

Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 252

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AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 5-3-1-0.2, AS ADDED BY P.L.147-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 0.2. As used in this ~~section~~, **chapter**, "locality newspaper" means a publication that meets all the following requirements:

- (1) Is regularly issued at least one (1) time per week.
- (2) Contains in each issue news of general or community interest, community notices, or editorial commentary by different authors.
- (3) Has, in more than one-half (1/2) of its issues published during the previous twelve (12) month period, not more than seventy-five percent (75%) advertising content.
- (4) Has been published ~~continuously~~ for at least ~~three (3) years~~: **twelve (12) consecutive months**.
- (5) Has the capability to add subscribers to its distribution list and must add any person:
  - (A) who requests to be added as a new subscriber; and
  - (B) whose mailing address is within the political subdivision in which the locality newspaper generally circulates.
- (6) Is a publication of general circulation in the political subdivision that is responsible for the publication of notice.
- (7) Is circulated by United States mail, free of charge, to addresses that are located within the political subdivision

SEA 252 — CC 1



responsible for the publication of notice.

(8) Has its circulation verified by an annual independent audit of the publication.

(9) Contains advertisements from numerous unrelated advertisers in each issue.

(10) Is not owned by, or under the control of, the owners or lessees of a shopping center, a merchant's association, or a business that sells property or services (other than advertising) whose advertisements for their sales of property or services constitute the predominant advertising in the publication.

(11) Has continuity as to title and general nature of content from issue to issue.

(12) Does not constitute a book, either singly or when successive issues are combined.

(13) Has a known office location in the county in which the locality newspaper is published.

SECTION 2. IC 5-3-1-0.4, AS AMENDED BY P.L.122-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 0.4. As used in this chapter, "newspaper" refers to a newspaper:

(1) that:

(A) is a daily, weekly, semiweekly, or triweekly newspaper of general circulation;

(B) has been published for at least ~~three (3) consecutive years~~ **twelve (12) consecutive months** in the same city or town;

(C) has been entered, authorized, and accepted by the United States Postal Service for at least ~~three (3) consecutive years~~ **twelve (12) consecutive months** as mailable matter of the periodicals class;

(D) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not nominal; and

(E) has had an average circulation during the preceding year of at least ~~two hundred (200)~~ **five hundred (500)**, based on the average paid or requested circulation for the preceding twelve (12) months reported in the newspaper's United States Postal Service Statement of Ownership published by the newspaper in October of each year **and the number of website page views as reported by a newspaper's website host provider;** or

(2) that:

(A) is a daily, weekly, semiweekly, or triweekly newspaper of



general circulation;

(B) has been entered, authorized, and accepted by the United States Postal Service as mailable matter of the periodicals class;

(C) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not nominal; and

(D) meets the greater of the following conditions:

(i) The newspaper's paid circulation during the preceding year is equal to at least fifty percent (50%) of the paid circulation for the largest newspaper with a periodicals class permit located in the county in which the newspaper is published, based on the average paid or requested circulation for the preceding twelve (12) months reported in the newspaper's United States Postal Service Statement of Ownership published by the newspaper in October of each year or based on the newspaper's initial application for a permit from the United States Postal Service.

(ii) The newspaper has an average daily paid circulation of one thousand five hundred (1,500) based on the average paid or requested circulation for the preceding twelve (12) months reported in the newspaper's United States Postal Service Statement of Ownership published by the newspaper in October of each year or based on the newspaper's initial application for a permit from the United States Postal Service.

SECTION 3. IC 5-3-1-0.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 0.7. (a) As used in this chapter, "qualified publication" means a publication that:

- (1) is published daily, weekly, semiweekly, or triweekly;
- (2) is of general circulation to the public;
- (3) has been published for at least ~~three (3)~~ **consecutive years twelve (12) consecutive months** in the same city or town;
- (4) has continuity as to title and general nature of content from issue to issue;
- (5) contains news of general or community interest, community notices, or editorial commentary;
- (6) contains advertisements from unrelated advertisers in each issue;
- (7) has, in more than one-half (1/2) of its issues published during the previous twelve (12) month period, not more than seventy-five percent (75%) advertising content;



(8) has a known office location in the county in which it is published; and

(9) has been entered, authorized, and accepted by the United States Postal Service as mailable matter of standard mail (A) class for the time published.

(b) A publication is not a qualified publication if any of the following apply:

(1) The publication is owned by, or under the control of, the owners or lessees of a shopping center or a merchant's association.

(2) The publication is owned by, or under the control of, a business that sells property or services (other than advertising) and the predominant advertising in the publication is advertising for the business's sales of property or services.

(3) The publication is a mail order catalog or other catalog, advertising flier, travel brochure, house organ, theater program, telephone directory, restaurant guide, shopping center advertising sheet, or other similar publication.

(4) The publication is primarily devoted to matters of specialized interest such as a labor, fraternal, society, political, religious, sporting, or trade news publication or journal.

(5) The publication is a magazine, racing form, or tip sheet.

SECTION 4. IC 5-3-1-0.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 0.9. (a) This section applies to the publication of notice of an event that meets both of the following requirements:**

**(1) Notice of the event is required by statute to be published two (2) or more times.**

**(2) Notice is published:**

**(A) at least one (1) time before July 1, 2024; and**

**(B) at least one (1) time after June 30, 2024.**

**(b) Sections 0.2, 0.4, and 0.7 of this chapter (as in effect on June 30, 2024) continue to apply to any notices of the event that are published after June 30, 2024, as if SEA 252-2024 had not been enacted.**

**(c) This section expires July 1, 2027.**

SECTION 5. IC 5-3-2-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 0.1. (a) This section applies to the publication of notice of an event that meets both of the following requirements:**

**(1) Notice of the event is required by statute to be published two (2) or more times.**



**(2) Notice is published:**

**(A) at least one (1) time before July 1, 2024; and**

**(B) at least one (1) time after June 30, 2024.**

**(b) Section 2 of this chapter (as in effect on June 30, 2024) continues to apply to a notice of the event published after June 30, 2024, as if SEA 252-2024 had not been enacted.**

**(c) This section expires July 1, 2027.**

SECTION 6. IC 5-3-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. ~~(a) This section does not apply in counties that have a population of more than forty thousand (40,000).~~

~~(b)~~ **(a)** In addition to the requirement for all newspapers provided in IC 5-3-1-4, a newspaper in which notices, reports, and other information affecting county business are required by law to be published shall have a paid circulation of not less than two percent (2%) of the population of the county in which it is published.

~~(c)~~ **(b)** In addition to the requirements for qualified publications provided in IC 5-3-1-4, in which notices, reports, and other information affecting county business may be published, qualified publications must be circulated to not less than ten percent (10%) of the population of the county in which the qualified publication is published.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

SEA 252 — CC 1

