

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

*Your Committee on Labor and Employment, to which was referred House Bill 1234, 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:*

- 1 Replace the effective dates in SECTIONS 1 through 3 with:
- 2 "[EFFECTIVE UPON PASSAGE]".
- 3 Page 1, line 16, after "thereof." insert: "**The remedies by**
- 4 **garnishment and proceedings supplementary to execution as**
- 5 **provided by law shall be available to the board to effectuate the**
- 6 **purposes of this chapter.**".
- 7 Page 2, line 2, after "enter" insert: "**in the judgment record in the**
- 8 **column for judgment debtors.**".
- 9 Page 2, line 3, delete ";" and insert: "**, or if the employing unit is**
- 10 **a partnership, the names of the partners;**".
- 11 Page 2, line 4, delete "and".
- 12 Page 2, line 5, delete "." and insert "**; and**".
- 13 Page 2, between lines 5 and 6, begin a new line block indented and

1 insert:

2 **"(5) certify the original warrant and return it to the**
 3 **department."**

4 Page 3, after line 2, begin a new paragraph and insert:

5 "SECTION 4. IC 22-4-29-10, AS AMENDED BY P.L.21-1995,
 6 SECTION 117, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The return by the sheriff
 8 to the department of the warrants shall be made monthly on or before
 9 the fifth day of the month. All money so returned to the department
 10 shall be receipted for by the department and its endorsement upon the
 11 check transmitted by the sheriff shall be conclusive evidence of such
 12 payment by the sheriff and no other receipt shall be necessary.

13 (b) If a warrant is not satisfied within the one hundred twenty (120)
 14 days specified in section 8 of this chapter, nothing herein shall operate
 15 to prevent the department from issuing subsequent warrants upon the
 16 identical amount of the unpaid assessment. Subsequent warrants shall
 17 not be recorded by the clerk, and no fees shall be chargeable by the
 18 clerk. Upon any subsequent warrant, the sheriff shall be entitled to a
 19 sum for mileage equal to that sum per mile paid to state officers and
 20 employees, with the rate changing each time the state government
 21 changes its rate per mile, but shall not be entitled to any other fee if the
 22 same has been paid the sheriff for services upon the original warrant,
 23 except that in case collection is made in part or in full with respect to
 24 any such subsequent warrant, the sheriff is entitled to the five percent
 25 (5%) or ten percent (10%) as provided in section 9(b) of this chapter.

26 (c) In every instance in which the sheriff shall return any warrant
 27 unsatisfied, the sheriff shall attach to the ~~sheriff's return an inventory~~
 28 ~~or schedule of all the property, real and personal, tangible and~~
 29 ~~intangible, of the employing unit, sworn to by the employing unit, and~~
 30 ~~describing the real estate by metes and bounds and the personal~~
 31 ~~property by separate items, specifically noting thereon all~~
 32 ~~encumbrances, or in lieu thereof a sworn statement by the employing~~
 33 ~~unit that it possesses no property whatever. **warrant a summary of all**~~
 34 **relative information regarding the attempts to collect the warrant**
 35 **and the reason the warrant is being returned unsatisfied.**

36 SECTION 5. IC 22-4-29-11 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) ~~If, within~~
 38 ~~the time prescribed in the warrant, the sheriff shall fail to file such~~

1 schedule or such statement of the employing unit or a statement sworn
 2 to by the sheriff that the sheriff has made a demand upon the
 3 employing unit to make such schedule or statement and that such
 4 demand was refused; the sheriff shall forfeit to the state for each such
 5 failure the sum of twenty dollars (\$20) which amount shall be
 6 deposited in the unemployment insurance benefit fund. However, such
 7 penalty shall not be imposed In the event the sheriff is unable to locate
 8 said the employing unit after diligent search, ~~and files~~ **the sheriff shall**
 9 **file** with the department a statement sworn to by the said sheriff that a
 10 diligent search has been made and the said employing unit cannot be
 11 located within the sheriff's bailiwick. It shall be the duty of the
 12 employing unit to make such verified inventory, schedule, or statement,
 13 upon the demand of the sheriff, and it shall be unlawful for any
 14 employing unit or officer thereof to refuse so to do.

15 (b) Should any inventory or schedule disclose any property upon
 16 which the sheriff might have made a levy and sale to satisfy, or
 17 partially satisfy, any warrant, the failure of the sheriff to make such
 18 levy and sale shall constitute misfeasance in office, and shall subject
 19 the sheriff to liability upon the sheriff's official bond, to the state, in an
 20 amount equal to the amount which might have been collected upon the
 21 said warrant had such levy and sale been made. Such liability upon the
 22 part of the sheriff shall constitute a debt due the state and may be
 23 recovered in any suit instituted by the attorney general in the name of
 24 the state for that purpose, which amount so recovered shall be treated
 25 as though collected from the employing unit.

26 SECTION 6. IC 22-4-29-12 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The liability
 28 for any contributions, interest, penalties, and damages imposed by this
 29 chapter, or costs incidental to execution of warrants, shall not be
 30 subject to any of the provisions of the exemption laws of the state of
 31 Indiana for the relief of debtors.

32 (b) All sheriffs are authorized and empowered to administer all
 33 oaths that may be found convenient and necessary to be administered
 34 in the discharge of their official duties under the requirements of this
 35 chapter, and all oaths so administered shall be without charge or

- 1 ~~expense whatsoever.~~
- 2 **SECTION 7. An emergency is declared for this act."**
Renumber all SECTIONS consecutively.
(Reference is to HB 1234 as introduced.)

and when so amended that said bill do pass.

Representative Liggett