

# SENATE BILL No. 435

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-3-5.

**Synopsis:** Publication of local government notices. Allows a political subdivision, which includes an agency of a political subdivision, to publish legal notices on a legal notice web site instead of in a newspaper. Establishes requirements regarding availability and accessibility of a legal notice web site. Requires a political subdivision to designate an official responsible for the electronic publication of legal notices, if the political subdivision publishes legal notices electronically. Provides that if a political subdivision does not have an official web site, legal notices may be published on an official web site of the county government. Establishes requirements for the duration of the posting of a legal notice and proof of posting.

**Effective:** July 1, 2019.

---

---

*Zay*

---

---

January 14, 2019, read first time and referred to Committee on Local Government.

---

---



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 435

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 5-3-5 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2019]:

4 **Chapter 5. Electronic Publication of Legal Notices by Political**  
5 **Subdivisions**

6 **Sec. 1. This chapter applies after June 30, 2020, to all political**  
7 **subdivisions.**

8 **Sec. 2. As used in this chapter, "electronic publication" or**  
9 **"electronically publish" means the public advertisement of a legal**  
10 **notice on a legal notice web site.**

11 **Sec. 3. As used in this chapter, "legal notice" means any matter**  
12 **of a political subdivision that by law or rule is required to be**  
13 **published in a newspaper.**

14 **Sec. 4. As used in this chapter, "legal notice web site" means an**  
15 **Internet web site that:**

- 16 (1) is maintained by:  
17 (A) a political subdivision; or



- 1           **(B) a third party under contract with a political**  
 2           **subdivision; and**  
 3           **(2) contains links to legal notices electronically published by**  
 4           **the political subdivision.**  
 5           **Sec. 5. As used in this chapter, "official web site" means the**  
 6           **Internet location designated by a political subdivision as its**  
 7           **primary source of information about the political subdivision on**  
 8           **the Internet.**  
 9           **Sec. 6. As used in this chapter, "political subdivision" has the**  
 10           **meaning set forth in IC 3-5-2-38. The term includes any**  
 11           **administration, agency, authority, board, bureau, commission,**  
 12           **committee, council, department, division, institution, office, officer,**  
 13           **service, or other similar body of a political subdivision created or**  
 14           **established under law.**  
 15           **Sec. 7. Notwithstanding IC 5-3-1 or any other law or rule, if a**  
 16           **political subdivision is required to publish a legal notice in one (1)**  
 17           **or more newspapers within Indiana, the political subdivision may**  
 18           **publish the legal notice on a legal notice web site instead of in a**  
 19           **newspaper, if the political subdivision complies with this chapter.**  
 20           **Sec. 8. A political subdivision that electronically publishes**  
 21           **notices shall ensure the following:**  
 22           **(1) The public has access to the official web site at all times,**  
 23           **other than during web site maintenance or due to causes**  
 24           **beyond the operator's control.**  
 25           **(2) The official web site of the political subdivision containing**  
 26           **the legal notice web site must be registered with the office of**  
 27           **technology established by IC 4-13.1-2-1. The public must have**  
 28           **electronic access to a list of all the registered official web sites**  
 29           **through the computer gateway administered by the office of**  
 30           **technology.**  
 31           **(3) An official web site must prominently display a link to the**  
 32           **legal notice web site. The legal notice web site must be an**  
 33           **index web page containing:**  
 34           **(A) a list of all current legal notices of the political**  
 35           **subdivision;**  
 36           **(B) links to the full text of the legal notices; and**  
 37           **(C) a search function and other features that improve**  
 38           **public accessibility to legal notices.**  
 39           **(4) Regular public Internet web site access must be made**  
 40           **available without charge within the jurisdiction of the**  
 41           **political subdivision or within the county where the political**  
 42           **subdivision is located through the public library or at some**



1           other location.

2           **Sec. 9. (a) If:**

- 3           (1) a political subdivision does not have an official web site;  
4           and  
5           (2) a county in which the political subdivision is located has an  
6           official web site;

7           the political subdivision may publish legal notices on the county's  
8           official web site. A county shall publish on the county's official web  
9           site any legal notice provided to the county by a political  
10          subdivision under this chapter.

11          (b) A political subdivision that is located in more than one (1)  
12          county and electronically publishes on a county web site shall  
13          electronically publish legal notices on all of the official county web  
14          sites in which the political subdivision is located.

15          **Sec. 10. Legal notices must remain available on legal notice web  
16          sites not less than ninety (90) days after the last posting date  
17          required by law has expired.**

18          **Sec. 11. (a) The political subdivision or contractor of an official  
19          web site shall:**

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

26          (b) A proof of publication that complies with section 12 of this  
27          chapter must be furnished upon request. The proof of publication  
28          must state that the legal notice was posted from the initial date  
29          through the last posting date required by law.

30          **Sec. 12. Proof of publication of an electronically published legal  
31          notice for the purpose of complying with public legal notice  
32          requirements is satisfied and considered conclusive upon the  
33          provision of the proof of publication described in section 11 of this  
34          chapter:**

- 35          (1) executed by the official designated as responsible for the  
36          electronic publication under section 13 of this chapter; and  
37          (2) stating that the legal notice was posted from the initial  
38          date through the last posting date required by law.

39          **Sec. 13. The political subdivision shall:**

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



1           **legal notice web site.**  
2           **Sec. 14. IC 5-3-1-2.3 and any other provision regarding an error**  
3           **or omission in a legal notice published in a newspaper also apply**  
4           **to the electronic publication of a legal notice.**  
5           **SECTION 2. [EFFECTIVE JULY 1, 2019] (a) The legislative**  
6           **council shall provide for the preparation and introduction of**  
7           **legislation in the 2020 session of the general assembly to correct**  
8           **cross references and make other changes to the Indiana Code, as**  
9           **necessary, to bring provisions into conformity with this act.**  
10          **(b) This SECTION expires July 1, 2021.**

