



March 24, 2015

**ENGROSSED
SENATE BILL No. 369**

DIGEST OF SB 369 (Updated March 24, 2015 11:23 am - DI 87)

Citations Affected: IC 5-3; IC 5-14; IC 9-22; IC 16-18; IC 20-48; IC 36-12.

Synopsis: Publication and Internet posting of information. Requires local governments and school corporations to provide information for posting on the Indiana transparency Internet web site as follows: (1) Expenditures categorized by personal services, other operating expenses or total operating expenses, and debt service, including lease
(Continued next page)

Effective: July 1, 2015; January 1, 2016.

Miller Pete, Breaux, Randolph

(HOUSE SPONSORS — ZENT, SCHAIBLEY, HUSTON)

January 12, 2015, read first time and referred to Committee on Local Government.
January 22, 2015, amended, reported favorably — Do Pass.
January 26, 2015, read second time, ordered engrossed. Engrossed.
January 27, 2015, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 2, 2015, read first time and referred to Committee on Government and Regulatory Reform.
March 24, 2015, amended, reported — Do Pass.

ES 369—LS 6737/DI 87



Digest Continued

payments, related to debt. (2) A listing of fund balances, specifically identifying balances in funds that are being used for accumulation of money for future capital needs. Requires the department of local government finance (department) after July 31, 2016, to publish an annual financial and operational summary of each political subdivision on the Indiana transparency Internet web site. Requires a political subdivision that has a public web site to publish a link to the Indiana transparency web site. Requires the department to determine the summary's form, content, and publishing dates. Provides that the department of education determines the educational performance information to be included in the summary published by a school corporation. Provides that in certain circumstances, a political subdivision (other than a county) may publish notice in a locality newspaper that circulates in the political subdivision instead of in a newspaper that is published in the county and circulates in the political subdivision. Establishes requirements for locality newspapers that may publish notice.

ES 369—LS 6737/DI 87



March 24, 2015

First Regular Session 119th General Assembly (2015)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED SENATE BILL No. 369

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

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

1 SECTION 1. IC 5-3-1-0.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]: **Sec. 0.2. As used in this section, "locality newspaper"**
4 **means a publication that meets all of the following requirements:**
5 (1) **Is regularly issued at least one (1) time per week.**
6 (2) **Contains in each issue news of general or community**
7 **interest, community notices, or editorial commentary by**
8 **different authors.**
9 (3) **Has, in more than one-half (1/2) of its issues published**
10 **during the previous twelve (12) month period, not more than**
11 **seventy-five percent (75%) advertising content.**
12 (4) **Has been published continuously for at least three (3)**
13 **years.**
14 (5) **Has the ability to add subscribers to its distribution list.**
15 **The locality newspaper must add any person to its**
16 **distribution list:**

ES 369—LS 6737/DI 87



- 1 (A) who requests to be added as a new subscriber; and
 2 (B) whose mailing address is within the political
 3 subdivision in which the locality newspaper generally
 4 circulates.
- 5 (6) Is a publication of general circulation in the political
 6 subdivision that is responsible for the publication of notice.
- 7 (7) Is circulated by United States mail, free of charge, to
 8 addresses that are located within the political subdivision
 9 responsible for the publication of notice.
- 10 (8) Has its circulation verified by an annual independent audit
 11 of the publication.
- 12 (9) Contains advertisements from numerous unrelated
 13 advertisers in each issue.
- 14 (10) Is not owned by, or under the control of, the owners or
 15 lessees of a shopping center, a merchant's association, or a
 16 business that sells property or services (other than
 17 advertising) whose advertisements for their sales of property
 18 or services constitute the predominant advertising in the
 19 publication.
- 20 (11) Has continuity as to title and general nature of content
 21 from issue to issue.
- 22 (12) Does not constitute a book, either singly or when
 23 successive issues are put together.
- 24 (13) Has a known office location in the county in which the
 25 locality newspaper is published.
- 26 SECTION 2. IC 5-3-1-1, AS AMENDED BY P.L.141-2009,
 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2015]: Sec. 1. (a) The cost of all public notice advertising
 29 which any elected or appointed public official or governmental agency
 30 is required by law to have published, or orders published, for which the
 31 compensation to the newspapers, **locality newspapers**, or qualified
 32 publications publishing such advertising is drawn from and is the
 33 ultimate obligation of the public treasury of the governmental unit
 34 concerned with the advertising shall be charged to and collected from
 35 the proper fund of the public treasury and paid over to the newspapers,
 36 **locality newspapers**, or qualified publications publishing such
 37 advertising, after proof of publication and claim for payment has been
 38 filed.
- 39 (b) The basic charges for publishing public notice advertising shall
 40 be by the line and shall be computed based on a square of two hundred
 41 and fifty (250) ems at the following rates:
- 42 (1) Before January 1, 1996, three dollars and thirty cents (\$3.30)



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

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

14 (3) After December 31, 2009, **and before January 1, 2016**, a
 15 newspaper or qualified publication may, effective January 1 of
 16 any year, increase the basic charges by not more than two and
 17 three-quarters percent (2.75%) more than the basic charges that
 18 were in effect during the previous year. However, the basic
 19 charges for the first insertion of a public notice in a newspaper or
 20 qualified publication may not exceed the lowest classified
 21 advertising rate charged to advertisers by the newspaper or
 22 qualified publication for comparable use of the same amount of
 23 space for other purposes and must include all multiple insertion
 24 discounts extended to the newspaper's other advertisers.

25 **(4) After December 31, 2015, a newspaper, locality**
 26 **newspaper, or qualified publication may, effective January 1**
 27 **of any year, increase the basic charges by not more than two**
 28 **and seventy-five hundredths percent (2.75%) more than the**
 29 **basic charges that were in effect during the previous year.**
 30 **However, the basic charges for the first insertion of a public**
 31 **notice in a newspaper, locality newspaper, or qualified**
 32 **publication may not exceed the lowest classified advertising**
 33 **rate charged to advertisers by the newspaper, locality**
 34 **newspaper, or qualified publication for comparable use of the**
 35 **same amount of space for other purposes and must include all**
 36 **multiple insertion discounts extended to the newspaper's,**
 37 **locality newspaper's, or qualified publication's other**
 38 **advertisers.**

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

42 (c) All public notice advertisements shall be set in solid type that is



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

10 (d) Each newspaper, **locality newspaper**, or qualified publication
 11 publishing public notice advertising shall submit proof of publication
 12 and claim for payment in duplicate on each public notice advertisement
 13 published. For each additional proof of publication required by a public
 14 official, a charge of one dollar (\$1) per copy shall be allowed each
 15 newspaper, **locality newspaper**, or qualified publication furnishing
 16 proof of publication.

17 (e) The circulation of a newspaper, **locality newspaper**, or qualified
 18 publication is determined as follows:

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

24 **(2) For a locality newspaper, by a verified affidavit filed with**
 25 **each agency, department, or office of the political subdivision**
 26 **that has public notices the locality newspaper wants to**
 27 **publish. The affidavit must:**

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

30 **(B) attest to the circulation of the locality newspaper for**
 31 **the issue published nearest to October 1 of the previous**
 32 **year, as determined by an independent audit of the locality**
 33 **newspaper performed for the previous year.**

34 ~~(2)~~ **(3) For a qualified publication, by a verified affidavit filed**
 35 **with each governmental agency that has public notices the**
 36 **qualified publication wants to publish. The affidavit must:**

37 **(A) be filed with the governmental agency before January 1 of**
 38 **each year; and**

39 **(B) attest to the circulation of the qualified publication for the**
 40 **issue published nearest to October 1 of the previous year.**

41 SECTION 3. IC 5-3-1-1.5, AS ADDED BY P.L.141-2009,
 42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

ES 369—LS 6737/DI 87



1 JULY 1, 2015]: Sec. 1.5. (a) This section applies ~~after June 30, 2009,~~
2 to a notice that must be published in accordance with this chapter.

3 (b) If a newspaper **or locality newspaper** maintains an Internet web
4 site, a notice that is published in the newspaper **or locality newspaper**
5 must also be posted on the ~~newspaper's~~ web site **of the newspaper or**
6 **locality newspaper**. The notice must appear on the web site on the
7 same day the notice appears in the newspaper **or locality newspaper**.

8 (c) The state board of accounts shall develop a standard form for
9 notices posted on a newspaper's **or locality newspaper's** Internet web
10 site.

11 (d) A newspaper **or locality newspaper** may not charge a fee for
12 posting a notice on the newspaper's **or locality newspaper's** Internet
13 web site under this section.

14 SECTION 4. IC 5-3-1-2, AS AMENDED BY P.L.183-2014,
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2015]: Sec. 2. (a) This section applies only when notice of an
17 event is required to be given by publication in accordance with this
18 chapter.

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

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

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

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

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

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

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

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



1 the notice when directed to do so by the department of local
2 government finance.

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

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

9 (j) If the event is anything else, notice shall be published two (2)
10 times, at least one (1) week apart, with the second publication made at
11 least three (3) days before the event.

12 (k) If any officer charged with the duty of publishing any notice
13 required by law is unable to procure ~~advertisement:~~ **publication of the**
14 **notice:**

15 (1) at the price fixed by law;

16 (2) because ~~the newspaper~~ **all:**

17 **(A) newspapers; and**

18 **(B) locality newspapers;**

19 ~~refuses that are qualified to publish the notice refuse to publish~~
20 ~~the advertisement; notice; or~~

21 (3) because ~~the newspaper~~ ~~refuses~~ **newspapers or locality**
22 **newspapers referred to in subdivision (2) refuse** to post the
23 ~~advertisement notice on the newspaper's~~ **newspapers' or locality**
24 **newspapers'** Internet web site (if required under section 1.5 of
25 this chapter);

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

30 (†) If a notice of budget estimates for a political subdivision is
31 published as required in IC 6-1.1-17-3, and the published notice
32 contains an error due to the fault of a newspaper, the notice as
33 presented for publication is a valid notice under this chapter. This
34 subsection expires January 1, 2015.

35 (m) Notwithstanding subsection (j); if a notice of budget estimates
36 for a political subdivision is published as required in IC 6-1.1-17-3, and
37 if the notice is not published at least ten (10) days before the date fixed
38 for the public hearing on the budget estimate due to the fault of a
39 newspaper, the notice is a valid notice under this chapter if it is
40 published one (1) time at least three (3) days before the hearing. This
41 subsection expires January 1, 2015.

42 SECTION 5. IC 5-3-1-4, AS AMENDED BY P.L.141-2009,

ES 369—LS 6737/DI 87



1 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2015]: Sec. 4. (a) Whenever officers of a political subdivision
3 are required to publish a notice affecting the political subdivision, they
4 shall publish the notice in two (2) newspapers published in the political
5 subdivision.

6 (b) This subsection applies to notices published by county officers.
7 If there is only one (1) newspaper published in the county, then
8 publication in that newspaper alone is sufficient.

9 (c) This subsection applies to notices published by city, town, or
10 school corporation officers. If there is only one (1) newspaper
11 published in the municipality or school corporation, then publication
12 in that newspaper alone is sufficient. If no newspaper is published in
13 the municipality or school corporation, then publication **of the notice**
14 shall be made in **one (1) of the following:**

15 **(1) A locality newspaper that circulates within the**
16 **municipality or school corporation.**

17 **(2) A newspaper published in the county in which the**
18 **municipality or school corporation is located and that circulates**
19 **within the municipality or school corporation.**

20 (d) This subsection applies to notices published by officers of
21 political subdivisions not covered by subsection (a) or (b). If there is
22 only one (1) newspaper published in the political subdivision, then the
23 notice shall be published in that newspaper. If no newspaper is
24 published in the political subdivision, then publication **of the notice**
25 shall be made in **one (1) of the following:**

26 **(1) A locality newspaper that circulates within the**
27 **municipality or school corporation.**

28 **(2) A newspaper published in the county and that circulates**
29 **within the political subdivision.**

30 (e) This subsection applies to a political subdivision, including a
31 city, town, or school corporation. Notwithstanding any other law, if a
32 political subdivision has territory in more than one (1) county, public
33 notices that are required by law or ordered to be published must be
34 given as follows:

35 (1) By publication in two (2) newspapers, published within the
36 boundaries of the political subdivision.

37 (2) If only one (1) newspaper is published within the boundaries
38 of the political subdivision, by publication **of the notice** in that
39 newspaper and **in one (1) of the following:**

40 **(A) A locality newspaper that circulates within the political**
41 **subdivision.**

42 **(B) In some other another newspaper:**



- 1 ~~(A)~~ (i) published in any county in which the political
 2 subdivision extends; and
 3 ~~(B)~~ (ii) that has a general circulation in the political
 4 subdivision.
 5 (3) If no newspaper is published within the boundaries of the
 6 political subdivision, by ~~publication~~ **publishing the notice** in two
 7 (2) **publications, consisting of either or both of the following:**
 8 **(A) A locality newspaper that circulates within the political**
 9 **subdivision.**
 10 **(B) A newspapers newspaper that:**
 11 ~~(A)~~ (i) ~~are is~~ published in any counties into which the
 12 political subdivision extends; and
 13 ~~(B)~~ (ii) ~~have has~~ a general circulation in the political
 14 subdivision.
 15 (4) If only one (1) newspaper is published in any of the counties
 16 into which the political subdivision extends, by publication **of the**
 17 **notice in one (1) of the following:**
 18 **(A) A locality newspaper that circulates within the political**
 19 **subdivision.**
 20 **(B) in that The newspaper published in the county if it the**
 21 **newspaper** circulates within the political subdivision.
 22 (f) A political subdivision may, in its discretion, publish public
 23 notices in a qualified publication or additional newspapers **or locality**
 24 **newspapers** to provide supplementary notification to the public. The
 25 cost of publishing supplementary notification is a proper expenditure
 26 of the political subdivision.
 27 SECTION 6. IC 5-14-3.7-3, AS AMENDED BY P.L.84-2014,
 28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JANUARY 1, 2016]: Sec. 3. (a) The department, working with the
 30 office of technology established by IC 4-13.1-2-1 or another
 31 organization that is part of a state educational institution, the state
 32 board of accounts established by IC 5-11-1-1, the department of local
 33 government finance established under IC 6-1.1-30-1.1, and the office
 34 of management and budget established by IC 4-3-22-3, shall post on
 35 the Indiana transparency Internet web site a data base that lists
 36 expenditures and fund balances, including expenditures for contracts,
 37 grants, and leases, for public schools. The web site must be
 38 electronically searchable by the public.
 39 (b) The data base must include for public schools:
 40 (1) the amount, date, payer, and payee of expenditures;
 41 (2) a listing of expenditures ~~by:~~ **specifically identifying those**
 42 **for:**



- 1 (A) personal services;
 2 (B) other operating expenses or ~~(C)~~ total operating expenses;
 3 **and**
 4 **(C) debt service, including lease payments, related to debt;**
 5 (3) a listing of fund balances, **specifically identifying balances**
 6 **in funds that are being used for accumulation of money for**
 7 **future capital needs;**
 8 (4) a listing of real and personal property owned by the public
 9 school;
 10 (5) the report required under IC 6-1.1-33.5-7; and
 11 (6) information for evaluating the fiscal health of each school
 12 corporation in the format required by section 16(b) of this chapter.
 13 SECTION 7. IC 5-14-3.8-3, AS AMENDED BY P.L.84-2014,
 14 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JANUARY 1, 2016]: Sec. 3. The department, working with the office
 16 of technology established by IC 4-13.1-2-1, or another organization that
 17 is part of a state educational institution, the office of management and
 18 budget established by IC 4-3-22-3, and the state board of accounts
 19 established by IC 5-11-1-1, shall post on the Indiana transparency
 20 Internet web site the following:
 21 (1) The financial reports required by IC 5-11-1-4.
 22 (2) The report on expenditures per capita prepared under
 23 IC 6-1.1-33.5-7.
 24 (3) A listing of the property tax rates certified by the department.
 25 (4) An index of audit reports prepared by the state board of
 26 accounts.
 27 (5) Local development agreement reports prepared under
 28 IC 4-33-23-10 and IC 4-33-23-17.
 29 (6) Information for evaluating the fiscal health of a political
 30 subdivision in the format required by section 8(b) of this chapter.
 31 (7) **A listing of expenditures specifically identifying those for:**
 32 **(A) personal services;**
 33 **(B) other operating expenses or total operating expenses;**
 34 **and**
 35 **(C) debt service, including lease payments, related to debt.**
 36 **(8) A listing of fund balances, specifically identifying balances**
 37 **in funds that are being used for accumulation of money for**
 38 **future capital needs.**
 39 (9) Any other financial information deemed appropriate by the
 40 department.
 41 SECTION 8. IC 5-14-3.9 IS ADDED TO THE INDIANA CODE
 42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]:

2 **Chapter 3.9. Financial and Operational Summary of a Political**
3 **Subdivision**

4 **Sec. 1. As used in this chapter, "department" refers to the**
5 **department of local government finance established by**
6 **IC 6-1.1-30-1.1.**

7 **Sec. 2. As used in this chapter, "political subdivision" means a**
8 **county, township, city, town, school corporation, library district,**
9 **fire protection district, public transportation corporation, local**
10 **hospital authority or corporation, local airport authority district,**
11 **special service district, special taxing district, or other separate**
12 **local governmental entity that may sue and be sued.**

13 **Sec. 3. As used in this chapter "summary" means the financial**
14 **and operational summary required by this chapter.**

15 **Sec. 4. This chapter applies only to a political subdivision that**
16 **has an Internet web site. This chapter does not require a political**
17 **subdivision to establish an Internet web site.**

18 **Sec. 5. (a) After July 31, 2016, the department shall publish an**
19 **annual summary of each political subdivision on the Indiana**
20 **transparency Internet web site on the dates determined by the**
21 **department.**

22 **(b) A political subdivision shall prominently display on the main**
23 **Internet web page of the political subdivision's Internet web site**
24 **the link provided by the department to the Indiana transparency**
25 **Internet web site established under IC 5-14-3.7.**

26 **Sec. 6. The department shall determine the information to be**
27 **disclosed in the summary that the department considers necessary**
28 **to reflect the financial condition and operations of the political**
29 **subdivision, which may include:**

- 30 (1) Information disclosed under IC 5-14-3.7 or IC 5-14-3.8.
31 (2) Total operating budget.
32 (3) Approximate number of full-time and part-time
33 employees.
34 (4) Outstanding indebtedness and interest paid on
35 indebtedness.
36 (5) Disbursements.
37 (6) Assessed valuation and tax rates.
38 (7) Revenue from all sources.

39 **Sec. 7. (a) Subject to the requirements of this section, the**
40 **department shall determine the form of the summary, which must**
41 **be presented in a manner that:**

- 42 (1) can be conveniently and easily accessed from a single web



1 page; and

2 **(2) is commonly known as an Internet dashboard.**

3 **(b) The summary must be in a form that is concise and**
4 **reasonably easy to understand.**

5 **Sec. 8. (a) This section applies only to a school corporation.**

6 **(b) The summary must include the educational performance**
7 **information of each school in the school corporation. The**
8 **department of education (established by IC 20-19-3-1) shall**
9 **determine the contents of the educational performance**
10 **information.**

11 SECTION 9. IC 9-22-1-23, AS AMENDED BY P.L.125-2012,
12 SECTION 125, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2015]: Sec. 23. (a) This section applies to a
14 city, town, or county.

15 (b) Except as provided in subsection (c), if the person who owns or
16 holds a lien upon a vehicle does not appear within twenty (20) days
17 after the mailing of a notice or the notification made by electronic
18 service under section 19 of this chapter, the unit may sell the vehicle
19 or parts by either of the following methods:

20 (1) The unit may sell the vehicle or parts to the highest bidder at
21 a public sale. Notice of the sale shall be given under IC 5-3-1,
22 except that only one (1) ~~newspaper~~ **insertion in an appropriate**
23 **publication** one (1) week before the public sale is required.

24 (2) The unit may sell the vehicle or part as unclaimed property
25 under IC 36-1-11. The twenty (20) day period for the property to
26 remain unclaimed is sufficient for a sale under this subdivision.

27 (c) This subsection applies to a consolidated city or county
28 containing a consolidated city. If the person who owns or holds a lien
29 upon a vehicle does not appear within fifteen (15) days after the
30 mailing of a notice or the notification made by electronic service under
31 section 19 of this chapter, the unit may sell the vehicle or parts by
32 either of the following methods:

33 (1) The unit may sell the vehicle or parts to the highest bidder at
34 a public sale. Notice of the sale shall be given under IC 5-3-1,
35 except that only one (1) newspaper insertion one (1) week before
36 the public sale is required.

37 (2) The unit may sell the vehicle or part as unclaimed property
38 under IC 36-1-11. The fifteen (15) day period for the property to
39 remain unclaimed is sufficient for a sale under this subdivision.

40 SECTION 10. IC 16-18-2-301 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 301. "Publish" or
42 "published" or "cause to be published", for purposes of IC 16-22,



1 means publication of notice in a ~~newspaper; or newspapers;~~ **an**
 2 **appropriate publication** in accordance with IC 5-3-1, unless
 3 otherwise specified.

4 SECTION 11. IC 20-48-4-2, AS ADDED BY P.L.2-2006,
 5 SECTION 171, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The board may authorize the
 7 trustee to issue township warrants or bonds to pay for the building or
 8 the proportional cost of it. The warrants or bonds:

- 9 (1) may run for a period not exceeding fifteen (15) years;
 10 (2) may bear interest at any rate; and
 11 (3) shall be sold for not less than par.

12 The township trustee, before issuing the warrants or bonds, shall place
 13 a notice **in accordance with IC 5-3-1-4**, in at least one (1) ~~newspaper~~
 14 **appropriate publication** announcing the sale of the bonds in at least
 15 one (1) issue a week for three (3) weeks. The notice must comply with
 16 IC 5-3-1 and must set forth the amount of bonds offered, the
 17 denomination, the period to run, the rate of interest, and the date, place,
 18 and time of selling. The township board shall attend the bond sale and
 19 must concur in the sale before the bonds are sold.

20 (b) The board shall annually levy sufficient taxes each year to pay
 21 at least one-fifteenth (1/15) of the warrants or bonds, including interest,
 22 and the trustee shall apply the annual tax to the payment of the warrants
 23 or bonds each year.

24 (c) A debt of the township may not be created except by the
 25 township board in the manner specified in this section. The board may
 26 bring an action in the name of the state against the bond of a trustee to
 27 recover for the use of the township funds expended in the unauthorized
 28 payment of a debt. The board may appropriate and the township trustee
 29 shall pay from township funds a reasonable sum for attorney's fees for
 30 this purpose.

31 (d) If a taxpayer serves the board with a written demand that the
 32 board bring an action as described in subsection (c), and after thirty
 33 (30) days the board has not brought an action, a taxpayer may bring an
 34 action to recover for the use of the township funds expended in the
 35 unauthorized payment of a debt. An action brought under this
 36 subsection shall be brought in the name of the state.

37 SECTION 12. IC 36-12-5-3, AS AMENDED BY P.L.13-2013,
 38 SECTION 156, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The library board of a public
 40 library may file with the township trustee and legislative body a
 41 proposal of expansion and an intent to file a petition for acceptance of
 42 the proposal of expansion. Not later than ten (10) days after the filing,



1 the township trustee shall publish notice of the proposal of expansion
 2 in the manner provided in IC 5-3-1. **Publication of the notice shall be**
 3 **in accordance with IC 5-3-1-4**, in a newspaper an appropriate
 4 **publication** of general circulation in the township. Beginning the first
 5 day after the notice is published, and during the period that ends sixty
 6 (60) days after the date of the publication of the notice, an individual
 7 who is a registered voter of the affected township or part of the affected
 8 township subject to expansion may sign one (1) or both of the
 9 following:

10 (1) A petition for acceptance of the proposal of expansion that
 11 states that the registered voter is in favor of the establishment of
 12 an expanded library district.

13 (2) A remonstrance in opposition to the proposal of expansion
 14 that states that the registered voter is opposed to the establishment
 15 of an expanded library district.

16 (b) A registered voter of the township or part of the township may
 17 file a petition or a remonstrance, if any, with the clerk of the circuit
 18 court in the county where the township is located. A petition for
 19 acceptance of the proposal of expansion must be signed by at least
 20 twenty percent (20%) of the registered voters of the township, or part
 21 of the township, as determined by the most recent general election.

22 (c) The following apply to a petition that is filed under this section
 23 or a remonstrance that is filed under subsection (b):

24 (1) The petition or remonstrance must show the following:

25 (A) The date on which each individual signed the petition or
 26 remonstrance.

27 (B) The residence of each individual on the date the individual
 28 signed the petition or remonstrance.

29 (2) The petition or remonstrance must include an affidavit of the
 30 individual circulating the petition or remonstrance, stating that
 31 each signature on the petition or remonstrance:

32 (A) was affixed in the individual's presence; and

33 (B) is the true signature of the individual who signed the
 34 petition or remonstrance.

35 (3) Several copies of the petition or remonstrance may be
 36 executed. The total of the copies constitute a petition or
 37 remonstrance. A copy must include an affidavit described in
 38 subdivision (2). A signer may file the petition or remonstrance, or
 39 a copy of the petition or remonstrance. All copies constituting a
 40 petition or remonstrance must be filed on the same day.

41 (4) The clerk of the circuit court in the county in which the
 42 township is located shall do the following:



- 1 (A) If a name appears more than one (1) time on a petition or
2 on a remonstrance, the clerk must strike any duplicates of the
3 name until the name appears only one (1) time on a petition or
4 a remonstrance, or both, if the individual signed both a petition
5 and a remonstrance.
6 (B) Strike the name from either the petition or the
7 remonstrance of an individual who:
8 (i) signed both the petition and the remonstrance; and
9 (ii) personally, in the clerk's office, makes a voluntary
10 written and signed request for the clerk to strike the
11 individual's name from the petition or the remonstrance.
12 (C) Certify the number of signatures on the petition and on any
13 remonstrance that:
14 (i) are not duplicates; and
15 (ii) represent individuals who are registered voters in the
16 township or the part of the township on the day the
17 individuals signed the petition or remonstrance.
18 The clerk of the circuit court may only strike an individual's name
19 from a petition or a remonstrance as set forth in clauses (A) and
20 (B).
21 (d) The clerk of the circuit court shall complete the certification
22 required under subsection (c) not more than fifteen (15) days after the
23 petition or remonstrance is filed. The clerk shall:
24 (1) establish a record of certification in the clerk's office; and
25 (2) file the original petition, the original remonstrance, if any, and
26 a copy of the clerk's certification with the legislative body.



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 369, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, delete lines 18 through 28, begin a new paragraph and insert:

"Sec. 5. (a) After July 31, 2016, the department shall publish an annual summary of each political subdivision on the Indiana transparency Internet web site on the dates determined by the department.

(b) A political subdivision shall prominently display on the main Internet web page of the political subdivision's Internet web site the link provided by the department to the Indiana transparency Internet web site established under IC 5-14-3.7."

Page 4, line 7, delete "The department may authorize or".

Page 4, delete lines 8 through 11.

Page 4, delete lines 18 through 29.

and when so amended that said bill do pass.

(Reference is to SB 369 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 9, Nays 0.

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 369, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-3-1-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 0.2. As used in this section, "locality newspaper" means a publication that meets all of 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**

ES 369—LS 6737/DI 87



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.

(5) Has the ability to add subscribers to its distribution list. The locality newspaper must add any person to its distribution list:

(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 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 put together.

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

SECTION 2. IC 5-3-1-1, AS AMENDED BY P.L.141-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The cost of all public notice advertising which any elected or appointed public official or governmental agency is required by law to have published, or orders published, for which the compensation to the newspapers, **locality newspapers**, or qualified publications publishing such advertising is drawn from and is the ultimate obligation of the public treasury of the governmental unit



concerned with the advertising shall be charged to and collected from the proper fund of the public treasury and paid over to the newspapers, **locality newspapers**, or qualified publications publishing such advertising, after proof of publication and claim for payment has been filed.

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

(1) Before January 1, 1996, three dollars and thirty cents (\$3.30) per square for the first insertion in newspapers or qualified publications plus one dollar and sixty-five cents (\$1.65) per square for each additional insertion in newspapers, or qualified publications.

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

(3) After December 31, 2009, **and before January 1, 2016**, a newspaper or qualified publication may, effective January 1 of any year, increase the basic charges by not more than two and three-quarters percent (2.75%) more than the basic charges that were in effect during the previous year. However, the basic charges for the first insertion of a public notice in a newspaper or qualified publication may not exceed the lowest classified advertising rate charged to advertisers by the newspaper or qualified publication for comparable use of the same amount of space for other purposes and must include all multiple insertion discounts extended to the newspaper's other advertisers.

(4) After December 31, 2015, a newspaper, locality newspaper, or qualified publication may, effective January 1 of any year, increase the basic charges by not more than two and seventy-five hundredths percent (2.75%) more than the basic charges that were in effect during the previous year. However, the basic charges for the first insertion of a public notice in a newspaper, locality newspaper, or qualified publication may not exceed the lowest classified advertising rate charged to advertisers by the newspaper, locality



newspaper, or qualified publication for comparable use of the same amount of space for other purposes and must include all multiple insertion discounts extended to the newspaper's, locality newspaper's, or qualified publication's other advertisers.

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

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

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

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

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

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

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

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



(2) (3) For a qualified publication, by a verified affidavit filed with each governmental agency that has public notices the qualified publication wants to publish. The affidavit must:

(A) be filed with the governmental agency before January 1 of each year; and

(B) attest to the circulation of the qualified publication for the issue published nearest to October 1 of the previous year.

SECTION 3. IC 5-3-1-1.5, AS ADDED BY P.L.141-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.5. (a) This section applies ~~after June 30, 2009~~ to a notice that must be published in accordance with this chapter.

(b) If a newspaper **or locality newspaper** maintains an Internet web site, a notice that is published in the newspaper **or locality newspaper** must also be posted on the ~~newspaper's~~ **web site of the newspaper or locality newspaper**. The notice must appear on the web site on the same day the notice appears in the newspaper **or locality newspaper**.

(c) The state board of accounts shall develop a standard form for notices posted on a newspaper's **or locality newspaper's** Internet web site.

(d) A newspaper **or locality newspaper** may not charge a fee for posting a notice on the newspaper's **or locality newspaper's** Internet web site under this section.

SECTION 4. IC 5-3-1-2, AS AMENDED BY P.L.183-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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), or (h) 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 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 the event is anything else, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the event.

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

(1) at the price fixed by law;

(2) because ~~the newspaper~~ **all:**

(A) newspapers; and

(B) locality newspapers;

~~refuses that are qualified to publish the notice refuse to publish the advertisement; notice;~~ or

(3) because the ~~newspaper~~ **refuses newspapers or locality newspapers referred to in subdivision (2) refuse to post the advertisement notice on the newspaper's newspapers' or locality newspapers' Internet web site (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).

(†) If a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and the published notice contains an error due to the fault of a newspaper, the notice as presented for publication is a valid notice under this chapter. This



subsection expires January 1, 2015:

(m) Notwithstanding subsection (j), if a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and if the notice is not published at least ten (10) days before the date fixed for the public hearing on the budget estimate due to the fault of a newspaper, the notice is a valid notice under this chapter if it is published one (1) time at least three (3) days before the hearing. This subsection expires January 1, 2015:

SECTION 5. IC 5-3-1-4, AS AMENDED BY P.L.141-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Whenever officers of a political subdivision are required to publish a notice affecting the political subdivision, they shall publish the notice in two (2) newspapers published in the political subdivision.

(b) This subsection applies to notices published by county officers. If there is only one (1) newspaper published in the county, then publication in that newspaper alone is sufficient.

(c) This subsection applies to notices published by city, town, or school corporation officers. If there is only one (1) newspaper published in the municipality or school corporation, then publication in that newspaper alone is sufficient. If no newspaper is published in the municipality or school corporation, then publication **of the notice** shall be made in **one (1) of the following**:

(1) A locality newspaper that circulates within the municipality or school corporation.

(2) A newspaper published in the county in which the municipality or school corporation is located and that circulates within the municipality or school corporation.

(d) This subsection applies to notices published by officers of political subdivisions not covered by subsection (a) or (b). If there is only one (1) newspaper published in the political subdivision, then the notice shall be published in that newspaper. If no newspaper is published in the political subdivision, then publication **of the notice** shall be made in **one (1) of the following**:

(1) A locality newspaper that circulates within the municipality or school corporation.

(2) A newspaper published in the county and that circulates within the political subdivision.

(e) This subsection applies to a political subdivision, including a city, town, or school corporation. Notwithstanding any other law, if a political subdivision has territory in more than one (1) county, public notices that are required by law or ordered to be published must be



given as follows:

(1) By publication in two (2) newspapers, published within the boundaries of the political subdivision.

(2) If only one (1) newspaper is published within the boundaries of the political subdivision, by publication **of the notice** in that newspaper and **in one (1) of the following:**

(A) A locality newspaper that circulates within the political subdivision.

(B) In some other another newspaper:

~~(A)~~ **(i)** published in any county in which the political subdivision extends; and

~~(B)~~ **(ii)** that has a general circulation in the political subdivision.

(3) If no newspaper is published within the boundaries of the political subdivision, by ~~publication~~ **publishing the notice** in two

(2) publications, consisting of either or both of the following:

(A) A locality newspaper that circulates within the political subdivision.

(B) A newspapers newspaper that:

~~(A)~~ **(i) are is** published in any counties into which the political subdivision extends; and

~~(B)~~ **(ii) have has** a general circulation in the political subdivision.

(4) If only one (1) newspaper is published in any of the counties into which the political subdivision extends, by publication **of the notice in one (1) of the following:**

(A) A locality newspaper that circulates within the political subdivision.

(B) in that The newspaper published in the county if it the newspaper circulates within the political subdivision.

(f) A political subdivision may, in its discretion, publish public notices in a qualified publication or additional newspapers **or locality newspapers** to provide supplementary notification to the public. The cost of publishing supplementary notification is a proper expenditure of the political subdivision."

Page 3, delete lines 30 through 38, begin a new line block indented and insert:

"(1) Information disclosed under IC 5-14-3.7 or IC 5-14-3.8.

(2) Total operating budget.

(3) Approximate number of full-time and part-time employees.

(4) Outstanding indebtedness and interest paid on



indebtedness.

(5) Disbursements.

(6) Assessed valuation and tax rates.

(7) Revenue from all sources."

Page 4, after line 10, begin a new paragraph and insert:

"SECTION 11. IC 9-22-1-23, AS AMENDED BY P.L.125-2012, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 23. (a) This section applies to a city, town, or county.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice or the notification made by electronic service under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) ~~newspaper~~ **insertion in an appropriate publication** one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

(c) This subsection applies to a consolidated city or county containing a consolidated city. If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice or the notification made by electronic service under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

SECTION 7. IC 16-18-2-301 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 301. "Publish" or "published" or "cause to be published", for purposes of IC 16-22, means publication of notice in a ~~newspaper; or newspapers;~~ **an appropriate publication** in accordance with IC 5-3-1, unless otherwise specified.

SECTION 8. IC 20-48-4-2, AS ADDED BY P.L.2-2006, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY

ES 369—LS 6737/DI 87



1, 2015]: Sec. 2. (a) The board may authorize the trustee to issue township warrants or bonds to pay for the building or the proportional cost of it. The warrants or bonds:

- (1) may run for a period not exceeding fifteen (15) years;
- (2) may bear interest at any rate; and
- (3) shall be sold for not less than par.

The township trustee, before issuing the warrants or bonds, shall place a notice **in accordance with IC 5-3-1-4**, in at least one (1) ~~newspaper~~ **appropriate publication** announcing the sale of the bonds in at least one (1) issue a week for three (3) weeks. The notice must comply with IC 5-3-1 and must set forth the amount of bonds offered, the denomination, the period to run, the rate of interest, and the date, place, and time of selling. The township board shall attend the bond sale and must concur in the sale before the bonds are sold.

(b) The board shall annually levy sufficient taxes each year to pay at least one-fifteenth (1/15) of the warrants or bonds, including interest, and the trustee shall apply the annual tax to the payment of the warrants or bonds each year.

(c) A debt of the township may not be created except by the township board in the manner specified in this section. The board may bring an action in the name of the state against the bond of a trustee to recover for the use of the township funds expended in the unauthorized payment of a debt. The board may appropriate and the township trustee shall pay from township funds a reasonable sum for attorney's fees for this purpose.

(d) If a taxpayer serves the board with a written demand that the board bring an action as described in subsection (c), and after thirty (30) days the board has not brought an action, a taxpayer may bring an action to recover for the use of the township funds expended in the unauthorized payment of a debt. An action brought under this subsection shall be brought in the name of the state.

SECTION 9. IC 36-12-5-3, AS AMENDED BY P.L.13-2013, SECTION 156, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The library board of a public library may file with the township trustee and legislative body a proposal of expansion and an intent to file a petition for acceptance of the proposal of expansion. Not later than ten (10) days after the filing, the township trustee shall publish notice of the proposal of expansion in the manner provided in IC 5-3-1. **Publication of the notice shall be in accordance with IC 5-3-1-4**, in a ~~newspaper~~ **an appropriate publication** of general circulation in the township. Beginning the first day after the notice is published, and during the period that ends sixty



(60) days after the date of the publication of the notice, an individual who is a registered voter of the affected township or part of the affected township subject to expansion may sign one (1) or both of the following:

(1) A petition for acceptance of the proposal of expansion that states that the registered voter is in favor of the establishment of an expanded library district.

(2) A remonstrance in opposition to the proposal of expansion that states that the registered voter is opposed to the establishment of an expanded library district.

(b) A registered voter of the township or part of the township may file a petition or a remonstrance, if any, with the clerk of the circuit court in the county where the township is located. A petition for acceptance of the proposal of expansion must be signed by at least twenty percent (20%) of the registered voters of the township, or part of the township, as determined by the most recent general election.

(c) The following apply to a petition that is filed under this section or a remonstrance that is filed under subsection (b):

(1) The petition or remonstrance must show the following:

(A) The date on which each individual signed the petition or remonstrance.

(B) The residence of each individual on the date the individual signed the petition or remonstrance.

(2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance, stating that each signature on the petition or remonstrance:

(A) was affixed in the individual's presence; and

(B) is the true signature of the individual who signed the petition or remonstrance.

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit described in subdivision (2). A signer may file the petition or remonstrance, or a copy of the petition or remonstrance. All copies constituting a petition or remonstrance must be filed on the same day.

(4) The clerk of the circuit court in the county in which the township is located shall do the following:

(A) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk must strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both, if the individual signed both a petition and a remonstrance.



(B) Strike the name from either the petition or the remonstrance of an individual who:

- (i) signed both the petition and the remonstrance; and
- (ii) personally, in the clerk's office, makes a voluntary written and signed request for the clerk to strike the individual's name from the petition or the remonstrance.

(C) Certify the number of signatures on the petition and on any remonstrance that:

- (i) are not duplicates; and
- (ii) represent individuals who are registered voters in the township or the part of the township on the day the individuals signed the petition or remonstrance.

The clerk of the circuit court may only strike an individual's name from a petition or a remonstrance as set forth in clauses (A) and (B).

(d) The clerk of the circuit court shall complete the certification required under subsection (c) not more than fifteen (15) days after the petition or remonstrance is filed. The clerk shall:

- (1) establish a record of certification in the clerk's office; and
- (2) file the original petition, the original remonstrance, if any, and a copy of the clerk's certification with the legislative body."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 369 as printed January 23, 2015.)

MAHAN

Committee Vote: yeas 9, nays 0.

