

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.

SENATE ENROLLED ACT No. 332

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 5-3-1-2, AS AMENDED BY P.L.21-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) This section applies only when notice of an event is required to be given by publication in accordance with this chapter.

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

(c) If the event is an election, notice shall be published one (1) time, at least ten (10) days before the date of the election.

(d) If the event is a sale of bonds, notes, or warrants, notice shall be published two (2) times, at least one (1) week apart, with:

(1) the first publication made at least fifteen (15) days before the date of the sale; and

(2) the second publication made at least three (3) days before the date of the sale.

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

(f) If the event is the establishment of a cumulative or sinking fund, notice of the proposal and of the public hearing that is required to be

SEA 332 — CC 1



held by the political subdivision shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the date of the hearing.

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

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

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

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

- (1) at the price fixed by law;
- (2) because all newspapers or locality newspapers that are qualified to publish the notice refuse to publish the notice; or
- (3) because the newspapers or locality newspapers referred to in subdivision (2) refuse to post the notice on the newspapers' or locality newspapers' Internet web sites (if required under section 1.5 of this chapter);

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

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

- (1) printed notices in three (3) prominent places in the political subdivision; or
- (2) notice on the political subdivision's Internet web site in a location where the notice is easily accessible and identifiable;

the notice is sufficient, and publication of the notice in newspapers or locality newspapers and on the newspapers' Internet web sites (if required under section 1.5 of this chapter) is not required.

(l) A political subdivision that is required under this chapter to



publish notice in a newspaper two (2) or more times may make:

- (1) the first publication of notice in a newspaper as required under section 4 of this chapter or the applicable statute; and
- (2) all subsequent publications of notice:
 - (A) in accordance with IC 5-3-5; and
 - (B) on the official web site of the political subdivision.

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

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

Chapter 5. Electronic Publication of Notices by Political Subdivisions

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

- (1) has an official web site; and
- (2) is authorized under IC 5-3-1-2 or another statute to publish a notice on the political subdivision's Internet web site in accordance with this chapter.

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

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

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

- (1) the first publication of a notice in a newspaper or newspapers as required under IC 5-3-1-4 or the applicable statute; and
- (2) if the political subdivision maintains an official web site, all subsequent publications of the notice only on the official web site of the political subdivision.

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



Sec. 5. The notice must:

- (1) be in a location on the official web site where the notice is easily accessible and identifiable; and
- (2) remain on the official web site not less than seven (7) days after the last posting date required by law has expired.

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

- (1) create a printed copy of any notice posted on the official web site in a format that includes the date of publication on the first day that the legal notice is published on the official web site; and
- (2) maintain a printed copy of any notice for archival and verification purposes.

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

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

- (1) executed by the official designated as responsible for the electronic publication under section 8 of this chapter; and
- (2) stating that the notice was posted from the initial date through the last posting date required by law.

Sec. 8. The political subdivision shall:

- (1) designate an official of the political subdivision to be responsible for electronic publications; and
- (2) post the official's name and contact information on the official web site.

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

SECTION 3. IC 6-1.1-23.5-10, AS ADDED BY P.L.235-2017, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) After preparing the notice described under section 9 of this chapter, the county treasurer shall do the following:

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



for judgment may be made.

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

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

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

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

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

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

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

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

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

SECTION 4. IC 6-9-3-3.5, AS ADDED BY P.L.172-2011, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.5. (a) Before January 1 of each year, the board



of managers shall annually publish a financial report summarizing the income and expenses of the board of managers for the previous twelve (12) months.

(b) The report required by subsection (a) must be published two (2) times, one (1) week apart:

(1) with each publication of the report in a daily or weekly newspaper published in the English language and of general circulation in both Clark County and Floyd County; **or**

(2) with the first publication of the report in a newspaper described in subdivision (1) and the second publication of the report:

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

(B) on the board's official web site.

(c) Before January 1 of each year, the board of managers shall prepare a written report generally summarizing the board's activities for the previous twelve (12) months. The report shall be made available on an Internet web site maintained by the board of managers.

SECTION 5. IC 8-2-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. The legislative body shall not grant a license to the applicant until satisfactory evidence is produced showing that the application has been on file in the office of the city or town clerk for not less than fourteen (14) days and that notice of the filing of the application has been posted for at least two (2) weeks at the door of the city hall of any city or at some public place in any town and published once each week for two (2) consecutive weeks:

(1) with each publication of the notice made in a newspaper of general circulation in the city or town **or** where there is no newspaper, notice by posting is sufficient notice; **or**

(2) with the first publication made in a newspaper described in subdivision (1) and the second publication:

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

(B) on the official web site of the city or town.

SECTION 6. IC 8-10-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. As used in this chapter:

(1) "Port authority" means a port authority created pursuant to authority of this chapter.

(2) The terms "port" or "harbor" may be used interchangeably and when used in this chapter shall mean any area used for servicing, storing, protecting, mooring, loading or unloading, or repairing any watercraft, on or adjacent to any body of water which may be wholly or partially within or wholly or partially adjacent to the state of Indiana. The terms include a breakwater area.



(3) The term "watercraft" shall mean any vessel, barge, boat, ship, tug, sailingcraft, skiff, raft, inboard or outboard propelled boat, or any contrivance known on March 13, 1959, or invented after March 13, 1959, used or designed for navigation of or use upon water, including a vessel permanently anchored in a port.

(4) "Publication" means publication once a week for two (2) consecutive weeks:

(A) with each publication of notice made in a newspaper of general circulation in the city, county, or counties ~~wherein such~~ where publication is required to be made; **or**

(B) with the first publication of notice made in a newspaper described in clause (A) and the second publication of notice:

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

(ii) on the official web site of the city, county, or counties where publication is required to be made.

(5) The term "governing body" shall mean the legislative authority of the governmental unit or units establishing or having established a port authority under the provisions of this chapter.

SECTION 7. IC 8-14-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) A resolution adopted under section 5 of this chapter shall be made available for public inspection. The board shall publish notice of the adoption. The notice must contain a general description of the resolution, and it must indicate that the resolution and included materials may be inspected at a specified location.

(b) The notice shall be published **once each week for two (2) consecutive weeks:**

(1) with each publication of notice in one (1) newspaper of general circulation within the local county road and bridge district; **or once each week for two (2) consecutive weeks.**

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

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

(B) on the official web site of the county in which the district is located.

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

SECTION 8. IC 10-18-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) If a county



executive has adopted designs or plans for the construction of world war memorial structures as provided in section 6 of this chapter, the county executive shall:

- (1) contract with a reliable contractor for all or any part of the construction of the world war memorial structure, as provided in this chapter; and
- (2) publish for at least three (3) weeks; one (1) time each week, in a newspaper of general circulation published in the county a notice informing the public and contractors:
 - (A) of the nature of the structures to be constructed;
 - (B) that the designs and plans are on file in the office of the county executive; and
 - (C) that sealed proposals for contractors to work on the construction of the world war memorial are due not earlier than thirty (30) days from the first published notice.

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

- (1) with each publication of notice in a newspaper of general circulation published in the county; or**
- (2) with the first publication of notice in a newspaper described in subdivision (1) and the two (2) subsequent publications:**
 - (A) in accordance with IC 5-3-5; and**
 - (B) on the county's official web site.**

- ~~(b)~~ **(c)** A county executive shall, by order, impose conditions upon:
- (1) bidders;
 - (2) contractors;
 - (3) subcontractors; and
 - (4) materialmen;

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

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

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

~~(e)~~ **(f)** A surety may not be released from any obligation on its bond if the contractor is paid the whole or any part of the percentages



required to be reserved from current estimates. A surety may not be released by any final payment made to the contractor.

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

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

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

(c) The county executive may:

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

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

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

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

SECTION 10. IC 10-18-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The board of commissioners of a county or the common council of a city shall, on petition of at least one hundred (100) adult citizens of the county or city, appoint a committee to be known as the memorial committee. The appointments may not be made until after notice of the filing of the petition has been published for at least two (2) weeks, ~~Publication must occur~~ once each week:



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

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

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

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

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

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

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

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

(2) the estimated cost of erection and maintenance;

(3) the method of control; and

(4) any other matter the committee considers proper.

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

(e) A vacancy in the committee shall be filled by the board of commissioners or common council.

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

SECTION 11. IC 10-18-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) Public notice



must be provided in the manner set forth under ~~subsection (b) this section~~ if a petition signed by:

- (1) at least five hundred (500) citizens and taxpayers of a county;
- or
- (2) at least two hundred (200) citizens and taxpayers of a city;

requests the establishment and maintenance within the county or city of a memorial for the soldiers and sailors of World War I. The petition must be addressed to the board of commissioners of the county or the common council of the city and filed in the office of the auditor of the county or clerk of the city.

(b) The auditor or clerk shall:

- (1) publish a notice that includes a copy of the petition or a summary of the petition in a newspaper of general circulation printed and published in the county or city;
- (2) post a notice that includes a copy of the petition or a summary of the petition in at least ten (10) public places in the county; and
- (3) post a notice that includes a copy of the petition or a summary of the petition at the door of the county courthouse.

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

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

- (1) with each publication of notice in a newspaper of general circulation printed and published in the county or city; or
- (2) with:

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

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

- (i) in accordance with IC 5-3-5; and
- (ii) on the official web site of the county or city;

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

SECTION 12. IC 10-18-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) After the board of public works has adopted the necessary designs, plans, and specifications for construction of the World War memorial structures as provided in this chapter, the board of public works shall award contracts for all or any part of the World War memorial structures to competent and reliable contractors as provided in this section.



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

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

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

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

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

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

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

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

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

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

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

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

~~(e)~~ **(f)** Payment by the board of public works, partial or final, may not be construed as a waiver of defective work or materials or as a release for damages on account of the defective work or materials. A surety may not be released from any obligation on the surety's bond if a contractor should be paid the whole or any part of the percentage required to be reserved from current estimates. A surety may not be released by any final payment made to a contractor.



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

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

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

(A) with each publication of notice:

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

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

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

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

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

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

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

(B) broadcasting at least three (3) public service announcements each day for fourteen (14) days on at least two

(2) radio stations operating in each of the counties, in whole or in part, in the proposed district.

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

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

(1) more than one hundred eighty (180) or less than sixty (60) days after providing notice under subsection (b); or

(2) less than thirty (30) days after a meeting held under subsection (c).

SECTION 14. IC 13-26-2-6, AS AMENDED BY P.L.165-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2021]: Sec. 6. (a) Except as provided in section 9 of this chapter, the hearing officer shall fix a time and place inside or within ten (10) miles of the proposed district for the hearing on any matter for which a hearing is authorized under this chapter.

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

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

(A) with each notice:

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

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

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

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

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

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

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

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

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

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

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

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

(D) Each sewage disposal company holding a certificate of territorial authority under IC 8-1-2-89 respecting territory in the proposed district.

(3) By making a reasonable effort to provide notice of the hearing by regular United States mail, postage prepaid, mailed at least two (2) weeks before the hearing to each freeholder within the



proposed district.

(4) By including the date on which the hearing is to be held and a brief description of:

(A) the subject of the petition, including a description of the general boundaries of the area to be included in the proposed district; and

(B) the locations where copies of the petition are available for viewing.

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

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

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

~~(i) weeks~~ in at least two (2) newspapers of general circulation in each of the counties, in whole or in part, of the district affected by the proposed extension of service; **or**

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

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

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

(ii) on the official web site of the district.

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

SECTION 16. IC 13-26-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. After introduction of the ordinance initially fixing rates or charges but before the ordinance is finally adopted, notice of the hearing setting forth the proposed schedule of the rates or charges must be given by publication one (1) time each week for two (2) weeks:

(1) with each publication of notice in a newspaper of general circulation in each of the counties with territory in the district; **or**

(2) with the first publication of notice in a newspaper



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

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

(B) on the official web site of the district.

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

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

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

(A) with each publication:

(i) in not less than two (2) newspapers of general circulation published in each county in which the lake is located; or

(ii) if there are not two (2) newspapers of general circulation published in a county, notice shall be published in one (1) newspaper of general circulation published in the county; or

(B) with the first publication of notice in a newspaper or newspapers described in clause (A) and the second publication of notice:

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

(ii) on the official web site of each county in which the lake is located.

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

(3) By sending written notice to the following:

(A) The county surveyor and county commissioners of each county affected.

(B) The department.

(b) The notice must do the following:

(1) Briefly describe the location and nature of the proposed work contained in the petition.

(2) Fix a day for the hearing on the petition.

SECTION 18. IC 14-28-4-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 21. (a) After the commission submits the final report, the legislative body of the county or municipality shall give all interested persons an opportunity to be heard with reference to the final report at a public hearing convenient



for all persons affected. The legislative body shall publish notice of the hearing in a daily newspaper of general circulation in the county or municipality.

(b) The notice must state the following:

- (1) The time and place of the hearing.
- (2) That the report contains a flood plain zoning ordinance for the county or municipality.
- (3) That written objections to the proposed zoning ordinance filed with the clerk of the legislative body at or before the hearings will be heard.
- (4) That the hearing will be continued as is necessary.

(c) The notice shall be published at least two (2) times within the ten (10) days before the time set for the hearing:

- (1) with each publication in a daily newspaper of general circulation in the county or municipality; or**
- (2) with the first publication of notice in a newspaper described in subdivision (1) and the second publication of notice:**

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

(B) on the official web site of the county or municipality.

During ~~which time the ten (10) day period~~, the proposed zoning ordinance shall be kept on file in the office of the commission or other designated place for public examination.

(d) Upon completion of the public hearing, the legislative body shall proceed to consider the ordinance.

SECTION 19. IC 14-33-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. **(a) This subsection applies only to a petition by freeholders.** The petitioners shall give notice of hearing on the petition as follows:

- (1) By publication in two (2) newspapers of general circulation in each county having land in the proposed district, three (3) times at successive weekly intervals. The first publication must be at least thirty (30) days before the date of the hearing. If there is only one (1) newspaper of general circulation in a county, three (3) publications in that newspaper are sufficient.
- (2) By mailing a copy of the notice at least twenty (20) days before the date of the hearing, first class postage prepaid, to each freeholder who has not signed the petition and who owns land in the proposed district, according to the records of the county auditor. The person having the notice mailed shall file an affidavit with the court showing the following:

(A) The names of the persons to whom notice was sent.



(B) The address to which the notice was sent.

(C) The date on which the notice was mailed.

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

(1) By publication for three (3) consecutive weeks:

(A) with each publication of notice in two (2) newspapers of general circulation in each county having land in the proposed district or if there is only one (1) newspaper, publication in that newspaper is sufficient; or

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

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

(ii) on the official web site of the municipality.

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

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

(A) The names of the persons to whom notice was sent.

(B) The address to which the notice was sent.

(C) The date on which the notice was mailed.

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

(1) with each publication of notice:

~~(A)~~ **(A) in two (2) newspapers of general circulation in each county having land in the district; or**

~~(B)~~ **(B) in one (1) newspaper in the county if there is only one (1) newspaper of general circulation; or**

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

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

(B) on the official web site of the district.

The notice shall state the date that assessments are due and payable within not later than sixty (60) days after the date of the last



publication.

(b) Payment of assessments shall be made at:

- (1) the office of the board; or
- (2) if the court orders, the offices of the treasurers of the counties.

(c) The owners of real property assessed for exceptional benefits are entitled to make payment in full unless exceptional benefits are assessed annually and paid with special benefits taxes to the county treasurer. If payment is made in full, the board shall do the following:

- (1) Note the payment in the assessment roll in the board's office.
- (2) Give a receipt to the landowner paying the assessment.
- (3) Enter satisfaction of the lien of the assessment in the appropriate record in the office of the recorder where the assessment is recorded.

(d) The payment of the assessment does not relieve the real property from being subject to the following:

- (1) A special benefits tax.
- (2) An annual assessment for maintenance and operation based upon the original exceptional benefit assessment.

SECTION 21. IC 14-33-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Within ten (10) days after the board certifies to the court, the board shall fix the following:

- (1) A convenient and suitable place for the election.
- (2) The date for the election not less than fifteen (15) and not more than thirty (30) days after the last publication of notice.

(b) The voting place must open at 9 a.m. local time and remain open for balloting continuously until 9 p.m. local time. However, if the district contains freeholds too numerous for freeholder balloting at a single voting place while allowing each freeholder a reasonable time but not exceeding two (2) minutes to cast a ballot, the board shall fix and arrange for multiple voting places as appears necessary to accommodate the freeholders eligible to vote.

(c) Notice of the time, place, and purpose for the election must be given on the same day of each week for two (2) consecutive weeks:

- (1) with each publication of notice** in an English language newspaper of general circulation published in each county having land in the district; **or**
- (2) with the first publication of notice made in the newspaper or newspapers described in subdivision (1), and the second publication of notice:**
 - (A) in accordance with IC 5-3-5; and**
 - (B) on the official web site of the district.**



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

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

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

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

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

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

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

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

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

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

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

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

Notice of a Dissolution and Assumption Election
to the Freeholders of the _____
(insert smaller district) Conservancy District

1. You are a freeholder (i.e. a real property owner) of the _____ (insert smaller district) Conservancy District. As a freeholder, you are one of the owners of the _____ (insert smaller district) Conservancy District.

2. A legally required number of the freeholders of the



_____ (insert smaller district) Conservancy District has filed a petition with the _____ (insert county name) County Auditor requesting that the _____ (insert smaller district) Conservancy District be dissolved, and that the operation, obligations, and assets of the _____ (insert smaller district) Conservancy District be assumed by the _____ (insert larger district) Conservancy District.

3. The _____ (insert larger district) Conservancy District is contiguous to, has the same purpose as, and has a greater number of freeholders than the _____ (insert smaller district) Conservancy District.

4. The Board of Directors of the _____ (insert larger district) Conservancy District has passed a resolution stating:

A. That the _____ (insert larger district) Conservancy District is willing to assume the operation, obligations, and assets of the _____ (insert smaller district) Conservancy District; and

B. That upon becoming part of the _____ (insert larger district) Conservancy District, the freeholders of the _____ (insert smaller district) Conservancy District will become full and equal freeholders of the _____ (insert larger district) Conservancy District and be subject to and pay the same special benefits taxes and user charges generally charged by the (insert larger district) Conservancy District.

5. An election of the freeholders of the _____ (insert smaller district) Conservancy District is set for the day of _____, _____, from 9:00 a.m. to 9:00 p.m., at the following location(s): _____.

6. The question presented for the election is whether the _____ (insert smaller district) Conservancy District should be dissolved, and whether the _____ (insert larger district) Conservancy District should assume the operations, obligations, and assets of the _____ (insert smaller district) Conservancy District.

7. A majority of the votes cast at the election will determine the question of whether the _____ (insert smaller district) Conservancy District should be dissolved, and whether the _____ (insert larger district) Conservancy District should assume the operations, obligations, and assets of the _____ (insert smaller district) Conservancy District.

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



election.

/ss/ Board of Directors, _____

(insert smaller district) Conservancy District

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

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

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

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

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

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

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

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

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

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

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

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

- (A) adjoining property owners;
- (B) local government bodies;
- (C) planning agencies;
- (D) sewage and water treatment authorities; or
- (E) water companies;

in the county in which the surface coal mining and reclamation operation is located notifying the entities of the bond release



application.

(2) Within thirty (30) days after filing the bond release application, submit a copy of an advertisement placed at least one (1) time a week for four (4) successive weeks in a newspaper of general circulation in the county in which the surface coal mining and reclamation operation is located. The advertisement must contain the following:

- (A) A notification of the precise location of the land affected.
- (B) The number of acres.
- (C) The permit and the date of approval.
- (D) The amount of the bond filed and the part sought to be released.
- (E) The type and appropriate dates of reclamation work performed.
- (F) A description of the results achieved relating to the operator's approved reclamation plan.

(b) The director may initiate an application for the release of a bond. If a bond release application is initiated by the director, the department shall perform the notification and certification requirements otherwise imposed on the permittee under this section and section 8 of this chapter. **However, the department may provide notice by publication under subsection (a)(2):**

(1) with each publication of notice in the newspaper described in subsection (a)(2); or

(2) with the first publication of notice in the newspaper described in subsection (a)(2) and the three (3) subsequent publications of notice:

- (A) in accordance with IC 5-3-5; and**
- (B) on the official web site of the county in which the surface coal mining and reclamation operation is located.**

SECTION 25. IC 14-34-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) If written objections are filed and a hearing requested under section 10 of this chapter, the director shall do the following:

- (1) Inform all the interested parties of the date, time, and location of the hearing.
- (2) ~~Advertise~~ **Publish notice of the information one (1) time each week for two (2) consecutive weeks:**

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



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

- (i) in accordance with IC 5-3-5; and**
- (ii) on the official web site of the county where the surface coal mining and reclamation operation proposed for bond release is located.**

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

- (1) in the county where the surface coal mining and reclamation operation proposed for bond release is located; or
- (2) at the state capital;

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

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

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

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

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

- ~~(1)~~ **(1) with each notice by publication** in two (2) daily newspapers of general circulation, published in the English language and of general circulation in the acquiring school corporation and in the losing school corporation; **or**
- (2) with the first publication of notice in the newspapers described in subdivision (1) and the second publication of notice:**

- (A) in accordance with IC 5-3-5; and**
- (B) on the official web sites of the acquiring school corporation and the losing school corporation.**

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

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

(d) If a newspaper is of general circulation in both the acquiring school corporation and the losing school corporation, publication in the



newspaper qualifies as one (1) of the required publications in the acquiring school corporation and the losing school corporation.

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

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

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

- (1) The name of the proposed new school corporation.
- (2) The number of members on the governing body and the manner in which they shall be elected or appointed.
 - (A) If members are to be elected, the resolution must provide for:
 - (i) the manner of the nomination of members;
 - (ii) who shall constitute the board of election commissioners;
 - (iii) who shall appoint inspectors, judges, clerks, and sheriffs; and
 - (iv) any other provisions desirable in facilitating the election.
 - (B) Where applicable and not in conflict with the resolution, the election is governed by the general election laws of Indiana, including the registration laws.
- (3) Limitations on residences, term of office, and other qualifications required of the members of the governing body. A resolution may not provide for an appointive or elective term of more than four (4) years. A member may succeed himself or herself in office.
- (4) Names of present school corporations that are to be merged together as a consolidated school corporation.

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

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



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

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

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

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

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

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

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

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

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

SECTION 28. IC 20-23-6-5, AS AMENDED BY P.L.278-2019, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) If a petition is filed in one (1) or more of the school corporations protesting consolidation as provided in this chapter by the legal voters of any school corporation the governing body of which proposes to consolidate, the governing body in each school corporation in which a protest petition is filed shall certify the public question to each county election board of the county in which the school corporation is located. The county election board shall call an election of the voters of the school corporation to determine if a majority of the legal voters of the corporation is in favor



of consolidating the school corporations.

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

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

(+) **(A)** township;

(-) **(B)** town; or

(-) **(C)** city;

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

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

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

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

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

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

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

(e) The governing body of each school corporation in which an election is held is bound by the majority vote of those voting. However, if the election falls within a period of not more than six (6) months before a primary or general election, the election shall be held concurrently with the primary or general election if the public question is certified to the county election board not later than the deadline set forth in IC 3-10-9-3.

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



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

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

- (A) subject to section 3(b) of this chapter, the information required in section 3(a)(1) through 3(a)(4) of this chapter; and
- (B) if applicable, the declarations in section 12.5 of this chapter; and

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

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

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

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

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

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

(c) On or before the sixth day following the last publication of the notice of intention to consolidate required under subsection (b), twenty percent (20%) of the legal voters residing in any school corporation proposed to be consolidated may petition the governing body of the school corporation for an election to determine whether or not the majority of the voters of the school corporation is in favor of consolidation.

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



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

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

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

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

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

(1) the substance of the concurrent resolutions;

(2) that the resolutions have been adopted; and

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

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

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

(1) with each notice by publication:

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

(B) if there is only one (1) daily or weekly newspaper in the county, publication in that newspaper is sufficient; **or**

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

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

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



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

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

(1) with each notice by publication:

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

(B) if there is:

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

(ii) ~~if there is~~ only one (1) daily or weekly newspaper, publication in that newspaper is sufficient; **or**

(iii) ~~if a newspaper is~~ of general circulation in both school corporations, the publication of notice in the newspaper qualifies as one (1) of the required publications in each of the school corporations; **or**

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

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

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

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

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

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

(2) superintendent of schools or any officer of the governing body



of any other school corporation.

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

- (1) service for ten (10) days; or
- (2) proof of publication for three (3) successive weeks:

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

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

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

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

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

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

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

- (1) one (1) disinterested freeholder of the county; and
- (2) two (2) disinterested appraisers licensed under IC 25-34.1;

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

SECTION 33. IC 32-24-2-6, AS AMENDED BY P.L.80-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) This chapter applies if the works board of a municipality wants to acquire property for the use of the municipality or to open, change, lay out, or vacate a street, an alley, or a public place in the municipality, including a proposed street or alley crossings of railways or other rights-of-way. However, this chapter does not apply if a municipality wants to acquire the property of a public utility (as defined in IC 8-1-2-1).



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

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

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

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

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

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

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

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

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

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

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

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

(2) if the owner is not a resident of the municipality, by sending the notice to the owner's address of record by certified mail.

(c) If the owner's residence is unknown, the municipality shall notify the owner by publication in a daily newspaper of general circulation in the municipality once each week for three (3) successive weeks:

(1) with each publication of notice in a daily newspaper of general circulation in the municipality; or

(2) with the first publication of notice in a newspaper



described in subdivision (1) and the two (2) subsequent publications of notice:

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

(B) on the official web site of the municipality.

(d) The notices must also name a day, at least thirty (30) days after service of notice or after the last publication, on which the works board will receive or hear remonstrances from owners with regard to:

- (1) the amount of their respective awards or assessments; and
- (2) objections to the municipality's right to exercise the power of eminent domain for the use sought.

(e) Persons not included in the list of the assessments or awards and claiming to be entitled to them are considered to have been notified of the pendency of the proceedings by the original notice of the resolution of the works board.

(f) The notice required by this section must provide the full text of subsection (d) to provide notice to the property owners of their right to object to the condemnation and be in substantially the same form as the notice required under IC 32-24-1-6(a).

SECTION 35. IC 32-29-7-3, AS AMENDED BY P.L.247-2015, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) In a proceeding for the foreclosure of a mortgage executed on real estate, process may not issue for the execution of a judgment or decree of sale for a period of three (3) months after the filing of a complaint in the proceeding. However:

(1) the period is:

- (A) twelve (12) months in a proceeding for the foreclosure of a mortgage executed before January 1, 1958; and
- (B) six (6) months in a proceeding for the foreclosure of a mortgage executed after December 31, 1957, but before July 1, 1975; and

(2) if the court finds under IC 32-30-10.6 that the mortgaged real estate has been abandoned, a judgment or decree of sale may be executed on the date the judgment of foreclosure or decree of sale is entered, regardless of the date the mortgage is executed.

(b) A judgment and decree in a proceeding to foreclose a mortgage that is entered by a court having jurisdiction may be filed with the clerk in any county as provided in IC 33-32-3-2. After the period set forth in subsection (a) expires, a person who may enforce the judgment and decree may file a praecipe with the clerk in any county where the judgment and decree is filed, and the clerk shall promptly issue and certify to the sheriff of that county a copy of the judgment and decree under the seal of the court. However, if:



- (1) a praecipe is not filed with the clerk within one hundred eighty (180) days after the later of the dates on which:
 - (A) the period specified in subsection (a) expires; or
 - (B) the judgment and decree is filed; and
- (2) the sale is not:
 - (A) otherwise prohibited by law;
 - (B) subject to a voluntary statewide foreclosure moratorium; or
 - (C) subject to a written agreement that:
 - (i) provides for a delay in the sale of the mortgaged real estate; and
 - (ii) is executed by and between the owner of the mortgaged real estate and a party entitled to enforce the judgment and decree;

an enforcement authority that has issued an abatement order under IC 36-7-36-9 with respect to the mortgaged real estate may file a praecipe with the clerk in any county where the judgment and decree is filed. If an enforcement authority files a praecipe under this subsection, the clerk of the county in which the praecipe is filed shall promptly issue and certify to the sheriff of that county a copy of the judgment and decree under the seal of the court.

(c) Upon receiving a certified judgment under subsection (b), the sheriff shall, subject to section 4 of this chapter, sell the mortgaged premises or as much of the mortgaged premises as necessary to satisfy the judgment, interest, and costs at public auction at the office of the sheriff or at another location that is reasonably likely to attract higher competitive bids. The sheriff shall schedule the date and time of the sheriff's sale for:

- (1) a date not later than:
 - (A) sixty (60) days after the date on which a judgment and decree under IC 32-30-10.6-5; and
 - (B) one hundred twenty (120) days after the date on which a judgment and decree in all other cases;
- under seal of the court is certified to the sheriff by the clerk; and
- (2) a time certain between the hours of 10 a.m. and 4 p.m. on any day of the week except Sunday.

(d) Before selling mortgaged property, the sheriff must advertise the sale by publication once each week for three (3) successive weeks:

- (1) with each publication of notice** in a daily or weekly newspaper of general circulation ~~The sheriff shall publish the advertisement~~ in at least one (1) newspaper published and circulated in each county where the real estate is situated; **or**



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

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

(B) on the official web site of each county where the real estate is located.

The first publication shall be made at least thirty (30) days before the date of sale. At the time of placing the first advertisement by publication, the sheriff shall also serve a copy of the written or printed notice of sale upon each owner of the real estate. Service of the written notice shall be made as provided in the Indiana Rules of Trial Procedure governing service of process upon a person.

(e) The sheriff shall charge a fee of ten dollars (\$10) to one (1) owner and three dollars (\$3) to each additional owner for service of written notice under this subsection. The fee is:

(1) a cost of the proceeding;

(2) to be collected as other costs of the proceeding are collected; and

(3) to be deposited in the county general fund for appropriation for operating expenses of the sheriff's department.

~~(e)~~ **(f)** The sheriff also shall post written or printed notices of the sale at the door of the courthouse of each county in which the real estate is located.

~~(f)~~ **(g)** If the sheriff is unable to procure the publication of a notice within the county, the sheriff may dispense with publication. The sheriff shall state that the sheriff was not able to procure the publication and explain the reason why publication was not possible.

~~(g)~~ **(h)** Notices under subsections (d), (e), ~~and (f)~~ **(f), and (j)** must contain a statement, for informational purposes only, of the location of each property by street address, if any, or other common description of the property other than legal description. A misstatement in the informational statement under this subsection does not invalidate an otherwise valid sale.

~~(h)~~ **(i)** The sheriff may charge an administrative fee of not more than two hundred dollars (\$200) with respect to a proceeding referred to in subsection (b) for actual costs directly attributable to the administration of the sale under subsection (c). The fee is:

(1) payable by the person seeking to enforce the judgment and decree; and

(2) due at the time of filing of the praecipe;

under subsection (b).

~~(i)~~ **(j)** If a sale of mortgaged property scheduled under this section



is canceled, the sheriff shall provide written notice of the cancellation to each owner of the real estate. Service of the written notice shall be made as provided in the Indiana Rules of Trial Procedure governing service of process upon a person. The sheriff shall charge a fee of ten dollars (\$10) for notice to one (1) owner and three dollars (\$3) for notice to each additional owner for service of written notice under this subsection. The fee:

- (1) is a cost of the proceeding;
- (2) shall be collected as other costs of the proceeding are collected; and
- (3) shall be deposited in the county general fund for appropriation for operating expenses of the sheriff's department.

The fee for service under this subsection shall be paid by the person who caused the sale to be canceled.

SECTION 36. IC 34-55-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) A sale of real estate, on execution, shall be advertised by the sheriff for at least twenty (20) days successively, next before the day of sale, by:

- (1) posting written or printed notices of the sale in three (3) public places in the township in which the real estate is located;
- (2) posting a like advertisement at the door of the courthouse of the county; and
- (3) advertising the sale for three (3) weeks successively:

(A) with each publication of notice in a newspaper:

- ~~(A)~~ (i) of general circulation;
- ~~(B)~~ (ii) printed in the English language; and
- ~~(C)~~ (iii) published in the county where the real estate is located; **or**

(B) with the first publication of notice one (1) time in a newspaper described in clause (A) and all successive publications of notice:

- (i) in accordance with IC 5-3-5; and**
- (ii) on the official web site of each county where the real estate is located.**

(b) However, if the sheriff is not able to procure the publication of the notice in a newspaper of general circulation, published within the sheriff's county, the sheriff may dispense with the publication of the notice **or publish the notice on the official web site of each county where the real estate is located for three (3) weeks successively**. The land may be sold without the required publication, but the sheriff shall, in the sheriff's return of the writ, state the sheriff's inability to procure the publication **of notice in the newspaper**. The return has the same



effect in evidence as the official returns of sheriffs in other cases.

(c) In a notice under this section, the sheriff must include the following:

- (1) A statement of the date, time, and place of the sale.
- (2) A description of the location of the property that includes, for informational purposes only, the location of each property by street address, if any, or other common description of the property other than legal description. However, a misstatement in the informational statement under this subdivision does not invalidate an otherwise valid sale.

SECTION 37. IC 36-1-12.5-5, AS AMENDED BY P.L.252-2015, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The governing body may enter into an agreement with a public utility to participate in a utility efficiency program or enter into a guaranteed savings contract with a qualified provider to increase the political subdivision's billable revenues or reduce the school corporation's or the political subdivision's energy or water consumption, wastewater usage costs, or operating costs if, after review of the report described in section 6 of this chapter, the governing body finds:

- (1) in the case of conservation measures other than those that are part of a project related to the alteration of a water or wastewater structure or system, that the amount the governing body would spend on the conservation measures under the contract and that are recommended in the report is not likely to exceed the amount to be saved in energy consumption costs and other operating costs over twenty (20) years from the date of installation if the recommendations in the report were followed;
- (2) in the case of conservation measures that are part of a project related to the alteration of a water or wastewater structure or system, that the amount the governing body would spend on the conservation measures under the contract and that are recommended in the report is not likely to exceed the amount of increased billable revenues or the amount to be saved in energy and water consumption costs, wastewater usage costs, and other operating costs over twenty (20) years from the date of installation if the recommendations in the report were followed; and
- (3) in the case of a guaranteed savings contract, the qualified provider provides a written guarantee as described in subsection (d)(3).

(b) Before entering into an agreement to participate in a utility



efficiency program or a guaranteed savings contract under this section, the governing body must publish notice under subsection (c) indicating:

- (1) that the governing body is requesting public utilities or qualified providers to propose conservation measures through:
 - (A) a utility efficiency program; or
 - (B) a guaranteed savings contract; and
- (2) the date, the time, and the place where proposals must be received.

(c) The notice required by subsection (b) must **be published two (2) times with at least one (1) week between publications:**

- (1) ~~be published with each publication of notice in accordance with IC 5-3-1-1~~ in two (2) newspapers of general circulation in the county where the school corporation or the political subdivision is located; **or**
- (2) ~~be published two (2) times with at least one (1) week between publications with the first publication of notice in the newspapers described in subdivision (1) and the second publication of notice:~~

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

(B) on the official web site of the school corporation or the political subdivision. and with

The second publication **must be** made at least thirty (30) days before the date by which proposals must be received. ~~and~~

~~(3) meet the requirements of IC 5-3-1-1.~~

(d) An agreement to participate in a utility efficiency program or guaranteed savings contract under this section must provide that:

- (1) in the case of conservation measures other than those that are part of a project related to the alteration of a water or wastewater structure or system, all payments, except obligations upon the termination of the agreement or contract before the agreement or contract expires, may be made to the public utility or qualified provider (whichever applies) in installments, not to exceed the lesser of twenty (20) years or the average life of the conservation measures installed from the date of final installation;
- (2) in the case of conservation measures that are part of a project related to the alteration of a water or wastewater structure or system, all payments, except obligations upon the termination of the agreement or contract before the agreement or contract expires, may be made to the public utility or qualified provider (whichever applies) in installments, not to exceed the lesser of twenty (20) years or the average life of the conservation measures



installed from the date of final installation;

(3) in the case of the guaranteed savings contract:

(A) the:

- (i) savings in energy and water consumption costs, wastewater usage costs, and other operating costs; and
- (ii) increase in billable revenues;

due to the conservation measures are guaranteed to cover the costs of the payments for the measures; and

(B) the qualified provider will reimburse the school corporation or political subdivision for the difference between the guaranteed savings and the actual savings; and

(4) payments are subject to annual appropriation by the fiscal body of the school corporation or political subdivision and do not constitute an indebtedness of the school corporation or political subdivision within the meaning of a constitutional or statutory debt limitation.

SECTION 38. IC 36-1.5-4-7, AS AMENDED BY P.L.184-2016, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) In the year before the year in which the participating political subdivisions are reorganized under this chapter:

(1) subject to subsection (b), the fiscal bodies of the reorganizing political subdivisions shall, in the manner provided by IC 6-1.1-17, adopt tax levies, tax rates, and a budget for the reorganized political subdivision either through the adoption of substantially identical resolutions adopted by each of the fiscal bodies or, if authorized in the plan of reorganization, through a joint board established under an agreement of the fiscal bodies on which the members of each of the fiscal bodies are represented; and

(2) if the reorganized political subdivision will have elected offices and different election districts than any of the reorganizing political subdivisions, the legislative bodies of the reorganizing political subdivisions shall establish the election districts either through the adoption of substantially identical resolutions adopted by each of the legislative bodies or, if authorized in the plan of reorganization, through a joint board established under an agreement of the legislative bodies on which the members of each of the legislative bodies are represented.

(b) This subsection applies to two (2) or more school corporations that participate in a reorganization in which the voters approve a plan of reorganization in a general election and the plan of reorganization provides for the reorganization to become effective for property taxes



first due and payable in the immediately following calendar year. The participating school corporations may publish notices, hold public hearings, and take final action for the adoption of property tax levies, property tax rates, and a budget for the reorganized school corporation after the voters approve the plan of reorganization. The alternative schedule must comply with the following:

(1) Each participating school corporation shall give notice by publication to taxpayers of:

- (A) the estimated budget;
- (B) the estimated maximum permissible levy;
- (C) the current and proposed tax levies of each fund; and
- (D) the amounts of excessive levy appeals to be requested;

for the ensuing year **as set forth in subsection (c)**. ~~The notice must be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing and with the last publication not later than November 24 of the year the public question is approved by the voters.~~

(2) Each participating school corporation must conduct a public hearing on the proposed tax levies, tax rates, and budget at least ten (10) days before the date the participating school corporation adopts the proposed tax levies, tax rates, and budget.

(3) The governing body of each participating school corporation must meet to fix the tax levies, tax rates, and budget for the ensuing year before December 6 of the year the public question is approved by the voters.

(4) The county auditor shall certify the adopted property tax levies, property tax rates, and budget for the reorganized school corporation to the department of local government finance before December 8 in the year in which the public question is approved by the voters.

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

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

- (1) with each publication of notice in a newspaper in accordance with IC 5-3-1; or**
- (2) with the first publication of notice in a newspaper described in subdivision (1) and the second publication of notice:**

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



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

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

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

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

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

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

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

SECTION 39. IC 36-2-4-8, AS AMENDED BY P.L.156-2020, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) An ordinance, order, or resolution is considered adopted when it is signed by the presiding officer. If required, an adopted ordinance, order, or resolution must be promulgated or published according to statute before it takes effect.

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

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

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

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

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

(c) The following apply in addition to the other requirements of this



section:

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

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

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

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

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

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

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

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

(1) be published:

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

(B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and

(2) delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published under subdivision (1).

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

(1) approved by the department; and

(2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or IC 13-25-5.

SECTION 40. IC 36-7-9-25, AS AMENDED BY P.L.164-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2021]: Sec. 25. (a) Notice of orders, notice of continued hearings without a specified date, notice of a statement that public bids are to be let, and notice of claims for payment must be given by:

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

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

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

- (1) **with each publication of notice in a newspaper in accordance with IC 5-3-1 in the county where the unsafe premises are located; or**
- (2) **with the first publication of notice in a newspaper described in subdivision (1) and the second publication of notice:**
 - (A) **in accordance with IC 5-3-5; and**
 - (B) **on the official web site of the county where the unsafe premises are located.**

~~with~~ The second publication **must be** made at least three (3) days before an event described in subsection (a). If service of an order is made by publication, the publication must include the information required by ~~subdivisions (1), (2), (4), (5), (6), (7), and (9)~~ of section ~~5(b)~~ **5(b)(1), 5(b)(2), 5(b)(4), 5(b)(5), 5(b)(6), 5(b)(7), and 5(b)(9)** of this chapter, and must also include a statement indicating generally what action is required by the order and that the exact terms of the order may be obtained from the enforcement authority. The hearing authority may make a determination about whether a reasonable effort has been made to obtain service by the means described in subsection



(a) on the basis of information provided by the department (or, in the case of a consolidated city, the enforcement authority). The hearing authority is not required to make the determination at a hearing. The hearing authority must make the determination in writing.

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

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

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

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

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

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

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

(2) if an instrument reflecting the interest is not recorded, provide to the department (or, in the case of a consolidated city, the enforcement authority) in writing the person's name and address and the location of the unsafe premises;

is considered to consent to reasonable action taken under this chapter for which notice would be required and relinquish a claim to notice under this chapter.

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

SECTION 41. IC 36-10-4-5, AS AMENDED BY P.L.158-2013, SECTION 681, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2021]: Sec. 5. (a) In a second class city, the board may adopt a resolution to extend the boundaries of the district to the county boundaries unless the county has already established a park district under IC 36-10-3. The board must file a certified copy of the resolution with the county auditor and county treasurer. Notice of the adoption of the resolution shall be given by publication once each week for two (2) weeks in accordance with IC 5-3-1:

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

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

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

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

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

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

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

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

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

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

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

The first publication ~~to~~ **of the notice must** be at least thirty (30) days before the date of the election. The question presented to the voters at the election shall be placed on the ballot in the form prescribed by



IC 3-10-9-4 and must state "Shall the county park district be established?". The election is governed by IC 3 whenever not in conflict with this chapter. The county election board shall make a return of the votes cast at the referendum.

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

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

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

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

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

SECTION 42. IC 36-10-11-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 22. (a) In lieu of authorizing and selling bonds as provided in this section, the board may adopt a resolution authorizing the negotiation of a loan or loans for the purpose of procuring the required funds. The resolution must set out the total amount of the loan desired and the approximate dates on which funds will be required and the amounts of them. The resolution must also set out the terms, conditions, and restrictions relative to the proposed loan or to the submission of proposals that the board considers advisable. Before the consideration of proposals for the making of a loan, a notice shall be published once each week for two (2) weeks:

(1) with each publication in a newspaper published in the county and a newspaper published in the city of Indianapolis; ~~setting or~~



(2) with the first publication of notice in each newspaper described in subdivision (1) and the second publication of notice:

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

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

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

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

SECTION 43. IC 36-11-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. After introduction of the ordinance initially fixing rates and charges but before the ordinance is finally adopted, notice of the hearing setting forth the proposed schedule of the rates and charges must be given by publication one (1) time each week for two (2) weeks:

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

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

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

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

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



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 332 — CC 1

