



Reprinted
March 17, 1999

ENGROSSED HOUSE BILL No. 1284

DIGEST OF HB 1284 (Updated March 16, 1999 3:15 pm - DI 44)

Citations Affected: IC 4-13.6; IC 5-3; IC 5-14; IC 5-22.

Synopsis: Internet notice of state meetings and bid lists; newspaper fees for public notices. Requires state agencies to provide electronic access to notices of public meetings and invitations to bid on contracts for public works and supplies. Deletes the additional 50% charge for newspaper publication of public notices containing rule or tabular work. (The introduced version of this bill was prepared by the interim study committee on state government issues.)

Effective: July 1, 1999.

**Kruzan, Munson, Weinzapfel,
Bardon**

(SENATE SPONSORS — MERRITT, ALEXA)

January 11, 1999, read first time and referred to Committee on Public Policy, Ethics and Veteran Affairs.

January 20, 1999, reported — Do Pass.

February 8, 1999, read second time, ordered engrossed.

February 9, 1999, engrossed.

February 10, 1999, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 22, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.

March 11, 1999, reported favorably — Do Pass.

March 16, 1999, read second time, amended, ordered engrossed.

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First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED HOUSE BILL No. 1284

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

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

1 SECTION 1. IC 4-13.6-5-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) This section
3 applies only to public works contracts bid under section 2 of this
4 chapter.

5 (b) The division shall solicit sealed bids by public notice inserted
6 once each week for two (2) successive weeks before the final date of
7 submitting bids in:

8 (1) one (1) newspaper of general circulation in Marion County,
9 Indiana; and

10 (2) if any part of the project is located in an area outside Marion
11 County, Indiana, one (1) newspaper of general circulation in that
12 area.

13 The commissioner shall designate the newspapers for these
14 publications. The commissioner may designate different newspapers
15 according to the nature of the project and may direct that additional

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1 notices be published.

2 (c) The division shall also solicit sealed bids for public works
3 projects by:

4 (1) sending notices by mail to prospective contractors known to
5 the division; ~~and by~~

6 (2) posting notices on a public bulletin board in its office; ~~and~~

7 (3) **providing electronic access to notices through the**
8 **computer gateway administered by the intelenet commission**
9 **under IC 5-21-2;**

10 at least seven (7) days before the final date for submitting bids for the
11 public works project.

12 SECTION 2. IC 5-3-1-1 IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The cost of all public notice
14 advertising which any elected or appointed public official or
15 governmental agency is required by law to have published, or orders
16 published, for which the compensation to the newspapers or qualified
17 publications publishing such advertising is drawn from and is the
18 ultimate obligation of the public treasury of the governmental unit
19 concerned with the advertising shall be charged to and collected from
20 the proper fund of the public treasury and paid over to the newspapers
21 or qualified publications publishing such advertising, after proof of
22 publication and claim for payment has been filed.

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

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

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

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



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

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

17 (e) The circulation of a newspaper or qualified publication is
 18 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 qualified publication, by a verified affidavit filed with
 25 each governmental agency that has public notices the qualified
 26 publication wants to publish. The affidavit must:

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

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

31 SECTION 3. IC 5-3-1-6 IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) In all cases where notices are
 33 required by law to be published in the public newspaper by or under
 34 the supervision of any state officer, board, commission, or institution
 35 of the state of Indiana, said notices are hereby required to be published
 36 in each of two (2) daily newspapers published in the city of
 37 Indianapolis and in such other cities as is required by law, said notices
 38 to be in all cases published in two (2) newspapers in each city where
 39 they are required to be published. In all cases where the officer, board,
 40 commission, or institution making said publication is located outside
 41 of the city of Indianapolis, said notices shall also be published in
 42 newspapers published within the county where said officer, board,



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1 commission, or institution maintains its office. The rate charged for all
2 such notices and advertising shall be the same as is set out in section
3 1 of this chapter.

4 **(b) In addition to the requirements of subsection (a), a state**
5 **officer, board, commission, or institution of the state of Indiana**
6 **that is required by law to publish a notice of a public meeting shall**
7 **also provide electronic access to the notice through the computer**
8 **gateway administered by the intelenet commission under IC 5-21-2.**

9 SECTION 4. IC 5-14-1.5-5 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) Public notice of
11 the date, time, and place of any meetings, executive sessions, or of any
12 rescheduled or reconvened meeting, shall be given at least forty-eight
13 (48) hours (excluding Saturdays, Sundays, and legal holidays) before
14 the meeting. This requirement does not apply to reconvened meetings
15 (not including executive sessions) where announcement of the date,
16 time, and place of the reconvened meeting is made at the original
17 meeting and recorded in the memoranda and minutes thereof, and there
18 is no change in the agenda.

19 (b) Public notice shall be given by the governing body of a public
20 agency by:

21 (1) posting a copy of the notice at the principal office of the
22 public agency holding the meeting or, if no such office exists, at
23 the building where the meeting is to be held; and

24 (2) depositing in the United States mail with postage prepaid or
25 by delivering notice to all news media which deliver by January
26 1 an annual written request for such notices for the next
27 succeeding calendar year to the governing body of the public
28 agency. If a governing body comes into existence after January 1,
29 it shall comply with this subdivision upon receipt of a written
30 request for notice.

31 **In addition, a state agency (as defined in IC 4-13-1-1) shall provide**
32 **electronic access to the notice through the computer gateway**
33 **administered by the intelenet commission under IC 5-21-2.**

34 (c) Notice of regular meetings need be given only once each year,
35 except that an additional notice shall be given where the date, time, or
36 place of a regular meeting or meetings is changed. This subsection does
37 not apply to executive sessions.

38 (d) If a meeting is called to deal with an emergency involving actual
39 or threatened injury to person or property, or actual or threatened
40 disruption of the governmental activity under the jurisdiction of the
41 public agency by any event, then the time requirements of notice under
42 this section shall not apply, but:



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1 (1) news media which have requested notice of meetings must be
 2 given the same notice as is given to the members of the governing
 3 body; and
 4 (2) the public must be notified by posting a copy of the notice
 5 according to this section.
 6 (e) This section shall not apply where notice by publication is
 7 required by statute, ordinance, rule, or regulation.
 8 (f) This section shall not apply to:
 9 (1) the state board of tax commissioners or any other governing
 10 body which meets in continuous session, except that this section
 11 applies to meetings of these governing bodies which are required
 12 by or held pursuant to statute, ordinance, rule, or regulation; or
 13 (2) the executive of a county or the legislative body of a town if
 14 the meetings are held solely to receive information or
 15 recommendations in order to carry out administrative functions,
 16 to carry out administrative functions, or confer with staff
 17 members on matters relating to the internal management of the
 18 unit. "Administrative functions" do not include the awarding of
 19 contracts, the entering into contracts, or any other action creating
 20 an obligation or otherwise binding a county or town.
 21 (g) This section does not apply to the general assembly.
 22 (h) Notice has not been given in accordance with this section if a
 23 governing body of a public agency convenes a meeting at a time so
 24 unreasonably departing from the time stated in its public notice that the
 25 public is misled or substantially deprived of the opportunity to attend,
 26 observe, and record the meeting.
 27 SECTION 5. IC 5-22-7-5 IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 1999]: Sec. 5. The purchasing agency shall give
 29 notice of the invitation for bids in the manner required by IC 5-3-1. **In**
 30 **addition, the purchasing agency for a state agency shall provide**
 31 **electronic access to the notice through the electronic gateway**
 32 **administered by the intelnet commission under IC 5-21-2.**
 33 SECTION 6. IC 5-22-9-3 IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 1999]: Sec. 3. The purchasing agency shall give
 35 public notice of the request for proposals in the manner required by
 36 IC 5-3-1. **In addition, the purchasing agency for a state agency shall**
 37 **provide electronic access to the notice through the electronic**
 38 **gateway administered by the intelnet commission under IC 5-21-2.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1284, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

KUZMAN, Chair

Committee Vote: yeas 11, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred House Bill No. 1284, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1284 as printed January 21, 1999.)

MERRITT, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Engrossed House Bill 1284 be amended to read as follows:

Page 2, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 2. IC 5-3-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: 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 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 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.

~~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 not larger than the type used in the regular reading matter of the newspaper or qualified publication, 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

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elected official or a governmental agency to a newspaper or qualified publication in electronic form, if the newspaper or qualified publication is equipped to accept information in compatible electronic form.

(d) Each 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 or qualified publication furnishing proof of publication.

(e) The circulation of a 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 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."

Renumber all SECTIONS consecutively.

(Reference is to E.H.B. 1284 as printed March 12, 1999.)

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