

January 15, 1998

HOUSE BILL No. 1034

DIGEST OF HB 1034 (Updated January 14, 1998 7:47 pm - DI 94)

Citations Affected: IC 5-11-10.5-3; IC 5-11-14-1; IC 5-13-6-1; IC 36-4-7-3; IC 36-4-10-4.5; IC 36-8.

Synopsis: Local government fiscal matters. Provides for the filing of the original list of warrants or checks that are outstanding in a city or town for more than two years with a city or town fiscal body. (Current law provides for the filing with the local board of finance. However, a statute enacted during the 1997 session of the general assembly eliminated the city and town boards of finance.) Requires city and town public funds to be invested in depositories approved as depositories of state funds. Provides that the fiscal officer of a third class city is not liable, in an individual capacity, for any act or omission occurring in connection with the performance of the requirements of the fiscal officer's duties, unless the act or omission constitutes gross negligence or an intentional disregard of the requirements. Provides that the compensation of each appointive officer, deputy, police department, fire department, and other employee of a city must be fixed
(Continued next page)

Effective: July 1, 1998.

Ayres, Stevenson, Goeglein

January 6, 1998, read first time and referred to Committee on Local Government.
January 14, 1998, amended, reported — Do Pass.

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Digest Continued

by the municipal legislative body before August 20. (Current law requires the compensation to be fixed before August 2.) Requires investments of the pension benefits for: (1) members of police departments in certain cities and towns; and (2) members of fire departments in certain cities and towns to be made under the statute regulating public funds deposit and investment powers. Adds the Vanderburgh County levee authority to the list of entities that may pay a claim without a claim voucher signed by the vendor. Allows a municipality that has an operating deficit for performing municipal parking functions to adopt an ordinance to deposit parking meter license fees in the general fund instead of a special fund. Provides that the mileage rate allowance for local officials attending a conference is determined by the fiscal body of the unit represented by the official. Eliminates the subsistence allowance for local officials attending a conference. Provides that a local official attending a conference receives a lodging rate in an amount equal to the single room rate. (Current law provides that a local official receives the same rate that a state employee receives for travel.) Provides that a majority of a safety board constitutes a quorum.

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January 15, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

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HOUSE BILL No. 1034

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

- 1 SECTION 1. IC 5-11-10-1, AS AMENDED BY P.L.45-1997,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 1. (a) This section applies to the state and its
4 political subdivisions. However, this section does not apply to the
5 following:
6 (1) The state universities.
7 (2) Ivy Tech State College.
8 (3) A municipality (as defined in IC 36-1-2-11).
9 (4) A county.
10 (5) An airport authority operating in a consolidated city.
11 (6) A capital improvements board of managers operating in a
12 consolidated city.
13 (7) A board of directors of a public transportation corporation
14 operating in a consolidated city.
15 (8) A municipal corporation organized under IC 16-22-8-6.

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- 1 (9) A public library.
- 2 (10) A library services authority.
- 3 (11) A hospital organized under IC 16-22 or a hospital organized
- 4 under IC 16-23.
- 5 (12) A school corporation (as defined in IC 36-1-2-17).
- 6 (13) A regional water or sewer district organized under IC 13-26
- 7 or under IC 13-3-2 (before its repeal).
- 8 (14) A municipally owned utility (as defined in IC 8-1-2-1).
- 9 (15) A board of an airport authority under IC 8-22-3.
- 10 (16) A conservancy district.
- 11 (17) A board of aviation commissioners under IC 8-22-2.
- 12 (18) A public transportation corporation under IC 36-9-4.
- 13 (19) A commuter transportation district under IC 8-5-15.
- 14 (20) A solid waste management district established under
- 15 IC 13-21 or IC 13-9.5 (before its repeal).
- 16 **(21) A levee authority established under IC 14-27-6.**

17 (b) No warrant or check shall be drawn by a disbursing officer in
 18 payment of any claim unless the same has been fully itemized and its
 19 correctness properly certified to by the claimant or some authorized
 20 person in the claimant's behalf, and filed and allowed as provided by
 21 law.

- 22 (c) The certificate provided for in subsection (b) is not required for:
- 23 (1) claims rendered by a public utility for electric, gas, steam,
 - 24 water, or telephone services, the charges for which are regulated
 - 25 by a governmental body;
 - 26 (2) a warrant issued by the auditor of state under IC 4-13-2-7(b);
 - 27 (3) a check issued by a special disbursing officer under
 - 28 IC 4-13-2-20(g); or
 - 29 (4) a payment of fees under IC 36-7-11.2-49(b) or
 - 30 IC 36-7-11.3-43(b).

31 (d) The disbursing officer shall issue checks or warrants for all
 32 claims which meet all of the requirements of this section. The
 33 disbursing officer does not incur personal liability for disbursements:
 34 (1) processed in accordance with this section; and
 35 (2) for which funds are appropriated and available.

36 (e) The certificate provided for in subsection (b) must be in the
 37 following form:

38 I hereby certify that the foregoing account is just and correct, that
 39 the amount claimed is legally due, after allowing all just credits,
 40 and that no part of the same has been paid.

41 SECTION 2. IC 5-11-10-1.6, AS AMENDED BY P.L.253-1997(ss),
 42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 1998]: Sec. 1.6. (a) As used in this section, "governmental
2 entity" refers to any of the following:

- 3 (1) A municipality (as defined in IC 36-1-2-11).
- 4 (2) A school corporation (as defined in IC 36-1-2-17).
- 5 (3) A county.
- 6 (4) A regional water or sewer district organized under IC 13-26
7 or under IC 13-3-2 (before its repeal).
- 8 (5) A municipally owned utility that is subject to IC 8-1.5-3 or
9 IC 8-1.5-4.
- 10 (6) A board of an airport authority under IC 8-22-3.
- 11 (7) A board of aviation commissioners under IC 8-22-2.
- 12 (8) A conservancy district.
- 13 (9) A public transportation corporation under IC 36-9-4.
- 14 (10) A commuter transportation district under IC 8-5-15.
- 15 (11) The state.
- 16 (12) A solid waste management district established under
17 IC 13-21 or IC 13-9.5 (before its repeal).
- 18 **(13) A levee authority established under IC 14-27-6.**

19 (b) As used in this section, "claim" means a bill or an invoice
20 submitted to a governmental entity for goods or services.

21 (c) The fiscal officer of a governmental entity may not draw a
22 warrant or check for payment of a claim unless:

- 23 (1) there is a fully itemized invoice or bill for the claim;
- 24 (2) the invoice or bill is approved by the officer or person
25 receiving the goods and services;
- 26 (3) the invoice or bill is filed with the governmental entity's fiscal
27 officer;
- 28 (4) the fiscal officer audits and certifies before payment that the
29 invoice or bill is true and correct; and
- 30 (5) payment of the claim is allowed by the governmental entity's
31 legislative body or the board or official having jurisdiction over
32 allowance of payment of the claim.

33 This subsection does not prohibit a school corporation, with prior
34 approval of the board having jurisdiction over allowance of payment of
35 the claim, from making payment in advance of receipt of services as
36 allowed by guidelines developed under IC 20-10.1-25-3.

37 (d) The fiscal officer of a governmental entity shall issue checks or
38 warrants for claims by the governmental entity that meet all of the
39 requirements of this section. The fiscal officer does not incur personal
40 liability for disbursements:

- 41 (1) processed in accordance with this section; and
- 42 (2) for which funds are appropriated and available.



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1 (e) The certification provided for in subsection (c)(4) must be on a
2 form prescribed by the state board of accounts.

3 SECTION 3. IC 5-11-10.5-3 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. Not later than March
5 1 of each year, the treasurer of each political subdivision shall prepare
6 or cause to be prepared a list in triplicate of all warrants or checks that
7 have been outstanding for a period of two (2) or more years as of
8 December 31 of the preceding year. The original copy of each list shall
9 be filed with the:

10 (1) board of finance of ~~the~~ a political subdivision; or

11 (2) fiscal body of a city or town.

12 The duplicate copy shall be transmitted to the disbursing officer of the
13 political subdivision. The triplicate copy of each list shall be filed in
14 the office of the treasurer of the political subdivision. If the treasurer
15 serves also as the disbursing officer of the political subdivision, only
16 two (2) copies of each list need be prepared or caused to be prepared
17 by the treasurer.

18 SECTION 4. IC 5-11-14-1, AS AMENDED BY P.L.10-1997,
19 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 1998]: Sec. 1. (a) As used in this section, "official" includes
21 the following:

22 (1) An elected official who is entitled to attend a conference
23 under this section.

24 (2) An individual elected to an office who is entitled to attend a
25 conference under this section.

26 (3) A deputy or an assistant to an elected official who is entitled
27 to attend a conference under this section.

28 (b) The state board of accounts shall annually call a conference of
29 each of the following:

30 (1) County auditors and auditors elect.

31 (2) County treasurers and treasurers elect.

32 (3) Circuit court clerks and circuit court clerks elect.

33 (c) Each of the conferences called under subsection (b):

34 (1) must be held at a time and place fixed by the state examiner;

35 (2) may be held statewide or by district; and

36 (3) may not continue for longer than three (3) days in any one (1)
37 year.

38 (d) The following training must be provided at each conference
39 called under subsection (b):

40 (1) The proper use of forms prescribed by the state board of
41 accounts.

42 (2) The keeping of the records of the respective offices.

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- 1 (3) At the conference for county treasurers and treasurers elect,
 2 investment training by the following:
 3 (A) The treasurer of state.
 4 (B) The board for depositories.
 5 (C) Any other person the state examiner considers to be
 6 competent in providing investment training.
 7 (4) Any other training that, in the judgment of the state examiner,
 8 will result in the better conduct of the public business.
 9 (e) The state examiner may hold other conferences for:
 10 (1) the officials described in subsection (b); or
 11 (2) other county, city, or township officers;
 12 whenever in the judgment of the state examiner conferences are
 13 necessary.
 14 (f) Whenever a conference is called by the state board of accounts
 15 under this section, an elected official, at the direction of the state
 16 examiner, may require the attendance of:
 17 (1) each of the elected official's appointed and acting chief
 18 deputies or chief assistants; and
 19 (2) if the number of deputies or assistants employed:
 20 (A) does not exceed three (3), one (1) of the elected official's
 21 appointed and acting deputies or assistants; or
 22 (B) exceeds three (3), two (2) of the elected official's duly
 23 appointed and acting deputies or assistants.
 24 (g) Each official attending any conference under this section shall
 25 be allowed, for each mile necessarily traveled in going to and returning
 26 from the conference by the most expeditious route, a sum for mileage
 27 at a rate determined by the ~~county~~ fiscal body **of the unit the official**
 28 **represents**. Each official shall also be allowed, while attending a
 29 conference called under this section, an allowance for lodging for each
 30 night preceding conference attendance **in an amount** equal to the
 31 ~~lodging allowance provided to state employees in travel status; plus~~
 32 ~~subsistence for meals for each day in attendance in an amount equal to~~
 33 ~~the daily subsistence rate for meals for state employees in travel status;~~
 34 **single room rate**. However, lodging expense, in the case of a one (1)
 35 day conference, shall only be allowed for persons who reside fifty (50)
 36 miles or farther from the conference location. Regardless of the
 37 duration of the conference, only one (1) mileage reimbursement shall
 38 be allowed to the official furnishing the conveyance although the
 39 official transports more than one (1) person.
 40 (h) The state board of accounts shall certify the number of days of
 41 attendance and the mileage for each conference to each official
 42 attending any conference under this section.

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1 (i) All payments of mileage and ~~per diem~~ **lodging** shall be made by
 2 the proper disbursing officer in the manner provided by law on a duly
 3 verified claim or voucher to which shall be attached the certificate of
 4 the state board of accounts showing the number of days attended and
 5 the number of miles traveled. All payments shall be made from the
 6 general fund from any money not otherwise appropriated and without
 7 any previous appropriation being made therefor.

8 SECTION 5. IC 5-13-6-1, AS AMENDED BY P.L.10-1997,
 9 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 1998]: Sec. 1. (a) All public funds paid into the treasury of the
 11 state or the treasuries of the respective political subdivisions shall be
 12 deposited not later than the business day following the receipt of funds
 13 on business days of the depository in one (1) or more depositories in
 14 the name of the state or political subdivision by the officer having
 15 control of the funds.

16 (b) Except as provided in subsection (d), all public funds collected
 17 by state officers, other than the treasurer of state, shall be deposited
 18 with the treasurer of state, or an approved depository selected by the
 19 treasurer of state not later than the business day following the receipt
 20 of the funds. The treasurer of state shall deposit daily on business days
 21 of the depository all public funds deposited with the treasurer of state.
 22 Deposits do not relieve any state officer from the duty of maintaining
 23 a cashbook under IC 5-13-5-1.

24 (c) Except as provided in subsection (d), all local officers, except
 25 township trustees, who collect public funds of their respective political
 26 subdivisions, shall deposit funds not later than the business day
 27 following the receipt of funds on business days of the depository in the
 28 depository or depositories selected by the several local boards of
 29 finance that have jurisdiction of the funds. The public funds collected
 30 by township trustees shall be deposited in the designated depository on
 31 or before the first and fifteenth day of each month. Public funds
 32 deposited under this subsection shall be deposited in the same form in
 33 which they were received.

34 (d) A city (other than a consolidated city) or a town shall deposit
 35 funds not later than the next business day following the receipt of the
 36 funds in depositories:

37 (1) selected by the city or town as provided in an ordinance
 38 adopted by the city or the town; **and**

39 (2) **approved as depositories of state funds.**

40 (e) All local investment officers shall reconcile at least monthly the
 41 balance of public funds, as disclosed by the records of the local
 42 officers, with the balance statements provided by the respective

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1 depositories.

2 (f) An office of:

3 (1) the department of natural resources; or

4 (2) the department of state revenue;

5 that is detached from the main office of the department is not required
6 to deposit funds on the business day following receipt if the funds on
7 hand do not exceed one hundred dollars (\$100). However, the office
8 must deposit the funds on hand not later than the business day
9 following the day that the funds exceed one hundred dollars (\$100).

10 SECTION 6. IC 36-4-7-3 IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) This section does not apply
12 to compensation paid by a city to members of its police and fire
13 departments.

14 (b) Subject to the approval of the city legislative body, the city
15 executive shall fix the compensation of each appointive officer, deputy,
16 and other employee of the city. The legislative body may reduce but
17 may not increase any compensation fixed by the executive.
18 Compensation must be fixed under this section before:

19 (1) ~~August 2~~ **August 20** for a third class city; and

20 (2) September 30 for a second class city;

21 of each year for the ensuing budget year.

22 (c) Compensation fixed under this section may not be increased
23 during the budget year for which it is fixed, but may be reduced by the
24 executive.

25 (d) Notwithstanding subsection (b), the city clerk may, with the
26 approval of the legislative body, fix the salaries of deputies and
27 employees appointed under IC 36-4-11-4.

28 SECTION 7. IC 36-4-10-4.5 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4.5. (a) This section
30 applies to third class cities.

31 (b) The fiscal officer is the head of the city department of finance.
32 The fiscal officer shall do the following:

33 (1) Receive and care for all city money and pay the money out
34 only on order of the approving body.

35 (2) Keep accounts showing when and from what sources the fiscal
36 officer has received city money and when and to whom the fiscal
37 officer has paid out city money.

38 (3) Prescribe payroll and account forms for all city offices.

39 (4) Prescribe the manner in which creditors, officers, and
40 employees shall be paid.

41 (5) Manage the finances and accounts of the city and make
42 investments of city money.



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1 (6) Prepare for the legislative body the budget estimates of
 2 miscellaneous revenue, financial statements, and the proposed tax
 3 rate.

4 (7) Issue all licenses authorized by statute and collect the fees
 5 fixed by ordinance.

6 (8) Serve as clerk of the board of public works by attending
 7 meetings, preparing agendas, and recording proceedings.

8 (9) Perform all other duties prescribed by statute.

9 (c) **A fiscal officer is not liable in an individual capacity for an**
 10 **act or omission occurring in connection with the performance of**
 11 **the duties prescribed by subsection (b), unless the act or omission**
 12 **constitutes gross negligence or an intentional disregard of the fiscal**
 13 **officer's duties.**

14 SECTION 8. IC 36-8-3-3 IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) ~~Two~~ (2) **A majority of the**
 16 members of the safety board ~~constitute~~ **constitutes** a quorum. The
 17 board shall adopt rules concerning the time of holding regular and
 18 special meetings and of giving notice of them. The board shall elect
 19 one (1) of its members chairman, who holds the position as long as
 20 prescribed by the rules of the board. The board shall record all of its
 21 proceedings.

22 (b) The members of the safety board may act only as a board. No
 23 member may bind the board or the city except by resolution entered in
 24 the records of the board authorizing him to act in its behalf as its
 25 authorized agent.

26 (c) The safety board shall appoint:

27 (1) the members and other employees of the police department
 28 other than those in an upper level policymaking position;

29 (2) the members and other employees of the fire department other
 30 than those in an upper level policymaking position;

31 (3) a market master; and

32 (4) other officials that are necessary for public safety purposes.

33 (d) The annual compensation of all members of the police and fire
 34 departments and other appointees shall be fixed by ordinance of the
 35 legislative body before ~~August 2~~ **August 20** of each year for the
 36 ensuing budget year. The ordinance may grade the members of the
 37 departments and regulate their pay by rank as well as by length of
 38 service. If the legislative body fails to adopt an ordinance fixing the
 39 compensation of members of the police or fire department, the safety
 40 board may fix their compensation, subject to change by ordinance.

41 (e) The safety board, subject to ordinance, may also fix the number
 42 of members of the police and fire departments and the number of

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1 appointees for other purposes and may, subject to law, adopt rules for
 2 the appointment of members of the departments and for their
 3 government.

4 (f) The safety board shall divide the city into police precincts and
 5 fire districts.

6 (g) The police chief has exclusive control of the police department,
 7 and the fire chief has exclusive control of the fire department, subject
 8 to the rules and orders of the safety board. In time of emergency, the
 9 police chief and the fire chief are, for the time being, subordinate to the
 10 city executive and shall obey his orders and directions, notwithstanding
 11 any law or rule to the contrary.

12 SECTION 9. IC 36-8-6-6 IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) The local board shall
 14 determine how much of the 1925 fund may be safely invested and how
 15 much should be retained for the needs of the fund. The investment shall
 16 be made:

17 (1) in interest bearing bonds of the United States, the state, or an
 18 Indiana municipal corporation. The bonds shall be deposited with
 19 and must remain in the custody of the treasurer of the board, who
 20 shall collect the interest due as it becomes due; **or**

21 (2) **under IC 5-13-9.**

22 (b) Investments under this section are subject to section 1.5 of this
 23 chapter.

24 SECTION 10. IC 36-8-7-10 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 10. (a) The local board
 26 shall determine how much of the 1937 fund may be safely invested and
 27 how much should be retained for the needs of the fund. Investments are
 28 restricted to the following:

29 (1) Interest bearing direct obligations of the United States or of
 30 the state or bonds lawfully issued by an Indiana political
 31 subdivision. The securities shall be deposited with and must
 32 remain in the custody of the treasurer of the local board, who shall
 33 collect the interest on them as it becomes due and payable.

34 (2) Savings deposits or certificates of deposit of a chartered
 35 national, state, or mutual bank whose deposits are insured by a
 36 federal agency. However, deposits may not be made in excess of
 37 the amount of insurance protection afforded a member or investor
 38 of the bank.

39 (3) Shares of a federal savings and loan association organized
 40 under 12 U.S.C. ~~section~~ 1461, as amended, and having its
 41 principal office in Indiana, or of a building and loan association
 42 or savings and loan association organized and operating under

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1 Indiana statutes whose accounts are insured by a federal agency.
 2 However, shares may not be purchased in excess of the amount of
 3 insurance protection afforded a member or investor of the
 4 association.

5 **(4) An investment made under IC 5-13-9.**

6 (b) All securities must be kept on deposit with the unit's fiscal
 7 officer, or county treasurer acting under IC 36-4-10-6, who shall collect
 8 all interest due and credit it to the 1937 fund.

9 (c) The fiscal officer (or county treasurer) shall keep a separate
 10 account of the 1937 fund and shall fully and accurately set forth a
 11 statement of all money received and paid out by him. The officer shall,
 12 on the first Monday of January and June of each year, make a report to
 13 the local board of all money received and distributed by him. The
 14 president of the local board shall execute the officer's bond in the sum
 15 that the local board considers adequate, conditioned that he will
 16 faithfully discharge the duties of his office and faithfully account for
 17 and pay over to the persons authorized to receive it all money that
 18 comes into his hands by virtue of his office. The bond and sureties must
 19 be approved by the local board and filed with the executive of the unit.
 20 The local board shall make a full and accurate report of the condition
 21 of the 1937 fund to the unit's fiscal officer on the first Monday of
 22 February in each year.

23 (d) All securities that were owned by and held in the name of the
 24 local board on January 1, 1938, shall be held and kept for the local
 25 board by the unit's fiscal officer (or county treasurer) until they mature
 26 and are retired. However, if an issue of the securities is refunded, the
 27 local board shall accept refunding securities in exchange for and in an
 28 amount equal to the securities refunded. All money received by the
 29 local board for the surrender of matured and retired securities shall be
 30 paid into and constitutes a part of the 1937 fund of the unit, as provided
 31 in section 8 of this chapter.

32 (e) Investments under this section are subject to section 2.5 of this
 33 chapter.

34 SECTION 11. IC 36-9-12-4 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) **Except as**
 36 **provided in section 4.1 of this chapter**, a municipality must provide,
 37 by ordinance, that:

- 38 (1) all license fees collected from parking meters shall be
 39 deposited with the municipal fiscal officer;
 40 (2) the fees shall be deposited to the credit of the municipality in
 41 a special fund; and
 42 (3) disbursements from the special fund may be made only on

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- 1 orders of the municipal works board, or board of transportation,
 2 and only for the purposes listed in subsection (b).
 3 (b) Disbursements from the special fund may be made only to pay:
 4 (1) the purchase price, rental fees, and cost of installation of the
 5 parking meters;
 6 (2) the cost of maintenance, operation, and repair of the parking
 7 meters;
 8 (3) incidental costs and expenses in the operation of the parking
 9 meters, including the cost of clerks and bookkeeping;
 10 (4) the cost of traffic signal devices used in the municipality;
 11 (5) the cost of repairing and maintaining any of the public ways,
 12 curbs, and sidewalks where the parking meters are in use, and all
 13 public ways connected with them in the municipality;
 14 (6) the cost of acquiring, by lease or purchase, suitable land for
 15 offstreet parking facilities to be operated or leased by the
 16 municipality;
 17 (7) the principal and interest on bonds issued to acquire parking
 18 facilities and devices;
 19 (8) the cost of improving and maintaining land for parking
 20 purposes and purchasing, installing, and maintaining parking
 21 meters on that land; and
 22 (9) the cost of providing approved school crossing protective
 23 facilities, including the costs of purchase, maintenance, operation,
 24 and repair, and all other incidental costs.
- 25 SECTION 12. IC 36-9-12-4.1 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 1998]: **Sec. 4.1. (a) If in carrying out the**
 28 **purposes of this chapter, a municipality has an operating deficit**
 29 **caused by specified expenditures exceeding revenue dedicated to**
 30 **cover the expenditures, the municipality may provide by ordinance**
 31 **that:**
- 32 (1) license fees collected from parking meters shall be
 33 deposited with the municipal fiscal officer;
 34 (2) the municipal fiscal officer shall deposit license fees
 35 collected from parking meters in the municipality's general
 36 fund; and
 37 (3) the specified expenditures shall be disbursed on the order
 38 of the municipal works board or board of transportation as
 39 budgeted.
- 40 (b) License fees deposited in the general fund under this section
 41 may be used only to pay for the items described in section 4(b) of
 42 this chapter.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1034, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 5-11-10-1, AS AMENDED BY P.L.45-1997, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) This section applies to the state and its political subdivisions. However, this section does not apply to the following:

- (1) The state universities.
- (2) Ivy Tech State College.
- (3) A municipality (as defined in IC 36-1-2-11).
- (4) A county.
- (5) An airport authority operating in a consolidated city.
- (6) A capital improvements board of managers operating in a consolidated city.
- (7) A board of directors of a public transportation corporation operating in a consolidated city.
- (8) A municipal corporation organized under IC 16-22-8-6.
- (9) A public library.
- (10) A library services authority.
- (11) A hospital organized under IC 16-22 or a hospital organized under IC 16-23.
- (12) A school corporation (as defined in IC 36-1-2-17).
- (13) A regional water or sewer district organized under IC 13-26 or under IC 13-3-2 (before its repeal).
- (14) A municipally owned utility (as defined in IC 8-1-2-1).
- (15) A board of an airport authority under IC 8-22-3.
- (16) A conservancy district.
- (17) A board of aviation commissioners under IC 8-22-2.
- (18) A public transportation corporation under IC 36-9-4.
- (19) A commuter transportation district under IC 8-5-15.
- (20) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

(21) A levee authority established under IC 14-27-6.

(b) No warrant or check shall be drawn by a disbursing officer in payment of any claim unless the same has been fully itemized and its correctness properly certified to by the claimant or some authorized person in the claimant's behalf, and filed and allowed as provided by

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law.

(c) The certificate provided for in subsection (b) is not required for:

- (1) claims rendered by a public utility for electric, gas, steam, water, or telephone services, the charges for which are regulated by a governmental body;
- (2) a warrant issued by the auditor of state under IC 4-13-2-7(b);
- (3) a check issued by a special disbursing officer under IC 4-13-2-20(g); or
- (4) a payment of fees under IC 36-7-11.2-49(b) or IC 36-7-11.3-43(b).

(d) The disbursing officer shall issue checks or warrants for all claims which meet all of the requirements of this section. The disbursing officer does not incur personal liability for disbursements:

- (1) processed in accordance with this section; and
- (2) for which funds are appropriated and available.

(e) The certificate provided for in subsection (b) must be in the following form:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

SECTION 2. IC 5-11-10-1.6, AS AMENDED BY P.L.253-1997(ss), SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1.6. (a) As used in this section, "governmental entity" refers to any of the following:

- (1) A municipality (as defined in IC 36-1-2-11).
- (2) A school corporation (as defined in IC 36-1-2-17).
- (3) A county.
- (4) A regional water or sewer district organized under IC 13-26 or under IC 13-3-2 (before its repeal).
- (5) A municipally owned utility that is subject to IC 8-1.5-3 or IC 8-1.5-4.
- (6) A board of an airport authority under IC 8-22-3.
- (7) A board of aviation commissioners under IC 8-22-2.
- (8) A conservancy district.
- (9) A public transportation corporation under IC 36-9-4.
- (10) A commuter transportation district under IC 8-5-15.
- (11) The state.
- (12) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

(13) A levee authority established under IC 14-27-6.

(b) As used in this section, "claim" means a bill or an invoice submitted to a governmental entity for goods or services.



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(c) The fiscal officer of a governmental entity may not draw a warrant or check for payment of a claim unless:

- (1) there is a fully itemized invoice or bill for the claim;
- (2) the invoice or bill is approved by the officer or person receiving the goods and services;
- (3) the invoice or bill is filed with the governmental entity's fiscal officer;
- (4) the fiscal officer audits and certifies before payment that the invoice or bill is true and correct; and
- (5) payment of the claim is allowed by the governmental entity's legislative body or the board or official having jurisdiction over allowance of payment of the claim.

This subsection does not prohibit a school corporation, with prior approval of the board having jurisdiction over allowance of payment of the claim, from making payment in advance of receipt of services as allowed by guidelines developed under IC 20-10.1-25-3.

(d) The fiscal officer of a governmental entity shall issue checks or warrants for claims by the governmental entity that meet all of the requirements of this section. The fiscal officer does not incur personal liability for disbursements:

- (1) processed in accordance with this section; and
- (2) for which funds are appropriated and available.

(e) The certification provided for in subsection (c)(4) must be on a form prescribed by the state board of accounts."

Page 3, line 10, delete ":".

Page 3, line 10, reset in roman "fiscal body".

Page 3, line 10, after "body" insert "**of the unit the official represents.**".

Page 3, delete lines 11 through 14.

Page 3, line 17, before "equal" insert "**in an amount**".

Page 3, line 17, strike "lodging allowance provided to state".

Page 3, strike lines 18 through 19.

Page 3, line 20, strike "for state employees in travel status." and insert "**single room rate.**".

Page 3, line 29, strike "per diem" and insert "**lodging**".

Page 6, line 1, strike "Two (2)" and insert "**A majority of the**".

Page 6, line 2, strike "constitute" and insert "**constitutes**".

Page 8, after line 18, begin a new paragraph and insert:

"SECTION 9. IC 36-9-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) **Except as provided in section 4.1 of this chapter**, a municipality must provide, by ordinance, that:

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- (1) all license fees collected from parking meters shall be deposited with the municipal fiscal officer;
 - (2) the fees shall be deposited to the credit of the municipality in a special fund; and
 - (3) disbursements from the special fund may be made only on orders of the municipal works board, or board of transportation, and only for the purposes listed in subsection (b).
- (b) Disbursements from the special fund may be made only to pay:
- (1) the purchase price, rental fees, and cost of installation of the parking meters;
 - (2) the cost of maintenance, operation, and repair of the parking meters;
 - (3) incidental costs and expenses in the operation of the parking meters, including the cost of clerks and bookkeeping;
 - (4) the cost of traffic signal devices used in the municipality;
 - (5) the cost of repairing and maintaining any of the public ways, curbs, and sidewalks where the parking meters are in use, and all public ways connected with them in the municipality;
 - (6) the cost of acquiring, by lease or purchase, suitable land for offstreet parking facilities to be operated or leased by the municipality;
 - (7) the principal and interest on bonds issued to acquire parking facilities and devices;
 - (8) the cost of improving and maintaining land for parking purposes and purchasing, installing, and maintaining parking meters on that land; and
 - (9) the cost of providing approved school crossing protective facilities, including the costs of purchase, maintenance, operation, and repair, and all other incidental costs.

SECTION 10. IC 36-9-12-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 4.1. (a) If in carrying out the purposes of this chapter, a municipality has an operating deficit caused by specified expenditures exceeding revenue dedicated to cover the expenditures, the municipality may provide by ordinance that:**

- (1) license fees collected from parking meters shall be deposited with the municipal fiscal officer;**
- (2) the municipal fiscal officer shall deposit license fees collected from parking meters in the municipality's general fund; and**
- (3) the specified expenditures shall be disbursed on the order**



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of the municipal works board or board of transportation as budgeted.

(b) License fees deposited in the general fund under this section may be used only to pay for the items described in section 4(b) of this chapter."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to House Bill 1034 as introduced.)

STEVENSON, Chair

Committee Vote: yeas 14, nays 0.

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