



CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 369

Citations Affected: IC 5-3-1; IC 5-14; IC 6-1.1-17-3; IC 9-22; IC 16-18-2-301; IC 20-48-4-2; IC 36-12-5-3.

Synopsis: Public records and public notice. 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 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 (DLGF) 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 DLGF 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. Allows a state or local government public agency to charge a fee for the time required by the public agency in excess of two hours, to search for a public record. Restricts the hourly rate charged for the search. Prohibits a public agency from charging a fee for the public agency to transmit a public record by electronic mail. Provides that if a public record is in an electronic format, a public agency shall provide a public record (excluding a public record recorded in the office of the county recorder) in electronic form or in paper form, at the option of the person making the request for a public record. Provides that a search fee collected by a department, agency, or office of a county, city, town, or township shall be deposited in the general fund of the county, city, town, or township. Changes a waiting period described by cross reference from 30 days to 60 days to conform with the extension of the waiting period enacted in SEA 7-2015. Specifies that a political subdivision or the appropriate fiscal body may also publish in one or more newspapers the budget information required to be submitted to the department of local government finance's computer gateway. Provides that in certain circumstances, a political subdivision (other than a county) may publish notice in a locality newspaper that has its business office located 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. Resolves a conflict with a provision in ESB 530-2015 that removes a duplicative provision from the publication statute that prescribes a publication procedure if another specific publication procedure does not apply to an event. **(This conference committee report does the following: (1) Inserts provisions of ESB 288, printed April 3, 2015 (as adopted by the House) that: (A) allow state and local agencies to charge a fee for public record searches in excess of two hours; and (B) require a public agency to provide a public record in electronic form if the record is in an electronic format. (3) Inserts provisions of SB 288 as reprinted February 24, 2015 (as adopted by the Senate) regarding publication of budget notices. (4) Provides that a locality newspaper must be located in the political subdivision. Makes a technical correction.)**

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



CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 369 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 5-3-1-0.2 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 2015]: **Sec. 0.2. As used in this section, "locality newspaper"**
- 5 **means a publication that meets all of the following requirements:**
- 6 **(1) Is regularly issued at least one (1) time per week.**
- 7 **(2) Contains in each issue news of general or community**
- 8 **interest, community notices, or editorial commentary by**
- 9 **different authors.**
- 10 **(3) Has, in more than one-half (1/2) of its issues published**
- 11 **during the previous twelve (12) month period, not more than**
- 12 **seventy-five percent (75%) advertising content.**
- 13 **(4) Has been published continuously for at least three (3)**
- 14 **years.**
- 15 **(5) Has the ability to add subscribers to its distribution list.**
- 16 **The locality newspaper must add any person to its**
- 17 **distribution list:**
- 18 **(A) who requests to be added as a new subscriber; and**
- 19 **(B) whose mailing address is within the political**
- 20 **subdivision in which the locality newspaper generally**
- 21 **circulates.**

- 1 **(6) Is a publication of general circulation in the political**
 2 **subdivision that is responsible for the publication of notice.**
 3 **(7) Is circulated by United States mail, free of charge, to**
 4 **addresses that are located within the political subdivision**
 5 **responsible for the publication of notice.**
 6 **(8) Has its circulation verified by an annual independent audit**
 7 **of the publication.**
 8 **(9) Contains advertisements from numerous unrelated**
 9 **advertisers in each issue.**
 10 **(10) Is not owned by, or under the control of, the owners or**
 11 **lessees of a shopping center, a merchant's association, or a**
 12 **business that sells property or services (other than**
 13 **advertising) whose advertisements for their sales of property**
 14 **or services constitute the predominant advertising in the**
 15 **publication.**
 16 **(11) Has continuity as to title and general nature of content**
 17 **from issue to issue.**
 18 **(12) Does not constitute a book, either singly or when**
 19 **successive issues are put together.**
 20 **(13) Has a known office location in the county in which the**
 21 **locality newspaper is published.**

22 SECTION 2. IC 5-3-1-0.6 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 0.6. (a) For purposes
 24 of this chapter, a newspaper or qualified publication is published at the
 25 place where the newspaper or qualified publication has its original
 26 entry for mail privileges authorized by the United States Postal Service.

27 **For purposes of this chapter:**

- 28 **(1) a locality newspaper is considered to be "published" at the**
 29 **location of its business office; and**
 30 **(2) any reference to a newspaper "published" in a political**
 31 **subdivision refers, with regard to a locality newspaper, that**
 32 **the locality newspaper's business office is located in the**
 33 **political subdivision.**
 34 (b) For purposes of this chapter, a newspaper, **locality newspaper,**
 35 or qualified publication is considered published at only one (1) place.
 36 The place of publication does not include places at which additional
 37 entry offices have been established with the authorization of the United
 38 States Postal Service. **For purposes of this chapter, a locality**
 39 **newspaper is considered to be "published" at only one (1) place,**
 40 **the location of its business office.**

41 SECTION 3. IC 5-3-1-1, AS AMENDED BY P.L.141-2009,
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 43 JULY 1, 2015]: Sec. 1. (a) The cost of all public notice advertising
 44 which any elected or appointed public official or governmental agency
 45 is required by law to have published, or orders published, for which the
 46 compensation to the newspapers, **locality newspapers,** or qualified
 47 publications publishing such advertising is drawn from and is the
 48 ultimate obligation of the public treasury of the governmental unit
 49 concerned with the advertising shall be charged to and collected from
 50 the proper fund of the public treasury and paid over to the newspapers,
 51 **locality newspapers,** or qualified publications publishing such

1 advertising, after proof of publication and claim for payment has been
2 filed.

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

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

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

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

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

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

48 (c) All public notice advertisements shall be set in solid type that is
49 at least 7 point type, without any leads or other devices for increasing
50 space. All public notice advertisements shall be headed by not more
51 than two (2) lines, neither of which shall total more than four (4) solid

1 lines of the type in which the body of the advertisement is set. Public
 2 notice advertisements may be submitted by an appointed or elected
 3 official or a governmental agency to a newspaper, **locality newspaper**,
 4 or qualified publication in electronic form, if the newspaper, **locality**
 5 **newspaper**, or qualified publication is equipped to accept information
 6 in compatible electronic form.

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

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

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

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

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

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

31 ~~(2)~~ **(3) For a qualified publication, by a verified affidavit filed**
 32 **with each governmental agency that has public notices the**
 33 **qualified publication wants to publish. The affidavit must:**

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

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

38 SECTION 4. IC 5-3-1-1.5, AS ADDED BY P.L.141-2009,
 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2015]: Sec. 1.5. (a) This section applies ~~after June 30, 2009,~~
 41 to a notice that must be published in accordance with this chapter.

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

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

50 (d) A newspaper **or locality newspaper** may not charge a fee for

1 posting a notice on the newspaper's **or locality newspaper's** Internet
2 web site under this section.

3 SECTION 5. IC 5-3-1-2, AS AMENDED BY SEA 530-2015,
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2015]: Sec. 2. (a) This section applies only when notice of an
6 event is required to be given by publication in accordance with this
7 chapter.

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

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

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

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

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

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

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

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

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

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

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

43 (1) at the price fixed by law;

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

45 **(A) newspapers; and**

46 **(B) locality newspapers;**

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

49 (3) because the ~~newspaper~~ **refuses newspapers or locality**
50 **newspapers referred to in subdivision (2) refuse to post the**

1 ~~advertisement notice~~ on the newspaper's **newspapers' or locality**
 2 **newspapers'** Internet web site (if required under section 1.5 of
 3 this chapter);

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

8 SECTION 6. IC 5-3-1-4, AS AMENDED BY P.L.141-2009,
 9 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2015]: Sec. 4. (a) Whenever officers of a political subdivision
 11 are required to publish a notice affecting the political subdivision, they
 12 shall publish the notice in two (2) newspapers published in the political
 13 subdivision.

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

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

23 **(1) A locality newspaper located within the municipality or**
 24 **school corporation.**

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

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

34 **(1) A locality newspaper located within the municipality or**
 35 **school corporation.**

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

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

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

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

48 **(A) A locality newspaper located within the political**
 49 **subdivision.**

50 **(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 located 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 located 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 7. IC 5-14-3-2, AS AMENDED BY P.L.248-2013,
28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2015]: Sec. 2. (a) The definitions set forth in this section apply
30 throughout this chapter.
31 (b) **"Computer processing time" means the amount of time a**
32 **computer takes to process a command or script to extract or copy**
33 **electronically stored data that is the subject of a public records**
34 **request.**
35 ~~(b)~~ (c) "Copy" includes transcribing by handwriting, photocopying,
36 xerography, duplicating machine, duplicating electronically stored data
37 onto a disk, tape, drum, or any other medium of electronic data storage,
38 and reproducing by any other means.
39 ~~(c)~~ (d) "Criminal intelligence information" means data that has been
40 evaluated to determine that the data is relevant to:
41 (1) the identification of; and
42 (2) the criminal activity engaged in by;
43 an individual who or organization that is reasonably suspected of
44 involvement in criminal activity.
45 ~~(d)~~ (e) "Direct cost" means one hundred five percent (105%) of the
46 sum of the cost of:
47 (1) the initial development of a program, if any;
48 (2) the labor required to retrieve electronically stored data; and
49 (3) any medium used for electronic output;
50 for providing a duplicate of electronically stored data onto a disk, tape,

1 drum, or other medium of electronic data retrieval under section 8(g)
 2 of this chapter, or for reprogramming a computer system under section
 3 6(c) of this chapter.

4 ~~(e)~~ **(f)** "Electronic map" means copyrighted data provided by a
 5 public agency from an electronic geographic information system.

6 ~~(f)~~ **(g)** "Enhanced access" means the inspection of a public record
 7 by a person other than a governmental entity and that:

8 (1) is by means of an electronic device other than an electronic
 9 device provided by a public agency in the office of the public
 10 agency; or

11 (2) requires the compilation or creation of a list or report that does
 12 not result in the permanent electronic storage of the information.

13 ~~(g)~~ **(h)** "Facsimile machine" means a machine that electronically
 14 transmits exact images through connection with a telephone network.

15 ~~(h)~~ **(i)** "Inspect" includes the right to do the following:

16 (1) Manually transcribe and make notes, abstracts, or memoranda.

17 (2) In the case of tape recordings or other aural public records, to
 18 listen and manually transcribe or duplicate, or make notes,
 19 abstracts, or other memoranda from them.

20 (3) In the case of public records available:

21 (A) by enhanced access under section 3.5 of this chapter; or

22 (B) to a governmental entity under section 3(c)(2) of this
 23 chapter;

24 to examine and copy the public records by use of an electronic
 25 device.

26 (4) In the case of electronically stored data, to manually transcribe
 27 and make notes, abstracts, or memoranda or to duplicate the data
 28 onto a disk, tape, drum, or any other medium of electronic
 29 storage.

30 ~~(i)~~ **(j)** "Investigatory record" means information compiled in the
 31 course of the investigation of a crime.

32 ~~(j)~~ **(k)** "Offender" means a person confined in a penal institution as
 33 the result of the conviction for a crime.

34 ~~(k)~~ **(l)** "Patient" has the meaning set out in IC 16-18-2-272(d).

35 ~~(l)~~ **(m)** "Person" means an individual, a corporation, a limited
 36 liability company, a partnership, an unincorporated association, or a
 37 governmental entity.

38 ~~(m)~~ **(n)** "Provider" has the meaning set out in IC 16-18-2-295(b) and
 39 includes employees of the state department of health or local boards of
 40 health who create patient records at the request of another provider or
 41 who are social workers and create records concerning the family
 42 background of children who may need assistance.

43 ~~(n)~~ **(o)** "Public agency", except as provided in section 2.1 of this
 44 chapter, means the following:

45 (1) Any board, commission, department, division, bureau,
 46 committee, agency, office, instrumentality, or authority, by
 47 whatever name designated, exercising any part of the executive,
 48 administrative, judicial, or legislative power of the state.

49 (2) Any:

50 (A) county, township, school corporation, city, or town, or any

- 1 board, commission, department, division, bureau, committee,
 2 office, instrumentality, or authority of any county, township,
 3 school corporation, city, or town;
 4 (B) political subdivision (as defined by IC 36-1-2-13); or
 5 (C) other entity, or any office thereof, by whatever name
 6 designated, exercising in a limited geographical area the
 7 executive, administrative, judicial, or legislative power of the
 8 state or a delegated local governmental power.
- 9 (3) Any entity or office that is subject to:
 10 (A) budget review by either the department of local
 11 government finance or the governing body of a county, city,
 12 town, township, or school corporation; or
 13 (B) an audit by the state board of accounts that is required by
 14 statute, rule, or regulation.
- 15 (4) Any building corporation of a political subdivision that issues
 16 bonds for the purpose of constructing public facilities.
- 17 (5) Any advisory commission, committee, or body created by
 18 statute, ordinance, or executive order to advise the governing
 19 body of a public agency, except medical staffs or the committees
 20 of any such staff.
- 21 (6) Any law enforcement agency, which means an agency or a
 22 department of any level of government that engages in the
 23 investigation, apprehension, arrest, or prosecution of alleged
 24 criminal offenders, such as the state police department, the police
 25 or sheriff's department of a political subdivision, prosecuting
 26 attorneys, members of the excise police division of the alcohol
 27 and tobacco commission, conservation officers of the department
 28 of natural resources, gaming agents of the Indiana gaming
 29 commission, gaming control officers of the Indiana gaming
 30 commission, and the security division of the state lottery
 31 commission.
- 32 (7) Any license branch staffed by employees of the bureau of
 33 motor vehicles commission under IC 9-16.
- 34 (8) The state lottery commission established by IC 4-30-3-1,
 35 including any department, division, or office of the commission.
- 36 (9) The Indiana gaming commission established under IC 4-33,
 37 including any department, division, or office of the commission.
- 38 (10) The Indiana horse racing commission established by IC 4-31,
 39 including any department, division, or office of the commission.
- 40 ~~(p)~~ **(p)** "Public record" means any writing, paper, report, study, map,
 41 photograph, book, card, tape recording, or other material that is
 42 created, received, retained, maintained, or filed by or with a public
 43 agency and which is generated on paper, paper substitutes,
 44 photographic media, chemically based media, magnetic or machine
 45 readable media, electronically stored data, or any other material,
 46 regardless of form or characteristics.
- 47 ~~(p)~~ **(q)** "Standard-sized documents" includes all documents that can
 48 be mechanically reproduced (without mechanical reduction) on paper
 49 sized eight and one-half (8 1/2) inches by eleven (11) inches or eight
 50 and one-half (8 1/2) inches by fourteen (14) inches.

- 1 (¶) (r) "Trade secret" has the meaning set forth in IC 24-2-3-2.
 2 (¶) (s) "Work product of an attorney" means information compiled
 3 by an attorney in reasonable anticipation of litigation. The term
 4 includes the attorney's:
 5 (1) notes and statements taken during interviews of prospective
 6 witnesses; and
 7 (2) legal research or records, correspondence, reports, or
 8 memoranda to the extent that each contains the attorney's
 9 opinions, theories, or conclusions.

10 This definition does not restrict the application of any exception under
 11 section 4 of this chapter.

12 SECTION 8. IC 5-14-3-3, AS AMENDED BY P.L.134-2012,
 13 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2015]: Sec. 3. (a) Any person may inspect and copy the public
 15 records of any public agency during the regular business hours of the
 16 agency, except as provided in section 4 of this chapter. A request for
 17 inspection or copying must:

- 18 (1) identify with reasonable particularity the record being
 19 requested; and
 20 (2) be, at the discretion of the agency, in writing on or in a form
 21 provided by the agency.

22 No request may be denied because the person making the request
 23 refuses to state the purpose of the request, unless such condition is
 24 required by other applicable statute.

25 (b) A public agency may not deny or interfere with the exercise of
 26 the right stated in subsection (a). Within a reasonable time after the
 27 request is received by the agency, the public agency shall either:

- 28 (1) provide the requested copies to the person making the request;
 29 or
 30 (2) allow the person to make copies:
 31 (A) on the agency's equipment; or
 32 (B) on the person's own equipment.

33 (c) Notwithstanding subsections (a) and (b), a public agency may or
 34 may not do the following:

- 35 (1) In accordance with a contract described in section 3.5 of this
 36 chapter, permit a person to inspect and copy through the use of
 37 enhanced access public records containing information owned by
 38 or entrusted to the public agency.
 39 (2) Permit a governmental entity to use an electronic device to
 40 inspect and copy public records containing information owned by
 41 or entrusted to the public agency.

42 (d) Except as provided in subsection (e), a public agency that
 43 maintains or contracts for the maintenance of public records in an
 44 electronic data storage system shall make reasonable efforts to provide
 45 to a person making a request a copy of all disclosable data contained
 46 in the records on paper, disk, tape, drum, or any other method of
 47 electronic retrieval if the medium requested is compatible with the
 48 agency's data storage system. This subsection does not apply to an
 49 electronic map.

50 (e) A state agency may adopt a rule under IC 4-22-2, and a political

1 subdivision may enact an ordinance, prescribing the conditions under
 2 which a person who receives information on disk or tape under
 3 subsection (d) may or may not use the information for commercial
 4 purposes, including to sell, advertise, or solicit the purchase of
 5 merchandise, goods, or services, or sell, loan, give away, or otherwise
 6 deliver the information obtained by the request to any other person for
 7 these purposes. Use of information received under subsection (d) in
 8 connection with the preparation or publication of news, for nonprofit
 9 activities, or for academic research is not prohibited. A person who
 10 uses information in a manner contrary to a rule or ordinance adopted
 11 under this subsection may be prohibited by the state agency or political
 12 subdivision from obtaining a copy or any further data under subsection
 13 (d).

14 (f) Notwithstanding the other provisions of this section, a public
 15 agency is not required to create or provide copies of lists of names and
 16 addresses (including electronic mail account addresses) unless the
 17 public agency is required to publish such lists and disseminate them to
 18 the public under a statute. However, if a public agency has created a
 19 list of names and addresses (excluding electronic mail account
 20 addresses) it must permit a person to inspect and make memoranda
 21 abstracts from the list unless access to the list is prohibited by law. The
 22 lists of names and addresses (including electronic mail account
 23 addresses) described in subdivisions (1) through (3) may not be
 24 disclosed by public agencies to any individual or entity for political
 25 purposes and may not be used by any individual or entity for political
 26 purposes. In addition, the lists of names and addresses (including
 27 electronic mail account addresses) described in subdivisions (1)
 28 through (3) may not be disclosed by public agencies to commercial
 29 entities for commercial purposes and may not be used by commercial
 30 entities for commercial purposes. The prohibition in this subsection
 31 against the disclosure of lists for political or commercial purposes
 32 applies to the following lists of names and addresses (including
 33 electronic mail account addresses):

34 (1) A list of employees of a public agency.

35 (2) A list of persons attending conferences or meetings at a state
 36 educational institution or of persons involved in programs or
 37 activities conducted or supervised by the state educational
 38 institution.

39 (3) A list of students who are enrolled in a public school
 40 corporation if the governing body of the public school corporation
 41 adopts a policy:

42 (A) with respect to disclosure related to a commercial purpose,
 43 prohibiting the disclosure of the list to commercial entities for
 44 commercial purposes;

45 (B) with respect to disclosure related to a commercial purpose,
 46 specifying the classes or categories of commercial entities to
 47 which the list may not be disclosed or by which the list may
 48 not be used for commercial purposes; or

49 (C) with respect to disclosure related to a political purpose,
 50 prohibiting the disclosure of the list to individuals and entities

1 for political purposes.
 2 A policy adopted under subdivision (3)(A) or (3)(B) must be uniform
 3 and may not discriminate among similarly situated commercial entities.
 4 For purposes of this subsection, "political purposes" means influencing
 5 the election of a candidate for federal, state, legislative, local, or school
 6 board office or the outcome of a public question or attempting to solicit
 7 a contribution to influence the election of a candidate for federal, state,
 8 legislative, local, or school board office or the outcome of a public
 9 question.

10 (g) A public agency may not enter into or renew a contract or an
 11 obligation:

12 (1) for the storage or copying of public records; or
 13 (2) that requires the public to obtain a license or pay copyright
 14 royalties for obtaining the right to inspect and copy the records
 15 unless otherwise provided by applicable statute;
 16 if the contract, obligation, license, or copyright unreasonably impairs
 17 the right of the public to inspect and copy the agency's public records.

18 (h) If this section conflicts with IC 3-7, the provisions of IC 3-7
 19 apply.

20 (i) **This subsection applies to a public record that is in an**
 21 **electronic format. This subsection does not apply to a public record**
 22 **recorded in the office of the county recorder. Subject to section 4**
 23 **of this chapter, a public agency shall provide a public record in**
 24 **electronic form or in paper form, at the option of the person**
 25 **making the request for a public record. However, this subsection**
 26 **does not require a public agency to change the format of a public**
 27 **record.**

28 SECTION 9. IC 5-14-3-8, AS AMENDED BY P.L.16-2008,
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2015]: Sec. 8. (a) For the purposes of this section, "state
 31 agency" has the meaning set forth in IC 4-13-1-1.

32 (b) Except as provided in this section, a public agency may not
 33 charge any fee under this chapter **for the following:**

34 (1) **For a person to inspect a public record. or**
 35 (2) **For a person to search for a public record.**
 36 (3) **For the public agency to search for a public record, if the**
 37 **search does not exceed two (2) hours.**

38 ~~(2)~~ (4) **For the public agency to search for, examine or review a**
 39 **record to determine whether the record may be disclosed.**

40 (5) **For the public agency to transmit an electronic copy of a**
 41 **public record by electronic mail. However, a public agency**
 42 **may charge a fee for a public record transmitted by electronic**
 43 **mail if the fee for the public record is authorized under:**

44 (A) **subsection (f) or (j); or**
 45 (B) **section 6(c) of this chapter.**

46 (c) The Indiana department of administration shall establish a
 47 uniform copying fee for the copying of one (1) page of a standard-sized
 48 document by state agencies. The fee may not exceed the average cost
 49 of copying records by state agencies or ten cents (\$0.10) per page,
 50 whichever is greater. A state agency may not collect more than the
 51 uniform copying fee for providing a copy of a public record. However,

1 a state agency shall establish and collect a reasonable fee for copying
2 nonstandard-sized documents.

3 (d) This subsection applies to a public agency that is not a state
4 agency. The fiscal body (as defined in IC 36-1-2-6) of the public
5 agency, or the governing body, if there is no fiscal body, shall establish
6 a fee schedule for the certification or copying of documents. The fee for
7 certification of documents may not exceed five dollars (\$5) per
8 document. The fee for copying documents may not exceed the greater
9 of:

- 10 (1) ten cents (\$0.10) per page for copies that are not color copies
- 11 or twenty-five cents (\$0.25) per page for color copies; or
- 12 (2) the actual cost to the agency of copying the document.

13 As used in this subsection, "actual cost" means the cost of paper and
14 the per-page cost for use of copying or facsimile equipment and does
15 not include labor costs or overhead costs. A fee established under this
16 subsection must be uniform throughout the public agency and uniform
17 to all purchasers.

18 (e) If:

- 19 (1) a person is entitled to a copy of a public record under this
- 20 chapter; and
- 21 (2) the public agency which is in possession of the record has
- 22 reasonable access to a machine capable of reproducing the public
- 23 record;

24 the public agency must provide at least one (1) copy of the public
25 record to the person. However, if a public agency does not have
26 reasonable access to a machine capable of reproducing the record or if
27 the person cannot reproduce the record by use of enhanced access
28 under section 3.5 of this chapter, the person is only entitled to inspect
29 and manually transcribe the record. A public agency may require that
30 the payment for **search and** copying costs be made in advance.

31 (f) Notwithstanding subsection ~~(b)~~, **(b)(1), (b)(2), (b)(3)**, (c), (d),
32 (g), (h), or (i), a public agency shall collect any certification, copying,
33 facsimile machine transmission, or search fee that is specified by
34 statute or is ordered by a court. **Notwithstanding subsection (b)(4), a**
35 **public agency shall collect any certification or search fee that is**
36 **specified by statute or is ordered by a court.**

37 (g) Except as provided by subsection (h), for providing a duplicate
38 of a computer tape, computer disc, microfilm, or similar or analogous
39 record system containing information owned by the public agency or
40 entrusted to it, a public agency may charge a fee, uniform to all
41 purchasers, that does not exceed the sum of the following:

- 42 (1) The agency's direct cost of supplying the information in that
- 43 form.
- 44 (2) The standard cost for selling the same information to the
- 45 public in the form of a publication if the agency has published the
- 46 information and made the publication available for sale.
- 47 (3) In the case of the legislative services agency, a reasonable
- 48 percentage of the agency's direct cost of maintaining the system
- 49 in which the information is stored. However, the amount charged
- 50 by the legislative services agency under this subdivision may not

1 exceed the sum of the amounts it may charge under subdivisions
2 (1) and (2).

3 (h) This subsection applies to the fee charged by a public agency for
4 providing enhanced access to a public record. A public agency may
5 charge any reasonable fee agreed on in the contract under section 3.5
6 of this chapter for providing enhanced access to public records.

7 (i) This subsection applies to the fee charged by a public agency for
8 permitting a governmental entity to inspect public records by means of
9 an electronic device. A public agency may charge any reasonable fee
10 for the inspection of public records under this subsection, or the public
11 agency may waive any fee for the inspection.

12 (j) Except as provided in subsection (k), a public agency may charge
13 a fee, uniform to all purchasers, for providing an electronic map that is
14 based upon a reasonable percentage of the agency's direct cost of
15 maintaining, upgrading, and enhancing the electronic map and for the
16 direct cost of supplying the electronic map in the form requested by the
17 purchaser. If the public agency is within a political subdivision having
18 a fiscal body, the fee is subject to the approval of the fiscal body of the
19 political subdivision.

20 (k) The fee charged by a public agency under subsection (j) to cover
21 costs for maintaining, upgrading, and enhancing an electronic map may
22 be waived by the public agency if the electronic map for which the fee
23 is charged will be used for a noncommercial purpose, including the
24 following:

- 25 (1) Public agency program support.
- 26 (2) Nonprofit activities.
- 27 (3) Journalism.
- 28 (4) Academic research.

29 **(l) This subsection applies to a public agency that charges a fee**
30 **for the public agency to search for a public record. A public agency**
31 **may not charge a fee for the first two (2) hours required to search**
32 **for a record. A public agency may charge a search fee for any time**
33 **in excess of two (2) hours. If the public agency charges a search fee,**
34 **the agency shall charge an hourly fee that does not exceed the**
35 **lesser of:**

- 36 **(1) the hourly rate of the person making the search; or**
- 37 **(2) twenty dollars (\$20) per hour.**

38 **A public agency charging an hourly fee under this subsection for**
39 **searching for a record may charge only for time that the person**
40 **making the search actually spends in searching for the record. A**
41 **public agency may not charge for computer processing time and**
42 **may not establish a minimum fee for searching for a record. A**
43 **public agency must make a good faith effort to complete a search**
44 **for a record within a reasonable time in order to minimize the**
45 **amount of a search fee. The fee shall be prorated to reflect any**
46 **search time of less than one (1) hour. If a fee is charged by a public**
47 **agency under subsection (g), (h), (i), or (j) for a public record, the**
48 **public agency may not charge a fee for searching for the record**
49 **under this subsection. A search fee collected by a department, an**
50 **agency, or an office of a county, city, town, or township shall be**
51 **deposited in the general fund of the county, city, town, or township.**

1 SECTION 10. IC 5-14-3.7-3, AS AMENDED BY P.L.84-2014,
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JANUARY 1, 2016]: Sec. 3. (a) The department, working with the
 4 office of technology established by IC 4-13.1-2-1 or another
 5 organization that is part of a state educational institution, the state
 6 board of accounts established by IC 5-11-1-1, the department of local
 7 government finance established under IC 6-1.1-30-1.1, and the office
 8 of management and budget established by IC 4-3-22-3, shall post on
 9 the Indiana transparency Internet web site a data base that lists
 10 expenditures and fund balances, including expenditures for contracts,
 11 grants, and leases, for public schools. The web site must be
 12 electronically searchable by the public.

13 (b) The data base must include for public schools:

- 14 (1) the amount, date, payer, and payee of expenditures;
 15 (2) a listing of expenditures **by: specifically identifying those**
 16 **for:**
 17 (A) personal services;
 18 (B) other operating expenses or ~~(C)~~ total operating expenses;
 19 **and**
 20 **(C) debt service, including lease payments, related to debt;**
 21 (3) a listing of fund balances, **specifically identifying balances**
 22 **in funds that are being used for accumulation of money for**
 23 **future capital needs;**
 24 (4) a listing of real and personal property owned by the public
 25 school;
 26 (5) the report required under IC 6-1.1-33.5-7; and
 27 (6) information for evaluating the fiscal health of each school
 28 corporation in the format required by section 16(b) of this chapter.

29 SECTION 11. IC 5-14-3.8-3, AS AMENDED BY P.L.84-2014,
 30 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 2016]: Sec. 3. The department, working with the office
 32 of technology established by IC 4-13.1-2-1, or another organization that
 33 is part of a state educational institution, the office of management and
 34 budget established by IC 4-3-22-3, and the state board of accounts
 35 established by IC 5-11-1-1, shall post on the Indiana transparency
 36 Internet web site the following:

- 37 (1) The financial reports required by IC 5-11-1-4.
 38 (2) The report on expenditures per capita prepared under
 39 IC 6-1.1-33.5-7.
 40 (3) A listing of the property tax rates certified by the department.
 41 (4) An index of audit reports prepared by the state board of
 42 accounts.
 43 (5) Local development agreement reports prepared under
 44 IC 4-33-23-10 and IC 4-33-23-17.
 45 (6) Information for evaluating the fiscal health of a political
 46 subdivision in the format required by section 8(b) of this chapter.
 47 (7) **A listing of expenditures specifically identifying those for:**
 48 **(A) personal services;**
 49 **(B) other operating expenses or total operating expenses;**
 50 **and**
 51 **(C) debt service, including lease payments, related to debt.**

1 **(8) A listing of fund balances, specifically identifying balances**
 2 **in funds that are being used for accumulation of money for**
 3 **future capital needs.**

4 **(9) Any other financial information deemed appropriate by the**
 5 **department.**

6 SECTION 12. IC 5-14-3.9 IS ADDED TO THE INDIANA CODE
 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2015]:

9 **Chapter 3.9. Financial and Operational Summary of a Political**
 10 **Subdivision**

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

14 **Sec. 2. As used in this chapter, "political subdivision" means a**
 15 **county, township, city, town, school corporation, library district,**
 16 **fire protection district, public transportation corporation, local**
 17 **hospital authority or corporation, local airport authority district,**
 18 **special service district, special taxing district, or other separate**
 19 **local governmental entity that may sue and be sued.**

20 **Sec. 3. As used in this chapter, "summary" means the financial**
 21 **and operational summary required by this chapter.**

22 **Sec. 4. This chapter applies only to a political subdivision that**
 23 **has an Internet web site. This chapter does not require a political**
 24 **subdivision to establish an Internet web site.**

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

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

33 **Sec. 6. The department shall determine the information to be**
 34 **disclosed in the summary that the department considers necessary**
 35 **to reflect the financial condition and operations of the political**
 36 **subdivision, which may include the following:**

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

38 **(2) Total operating budget.**

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

41 **(4) Outstanding indebtedness and interest paid on**
 42 **indebtedness.**

43 **(5) Disbursements.**

44 **(6) Assessed valuation and tax rates.**

45 **(7) Revenue from all sources.**

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

49 **(1) can be conveniently and easily accessed from a single web**
 50 **page; and**

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

1 (b) The summary must be in a form that is concise and
2 reasonably easy to understand.

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

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

9 SECTION 13. IC 6-1.1-17-3, AS AMENDED BY P.L.183-2014,
10 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]: Sec. 3. (a) The proper officers of a political
12 subdivision shall formulate its estimated budget and its proposed tax
13 rate and tax levy on the form prescribed by the department of local
14 government finance and approved by the state board of accounts. The
15 political subdivision or appropriate fiscal body, if the political
16 subdivision is subject to section 20 of this chapter, shall (before
17 January 1, 2015) at least ten (10) days before the public hearing, give
18 notice to taxpayers of:

- 19 (1) the estimated budget;
- 20 (2) the estimated maximum permissible levy;
- 21 (3) the current and proposed tax levies of each fund; and
- 22 (4) the amounts of excessive levy appeals to be requested.

23 The political subdivision or appropriate fiscal body shall also state the
24 time and place at which the political subdivision or appropriate fiscal
25 body will hold a public hearing on these the items. The political
26 subdivision or appropriate fiscal body shall (before January 1, 2015)
27 publish the notice twice in accordance with IC 5-3-1 with the first
28 publication at least ten (10) days before the date fixed for the public
29 hearing. The first publication must be before September 14, and the
30 second publication must be before September 21 of the year. The
31 political subdivision shall pay for the publishing of the notice. **listed in**
32 **subdivision (1).** The political subdivision, **or appropriate fiscal body**
33 **if the political subdivision is subject to section 20 of this chapter,**
34 shall submit **this the following** information to the department's
35 computer gateway before September 14 of each year and at least ten
36 (10) days before the public hearing required by this subsection in the
37 manner prescribed by the department:

- 38 (1) **The information required by the department concerning:**
 - 39 (A) the estimated budget;
 - 40 (B) the estimated maximum permissible levy;
 - 41 (C) the current and proposed tax levies of each fund; and
 - 42 (D) the amounts of excessive levy appeals to be requested.
- 43 (2) **Information concerning the date, time, and place at which**
44 **the political subdivision or appropriate fiscal body will hold**
45 **a public hearing on the items described in subdivision (1).**

46 The department shall make this information available to taxpayers, at
47 least ten (10) days before the public hearing, through its computer
48 gateway and provide a telephone number through which taxpayers may
49 request mailed copies of a political subdivision's information under this
50 subsection. The department's computer gateway must allow a taxpayer
51 to search for the information under this subsection by the taxpayer's

1 address. The department shall review only the submission to the
2 department's computer gateway for compliance with this section. **In**
3 **addition, the political subdivision or appropriate fiscal body may**
4 **also publish in one (1) or more newspapers the information**
5 **required to be submitted to the department's computer gateway**
6 **under this subsection. If the political subdivision or appropriate**
7 **fiscal body also chooses to publish the information in a newspaper,**
8 **the published information must also include the Internet address**
9 **at which the official version of the information required to be**
10 **submitted to the department's computer gateway is available and**
11 **the telephone number through which taxpayers may request copies**
12 **of that information. If a political subdivision or appropriate fiscal**
13 **body publishes information in a newspaper as authorized under**
14 **this subsection, the publication of the information is subject to the**
15 **rates prescribed in IC 5-3-1-1.**

16 (b) For taxes due and payable in 2015 and 2016, each county shall
17 publish a notice in accordance with IC 5-3-1 in two (2) newspapers
18 published in the county stating the Internet address at which the
19 information under subsection (a) is available and the telephone number
20 through which taxpayers may request copies of a political subdivision's
21 information under subsection (a). If only one (1) newspaper is
22 published in the county, publication in that newspaper is sufficient. The
23 department of local government finance shall prescribe the notice.
24 Notice under this subsection shall be published before September 14.
25 Counties may seek reimbursement from the political subdivisions
26 within their legal boundaries for the cost of the notice required under
27 this subsection. The actions under this subsection shall be completed
28 in the manner prescribed by the department.

29 (c) The board of directors of a solid waste management district
30 established under IC 13-21 or IC 13-9.5-2 (before its repeal) may
31 conduct the public hearing required under subsection (a):

- 32 (1) in any county of the solid waste management district; and
- 33 (2) in accordance with the annual notice of meetings published
34 under IC 13-21-5-2.

35 (d) The trustee of each township in the county shall estimate the
36 amount necessary to meet the cost of township assistance in the
37 township for the ensuing calendar year. The township board shall adopt
38 with the township budget a tax rate sufficient to meet the estimated cost
39 of township assistance. The taxes collected as a result of the tax rate
40 adopted under this subsection are credited to the township assistance
41 fund.

42 (e) A political subdivision for which any of the information under
43 subsection (a) is not (before January 1, 2015) published and is not
44 submitted to the department's computer gateway in the manner
45 prescribed by the department shall have its most recent annual
46 appropriations and annual tax levy continued for the ensuing budget
47 year.

48 (f) If a political subdivision or appropriate fiscal body timely
49 publishes (before January 1, 2015) and timely submits the information
50 under subsection (a) but subsequently discovers the information
51 contains a typographical error, the political subdivision or appropriate

1 fiscal body may request permission from the department to submit
 2 amended information to the department's computer gateway and
 3 (before January 1, 2015) to publish the amended information. However,
 4 such a request must occur not later than seven (7) days before the
 5 public hearing held under subsection (a). Acknowledgment of the
 6 correction of an error shall be posted on the department's computer
 7 gateway and communicated by the political subdivision or appropriate
 8 fiscal body to the fiscal body of the county in which the political
 9 subdivision and appropriate fiscal body are located.

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

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

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

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

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

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

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

39 SECTION 15. IC 9-22-1.5-3, AS AMENDED BY SEA 7-2015,
 40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2015]: Sec. 3. (a) A property owner shall send notice of a
 42 mobile home described in section 2 of this chapter as follows:

43 (1) To the owner of the mobile home at the last known address of
 44 the owner as shown by:

45 (A) the records of the bureau; or

46 (B) if the unique serial number or special identification
 47 number assigned to the mobile home is removed or otherwise
 48 illegible, the records of the assessor of the county in which the
 49 mobile home is located.

50 If the property owner is unable to determine the address of the

1 mobile home owner, the property owner may serve the mobile
2 home owner by posting the notice on the mobile home.

3 (2) To:

4 (A) a lienholder with a perfected security interest in the mobile
5 home; or

6 (B) any other person known to claim an interest in the mobile
7 home;

8 as shown by the records of the bureau.

9 Notice under this subsection must include a description of the mobile
10 home, the location of the mobile home, and a conspicuous statement
11 that the mobile home is on the owner's property without the owner's
12 permission. If the owner of a mobile home changes the owner's address
13 from that maintained in the records of the bureau, the owner shall
14 immediately notify the property owner of the new address.

15 (b) A property owner may provide notice under subsection (a) by
16 the following methods:

17 (1) Certified mail, return receipt requested.

18 (2) Personal delivery.

19 (3) Electronic service under IC 9-22-1-19.

20 (c) If, before the ~~thirty (30)~~ **sixty (60)** day period described in
21 section 2 of this chapter expires, the mobile home owner requests by
22 certified mail, return receipt requested, additional time to remove the
23 mobile home, the period described in section 2 of this chapter shall be
24 extended by an additional thirty (30) days. The mobile home owner
25 may only request one (1) thirty (30) day extension of time.

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

32 SECTION 17. IC 20-48-4-2, AS ADDED BY P.L.2-2006,
33 SECTION 171, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The board may authorize the
35 trustee to issue township warrants or bonds to pay for the building or
36 the proportional cost of it. The warrants or bonds:

37 (1) may run for a period not exceeding fifteen (15) years;

38 (2) may bear interest at any rate; and

39 (3) shall be sold for not less than par.

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

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

1 or bonds each year.

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

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

15 SECTION 18. IC 36-12-5-3, AS AMENDED BY P.L.13-2013,
16 SECTION 156, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The library board of a public
18 library may file with the township trustee and legislative body a
19 proposal of expansion and an intent to file a petition for acceptance of
20 the proposal of expansion. Not later than ten (10) days after the filing,
21 the township trustee shall publish notice of the proposal of expansion
22 in the manner provided in IC 5-3-1. **Publication of the notice must be**
23 **in accordance with IC 5-3-1-4, in a newspaper an appropriate**
24 **publication** of general circulation in the township. Beginning the first
25 day after the notice is published, and during the period that ends sixty
26 (60) days after the date of the publication of the notice, an individual
27 who is a registered voter of the affected township or part of the affected
28 township subject to expansion may sign one (1) or both of the
29 following:

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

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

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

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

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

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

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

49 (2) The petition or remonstrance must include an affidavit of the
50 individual circulating the petition or remonstrance, stating that

- 1 each signature on the petition or remonstrance:
 2 (A) was affixed in the individual's presence; and
 3 (B) is the true signature of the individual who signed the
 4 petition or remonstrance.
- 5 (3) Several copies of the petition or remonstrance may be
 6 executed. The total of the copies constitute a petition or
 7 remonstrance. A copy must include an affidavit described in
 8 subdivision (2). A signer may file the petition or remonstrance, or
 9 a copy of the petition or remonstrance. All copies constituting a
 10 petition or remonstrance must be filed on the same day.
- 11 (4) The clerk of the circuit court in the county in which the
 12 township is located shall do the following:
- 13 (A) If a name appears more than one (1) time on a petition or
 14 on a remonstrance, the clerk must strike any duplicates of the
 15 name until the name appears only one (1) time on a petition or
 16 a remonstrance, or both, if the individual signed both a petition
 17 and a remonstrance.
- 18 (B) Strike the name from either the petition or the
 19 remonstrance of an individual who:
- 20 (i) signed both the petition and the remonstrance; and
 21 (ii) personally, in the clerk's office, makes a voluntary
 22 written and signed request for the clerk to strike the
 23 individual's name from the petition or the remonstrance.
- 24 (C) Certify the number of signatures on the petition and on any
 25 remonstrance that:
- 26 (i) are not duplicates; and
 27 (ii) represent individuals who are registered voters in the
 28 township or the part of the township on the day the
 29 individuals signed the petition or remonstrance.
- 30 The clerk of the circuit court may only strike an individual's name
 31 from a petition or a remonstrance as set forth in clauses (A) and
 32 (B).
- 33 (d) The clerk of the circuit court shall complete the certification
 34 required under subsection (c) not more than fifteen (15) days after the
 35 petition or remonstrance is filed. The clerk shall:
- 36 (1) establish a record of certification in the clerk's office; and
 37 (2) file the original petition, the original remonstrance, if any, and
 38 a copy of the clerk's certification with the legislative body.
- 39 **SECTION 19. An emergency is declared for this act.**
 (Reference is to ESB 369 as printed March 24, 2015.)

Conference Committee Report
on
Engrossed Senate Bill 369

Signed by:

Senator Miller Pete
Chairperson

Representative Zent

Senator Breaux

Representative Niezgodski

Senate Conferees

House Conferees