined in IC 36-1-2-13).**

3           **(4) Any other person required by Indiana law to publish**  
 4           **notice under this chapter.**

5           **Sec. 3. As used in this chapter, "public entity's Internet web**  
 6           **site" refers to an Internet web site maintained or authorized by a**  
 7           **public entity.**

8           **Sec. 4. If Indiana law requires a public entity to publish notice**  
 9           **under this chapter, the public entity shall post a copy of the notice**  
 10           **on the public entity's Internet web site.**

11           **Sec. 5. (a) A notice of an event required to be given must be**  
 12           **given as follows:**

13           **(1) If the event is an election, notice must be published**  
 14           **beginning at least ten (10) days before the date of the election.**

15           **(2) If the event is a sale of bonds, notes, or warrants, notice**  
 16           **must be published beginning at least fifteen (15) days before**  
 17           **the date of the sale.**

18           **(3) If the event is any of the following, notice must be**  
 19           **published beginning at least fifteen (15) days before the event**  
 20           **occurs:**

21           **(A) Receiving offers (as defined in IC 5-22-2-17).**

22           **(B) Receiving bids or proposals for a public works project.**

23           **(C) Receiving bids or proposals for the sale of property by**  
 24           **a public entity.**

25           **(D) Receiving bids, proposals, or any other response to a**  
 26           **solicitation by a public entity to enter into a contract with**  
 27           **the public entity.**

28           **(4) If the event is the establishment of a cumulative or sinking**  
 29           **fund, notice of the proposal and of the public hearing that is**  
 30           **required to be held by the political subdivision must be**  
 31           **published beginning at least ten (10) days before the date of**  
 32           **the hearing.**

33           **(5) If the event is the submission of a proposal adopted by a**  
 34           **political subdivision for a cumulative or sinking fund for the**  
 35           **approval of the department of local government finance, the**  
 36           **notice of the submission must be published beginning on the**  
 37           **date as directed by the department of local government**  
 38           **finance.**

39           **(6) If the event is the required publication of an ordinance,**  
 40           **notice of the adoption of the ordinance must be published**  
 41           **beginning on the first business day after adoption of the**  
 42           **ordinance. Notice of the adoption of the ordinance must be**



1 maintained on the public entity's Internet web site for not less  
2 than thirty (30) days after the adoption of the ordinance.

3 (7) If the event is an event about which notice is required to be  
4 published after the event, notice must be published beginning  
5 on the first business day after the occurrence of the event.  
6 Notice of the event must be maintained on the public entity's  
7 Internet web site for not less than thirty (30) days after the  
8 occurrence of the event.

9 (8) If the event is a hearing ordered by the Indiana utility  
10 regulatory commission to be held in relation to a public entity,  
11 the public entity must publish notice beginning not later than  
12 ten (10) days before the date of the hearing.

13 (9) If the event is a public hearing or meeting concerning any  
14 matter not otherwise specifically described in this subsection,  
15 notice must be published beginning at least ten (10) days  
16 before the date of the hearing or meeting.

17 (10) If the event is an event not otherwise described in this  
18 subsection, notice must be published beginning at least ten  
19 (10) days before the date of the event.

20 (b) A public entity shall keep a notice required to be published  
21 under this chapter on the public entity's Internet web site  
22 continuously:

23 (1) until the first business day after the day the event has  
24 concluded; or

25 (2) for the period of time otherwise required by Indiana law.

26 Sec. 6. A public entity's Internet web site's home page, or other  
27 easily found location on the Internet web site, must contain a link  
28 to all notices published by the public entity under this chapter. The  
29 link must be labeled as "legal notices" or other comparable  
30 wording to indicate that the visitor to the Internet web site may  
31 find legal notices required to be posted under Indiana law at that  
32 location.

33 Sec. 7. A notice published under this chapter or any other  
34 Indiana statute is valid even though the notice contains an error or  
35 omission, only if both of the following apply:

36 (1) A reasonable person would not be misled by the error or  
37 omission.

38 (2) The notice is in substantial compliance with the time and  
39 publication requirements applicable under this chapter or any  
40 other Indiana statute under which the notice is published.

41 Sec. 8. A public entity may publish notice of an event in any  
42 other publication in addition to publishing notice required by this



1 **chapter.**

2 SECTION 3. IC 5-3-2-5 IS ADDED TO THE INDIANA CODE AS  
3 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
4 2015]: **Sec. 5. This chapter expires July 1, 2016.**

5 SECTION 4. IC 5-3-5 IS ADDED TO THE INDIANA CODE AS  
6 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2015]:

8 **Chapter 5. Publication of Certain Financial Information**

9 **Sec. 1. This chapter applies only after June 30, 2016.**

10 **Sec. 2. (a) Not later than March 1 of each year, the fiscal officer**  
11 **of a municipality (as defined in IC 36-1-2-11) shall publish an**  
12 **annual report of the receipts and expenditures of the municipality**  
13 **during the preceding calendar year.**

14 **(b) The fiscal officer shall publish the report required by this**  
15 **section under IC 5-3-1.1.**

16 **(c) The municipality shall do the following:**

17 **(1) Maintain the report on the municipality's Internet web site**  
18 **until the report for the following year required by this section**  
19 **is published on the municipality's Internet web site.**

20 **(2) Archive the report on the municipality's Internet web site**  
21 **for the period that the municipality would be required to keep**  
22 **a paper copy of the report under the municipality's retention**  
23 **schedule established under IC 5-15-6.**

24 **Sec. 3. (a) Not:**

25 **(1) earlier than August 1; or**

26 **(2) later than August 15;**

27 **of each year, the secretary of each Indiana school corporation shall**  
28 **publish an annual financial report.**

29 **(b) The report published under this section must include the**  
30 **following:**

31 **(1) Actual receipts and expenditures by major accounts as**  
32 **compared to the budget published under IC 6-1.1-17-3 for the**  
33 **prior calendar year.**

34 **(2) The salary schedule for all certificated employees (as**  
35 **defined in IC 20-29-2-4) as of June 30, with the number of**  
36 **employees at each salary increment. However, the listing of**  
37 **salaries of individual teachers is not required.**

38 **(3) The extracurricular salary schedule as of June 30.**

39 **(4) The range of rates of pay for all noncertificated employees**  
40 **by specific classification.**

41 **(5) The number of employees who are full-time certificated,**  
42 **part-time certificated, full-time noncertificated, and part-time**



- 1 noncertificated.
- 2 (6) The lowest, highest, and average salary for the
- 3 administrative staff and the number of administrators
- 4 without a listing of the names of particular administrators.
- 5 (7) The number of students enrolled at each grade level and
- 6 the total enrollment.
- 7 (8) The assessed valuation of the school corporation for the
- 8 prior and current calendar year.
- 9 (9) The tax rate for each fund for the prior and current
- 10 calendar year.
- 11 (10) In the general fund, capital projects fund, and
- 12 transportation fund, a report of the total payment made to
- 13 each vendor for the specific fund that exceeds two thousand
- 14 five hundred dollars (\$2,500) during the prior calendar year.
- 15 However, a school corporation is not required to include more
- 16 than two hundred (200) vendors whose total payment to each
- 17 vendor exceeded two thousand five hundred dollars (\$2,500).
- 18 A school corporation shall list the vendors in descending
- 19 order from the vendor with the highest total payment to the
- 20 vendor with the lowest total payment above the minimum
- 21 listed in this subdivision.
- 22 (11) A statement providing that the contracts, vouchers, and
- 23 bills for all payments made by the school corporation are in
- 24 its possession and open to public inspection.
- 25 (12) The total indebtedness as of the end of the prior calendar
- 26 year showing the total amount of notes, bonds, certificates,
- 27 claims due, total amount due from such corporation for public
- 28 improvement assessments or intersections of streets, and any
- 29 and all other evidences of indebtedness outstanding and
- 30 unpaid at the close of the prior calendar year.
- 31 (c) The school corporation may provide an interpretation or
- 32 explanation of the information included in the financial report.
- 33 (d) The department of education shall do the following:
- 34 (1) Develop guidelines for the preparation and form of the
- 35 financial report.
- 36 (2) Provide information to assist school corporations in the
- 37 preparation of the financial report.
- 38 (e) The secretary of the school corporation shall publish the
- 39 report required by this section under IC 5-3-1.1.
- 40 (f) The school corporation shall do the following:
- 41 (1) Maintain the report on the school corporation's Internet
- 42 web site until the report for the following year required by



- 1           this section is published on the school corporation's Internet  
2           web site.
- 3           **(2) Archive the report on the school corporation's Internet**  
4           **web site for the period that the school corporation would be**  
5           **required to keep a paper copy of the report under the school**  
6           **corporation's retention schedule established under IC 5-15-6.**
- 7           **(g) Each school corporation shall submit to the department of**  
8           **education a copy of the financial report required under this**  
9           **section. The department of education shall do the following:**
- 10           **(1) Post a copy of the report on the department's Internet web**  
11           **site.**
- 12           **(2) Maintain the report on the department's Internet web site**  
13           **until the school corporation's report for the following year**  
14           **required by this section is published on the department's**  
15           **Internet web site.**
- 16           **Sec. 4. (a) This section applies to each political subdivision that**  
17           **has:**
- 18           **(1) an annual budget of at least three hundred thousand**  
19           **dollars (\$300,000); and**
- 20           **(2) the power to levy taxes.**
- 21           **(b) This section does not apply to a political subdivision that is**  
22           **required to publish an annual report under any other statute.**
- 23           **(c) As used in this section, "political subdivision" has the**  
24           **meaning set forth in IC 36-1-2-13.**
- 25           **(d) Not later than March 1 of each year, a political subdivision**  
26           **shall publish an annual report of the political subdivision's receipts**  
27           **and expenditures during the preceding calendar year.**
- 28           **(e) The political subdivision shall publish the annual report**  
29           **required by this section under IC 5-3-1.1.**
- 30           **(f) The political subdivision shall do the following:**
- 31           **(1) Maintain the report on the political subdivision's Internet**  
32           **web site until the report for the following year required by**  
33           **this section is published on the political subdivision's Internet**  
34           **web site.**
- 35           **(2) Archive the report on the political subdivision's Internet**  
36           **web site for the period that the political subdivision would be**  
37           **required to keep a paper copy of the report under the political**  
38           **subdivision's retention schedule established under IC 5-15-6.**
- 39           **Sec. 5. (a) The county executive shall publish the annual report**  
40           **required by IC 36-2-2-19 under IC 5-3-1.1.**
- 41           **(b) The county shall do the following:**
- 42           **(1) Maintain the report on the county's Internet web site until**



1 the report for the following year required by this section is  
2 published on the county's Internet web site.

3 (2) Archive the report on the county's Internet web site for the  
4 period that the county would be required to keep a paper copy  
5 of the report under the county's retention schedule established  
6 under IC 5-15-6.

7 Sec. 6. (a) The township executive shall publish the abstract  
8 required by IC 36-6-4-13 under IC 5-3-1.1.

9 (b) The township shall do the following:

10 (1) Maintain the abstract on the township's Internet web site  
11 until the abstract for the following year required by this  
12 section is published on the township's Internet web site.

13 (2) Archive the abstract on the township's Internet web site  
14 for the period of time that the township would be required to  
15 keep a paper copy of the abstract under the township's  
16 retention schedule established under IC 5-15-6.

17 SECTION 5. IC 5-3-6 IS ADDED TO THE INDIANA CODE AS  
18 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
19 1, 2015]:

20 **Chapter 6. Miscellaneous Provisions**

21 **Sec. 1. This chapter applies only after June 30, 2016.**

22 **Sec. 2. A person who fails to comply with this article commits a**  
23 **Class C infraction.**

24 SECTION 6. IC 36-2-2-19 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 19. At its second  
26 regular meeting each year, the executive shall make an accurate  
27 statement of the county's receipts and expenditures during the  
28 preceding calendar year. The statement must include the name of and  
29 total compensation paid to each county officer, deputy, and employee.  
30 The executive shall post this statement at the courthouse door and two  
31 (2) other places in the county and shall publish it in the manner  
32 prescribed by:

33 (1) IC 5-3-1, before July 1, 2016; and

34 (2) IC 5-3-1.1, after June 30, 2016.

35 SECTION 7. IC 36-6-4-13, AS AMENDED BY P.L.166-2014,  
36 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2015]: Sec. 13. (a) When the executive prepares the annual  
38 report required by section 12 of this chapter, the executive shall also  
39 prepare, on forms prescribed by the state board of accounts, an abstract  
40 of receipts and expenditures:

41 (1) showing the sum of money in each fund of the township at the  
42 beginning of the year;





- 1 (2) showing the sum of money received in each fund of the  
 2 township during the year;  
 3 (3) showing the sum of money paid from each fund of the  
 4 township during the year;  
 5 (4) showing the sum of money remaining in each fund of the  
 6 township at the end of the year;  
 7 (5) containing a statement of receipts, showing their source; and  
 8 (6) containing a statement of expenditures, showing the combined  
 9 gross payment, according to classification of expense, to each  
 10 person.

11 (b) Within four (4) weeks after the third Tuesday following the first  
 12 Monday in February, the executive shall publish the abstract prescribed  
 13 by subsection (a) in accordance with:

14 **(1) IC 5-3-1, before July 1, 2016; and**

15 **(2) IC 5-3-1.1, after June 30, 2016.**

16 The abstract must state that a complete and detailed annual report and  
 17 the accompanying vouchers showing the names of persons paid money  
 18 by the township have been filed with the county auditor, and that the  
 19 chairman of the township legislative body has a copy of the report that  
 20 is available for inspection by any taxpayer of the township.

21 (c) An executive who fails to comply with this section commits a  
 22 Class C infraction.

23 **SECTION 8. [EFFECTIVE JULY 1, 2015] (a) The legislative**  
 24 **services agency shall prepare legislation for introduction in the**  
 25 **2016 regular session of the general assembly to make appropriate**  
 26 **changes in statutes as required by this act.**

27 **(b) This SECTION expires June 30, 2016.**

