



March 25, 2021

ENGROSSED SENATE BILL No. 332

DIGEST OF SB 332 (Updated March 24, 2021 1:37 pm - DI 87)

Citations Affected: IC 5-3; IC 6-1.1; IC 6-9; IC 8-2; IC 8-10; IC 8-14; IC 10-18; IC 13-26; IC 14-26; IC 14-28; IC 14-33; IC 14-34; IC 20-23; IC 20-25; IC 32-24; IC 36-1; IC 36-1.5; IC 36-2; IC 36-7; IC 36-10; IC 36-11; noncode.

Synopsis: Publication of notice by political subdivisions. Allows a political subdivision, when required by statute to publish a notice two or more times, to make the first publication of notice in a newspaper and any subsequent publications of the notice on the official web site of the political subdivision. Requires the political subdivision or contractor that maintains the political subdivision's official web site to provide proof of publication of the notice on the official web site. Requires the Hoosier State Press Association (HSPA) to submit a written report to the legislative council not later than October 1, 2021, with recommendations regarding publication of notices on political subdivision Internet web sites. Requires the legislative council to prepare recommendations for potential legislation: (1) that is consistent with SEA 332-2021; and (2) considering specified goals and the HSPA's recommendations.

Effective: July 1, 2021.

Buck, Rogers, Messmer

(HOUSE SPONSORS — MILLER D, MCNAMARA, HOSTETTLER)

January 11, 2021, read first time and referred to Committee on Local Government.
February 8, 2021, reported favorably — Do Pass.
February 11, 2021, read second time, ordered engrossed. Engrossed.
February 15, 2021, read third time, passed. Yeas 39, nays 7.

HOUSE ACTION

March 2, 2021, read first time and referred to Committee on Government and Regulatory Reform.
March 25, 2021, amended, reported — Do Pass.

ES 332—LS 7159/DI 87



March 25, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 332

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 5-3-1-2, AS AMENDED BY P.L.21-2017,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 2. (a) This section applies only when notice of an
4 event is required to be given by publication in accordance with this
5 chapter.
6 (b) If the event is a public hearing or meeting concerning any matter
7 not specifically mentioned in subsection (c), (d), (e), (f), (g), (h), or (i),
8 notice shall be published one (1) time, at least ten (10) days before the
9 date of the hearing or meeting.
10 (c) If the event is an election, notice shall be published one (1) time,
11 at least ten (10) days before the date of the election.
12 (d) If the event is a sale of bonds, notes, or warrants, notice shall be
13 published two (2) times, at least one (1) week apart, with:
14 (1) the first publication made at least fifteen (15) days before the
15 date of the sale; and
16 (2) the second publication made at least three (3) days before the
17 date of the sale.

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

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

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

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

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

21 (j) If any officer charged with the duty of publishing any notice
22 required by law is unable to procure publication of notice:

23 (1) at the price fixed by law;

24 (2) because all newspapers or locality newspapers that are
25 qualified to publish the notice refuse to publish the notice; or

26 (3) because the newspapers or locality newspapers referred to in
27 subdivision (2) refuse to post the notice on the newspapers' or
28 locality newspapers' Internet web sites (if required under section
29 1.5 of this chapter);

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

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

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

42 (2) notice on the political subdivision's Internet web site in a



1 location where the notice is easily accessible and identifiable;
 2 the notice is sufficient, and publication of the notice in newspapers or
 3 locality newspapers and on the newspapers' Internet web sites (if
 4 required under section 1.5 of this chapter) is not required.

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

7 **(1) the first publication of notice as provided by section 1 of**
 8 **this chapter in a newspaper as required under section 4 of this**
 9 **chapter or the applicable statute; and**

10 **(2) all subsequent publications of notice:**

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

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

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

17 SECTION 2. IC 5-3-5 IS ADDED TO THE INDIANA CODE AS
 18 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2021]:

20 **Chapter 5. Electronic Publication of Notices by Political**
 21 **Subdivisions**

22 **Sec. 1. This chapter applies to a political subdivision that:**

23 **(1) has an official web site; and**

24 **(2) is authorized under IC 5-3-1-2 or another statute to**
 25 **publish a notice on the political subdivision's Internet web site**
 26 **in accordance with this chapter.**

27 **Sec. 2. As used in this chapter, "official web site" means the**
 28 **Internet location designated by a political subdivision as its**
 29 **primary source of information about the political subdivision on**
 30 **the Internet.**

31 **Sec. 3. As used in this chapter, "political subdivision" has the**
 32 **meaning set forth in IC 3-5-2-38. The term includes any**
 33 **administration, agency, authority, board, bureau, commission,**
 34 **committee, council, department, division, institution, office, officer,**
 35 **service, or other similar body of a political subdivision created or**
 36 **established under law.**

37 **Sec. 4. (a) A political subdivision that is required by statute to**
 38 **publish notice in a newspaper two (2) or more times may make:**

39 **(1) the first publication of a notice in a newspaper or**
 40 **newspapers as required under IC 5-3-1-4 or the applicable**
 41 **statute; and**

42 **(2) if the political subdivision maintains an official web site,**



1 all subsequent publications of the notice only on the official
2 web site of the political subdivision.

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

7 **Sec. 5. The notice must:**

8 **(1) be in a location on the official web site where the notice is
9 easily accessible and identifiable; and**

10 **(2) remain on the official web site not less than seven (7) days
11 after the last posting date required by law has expired.**

12 **Sec. 6. (a) The political subdivision or county, or a contractor
13 that contracts with the political subdivision or county to administer
14 the official web site, shall:**

15 **(1) create a printed copy of any notice posted on the official
16 web site in a format that includes the date of publication on
17 the first day that the legal notice is published on the official
18 web site; and**

19 **(2) maintain a printed copy of any notice for archival and
20 verification purposes.**

21 **(b) A proof of publication that complies with section 7 of this
22 chapter must be furnished upon request. The proof of publication
23 must state that the notice was posted from the initial date through
24 the last posting date required by law.**

25 **Sec. 7. Proof of publication of an electronically published notice
26 for the purpose of complying with public notice requirements is
27 satisfied and considered conclusive upon the provision of the proof
28 of publication described in section 6 of this chapter:**

29 **(1) executed by the official designated as responsible for the
30 electronic publication under section 8 of this chapter; and**

31 **(2) stating that the notice was posted from the initial date
32 through the last posting date required by law.**

33 **Sec. 8. The political subdivision shall:**

34 **(1) designate an official of the political subdivision to be
35 responsible for electronic publications; and**

36 **(2) post the official's name and contact information on the
37 official web site.**

38 **Sec. 9. IC 5-3-1-2.3 and any other provision regarding an error
39 or omission in a notice published in a newspaper also apply to the
40 electronic publication of a notice made in accordance with this
41 chapter.**

42 SECTION 3. IC 6-1.1-23.5-10, AS ADDED BY P.L.235-2017,



1 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2021]: Sec. 10. (a) After preparing the notice described under
3 section 9 of this chapter, the county treasurer shall do the following:

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

8 (2) Publish the notice once in accordance with IC 5-3-1-4 at least
9 thirty (30) days before the earliest date on which the application
10 for judgment may be made. The expenses of this publication shall
11 be paid out of the county general fund without prior
12 appropriation.

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

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

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

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

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

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

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

40 (2) the descriptions of those mobile homes eligible for sale a
41 second or subsequent time are made available on the Internet web
42 site of the county government or the county government's



- 1 contractor and may be obtained from the county treasurer in an
 2 alternative form upon request in accordance with section 11 of
 3 this chapter.
- 4 SECTION 4. IC 6-9-3-3.5, AS ADDED BY P.L.172-2011,
 5 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 3.5. (a) Before January 1 of each year, the board
 7 of managers shall annually publish a financial report summarizing the
 8 income and expenses of the board of managers for the previous twelve
 9 (12) months.
- 10 (b) The report required by subsection (a) must be published two (2)
 11 times, one (1) week apart:
- 12 **(1) with each publication of the report** in a daily or weekly
 13 newspaper published in the English language and of general
 14 circulation in both Clark County and Floyd County; **or**
 15 **(2) with the first publication of the report in a newspaper**
 16 **described in subdivision (1) and the second publication of the**
 17 **report:**
- 18 **(A) in accordance with IC 5-3-5; and**
 19 **(B) on the board's official web site.**
- 20 (c) Before January 1 of each year, the board of managers shall
 21 prepare a written report generally summarizing the board's activities for
 22 the previous twelve (12) months. The report shall be made available on
 23 an Internet web site maintained by the board of managers.
- 24 SECTION 5. IC 8-2-17-2 IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2021]: Sec. 2. The legislative body shall not
 26 grant a license to the applicant until satisfactory evidence is produced
 27 showing that the application has been on file in the office of the city or
 28 town clerk for not less than fourteen (14) days and that notice of the
 29 filing of the application has been posted for at least two (2) weeks at
 30 the door of the city hall of any city or at some public place in any town
 31 and published once each week for two (2) consecutive weeks:
- 32 **(1) with each publication of the notice made** in a newspaper of
 33 general circulation in the city or town **or** where there is no
 34 newspaper, notice by posting is sufficient notice; **or**
 35 **(2) with the first publication made in a newspaper described**
 36 **in subdivision (1) and the second publication:**
- 37 **(A) in accordance with IC 5-3-5; and**
 38 **(B) on the official web site of the city or town.**
- 39 SECTION 6. IC 8-10-5-1 IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2021]: Sec. 1. As used in this chapter:
- 41 (1) "Port authority" means a port authority created pursuant to
 42 authority of this chapter.



- 1 (2) The terms "port" or "harbor" may be used interchangeably and
 2 when used in this chapter shall mean any area used for servicing,
 3 storing, protecting, mooring, loading or unloading, or repairing
 4 any watercraft, on or adjacent to any body of water which may be
 5 wholly or partially within or wholly or partially adjacent to the
 6 state of Indiana. The terms include a breakwater area.
- 7 (3) The term "watercraft" shall mean any vessel, barge, boat, ship,
 8 tug, sailingcraft, skiff, raft, inboard or outboard propelled boat, or
 9 any contrivance known on March 13, 1959, or invented after
 10 March 13, 1959, used or designed for navigation of or use upon
 11 water, including a vessel permanently anchored in a port.
- 12 (4) "Publication" means publication once a week for two (2)
 13 consecutive weeks:
- 14 **(A) with each publication of notice made** in a newspaper of
 15 general circulation in the city, county, or counties ~~wherein~~
 16 ~~such~~ where publication is required to be made; **or**
- 17 **(B) with the first publication of notice made in a**
 18 **newspaper described in clause (A) and the second**
 19 **publication of notice:**
- 20 **(i) in accordance with IC 5-3-5; and**
 21 **(ii) on the official web site of the city, county, or counties**
 22 **where publication is required to be made.**
- 23 (5) The term "governing body" shall mean the legislative
 24 authority of the governmental unit or units establishing or having
 25 established a port authority under the provisions of this chapter.
- 26 SECTION 7. IC 8-14-9-6 IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) A resolution adopted under
 28 section 5 of this chapter shall be made available for public inspection.
 29 The board shall publish notice of the adoption. The notice must contain
 30 a general description of the resolution, and it must indicate that the
 31 resolution and included materials may be inspected at a specified
 32 location.
- 33 (b) The notice shall be published **once each week for two (2)**
 34 **consecutive weeks:**
- 35 **(1) with each publication of notice** in one (1) newspaper of
 36 general circulation within the local county road and bridge
 37 district; **or once each week for two (2) consecutive weeks:**
- 38 **(2) with the first publication of notice in a newspaper**
 39 **described in subdivision (1) and the second publication of**
 40 **notice:**
- 41 **(A) in accordance with IC 5-3-5; and**
 42 **(B) on the official web site of the county in which the**



1 **district is located.**

2 (c) The notice shall specify a date, not less than ten (10) days after
3 the date of last publication, on which the board will conduct a hearing
4 at which interested or affected parties may object to the resolution.

5 SECTION 8. IC 10-18-2-9 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) If a county
7 executive has adopted designs or plans for the construction of world
8 war memorial structures as provided in section 6 of this chapter, the
9 county executive shall:

10 (1) contract with a reliable contractor for all or any part of the
11 construction of the world war memorial structure, as provided in
12 this chapter; and

13 (2) publish ~~for at least three (3) weeks, one (1) time each week, in~~
14 ~~a newspaper of general circulation published in the county a~~
15 notice informing the public and contractors:

16 (A) of the nature of the structures to be constructed;

17 (B) that the designs and plans are on file in the office of the
18 county executive; and

19 (C) that sealed proposals for contractors to work on the
20 construction of the world war memorial are due not earlier
21 than thirty (30) days from the first published notice.

22 **(b) A notice published under subsection (a)(2) shall be published**
23 **for at least three (3) consecutive weeks:**

24 **(1) with each publication of notice in a newspaper of general**
25 **circulation published in the county; or**

26 **(2) with the first publication of notice in a newspaper**
27 **described in subdivision (1) and the two (2) subsequent**
28 **publications:**

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

30 **(B) on the county's official web site.**

31 ~~(b)~~ (c) A county executive shall, by order, impose conditions upon:

32 (1) bidders;

33 (2) contractors;

34 (3) subcontractors; and

35 (4) materialmen;

36 with regard to bond and surety and guaranteeing the faithful
37 completion of work according to contract.

38 ~~(c)~~ (d) All contracts with builders, architects, or materialmen must
39 reserve to the county executive for good cause shown the right to
40 cancel a contract and to relet work to others. If a contract is canceled,
41 at least ten percent (10%) shall be reserved from payments on estimates
42 on work done in progress until the contracts are completed and the



1 work done, inspected, and accepted by the county executive.

2 ~~(d)~~ (e) A payment, partial or final, may not be construed as a waiver
3 of defective work or materials or as a release for damages on account
4 of defective work or materials.

5 ~~(e)~~ (f) A surety may not be released from any obligation on its bond
6 if the contractor is paid the whole or any part of the percentages
7 required to be reserved from current estimates. A surety may not be
8 released by any final payment made to the contractor.

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

13 "Be it resolved, by the county executive of _____ County, that
14 said county should proceed alone, or jointly with the city of
15 _____ located in such county, to carry out the purposes of
16 IC 10-18-2."

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

22 (c) The county executive may:

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

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

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

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

41 SECTION 10. IC 10-18-3-2 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The board of



1 commissioners of a county or the common council of a city shall, on
 2 petition of at least one hundred (100) adult citizens of the county or
 3 city, appoint a committee to be known as the memorial committee. The
 4 appointments may not be made until after notice of the filing of the
 5 petition has been published for at least two (2) weeks, ~~Publication must~~
 6 ~~occur~~ once each week:

7 **(1) with each publication of notice made** in a newspaper of
 8 general circulation in the county or city; **or**

9 **(2) with the first publication of notice made in a newspaper**
 10 **described in subdivision (1) and the second publication of**
 11 **notice:**

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

13 **(B) on the official web site of the county or city.**

14 (b) The committee must have at least five (5) but not more than
 15 fifteen (15) members. Each committee member must be a citizen of the
 16 county or city in which the memorial is proposed. The members must
 17 be appointed based solely upon their fitness, and the committee must
 18 include representatives of educational, benevolent, labor, and other
 19 interests.

20 (c) The members of the committee serve without compensation.
 21 However, the board of commissioners or common council may
 22 compensate members for necessary expenses in the performance of
 23 their duty, including compensation of expert advisers. The board of
 24 commissioners or common council may make an appropriation in
 25 advance to compensate members for necessary expenses.

26 (d) The committee shall make a careful study of the subject of a
 27 suitable memorial in the county or city and report its conclusions to the
 28 board of commissioners or common council. The report must include:

29 (1) the kind of memorial regarded by the committee as
 30 appropriate;

31 (2) the estimated cost of erection and maintenance;

32 (3) the method of control; and

33 (4) any other matter the committee considers proper.

34 The committee shall make the report within six (6) months after
 35 appointment, unless a longer time is given by the board of
 36 commissioners or common council. A committee that fails to report
 37 within the time allowed is immediately regarded as dissolved, and the
 38 board of commissioners or common council shall appoint a new
 39 committee. A new committee appointed under this subsection is
 40 governed by the same rule regarding the filing of a report and
 41 dissolution.

42 (e) A vacancy in the committee shall be filled by the board of



1 commissioners or common council.

2 (f) A county or city in which a memorial committee has been
3 appointed may not erect or provide for the erection of a memorial until
4 the committee has made its report.

5 SECTION 11. IC 10-18-3-3 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) Public notice
7 must be provided in the manner set forth under ~~subsection (b) this~~
8 **section** if a petition signed by:

9 (1) at least five hundred (500) citizens and taxpayers of a county;
10 or

11 (2) at least two hundred (200) citizens and taxpayers of a city;
12 requests the establishment and maintenance within the county or city
13 of a memorial for the soldiers and sailors of World War I. The petition
14 must be addressed to the board of commissioners of the county or the
15 common council of the city and filed in the office of the auditor of the
16 county or clerk of the city.

17 (b) The auditor or clerk shall:

18 (1) publish a notice that includes a copy of the petition or a
19 summary of the petition in a newspaper of general circulation
20 printed and published in the county or city;

21 (2) post a notice that includes a copy of the petition or a summary
22 of the petition in at least ten (10) public places in the county; and

23 (3) post a notice that includes a copy of the petition or a summary
24 of the petition at the door of the county courthouse.

25 Notice under this subsection must also include the day the petition will
26 be presented to the board. The day of the hearing must be fixed by the
27 auditor or clerk at least thirty (30) days but not more than forty (40)
28 days after the day of the filing of the petition.

29 (c) Notice of the petition signed by the auditor or clerk must be
30 ~~published for three (3) consecutive weeks and posted for at least twenty~~
31 ~~(20) days before the day designated by the auditor or clerk for the~~
32 ~~hearing; and published for three (3) consecutive weeks:~~

33 **(1) with each publication of notice in a newspaper of general**
34 **circulation printed and published in the county or city; or**

35 **(2) with:**

36 **(A) the first publication of notice in a newspaper described**
37 **in subdivision (1); and**

38 **(B) the two (2) subsequent publications of notice:**

39 **(i) in accordance with IC 5-3-5; and**

40 **(ii) on the official web site of the county or city;**

41 **before the day designated by the auditor or clerk for the hearing.**

42 SECTION 12. IC 10-18-4-10 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) After the board
 2 of public works has adopted the necessary designs, plans, and
 3 specifications for construction of the World War memorial structures
 4 as provided in this chapter, the board of public works shall award
 5 contracts for all or any part of the World War memorial structures to
 6 competent and reliable contractors as provided in this section.

7 (b) The board of public works shall publish **in accordance with**
 8 **subsection (c) for at least three (3) weeks, once each week, in a**
 9 **newspaper of general circulation, printed and published in the English**
 10 **language in the city, a notice:**

11 (1) informing the public and contractors of the general nature of
 12 the structures to be constructed and of the fact that designs, plans,
 13 drawings, and specifications are on file in the office of the board
 14 of public works; and

15 (2) calling for sealed proposals for the work on a day not earlier
 16 than thirty (30) days from the first of such publications.

17 **(c) The notice shall be published for at least three (3) weeks:**

18 **(1) with each publication of notice in a newspaper of general**
 19 **circulation, printed and published in the English language in**
 20 **the city; or**

21 **(2) with the first publication of notice in a newspaper**
 22 **described in subdivision (1) and the two (2) subsequent**
 23 **publications of notice:**

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

25 **(B) on the official web site of the city.**

26 ~~(c)~~ **(d)** The board of public works shall, by order, impose conditions
 27 upon bidders, contractors, subcontractors, and materialmen with regard
 28 to bond and surety, guaranteeing the good faith and responsibility of
 29 the bidders, contractors, subcontractors, and materialmen and insuring
 30 the faithful completion of the work, according to contract, or for any
 31 other purpose.

32 ~~(d)~~ **(e)** The board of public works shall reserve ten percent (10%)
 33 from payments or estimates on work in progress until the contract is
 34 completed and the work done is inspected and accepted by the board.
 35 All contracts with contractors, subcontractors, architects, or
 36 materialmen must reserve:

37 (1) to the board of public works, for good cause shown, the right
 38 to cancel the contract and to award the work to others; and

39 (2) at least ten percent (10%) from payments or estimates on work
 40 in progress until the contract is completed and the work done is
 41 inspected and accepted by the board.

42 ~~(e)~~ **(f)** Payment by the board of public works, partial or final, may



1 not be construed as a waiver of defective work or materials or as a
 2 release for damages on account of the defective work or materials. A
 3 surety may not be released from any obligation on the surety's bond if
 4 a contractor should be paid the whole or any part of the percentage
 5 required to be reserved from current estimates. A surety may not be
 6 released by any final payment made to a contractor.

7 SECTION 13. IC 13-26-2-2.5, AS AMENDED BY P.L.292-2013,
 8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 2.5. (a) Before a representative may file a petition
 10 to establish a district, the representative must provide notice to all
 11 owners of property to be served by the proposed district that is the
 12 subject of the petition.

13 (b) Notice under subsection (a) must be provided as follows:

14 (1) Beginning at least thirty (30) days before the date on which a
 15 public meeting under subsection (c) is scheduled, by publication
 16 of notice ~~one (1) time each week~~ for three (3) consecutive weeks:

17 **(A) with each publication of notice:**

18 **(i)** in at least two (2) newspapers of general circulation in
 19 each of the counties, in whole or in part, in the proposed
 20 district; **or**

21 **(ii)** if there is only one (1) newspaper of general circulation
 22 in a county, a single publication ~~each week for three (3)~~
 23 ~~consecutive weeks in one (1) newspaper~~ satisfies the
 24 requirement of this subdivision; **or**

25 **(B) with the first publication of notice made in a**
 26 **newspaper or newspapers described in clause (A) and the**
 27 **two (2) subsequent publications of notice:**

28 **(i) in accordance with IC 5-3-5; and**

29 **(ii) on the official web site of each county in the proposed**
 30 **district.**

31 (2) Beginning at least fourteen (14) days before the date on which
 32 a public meeting under subsection (c) is scheduled, by:

33 (A) first class United States mail, postage prepaid, mailed to
 34 each freeholder within the proposed district; and

35 (B) broadcasting at least three (3) public service
 36 announcements each day for fourteen (14) days on at least two
 37 (2) radio stations operating in each of the counties, in whole or
 38 in part, in the proposed district.

39 (c) After providing notice under subsection (b), a representative that
 40 seeks to file a petition to establish a district must conduct a public
 41 meeting to discuss and receive comments on the proposed district.

42 (d) A representative may not file a petition to establish a district:



- 1 (1) more than one hundred eighty (180) or less than sixty (60)
- 2 days after providing notice under subsection (b); or
- 3 (2) less than thirty (30) days after a meeting held under subsection
- 4 (c).

5 SECTION 14. IC 13-26-2-6, AS AMENDED BY P.L.165-2018,
 6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2021]: Sec. 6. (a) Except as provided in section 9 of this
 8 chapter, the hearing officer shall fix a time and place inside or within
 9 ten (10) miles of the proposed district for the hearing on any matter for
 10 which a hearing is authorized under this chapter.

11 (b) The hearing officer shall make a reasonable effort to provide
 12 notice of the hearing as follows:

- 13 (1) By publication of notice two (2) times each week for two (2)
- 14 consecutive weeks:

15 **(A) with each notice:**

16 **(i) published** in at least two (2) newspapers of general
 17 circulation in each of the counties, in whole or in part, in the
 18 district; **and**

19 **(ii) The publication of notice must, at a minimum, include**
 20 **including** a legal notice and a prominently displayed three
 21 (3) inches by five (5) inches advertisement; **or**

22 **(B) with the first publication of notice in the newspapers**
 23 **described in clause (A) and all subsequent publications of**
 24 **notice:**

25 **(i) in accordance with IC 5-3-5; and**

26 **(ii) on the official web site of each of the counties, in**
 27 **whole or in part, in the district.**

- 28 (2) By United States mail sent at least two (2) weeks before the
- 29 hearing to the following:

30 (A) The fiscal and executive bodies of each county with
 31 territory in the proposed district.

32 (B) The executive of all other eligible entities with territory in
 33 the proposed district, including the executive of a city or town
 34 that has:

35 (i) a municipal sewage works under IC 36-9-23; or

36 (ii) a public sanitation department under IC 36-9-25;

37 having extraterritorial jurisdiction within the boundaries of the
 38 area to be included in the proposed district.

39 (C) The state and any of its agencies owning, controlling, or
 40 leasing land within the proposed district, excluding highways
 41 and public thoroughfares owned or controlled by the Indiana
 42 department of transportation.



- 1 (D) Each sewage disposal company holding a certificate of
- 2 territorial authority under IC 8-1-2-89 respecting territory in
- 3 the proposed district.
- 4 (3) By making a reasonable effort to provide notice of the hearing
- 5 by regular United States mail, postage prepaid, mailed at least two
- 6 (2) weeks before the hearing to each freeholder within the
- 7 proposed district.
- 8 (4) By including the date on which the hearing is to be held and
- 9 a brief description of:
 - 10 (A) the subject of the petition, including a description of the
 - 11 general boundaries of the area to be included in the proposed
 - 12 district; and
 - 13 (B) the locations where copies of the petition are available for
 - 14 viewing.

15 SECTION 15. IC 13-26-5-6.5, AS ADDED BY P.L.292-2013,
 16 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2021]: Sec. 6.5. (a) A district that intends to extend service
 18 within its territory shall provide notice to all owners of property to be
 19 served by the proposed extension of service in the following manner
 20 not later than sixty (60) days from the date of the decision to extend
 21 service:

22 **(1) By publication one (1) time each week for three (3)**
 23 **consecutive weeks:**

24 ~~(1) (A) with each publication of notice: By publication of~~
 25 ~~notice one (1) time each week for three (3) consecutive~~

- 26 ~~(i) weeks~~ in at least two (2) newspapers of general
- 27 circulation in each of the counties, in whole or in part, of the
- 28 district affected by the proposed extension of service; **or**
- 29 ~~(ii) if there is only one (1) newspaper of general circulation~~
- 30 ~~in a county, a single publication each week for three (3)~~
- 31 ~~consecutive weeks~~ satisfies the requirement of this
- 32 subdivision; **or**

33 **(B) with the first publication of notice made in a**
 34 **newspaper or newspapers described in clause (A) and the**
 35 **two (2) subsequent publications of notice:**

- 36 **(i) in accordance with IC 5-3-5; and**
- 37 **(ii) on the official web site of the district.**

38 (2) By United States mail, postage prepaid, mailed to each
 39 freeholder within the territory to which the district proposes to
 40 extend service.

41 SECTION 16. IC 13-26-11-12 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. After introduction



1 of the ordinance initially fixing rates or charges but before the
2 ordinance is finally adopted, notice of the hearing setting forth the
3 proposed schedule of the rates or charges must be given by publication
4 one (1) time each week for two (2) weeks:

- 5 **(1) with each publication of notice** in a newspaper of general
- 6 circulation in each of the counties with territory in the district; **or**
- 7 **(2) with the first publication of notice in a newspaper**
- 8 **described in subdivision (1) and the second publication of**
- 9 **notice:**

- 10 **(A) in accordance with IC 5-3-5; and**
- 11 **(B) on the official web site of the district.**

12 The last publication must be at least seven (7) days before the date
13 fixed in the notice for the hearing. The hearing may be adjourned as
14 necessary.

15 SECTION 17. IC 14-26-8-7 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) Within ten (10)
17 days after the filing of a petition, the clerk shall docket the petition as
18 a cause of action pending in the circuit or superior court. The clerk
19 shall cause notice to be given at least thirty (30) days before the date
20 set for the hearing as follows:

21 (1) By publication one (1) time each week for two (2) consecutive
22 weeks:

- 23 **(A) with each publication:**
- 24 **(i) in not less than two (2) newspapers of general circulation**
- 25 **published in each county in which the lake is located; or**
- 26 **(ii) if there are not two (2) newspapers of general circulation**
- 27 **published in a county, notice shall be published in one (1)**
- 28 **newspaper of general circulation published in the county; or**
- 29 **(B) with the first publication of notice in a newspaper or**
- 30 **newspapers described in clause (A) and the second**
- 31 **publication of notice:**
- 32 **(i) in accordance with IC 5-3-5; and**
- 33 **(ii) on the official web site of each county in which the**
- 34 **lake is located.**

35 (2) By posting a written or printed notice at the door of the
36 courthouse in each county in which the lake lies.

- 37 (3) By sending written notice to the following:
- 38 (A) The county surveyor and county commissioners of each
- 39 county affected.
- 40 (B) The department.

- 41 (b) The notice must do the following:
- 42 (1) Briefly describe the location and nature of the proposed work



1 contained in the petition.
 2 (2) Fix a day for the hearing on the petition.
 3 SECTION 18. IC 14-28-4-21 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 21. (a) After the
 5 commission submits the final report, the legislative body of the county
 6 or municipality shall give all interested persons an opportunity to be
 7 heard with reference to the final report at a public hearing convenient
 8 for all persons affected. The legislative body shall publish notice of the
 9 hearing in a daily newspaper of general circulation in the county or
 10 municipality.
 11 (b) The notice must state the following:
 12 (1) The time and place of the hearing.
 13 (2) That the report contains a flood plain zoning ordinance for the
 14 county or municipality.
 15 (3) That written objections to the proposed zoning ordinance filed
 16 with the clerk of the legislative body at or before the hearings will
 17 be heard.
 18 (4) That the hearing will be continued as is necessary.
 19 (c) The notice shall be published at least two (2) times within the
 20 ten (10) days before the time set for the hearing:
 21 **(1) with each publication in a daily newspaper of general**
 22 **circulation in the county or municipality; or**
 23 **(2) with the first publication of notice in a newspaper**
 24 **described in subdivision (1) and the second publication of**
 25 **notice:**
 26 **(A) in accordance with IC 5-3-5; and**
 27 **(B) on the official web site of the county or municipality.**
 28 During which time the ten (10) day period, the proposed zoning
 29 ordinance shall be kept on file in the office of the commission or other
 30 designated place for public examination.
 31 (d) Upon completion of the public hearing, the legislative body shall
 32 proceed to consider the ordinance.
 33 SECTION 19. IC 14-33-2-12 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. **(a) This subsection**
 35 **applies only to a petition by freeholders.** The petitioners shall give
 36 notice of hearing on the petition as follows:
 37 (1) By publication in two (2) newspapers of general circulation in
 38 each county having land in the proposed district, three (3) times
 39 at successive weekly intervals. The first publication must be at
 40 least thirty (30) days before the date of the hearing. If there is only
 41 one (1) newspaper of general circulation in a county, three (3)
 42 publications in that newspaper are sufficient.



1 (2) By mailing a copy of the notice at least twenty (20) days
 2 before the date of the hearing, first class postage prepaid, to each
 3 freeholder who has not signed the petition and who owns land in
 4 the proposed district, according to the records of the county
 5 auditor. The person having the notice mailed shall file an affidavit
 6 with the court showing the following:

- 7 (A) The names of the persons to whom notice was sent.
- 8 (B) The address to which the notice was sent.
- 9 (C) The date on which the notice was mailed.

10 **(b) This subsection applies only to a petition by a municipality**
 11 **under section 7 of this chapter. The municipality shall give notice**
 12 **of hearing as follows:**

- 13 **(1) By publication for three (3) consecutive weeks:**
- 14 **(A) with each publication of notice in two (2) newspapers**
 15 **of general circulation in each county having land in the**
 16 **proposed district or if there is only one (1) newspaper,**
 17 **publication in that newspaper is sufficient; or**
- 18 **(B) with the first publication of notice made in a**
 19 **newspaper or newspapers described in clause (A) and the**
 20 **two (2) subsequent publications of notice:**
- 21 **(i) in accordance with IC 5-3-5; and**
- 22 **(ii) on the official web site of the municipality.**

23 **The first publication of notice must be at least thirty (30) days**
 24 **before the date of the hearing.**

25 **(2) By mailing a copy of the notice at least twenty (20) days**
 26 **before the date of the hearing, first class postage prepaid, to**
 27 **each freeholder who has not signed the petition and who owns**
 28 **land in the proposed district, according to the records of the**
 29 **county auditor. The person having the notice mailed shall file**
 30 **an affidavit with the court showing the following:**

- 31 **(A) The names of the persons to whom notice was sent.**
- 32 **(B) The address to which the notice was sent.**
- 33 **(C) The date on which the notice was mailed.**

34 SECTION 20. IC 14-33-10-2 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The board shall
 36 give notice by publication ~~at least two (2) times at weekly intervals:~~
 37 **once a week for two (2) successive weeks:**

- 38 **(1) with each publication of notice:**
- 39 ~~(A)~~ **(A) in two (2) newspapers of general circulation in each**
 40 **county having land in the district; or**
- 41 ~~(B)~~ **(B) in one (1) newspaper in the county if there is only one**
 42 **(1) newspaper of general circulation; or**



- 1 **(2) with the first publication of notice in the newspaper or**
- 2 **newspapers as provided in subdivision (1), and the second**
- 3 **publication of notice:**
- 4 **(A) in accordance with IC 5-3-5; and**
- 5 **(B) on the official web site of the district.**
- 6 **The notice shall state the date** that assessments are due and payable
- 7 **within not later than** sixty (60) days after the date of the last
- 8 publication.
- 9 (b) Payment of assessments shall be made at:
- 10 (1) the office of the board; or
- 11 (2) if the court orders, the offices of the treasurers of the counties.
- 12 (c) The owners of real property assessed for exceptional benefits are
- 13 entitled to make payment in full unless exceptional benefits are
- 14 assessed annually and paid with special benefits taxes to the county
- 15 treasurer. If payment is made in full, the board shall do the following:
- 16 (1) Note the payment in the assessment roll in the board's office.
- 17 (2) Give a receipt to the landowner paying the assessment.
- 18 (3) Enter satisfaction of the lien of the assessment in the
- 19 appropriate record in the office of the recorder where the
- 20 assessment is recorded.
- 21 (d) The payment of the assessment does not relieve the real property
- 22 from being subject to the following:
- 23 (1) A special benefits tax.
- 24 (2) An annual assessment for maintenance and operation based
- 25 upon the original exceptional benefit assessment.
- 26 SECTION 21. IC 14-33-16-5 IS AMENDED TO READ AS
- 27 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Within ten (10)
- 28 days after the board certifies to the court, the board shall fix the
- 29 following:
- 30 (1) A convenient and suitable place for the election.
- 31 (2) The date for the election not less than fifteen (15) and not
- 32 more than thirty (30) days after the last publication of notice.
- 33 (b) The voting place must open at 9 a.m. local time and remain open
- 34 for balloting continuously until 9 p.m. local time. However, if the
- 35 district contains freeholds too numerous for freeholder balloting at a
- 36 single voting place while allowing each freeholder a reasonable time
- 37 but not exceeding two (2) minutes to cast a ballot, the board shall fix
- 38 and arrange for multiple voting places as appears necessary to
- 39 accommodate the freeholders eligible to vote.
- 40 (c) Notice of the time, place, and purpose for the election must be
- 41 given on the same day of each week for two (2) consecutive weeks:
- 42 **(1) with each publication of notice** in an English language



1 newspaper of general circulation published in each county having
2 land in the district; **or**
3 **(2) with the first publication of notice made in the newspaper**
4 **or newspapers described in subdivision (1), and the second**
5 **publication of notice:**

6 **(A) in accordance with IC 5-3-5; and**
7 **(B) on the official web site of the district.**

8 SECTION 22. IC 14-33-16.5-6, AS ADDED BY P.L.189-2005,
9 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2021]: Sec. 6. (a) Not later than ten (10) days after receipt of
11 a notice under section 5 of this chapter, the board of directors of the
12 smaller district shall fix the following:

13 (1) A convenient and suitable place for the smaller district's
14 election.

15 (2) The date for the election that is at least sixty (60) days after
16 the date on which the county auditor notifies the smaller district's
17 board under section 5 of this chapter.

18 (b) The voting place must open at 9 a.m. local time and remain open
19 for balloting continuously until 9 p.m. local time. If the number of
20 freeholders in the smaller district is too great for balloting at a single
21 voting place while allowing each freeholder a reasonable time to cast
22 a ballot, the board shall arrange for the number of voting places
23 necessary to accommodate the freeholders eligible to vote.

24 (c) Notice of the date, time, place, and purpose of the election must
25 be given for two (2) consecutive weeks:

26 **(1) with each publication of notice** in an English language
27 newspaper of general circulation published in each county having
28 land in the smaller district; **or**

29 **(2) with the first publication of notice in the newspaper or**
30 **newspapers described in subdivision (1), and the second**
31 **publication of notice:**

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

33 **(B) on the official web site of the smaller district.**

34 ~~with~~ The last publication ~~(1)~~ **may not be** less than fifteen (15) days and
35 ~~(2)~~ not more than thirty (30) days before the date of the election.

36 (d) The board of directors of the smaller district shall also cause
37 individual notice of the election to be given to all the smaller district's
38 freeholders by first class mail.

39 (e) The notice published under subsection (c) and the individual
40 freeholder notice mailed under subsection (d) must be in the following
41 form:

42 Notice of a Dissolution and Assumption Election



- 1 to the Freeholders of the _____
- 2 (insert smaller district) Conservancy District
- 3 1. You are a freeholder (i.e. a real property owner) of the
- 4 _____ (insert smaller district) Conservancy District. As a
- 5 freeholder, you are one of the owners of the _____ (insert
- 6 smaller district) Conservancy District.
- 7 2. A legally required number of the freeholders of the
- 8 _____ (insert smaller district) Conservancy District has
- 9 filed a petition with the _____ (insert county name)
- 10 County Auditor requesting that the _____ (insert smaller
- 11 district) Conservancy District be dissolved, and that the operation,
- 12 obligations, and assets of the _____ (insert smaller district)
- 13 Conservancy District be assumed by the _____ (insert larger
- 14 district) Conservancy District.
- 15 3. The _____ (insert larger district) Conservancy District
- 16 is contiguous to, has the same purpose as, and has a greater number of
- 17 freeholders than the _____ (insert smaller district)
- 18 Conservancy District.
- 19 4. The Board of Directors of the _____ (insert larger
- 20 district) Conservancy District has passed a resolution stating:
- 21 A. That the _____ (insert larger district) Conservancy
- 22 District is willing to assume the operation, obligations, and assets
- 23 of the _____ (insert smaller district) Conservancy
- 24 District; and
- 25 B. That upon becoming part of the _____ (insert
- 26 larger district) Conservancy District, the freeholders of the
- 27 _____ (insert smaller district) Conservancy District
- 28 will become full and equal freeholders of the _____
- 29 (insert larger district) Conservancy District and be subject to and
- 30 pay the same special benefits taxes and user charges generally
- 31 charged by the (insert larger district) Conservancy District.
- 32 5. An election of the freeholders of the _____ (insert
- 33 smaller district) Conservancy District is set for the day of
- 34 _____, _____, from 9:00 a.m. to 9:00 p.m., at the following
- 35 location(s): _____.
- 36 6. The question presented for the election is whether the
- 37 _____ (insert smaller district) Conservancy District should
- 38 be dissolved, and whether the _____ (insert larger district)
- 39 Conservancy District should assume the operations, obligations, and
- 40 assets of the _____ (insert smaller district) Conservancy
- 41 District.
- 42 7. A majority of the votes cast at the election will determine the



1 question of whether the _____ (insert smaller district)
 2 Conservancy District should be dissolved, and whether the
 3 _____ (insert larger district) Conservancy District should
 4 assume the operations, obligations, and assets of the _____
 5 (insert smaller district) Conservancy District.

6 8. As a freeholder of the _____ (insert smaller district)
 7 Conservancy District, you are entitled to and encouraged to vote at the
 8 election.

9 /ss/ Board of Directors, _____
 10 (insert smaller district) Conservancy District

11 (f) If the board of directors of the smaller district fails to hold the
 12 election as required by this chapter, the county auditor of the county in
 13 which the smaller district's petition was filed shall:

- 14 (1) conduct the election as required by this chapter; and
 15 (2) bill the board of directors of the smaller district for the county
 16 auditor's costs incurred for the election.

17 (g) The board of directors of the smaller district shall promptly pay
 18 a bill submitted to the smaller district under subsection (f).

19 SECTION 23. IC 14-33-17-7 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. The petitioners shall
 21 give notice of the time, place, and purpose for the election: ~~as follows:~~

22 **(1) by publication for two (2) consecutive weeks:**

23 ~~(A) By with each~~ publication of notice on the same day of
 24 each week for ~~two (2) consecutive weeks~~ in an English
 25 language newspaper of general circulation published in the
 26 county; or

27 **(B) with the first publication of notice made in the**
 28 **newspaper described in clause (A), and the second**
 29 **publication of notice:**

30 **(i) in accordance with IC 5-3-5; and**

31 **(ii) on the official web site of the county; and**

32 (2) by mail at least twenty (20) days before the date of the
 33 election, first class postage prepaid, to each freeholder who has
 34 not signed the petition and who owns land in the proposed district
 35 according to the records of the county auditor.

36 SECTION 24. IC 14-34-6-7 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) After a permit is
 38 issued, the permittee may apply to the director for the release of all or
 39 part of the bond or deposit. As part of the bond release application, the
 40 permittee must do the following:

- 41 (1) Submit copies of letters that the permittee has sent by certified
 42 mail to:



- 1 (A) adjoining property owners;
 2 (B) local government bodies;
 3 (C) planning agencies;
 4 (D) sewage and water treatment authorities; or
 5 (E) water companies;
 6 in the county in which the surface coal mining and reclamation
 7 operation is located notifying the entities of the bond release
 8 application.
 9 (2) Within thirty (30) days after filing the bond release
 10 application, submit a copy of an advertisement placed at least one
 11 (1) time a week for four (4) successive weeks in a newspaper of
 12 general circulation in the county in which the surface coal mining
 13 and reclamation operation is located. The advertisement must
 14 contain the following:
 15 (A) A notification of the precise location of the land affected.
 16 (B) The number of acres.
 17 (C) The permit and the date of approval.
 18 (D) The amount of the bond filed and the part sought to be
 19 released.
 20 (E) The type and appropriate dates of reclamation work
 21 performed.
 22 (F) A description of the results achieved relating to the
 23 operator's approved reclamation plan.
 24 (b) The director may initiate an application for the release of a bond.
 25 If a bond release application is initiated by the director, the department
 26 shall perform the notification and certification requirements otherwise
 27 imposed on the permittee under this section and section 8 of this
 28 chapter. **However, the department may provide notice by**
 29 **publication under subsection (a)(2):**
 30 **(1) with each publication of notice in the newspaper described**
 31 **in subsection (a)(2); or**
 32 **(2) with the first publication of notice in the newspaper**
 33 **described in subsection (a)(2) and the three (3) subsequent**
 34 **publications of notice:**
 35 **(A) in accordance with IC 5-3-5; and**
 36 **(B) on the official web site of the county in which the**
 37 **surface coal mining and reclamation operation is located.**
 38 SECTION 25. IC 14-34-6-11 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) If written
 40 objections are filed and a hearing requested under section 10 of this
 41 chapter, the director shall do the following:
 42 (1) Inform all the interested parties of the date, time, and location



1 of the hearing.

2 ~~(2) Advertise~~ **Publish notice of the information one (1) time**
 3 **each week for two (2) consecutive weeks:**

4 **(A) with each publication of notice** in a newspaper of general
 5 circulation in the county where the surface coal mining and
 6 reclamation operation proposed for bond release is located; **or**
 7 ~~one (1) time each week for two (2) consecutive weeks:~~

8 **(B) with the first publication of notice in the newspaper**
 9 **described in clause (A) and the second publication of**
 10 **notice:**

11 **(i) in accordance with IC 5-3-5; and**

12 **(ii) on the official web site of the county where the**
 13 **surface coal mining and reclamation operation proposed**
 14 **for bond release is located.**

15 (b) The director shall hold the public hearing in accordance with
 16 IC 14-34-4-5:

17 (1) in the county where the surface coal mining and reclamation
 18 operation proposed for bond release is located; or

19 (2) at the state capital;

20 at the option of the objector, within thirty (30) days of the request for
 21 the hearing.

22 (c) At a hearing held under this section, the director may inspect the
 23 land affected and other surface coal mining operations carried on by
 24 the applicant in the vicinity.

25 (d) The director shall notify the permittee in writing of the decision
 26 and findings of the hearing within thirty (30) days of the completion of
 27 the hearing.

28 (e) The director's decision is subject to IC 4-21.5.

29 SECTION 26. IC 20-23-5-9, AS ADDED BY P.L.1-2005,
 30 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2021]: Sec. 9. (a) The notice by publication required by
 32 section 8 of this chapter shall be made ~~(1)~~ two (2) times ~~(2)~~ a week
 33 apart: ~~and~~

34 ~~(1)~~ **(1) with each notice by publication** in two (2) daily
 35 newspapers of general circulation, published in the English
 36 language and of general circulation in the acquiring school
 37 corporation and in the losing school corporation; **or**

38 **(2) with the first publication of notice in the newspapers**
 39 **described in subdivision (1) and the second publication of**
 40 **notice:**

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

42 **(B) on the official web sites of the acquiring school**



1 **corporation and the losing school corporation.**

2 (b) If there is only one (1) or no daily newspaper in either school
3 corporation, a weekly newspaper may be used.

4 (c) If there is only one (1) daily or weekly newspaper, publication
5 in the newspaper is sufficient.

6 (d) If a newspaper is of general circulation in both the acquiring
7 school corporation and the losing school corporation, publication in the
8 newspaper qualifies as one (1) of the required publications in the
9 acquiring school corporation and the losing school corporation.

10 (e) Publication **in a newspaper** may be made jointly by the losing
11 school corporation and acquiring school corporation.

12 (f) The remonstrance period runs from the second publication.

13 SECTION 27. IC 20-23-6-3, AS AMENDED BY P.L.169-2017,
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2021]: Sec. 3. (a) If the governing bodies of at least two (2)
16 school corporations desire to consolidate school corporations, the
17 governing bodies may meet together and adopt a joint resolution
18 declaring intention to consolidate school corporations. The resolution
19 must set out the following information concerning the proposed
20 consolidation:

21 (1) The name of the proposed new school corporation.

22 (2) The number of members on the governing body and the
23 manner in which they shall be elected or appointed.

24 (A) If members are to be elected, the resolution must provide
25 for:

26 (i) the manner of the nomination of members;

27 (ii) who shall constitute the board of election
28 commissioners;

29 (iii) who shall appoint inspectors, judges, clerks, and
30 sheriffs; and

31 (iv) any other provisions desirable in facilitating the
32 election.

33 (B) Where applicable and not in conflict with the resolution,
34 the election is governed by the general election laws of
35 Indiana, including the registration laws.

36 (3) Limitations on residences, term of office, and other
37 qualifications required of the members of the governing body. A
38 resolution may not provide for an appointive or elective term of
39 more than four (4) years. A member may succeed himself or
40 herself in office.

41 (4) Names of present school corporations that are to be merged
42 together as a consolidated school corporation.



1 In addition, the resolution may specify the time when the consolidated
2 school corporation comes into existence.

3 (b) The number of members on the governing body as provided in
4 the resolution may not be less than three (3) or more than seven (7).
5 However, the joint resolution may provide for a board of nine (9)
6 members if the proposed consolidated school corporation is formed out
7 of two (2) or more school corporations that:

8 (1) have entered into an interlocal agreement to construct and
9 operate a joint high school; or

10 (2) are operating a joint high school that has an enrollment of at
11 least six hundred (600) in grades 9 through 12 at the time the joint
12 resolution is adopted.

13 (c) The members of the governing body shall, after adopting a joint
14 resolution, give notice by publication once each week for two (2)
15 consecutive weeks:

16 **(1) with each notice by publication** in a newspaper of general
17 circulation, if any, in each of the school corporations, **or**, if a
18 newspaper is not published in the school corporation, publication
19 shall be made in the nearest newspaper published in the county in
20 which the school corporation is located; **or**

21 **(2) with the first publication of notice in the newspaper or**
22 **newspapers as provided in subdivision (1) and the second**
23 **publication of notice:**

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

25 **(B) on the official web sites of each of the school**
26 **corporations.**

27 **(d)** The governing bodies of school corporations shall hold a public
28 meeting one (1) week ~~following~~ **after** the date of the appearance of the
29 last publication of notice of intention to consolidate.

30 **(e)** If a protest has not been filed, as provided in this chapter, the
31 governing bodies shall declare by joint resolution the consolidation of
32 the school corporations to be accomplished, to take effect as provided
33 in section 8 of this chapter. However, on or before the sixth day
34 following the last publication of the notice of intention to consolidate,
35 twenty percent (20%) of the legal voters residing in any school
36 corporation may petition the governing body of the school corporations
37 for an election to determine whether or not the majority of the voters
38 of the school corporation is in favor of consolidation.

39 SECTION 28. IC 20-23-6-5, AS AMENDED BY P.L.278-2019,
40 SECTION 169, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) If a petition is filed in one (1)
42 or more of the school corporations protesting consolidation as provided



1 in this chapter by the legal voters of any school corporation the
 2 governing body of which proposes to consolidate, the governing body
 3 in each school corporation in which a protest petition is filed shall
 4 certify the public question to each county election board of the county
 5 in which the school corporation is located. The county election board
 6 shall call an election of the voters of the school corporation to
 7 determine if a majority of the legal voters of the corporation is in favor
 8 of consolidating the school corporations.

9 (b) If a protest is filed in more than one (1) school corporation, the
 10 elections shall be held on the same day. Each county election board
 11 shall give notice by publication once each week for two (2) consecutive
 12 weeks:

13 **(1) with each notice by publication** in a newspaper of general
 14 circulation in the school corporation, **or**, if a newspaper is not
 15 published in the:

16 ~~(1)~~ **(A)** township;

17 ~~(2)~~ **(B)** town; or

18 ~~(3)~~ **(C)** city;

19 the notice shall be published in the nearest newspaper published
 20 in the county or counties; **or**

21 **(2) with the first publication of notice in the newspaper or**
 22 **newspapers as provided in subdivision (1) and the second**
 23 **publication of notice:**

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

25 **(B) on the official web site of the school corporation.**

26 **Each notice shall state** that on a day and at an hour to be named in the
 27 notice, the polls will be open at the usual voting places in the various
 28 precincts in the corporation for taking the vote of the legal voters upon
 29 whether the school corporation shall be consolidated with the other
 30 school corporations joining in the resolution.

31 (c) The public question shall be placed on the ballot in the form
 32 provided by IC 3-10-9-4 and must state: "Shall (insert name of school
 33 corporation) be consolidated with (insert names of other school
 34 corporations)?".

35 (d) Notice shall be given not later than thirty (30) days after the
 36 petition is filed. The election shall be held not less than ten (10) days
 37 or more than twenty (20) days after the last publication of the notice.

38 (e) The governing body of each school corporation in which an
 39 election is held is bound by the majority vote of those voting. However,
 40 if the election falls within a period of not more than six (6) months
 41 before a primary or general election, the election shall be held
 42 concurrently with the primary or general election if the public question



1 is certified to the county election board not later than the deadline set
2 forth in IC 3-10-9-3.

3 (f) If a majority of those voting in any one (1) school corporation
4 votes against the plan of consolidation, the plan fails. However, the
5 failure does not prevent any or all the school corporations from taking
6 further initial action for the consolidation of school corporations under
7 this chapter.

8 SECTION 29. IC 20-23-6-5.5, AS ADDED BY P.L.169-2017,
9 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2021]: Sec. 5.5. (a) If twenty percent (20%) of the legal voters
11 residing in any school corporation jointly with twenty percent (20%) of
12 the legal voters in each of one (1) or more other school corporations:

13 (1) prepare a resolution for a proposed consolidation that sets
14 forth:

15 (A) subject to section 3(b) of this chapter, the information
16 required in section 3(a)(1) through 3(a)(4) of this chapter; and

17 (B) if applicable, the declarations in section 12.5 of this
18 chapter; and

19 (2) petition the trustees of their respective school corporations to
20 consolidate the school corporations, as set forth in the resolution;
21 each governing body petitioned shall hold, not later than sixty (60) days
22 after the date the governing body receives the resolution and petition,
23 a public meeting for discussion on the proposed consolidation.

24 (b) If any of the petitioned governing bodies agrees to the proposed
25 consolidation as set forth in the resolution, the governing body shall
26 give notice by publication of its intention to adopt the resolution on the
27 proposed consolidation once each week for two (2) consecutive weeks:

28 (1) **with each notice by publication** in a newspaper of general
29 circulation, if any, in each of the school corporations, **or**, if a
30 newspaper is not published in the school corporation, publication
31 shall be made in the nearest newspaper published in the county in
32 which the school corporation is located; **or**

33 (2) **with the first publication of notice in the newspaper or**
34 **newspapers as provided in subdivision (1) and the second**
35 **publication of notice:**

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

37 (B) **on the official web sites of each of the school**
38 **corporations.**

39 (c) On or before the sixth day following the last publication of the
40 notice of intention to consolidate required under subsection (b), twenty
41 percent (20%) of the legal voters residing in any school corporation
42 proposed to be consolidated may petition the governing body of the



1 school corporation for an election to determine whether or not the
 2 majority of the voters of the school corporation is in favor of
 3 consolidation.

4 (d) If a protest has not been filed under subsection (c), the governing
 5 bodies may declare by joint resolution the consolidation of the school
 6 corporations to be accomplished, to take effect as provided in section
 7 8 of this chapter.

8 (e) Except as provided in subsection (b), if:

9 (1) a resolution and petition for consolidation has not been
 10 withdrawn thirty (30) days after the date of the public meeting
 11 under subsection (a); or

12 (2) a protest petition described in subsection (c) has been filed;
 13 each governing body shall call an election in each school corporation
 14 included in the proposed consolidation in the same manner as
 15 described in sections 5 and 6 of this chapter.

16 (f) The governing body of each school corporation in which an
 17 election is held is bound by the majority vote of those voting. If a
 18 majority of those voting in any one (1) school corporation votes against
 19 the plan of consolidation, the plan fails. If a majority of the votes cast
 20 at each of the elections is in favor of the consolidation of two (2) or
 21 more school corporations, the trustees of the school corporations shall
 22 proceed to consolidate the schools and provide the necessary buildings
 23 and equipment. However, the failure does not prevent any or all the
 24 school corporations from taking further initial action for the
 25 consolidation of school corporations under this chapter.

26 SECTION 30. IC 20-23-10-6, AS ADDED BY P.L.1-2005,
 27 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2021]: Sec. 6. (a) After the last concurrent resolution under
 29 section 5 of this chapter is adopted, notice of the adoption of the
 30 concurrent resolutions shall be given by stating:

31 (1) the substance of the concurrent resolutions;

32 (2) that the resolutions have been adopted; and

33 (3) that a right of remonstrance exists as provided in this chapter.

34 It is not necessary to set out the remonstrance provisions of the statute,
 35 but a general reference to the right of remonstrance with a reference to
 36 this chapter is sufficient.

37 (b) The notice under subsection (a) shall be made two (2) times, one
 38 (1) week apart:

39 **(1) with each notice by publication:**

40 **(A)** in two (2) daily newspapers, published in the English
 41 language and of general circulation in the county; **or**

42 **(B)** if there is only one (1) daily or weekly newspaper in the



1 county, publication in that newspaper is sufficient; **or**
 2 **(2) with the first publication of notice in the newspaper or**
 3 **newspapers as provided in subdivision (1) and the second**
 4 **publication of notice:**

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

6 **(B) on the official web sites of each school corporation**
 7 **subject to the merger.**

8 (c) The merger shall take effect at the time provided in section 5 of
 9 this chapter unless, not more than thirty (30) days after the first
 10 publication of the notice **under subsection (b)(1)**, a remonstrance is
 11 filed in the circuit or superior court of the county by registered voters
 12 equal in number to at least ten percent (10%) of the registered voters
 13 of a school corporation in the county.

14 SECTION 31. IC 20-25-5-13, AS AMENDED BY P.L.233-2015,
 15 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2021]: Sec. 13. (a) The notice by publication required by
 17 sections 11 and 12 of this chapter shall be made ~~two (2) times a week~~
 18 **apart one (1) time a week for two (2) consecutive weeks:**

19 **(1) with each notice by publication:**

20 **(A) in two (2) daily newspapers of general circulation in the**
 21 **acquiring school corporation and the losing school corporation**
 22 ~~The two (2) daily newspapers must be published in the English~~
 23 ~~language; or~~

24 **(B) if there is:**

25 **(i) there is only one (1) daily newspaper or if there are not**
 26 **any daily newspapers in either school corporation, a weekly**
 27 **newspaper may be used to provide notice;**

28 **(ii) If there is only one (1) daily or weekly newspaper,**
 29 **publication in that newspaper is sufficient; or**

30 **(iii) If a newspaper is of general circulation in both school**
 31 **corporations, the publication of notice in the newspaper**
 32 **qualifies as one (1) of the required publications in each of**
 33 **the school corporations; or**

34 **(2) with the first publication of notice in the newspaper or**
 35 **newspapers as provided in subdivision (1) and the second**
 36 **publication of notice:**

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

38 **(B) on the official web sites of the acquiring school**
 39 **corporation and the losing school corporation.**

40 Publication **under subdivision (1)** may be made jointly by the losing
 41 school corporation and the acquiring school corporation. The
 42 remonstrance period runs from the second publication.



1 (b) If notice is required to be given by an acquiring school
2 corporation to a losing school corporation, it may be made by
3 registered or certified United States mail, return receipt requested,
4 addressed to the:

5 (1) governing body of the losing school corporation at the
6 governing body's established business office; or

7 (2) superintendent of schools or any officer of the governing body
8 of any other school corporation.

9 SECTION 32. IC 32-24-1-7, AS AMENDED BY P.L.113-2006,
10 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2021]: Sec. 7. (a) The notice, upon its return, must show its:

12 (1) service for ten (10) days; or

13 (2) proof of publication for three (3) successive weeks:

14 **(A) with each publication of the notice** in a weekly
15 newspaper of general circulation printed and published in the
16 English language in the county in which the property sought
17 to be acquired is located; **or**

18 **(B) with the first publication of notice in a newspaper**
19 **described in clause (A) and the two (2) subsequent**
20 **publications of notice:**

21 **(i) in accordance with IC 5-3-5; and**

22 **(ii) on the official web site of the county.**

23 The last publication of the notice must be five (5) days before the day
24 set for the hearing.

25 (b) The clerk of the court in which the proceedings are pending,
26 upon the first publication of the notice, shall send to the post office
27 address of each nonresident owner whose property will be affected by
28 the proceedings a copy of the notice, if the post office address of the
29 owner or owners can be ascertained by inquiry at the office of the
30 treasurer of the county.

31 (c) The court, being satisfied of the regularity of the proceedings
32 and the right of the plaintiff to exercise the power of eminent domain
33 for the use sought, shall appoint:

34 (1) one (1) disinterested freeholder of the county; and

35 (2) two (2) disinterested appraisers licensed under IC 25-34.1;

36 who are residents of Indiana to assess the damages, or the benefits and
37 damages, as the case may be, that the owner or owners severally may
38 sustain, or be entitled to, by reason of the acquisition. One (1) of the
39 appraisers appointed under subdivision (2) must reside not more than
40 fifty (50) miles from the property.

41 SECTION 33. IC 32-24-2-6, AS AMENDED BY P.L.80-2020,
42 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 6. (a) This chapter applies if the works board of
 2 a municipality wants to acquire property for the use of the municipality
 3 or to open, change, lay out, or vacate a street, an alley, or a public place
 4 in the municipality, including a proposed street or alley crossings of
 5 railways or other rights-of-way. However, this chapter does not apply
 6 if a municipality wants to acquire the property of a public utility (as
 7 defined in IC 8-1-2-1).

8 (b) The works board must adopt a resolution that the municipality
 9 wants to acquire the property. The resolution must describe the
 10 property that may be injuriously or beneficially affected. The board
 11 shall have notice of the resolution:

12 (1) ~~published in a newspaper of general circulation published in~~
 13 ~~the municipality once each week~~ for two (2) consecutive weeks:
 14 ~~and~~

15 **(A) with each publication of notice in a newspaper of**
 16 **general circulation published in the municipality; or**

17 **(B) with the first publication of notice in a newspaper**
 18 **described in clause (A) and the second publication of**
 19 **notice:**

20 **(i) in accordance with IC 5-3-5; and**

21 **(ii) on the official web site of the municipality; and**

22 (2) mailed to the owner of each piece of property affected by the
 23 proposed acquisition.

24 The notice must name a date, at least thirty (30) days after the last
 25 publication, at which time the board will receive or hear remonstrances
 26 from persons interested in or affected by the proceeding.

27 (c) The works board shall consider the remonstrances, if any, and
 28 then take final action, confirming, modifying, or rescinding its original
 29 resolution.

30 SECTION 34. IC 32-24-2-8, AS AMENDED BY P.L.80-2020,
 31 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2021]: Sec. 8. (a) Upon the completion of the list, the works
 33 board shall award the damages sustained and assess the benefits
 34 accruing to each piece of property on the list.

35 (b) When the assessments or awards are completed, the works board
 36 shall have a written notice served upon the owner of each piece of
 37 property, showing the amount of the assessment or award, by:

38 (1) if the owner is a resident of the municipality, leaving a copy
 39 of the notice at the owner's last usual place of residence in the
 40 municipality or by delivering a copy to the owner personally and
 41 mailing a copy of the notice to the owner's address of record; or

42 (2) if the owner is not a resident of the municipality, by sending



- 1 the notice to the owner's address of record by certified mail.
- 2 (c) If the owner's residence is unknown, the municipality shall notify
- 3 the owner by publication in a daily newspaper of general circulation in
- 4 the municipality once each week for three (3) successive weeks:
- 5 **(1) with each publication of notice in a daily newspaper of**
- 6 **general circulation in the municipality; or**
- 7 **(2) with the first publication of notice in a newspaper**
- 8 **described in subdivision (1) and the two (2) subsequent**
- 9 **publications of notice:**
- 10 **(A) in accordance with IC 5-3-5; and**
- 11 **(B) on the official web site of the municipality.**
- 12 (d) The notices must also name a day, at least thirty (30) days after
- 13 service of notice or after the last publication, on which the works board
- 14 will receive or hear remonstrances from owners with regard to:
- 15 (1) the amount of their respective awards or assessments; and
- 16 (2) objections to the municipality's right to exercise the power of
- 17 eminent domain for the use sought.
- 18 (e) Persons not included in the list of the assessments or awards and
- 19 claiming to be entitled to them are considered to have been notified of
- 20 the pendency of the proceedings by the original notice of the resolution
- 21 of the works board.
- 22 (f) The notice required by this section must provide the full text of
- 23 subsection (d) to provide notice to the property owners of their right to
- 24 object to the condemnation and be in substantially the same form as the
- 25 notice required under IC 32-24-1-6(a).
- 26 SECTION 35. IC 36-1-12.5-5, AS AMENDED BY P.L.252-2015,
- 27 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JULY 1, 2021]: Sec. 5. (a) The governing body may enter into an
- 29 agreement with a public utility to participate in a utility efficiency
- 30 program or enter into a guaranteed savings contract with a qualified
- 31 provider to increase the political subdivision's billable revenues or
- 32 reduce the school corporation's or the political subdivision's energy or
- 33 water consumption, wastewater usage costs, or operating costs if, after
- 34 review of the report described in section 6 of this chapter, the
- 35 governing body finds:
- 36 (1) in the case of conservation measures other than those that are
- 37 part of a project related to the alteration of a water or wastewater
- 38 structure or system, that the amount the governing body would
- 39 spend on the conservation measures under the contract and that
- 40 are recommended in the report is not likely to exceed the amount
- 41 to be saved in energy consumption costs and other operating costs
- 42 over twenty (20) years from the date of installation if the



- 1 recommendations in the report were followed;
- 2 (2) in the case of conservation measures that are part of a project
- 3 related to the alteration of a water or wastewater structure or
- 4 system, that the amount the governing body would spend on the
- 5 conservation measures under the contract and that are
- 6 recommended in the report is not likely to exceed the amount of
- 7 increased billable revenues or the amount to be saved in energy
- 8 and water consumption costs, wastewater usage costs, and other
- 9 operating costs over twenty (20) years from the date of
- 10 installation if the recommendations in the report were followed;
- 11 and
- 12 (3) in the case of a guaranteed savings contract, the qualified
- 13 provider provides a written guarantee as described in subsection
- 14 (d)(3).
- 15 (b) Before entering into an agreement to participate in a utility
- 16 efficiency program or a guaranteed savings contract under this section,
- 17 the governing body must publish notice under subsection (c)
- 18 indicating:
- 19 (1) that the governing body is requesting public utilities or
- 20 qualified providers to propose conservation measures through:
- 21 (A) a utility efficiency program; or
- 22 (B) a guaranteed savings contract; and
- 23 (2) the date, the time, and the place where proposals must be
- 24 received.
- 25 (c) The notice required by subsection (b) must be **published two (2)**
- 26 **times with at least one (1) week between publications:**
- 27 (1) ~~be published with each publication of notice in accordance~~
- 28 **with IC 5-3-1-1** in two (2) newspapers of general circulation in
- 29 the county where the school corporation or the political
- 30 subdivision is located; **or**
- 31 (2) ~~be published two (2) times with at least one (1) week between~~
- 32 **publications with the first publication of notice in the**
- 33 **newspapers described in subdivision (1) and the second**
- 34 **publication of notice:**
- 35 (A) **in accordance with IC 5-3-5; and**
- 36 (B) **on the official web site of the school corporation or the**
- 37 **political subdivision. and with**
- 38 The second publication **must be** made at least thirty (30) days before
- 39 the date by which proposals must be received. ~~and~~
- 40 (3) ~~meet the requirements of IC 5-3-1-1.~~
- 41 (d) An agreement to participate in a utility efficiency program or
- 42 guaranteed savings contract under this section must provide that:



- 1 (1) in the case of conservation measures other than those that are
 2 part of a project related to the alteration of a water or wastewater
 3 structure or system, all payments, except obligations upon the
 4 termination of the agreement or contract before the agreement or
 5 contract expires, may be made to the public utility or qualified
 6 provider (whichever applies) in installments, not to exceed the
 7 lesser of twenty (20) years or the average life of the conservation
 8 measures installed from the date of final installation;
- 9 (2) in the case of conservation measures that are part of a project
 10 related to the alteration of a water or wastewater structure or
 11 system, all payments, except obligations upon the termination of
 12 the agreement or contract before the agreement or contract
 13 expires, may be made to the public utility or qualified provider
 14 (whichever applies) in installments, not to exceed the lesser of
 15 twenty (20) years or the average life of the conservation measures
 16 installed from the date of final installation;
- 17 (3) in the case of the guaranteed savings contract:
 18 (A) the:
 19 (i) savings in energy and water consumption costs,
 20 wastewater usage costs, and other operating costs; and
 21 (ii) increase in billable revenues;
 22 due to the conservation measures are guaranteed to cover the
 23 costs of the payments for the measures; and
 24 (B) the qualified provider will reimburse the school
 25 corporation or political subdivision for the difference between
 26 the guaranteed savings and the actual savings; and
- 27 (4) payments are subject to annual appropriation by the fiscal
 28 body of the school corporation or political subdivision and do not
 29 constitute an indebtedness of the school corporation or political
 30 subdivision within the meaning of a constitutional or statutory
 31 debt limitation.
- 32 SECTION 36. IC 36-1.5-4-7, AS AMENDED BY P.L.184-2016,
 33 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2021]: Sec. 7. (a) In the year before the year in which the
 35 participating political subdivisions are reorganized under this chapter:
 36 (1) subject to subsection (b), the fiscal bodies of the reorganizing
 37 political subdivisions shall, in the manner provided by
 38 IC 6-1.1-17, adopt tax levies, tax rates, and a budget for the
 39 reorganized political subdivision either through the adoption of
 40 substantially identical resolutions adopted by each of the fiscal
 41 bodies or, if authorized in the plan of reorganization, through a
 42 joint board established under an agreement of the fiscal bodies on



- 1 which the members of each of the fiscal bodies are represented;
 2 and
 3 (2) if the reorganized political subdivision will have elected
 4 offices and different election districts than any of the reorganizing
 5 political subdivisions, the legislative bodies of the reorganizing
 6 political subdivisions shall establish the election districts either
 7 through the adoption of substantially identical resolutions adopted
 8 by each of the legislative bodies or, if authorized in the plan of
 9 reorganization, through a joint board established under an
 10 agreement of the legislative bodies on which the members of each
 11 of the legislative bodies are represented.
- 12 (b) This subsection applies to two (2) or more school corporations
 13 that participate in a reorganization in which the voters approve a plan
 14 of reorganization in a general election and the plan of reorganization
 15 provides for the reorganization to become effective for property taxes
 16 first due and payable in the immediately following calendar year. The
 17 participating school corporations may publish notices, hold public
 18 hearings, and take final action for the adoption of property tax levies,
 19 property tax rates, and a budget for the reorganized school corporation
 20 after the voters approve the plan of reorganization. The alternative
 21 schedule must comply with the following:
- 22 (1) Each participating school corporation shall give notice by
 23 publication to taxpayers of:
- 24 (A) the estimated budget;
 25 (B) the estimated maximum permissible levy;
 26 (C) the current and proposed tax levies of each fund; and
 27 (D) the amounts of excessive levy appeals to be requested;
- 28 for the ensuing year **as set forth in subsection (c). The notice**
 29 **must be published twice in accordance with IC 5-3-1 with the first**
 30 **publication at least ten (10) days before the date fixed for the**
 31 **public hearing and with the last publication not later than**
 32 **November 24 of the year the public question is approved by the**
 33 **voters.**
- 34 (2) Each participating school corporation must conduct a public
 35 hearing on the proposed tax levies, tax rates, and budget at least
 36 ten (10) days before the date the participating school corporation
 37 adopts the proposed tax levies, tax rates, and budget.
- 38 (3) The governing body of each participating school corporation
 39 must meet to fix the tax levies, tax rates, and budget for the
 40 ensuing year before December 6 of the year the public question
 41 is approved by the voters.
- 42 (4) The county auditor shall certify the adopted property tax



1 levies, property tax rates, and budget for the reorganized school
 2 corporation to the department of local government finance before
 3 December 8 in the year in which the public question is approved
 4 by the voters.

5 Subject to subsection ~~(c)~~; **(d)**, the department of local government
 6 finance may adjust any other applicable time limit specified in
 7 IC 6-1.1-17 to be consistent with this section.

8 **(c) The notice under subsection (b)(1) must be published two (2)**
 9 **times:**

10 **(1) with each publication of notice in a newspaper in**
 11 **accordance with IC 5-3-1; or**

12 **(2) with the first publication of notice in a newspaper**
 13 **described in subdivision (1) and the second publication of**
 14 **notice:**

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

16 **(B) on the official web site of each participating school**
 17 **corporation.**

18 **The first publication of notice must be at least ten (10) days before**
 19 **the date fixed for the public hearing and the last publication of**
 20 **notice must be not later than November 24 of the year the public**
 21 **question is approved by the voters.**

22 ~~(c)~~ **(d)** The department of local government finance is expressly
 23 directed to complete the duties assigned to it under IC 6-1.1-17-16 with
 24 respect to the submitted property tax levies, property tax rates, and
 25 budget as follows:

26 (1) For each budget year before 2019, not later than February 15
 27 of that budget year.

28 (2) For each budget year after 2018, not later than December 31
 29 of the year preceding that budget year, unless a taxing unit in a
 30 county is issuing debt after December 1 in the year preceding the
 31 budget year or intends to file a shortfall appeal under
 32 IC 6-1.1-18.5-16.

33 (3) For each budget year after 2018, not later than January 15 of
 34 the budget year if a taxing unit in a county is issuing debt after
 35 December 1 in the year preceding the budget year or intends to
 36 file a shortfall appeal under IC 6-1.1-18.5-16.

37 ~~(d)~~ **(e)** If a school is converted into a charter school under
 38 IC 20-24-11, the charter school must, before December 1 of each year,
 39 publish its estimated annual budget for the ensuing year in accordance
 40 with IC 5-3-1.

41 SECTION 37. IC 36-2-4-8, AS AMENDED BY P.L.156-2020,
 42 SECTION 136, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) An ordinance, order, or
 2 resolution is considered adopted when it is signed by the presiding
 3 officer. If required, an adopted ordinance, order, or resolution must be
 4 promulgated or published according to statute before it takes effect.

5 (b) An ordinance prescribing a penalty or forfeiture for a violation
 6 must, before it takes effect, be published once each week for two (2)
 7 consecutive weeks, according to IC 5-3-1:

8 **(1) with each publication of notice in a newspaper in**
 9 **accordance with IC 5-3-1; or**

10 **(2) with the first publication of notice in a newspaper**
 11 **described in subdivision (1) and the second publication of**
 12 **notice:**

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

14 **(B) on the official web site of the county.**

15 (c) The following apply in addition to the other requirements of this
 16 section:

17 (1) Subject to subsection (f), the legislative body of a county
 18 shall:

19 (A) subject to subdivision (2), give written notice to the
 20 department of environmental management not later than sixty
 21 (60) days before amendment or repeal of an environmental
 22 restrictive ordinance; and

23 (B) give written notice to the department of environmental
 24 management not later than thirty (30) days after passage,
 25 amendment, or repeal of an environmental restrictive
 26 ordinance.

27 (2) Upon written request by the legislative body, the department
 28 of environmental management may waive the notice requirement
 29 of subdivision (1)(A).

30 (3) An environmental restrictive ordinance passed or amended
 31 after 2009 by the legislative body must state the notice
 32 requirements of subdivision (1).

33 (4) The failure of an environmental restrictive ordinance to
 34 comply with subdivision (3) does not void the ordinance.

35 (d) This section (other than subsection (c)(1)) does not apply to a
 36 zoning ordinance or amendment to a zoning ordinance, or a resolution
 37 approving a comprehensive plan, that is adopted under IC 36-7.

38 (e) An ordinance increasing a building permit fee on new
 39 development must:

40 (1) be published:

41 (A) one (1) time in accordance with IC 5-3-1; and

42 (B) not later than thirty (30) days after the ordinance is



1 adopted by the legislative body in accordance with IC 5-3-1;
 2 and
 3 (2) delay the implementation of the fee increase for ninety (90)
 4 days after the date the ordinance is published under subdivision
 5 (1).

6 (f) The notice requirements of subsection (c)(1) apply only if the
 7 municipal corporation received under IC 13-25-5-8.5(f) written notice
 8 that the department is relying on the environmental restrictive
 9 ordinance referred to in subsection (c)(1) as part of a risk based
 10 remediation proposal:

- 11 (1) approved by the department; and
- 12 (2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or
 13 IC 13-25-5.

14 SECTION 38. IC 36-7-9-25, AS AMENDED BY P.L.164-2019,
 15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2021]: Sec. 25. (a) Notice of orders, notice of continued
 17 hearings without a specified date, notice of a statement that public bids
 18 are to be let, and notice of claims for payment must be given by:

- 19 (1) sending a copy of the order or statement by registered or
 20 certified mail to the residence or place of business or employment
 21 of the person to be notified, with return receipt requested;
- 22 (2) delivering a copy of the order or statement personally to the
 23 person to be notified;
- 24 (3) leaving a copy of the order or statement at the dwelling or
 25 usual place of abode of the person to be notified and sending by
 26 first class mail a copy of the order or statement to the last known
 27 address of the person to be notified; or
- 28 (4) sending a copy of the order or statement by first class mail to
 29 the last known address of the person to be notified.

30 If a notice described in subdivision (1) is returned undelivered, a copy
 31 of the order or statement must be given in accordance with subdivision
 32 (2), (3), or (4).

33 (b) If service is not obtained by a means described in subsection (a)
 34 and the hearing authority concludes that a reasonable effort has been
 35 made to obtain service, service may be made by publishing a notice of
 36 the order or statement in accordance with IC 5-3-1 in the county where
 37 the unsafe premises are located. However, publication must be made
 38 two (2) times, at least one (1) week apart:

- 39 **(1) with each publication of notice in a newspaper in**
 40 **accordance with IC 5-3-1 in the county where the unsafe**
 41 **premises are located; or**
- 42 **(2) with the first publication of notice in a newspaper**



1 **described in subdivision (1) and the second publication of**
 2 **notice:**

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

4 **(B) on the official web site of the county where the unsafe**
 5 **premises are located.**

6 with The second publication **must be** made at least three (3) days
 7 before an event described in subsection (a). If service of an order is
 8 made by publication, the publication must include the information
 9 required by ~~subdivisions (1), (2), (4), (5), (6), (7), and (9)~~ of section
 10 **5(b)(1), 5(b)(2), 5(b)(4), 5(b)(5), 5(b)(6), 5(b)(7), and 5(b)(9)** of
 11 this chapter, and must also include a statement indicating generally
 12 what action is required by the order and that the exact terms of the
 13 order may be obtained from the enforcement authority. The hearing
 14 authority may make a determination about whether a reasonable effort
 15 has been made to obtain service by the means described in subsection
 16 (a) on the basis of information provided by the department (or, in the
 17 case of a consolidated city, the enforcement authority). The hearing
 18 authority is not required to make the determination at a hearing. The
 19 hearing authority must make the determination in writing.

20 (c) When service is made by any of the means described in this
 21 section, except by mailing or by publication, the person making service
 22 must make an affidavit stating that the person has made the service, the
 23 manner in which service was made, to whom the order or statement
 24 was issued, the nature of the order or statement, and the date of service.
 25 The affidavit must be placed on file with the enforcement authority.

26 (d) The date when notice of the order or statement is considered
 27 given is as follows:

28 (1) If the order or statement is delivered personally or left at the
 29 dwelling or usual place of abode, notice is considered given on
 30 the day when the order or statement is delivered to the person or
 31 left at the person's dwelling or usual place of abode.

32 (2) If the order or statement is mailed, notice is considered given
 33 on the date shown on the return receipt, or, if no date is shown, on
 34 the date when the return receipt is received by the enforcement
 35 authority.

36 (3) Notice by publication is considered given on the date of the
 37 second day that publication was made.

38 (e) A person with a property interest in an unsafe premises who does
 39 not:

40 (1) record an instrument reflecting the interest in the recorder's
 41 office of the county where the unsafe premises is located; or

42 (2) if an instrument reflecting the interest is not recorded, provide



1 to the department (or, in the case of a consolidated city, the
 2 enforcement authority) in writing the person's name and address
 3 and the location of the unsafe premises;
 4 is considered to consent to reasonable action taken under this chapter
 5 for which notice would be required and relinquish a claim to notice
 6 under this chapter.

7 (f) The department (or, in the case of a consolidated city, the
 8 enforcement authority) may, for the sake of administrative
 9 convenience, publish notice under subsection (b) at the same time
 10 notice is attempted under subsection (a). If published notice is given as
 11 described in subsection (b), the hearing authority shall subsequently
 12 make a determination about whether a reasonable effort has been made
 13 to obtain service by the means described in subsection (a).

14 SECTION 39. IC 36-10-4-5, AS AMENDED BY P.L.158-2013,
 15 SECTION 681, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) In a second class city, the
 17 board may adopt a resolution to extend the boundaries of the district to
 18 the county boundaries unless the county has already established a park
 19 district under IC 36-10-3. The board must file a certified copy of the
 20 resolution with the county auditor and county treasurer. Notice of the
 21 adoption of the resolution shall be given by publication once each week
 22 for two (2) weeks in accordance with IC 5-3-1:

23 **(1) with each publication of notice in a newspaper in**
 24 **accordance with IC 5-3-1 in the county; or**

25 **(2) with the first publication of notice in a newspaper**
 26 **described in subdivision (1) and the second publication of**
 27 **notice:**

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

29 **(B) on the official web site of the county.**

30 (b) Whenever the board has adopted a resolution under subsection
 31 (a), remonstrances may be filed by the affected voters within ninety
 32 (90) days after the last publication under subsection (a). Remonstrances
 33 must be signed in ink by the voter in person and state the address of
 34 each signer and that the signer is a registered voter. A person who signs
 35 a remonstrance when the person is not a registered voter commits a
 36 Level 6 felony. More than one (1) voter may sign the same
 37 remonstrance.

38 (c) A vote on the public question shall be held if at least the number
 39 of the registered voters of the county required under IC 3-8-6-3 to place
 40 a candidate on the ballot file remonstrances under subsection (b) with
 41 the county clerk protesting the extension of the district.

42 (d) The county clerk shall certify to the county election board in



1 accordance with IC 3-10-9-3 whether or not the required number of
 2 registered voters of the county have filed remonstrances. If sufficient
 3 remonstrances have been filed, the county election board shall publish
 4 a notice of the election once a week for two (2) consecutive weeks in
 5 accordance with IC 5-3-1-4:

6 **(1) with each publication of notice in a newspaper in**
 7 **accordance with IC 5-3-1 in the county; or**

8 **(2) with the first publication of notice in a newspaper**
 9 **described in subdivision (1) and the second publication of**
 10 **notice:**

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

12 **(B) on the official web site of the county.**

13 The first publication ~~to~~ **of the notice must** be at least thirty (30) days
 14 before the date of the election. The question presented to the voters at
 15 the election shall be placed on the ballot in the form prescribed by
 16 IC 3-10-9-4 and must state "Shall the county park district be
 17 established?". The election is governed by IC 3 whenever not in
 18 conflict with this chapter. The county election board shall make a
 19 return of the votes cast at the referendum.

20 (e) If a majority of the votes cast are against the extension of the
 21 district, the district is not extended. If sufficient remonstrances are not
 22 filed or if a majority of the votes cast support the extension of the
 23 district, the district is extended.

24 (f) The extension of the district is effective on January 1 of the year
 25 following the adoption of the resolution or, if an election is held, on
 26 January 1 of the year following the date of the election.

27 (g) A municipality that becomes part of a district by reason of the
 28 extension of the district under this section may continue to establish,
 29 maintain, and operate parks and other recreational facilities under any
 30 other law. The parks and other recreational facilities shall be operated
 31 by the municipality separate from the parks and other recreational
 32 facilities under the jurisdiction of the board in the same manner as they
 33 would be operated by the municipality if it was not within the district.

34 (h) The operation of separate parks or recreational facilities by a
 35 municipality does not affect the obligation of property owners within
 36 the municipality to pay all taxes imposed on property within the
 37 district.

38 (i) The legislative body of a municipality may elect that the separate
 39 parks or other recreational facilities of the municipality be maintained
 40 or operated as a part of the district by adopting a resolution or an
 41 ordinance to that effect. The separate park or other recreational facility
 42 comes under the jurisdiction of the board at the time specified in the



1 resolution or ordinance.

2 SECTION 40. IC 36-10-11-22 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 22. (a) In lieu of
 4 authorizing and selling bonds as provided in this section, the board may
 5 adopt a resolution authorizing the negotiation of a loan or loans for the
 6 purpose of procuring the required funds. The resolution must set out
 7 the total amount of the loan desired and the approximate dates on
 8 which funds will be required and the amounts of them. The resolution
 9 must also set out the terms, conditions, and restrictions relative to the
 10 proposed loan or to the submission of proposals that the board
 11 considers advisable. Before the consideration of proposals for the
 12 making of a loan, a notice shall be published once each week for two
 13 (2) weeks:

14 **(1) with each publication** in a newspaper published in the county
 15 and a newspaper published in the city of Indianapolis; ~~setting or~~
 16 **(2) with the first publication of notice in each newspaper**
 17 **described in subdivision (1) and the second publication of**
 18 **notice:**

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

20 **(B) on the official web sites of the county and the city of**
 21 **Indianapolis.**

22 **The notice must set** out the amount and purpose of the proposed loan
 23 and a brief summary of other provisions of the resolution, including the
 24 time and place where proposals will be considered. The board may
 25 accept the proposal that in its judgment is the most advantageous to the
 26 authority.

27 (b) The total amount of loans negotiated by the authority under this
 28 section, when added to the amount of bonds issued under section 21 of
 29 this chapter, may not exceed three million dollars (\$3,000,000).

30 SECTION 41. IC 36-11-9-5 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. After introduction of
 32 the ordinance initially fixing rates and charges but before the ordinance
 33 is finally adopted, notice of the hearing setting forth the proposed
 34 schedule of the rates and charges must be given by publication one (1)
 35 time each week for two (2) weeks:

36 **(1) with each publication of notice** in a newspaper of general
 37 circulation in the county; **or**

38 **(2) with the first publication of notice in a newspaper**
 39 **described in subdivision (1) and the second publication of**
 40 **notice:**

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

42 **(B) on the official web site of the county.**



1 The ~~last~~ **second** publication must be at least seven (7) days before the
 2 date fixed in the notice for the hearing. The hearing may be adjourned
 3 as necessary.

4 SECTION 42. [EFFECTIVE JULY 1, 2021] (a) **As used in this**
 5 **SECTION, "HSPA" refers to the Hoosier State Press Association.**

6 (b) **As used in this SECTION, "legislative council" refers to the**
 7 **legislative council created by IC 2-5-1.1-1.**

8 (c) **The legislative council shall prepare recommendations for**
 9 **potential legislation regarding publication of public notices on**
 10 **political subdivision Internet web sites that:**

11 (1) **is consistent with SEA 332-2021; and**

12 (2) **considers the recommendations and goals set forth in**
 13 **subsection (d).**

14 (d) **Not later than October 1, 2021, the HSPA shall provide a**
 15 **written report to the legislative council as set forth in subsection (e)**
 16 **of the HSPA's recommendations for accomplishing the following**
 17 **goals:**

18 (1) **Promoting efficient and economic expenditure of taxpayer**
 19 **funds while satisfying the legal requirements for providing**
 20 **public notice.**

21 (2) **Promoting the general public's accessibility to public**
 22 **notices and information regarding a political subdivision's**
 23 **activities. The recommendations shall include web site**
 24 **features that enhance user access to public notices, web site**
 25 **organization, and search functionality.**

26 (3) **Ensuring the verifiability of publication dates and**
 27 **accuracy of public notices that are published electronically,**
 28 **including:**

29 (A) **execution of sworn affidavits by the publishing entity**
 30 **acknowledging the veracity and time of publication of**
 31 **public notices;**

32 (B) **archiving public notices in the event the publication of**
 33 **the notice is challenged; and**

34 (C) **separation of or independence from the person or**
 35 **entity performing the routine publication of notices and**
 36 **the political subdivision.**

37 (4) **Examining ways to allow electronic publication of notices**
 38 **of mortgage foreclosures and sheriff's sales under**
 39 **IC 32-29-7-3 and IC 34-55-6-9.**

40 (e) **The report required under this SECTION shall be submitted**
 41 **in an electronic format under IC 5-14-6 to the executive director of**
 42 **the legislative services agency, who shall provide the report to the**



- 1 **legislative council.**
- 2 **(f) This SECTION expires January 1, 2022.**



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 332, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 332 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 7, Nays 2

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 332, 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, line 7, after "notice" insert "**as provided by section 1 of this chapter**".

Page 33, delete lines 25 through 42.

Delete pages 34 through 36.

Page 37, delete lines 1 through 16.

Page 47, after line 36, begin a new paragraph and insert:

"SECTION 42. [EFFECTIVE JULY 1, 2021] **(a) As used in this SECTION, "HSPA" refers to the Hoosier State Press Association.**

(b) As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.

(c) The legislative council shall prepare recommendations for potential legislation regarding publication of public notices on political subdivision Internet web sites that:

(1) is consistent with SEA 332-2021; and

(2) considers the recommendations and goals set forth in subsection (d).

(d) Not later than October 1, 2021, the HSPA shall provide a written report to the legislative council as set forth in subsection (e) of the HSPA's recommendations for accomplishing the following goals:

(1) Promoting efficient and economic expenditure of taxpayer funds while satisfying the legal requirements for providing public notice.

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(2) Promoting the general public's accessibility to public notices and information regarding a political subdivision's activities. The recommendations shall include web site features that enhance user access to public notices, web site organization, and search functionality.

(3) Ensuring the verifiability of publication dates and accuracy of public notices that are published electronically, including:

(A) execution of sworn affidavits by the publishing entity acknowledging the veracity and time of publication of public notices;

(B) archiving public notices in the event the publication of the notice is challenged; and

(C) separation of or independence from the person or entity performing the routine publication of notices and the political subdivision.

(4) Examining ways to allow electronic publication of notices of mortgage foreclosures and sheriff's sales under IC 32-29-7-3 and IC 34-55-6-9.

(e) The report required under this SECTION shall be submitted in an electronic format under IC 5-14-6 to the executive director of the legislative services agency, who shall provide the report to the legislative council.

(f) This SECTION expires January 1, 2022."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 332 as printed February 9, 2021.)

MILLER D

Committee Vote: yeas 10, nays 1.

