

HOUSE BILL No. 1234

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-4-29.

Synopsis: Unemployment compensation warrants. Provides that the clerk of the circuit court, when given a warrant for unpaid assessments against an employer from the commissioner of workforce development, shall record the warrant information in the clerk's office. Provides that five days after the clerk receives the warrant, the amount of the warrant becomes a lien upon all property of the employer.

Effective: July 1, 1998.

Hasler

January 13, 1998, read first time and referred to Committee on Labor and Employment.

C
O
P
Y



Introduced

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.

HOUSE BILL No. 1234



A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

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

1 SECTION 1. IC 22-4-29-6, AS AMENDED BY P.L.21-1995,
2 SECTION 113, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) Unless an assessment is paid
4 in full within seven (7) days after it becomes final, the commissioner
5 or the commissioner's representative may file with the clerk of the
6 circuit court of any county in the state a warrant in duplicate, directed
7 to the sheriff of such county, commanding the sheriff to levy upon and
8 sell the property, real and personal, tangible and intangible, of the
9 employing unit against whom the assessment has been made, in
10 sufficient quantity to satisfy the amount thereof, plus damages to the
11 amount of ten percent (10%) of such assessment, which shall be in
12 addition to the penalties prescribed in this article for delinquent
13 payment, and in addition to the interest at the rate of one percent (1%)
14 per month upon the unpaid contribution from the date it was due, to the
15 date of payment of the warrant, and in addition to all costs incident to
16 the recording and execution thereof. **Within five (5) days after receipt**
17 **of a warrant under this section, the clerk shall:**

1998

IN 1234—LS 7214/DI 96+



C
O
P
Y

- 1 (1) retain the duplicate copy of the warrant;
- 2 (2) enter the name of the employing unit stated in the
- 3 warrant;
- 4 (3) enter the amount sought by the warrant; and
- 5 (4) enter the date the warrant was received.

6 (b) Five (5) days after the clerk receives a warrant under
7 subsection (a), the amount sought in the warrant, the damages,
8 penalties, and interest described in subsection (a), become a lien
9 upon the title to and interest in the real and personal property of
10 the employing unit.

11 SECTION 2. IC 22-4-29-7, AS AMENDED BY P.L.21-1995,
12 SECTION 114, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 1998]: Sec. 7. The clerk shall return the
14 original, certified copy of the warrant to the department together with
15 all recording information concerning the warrant. ~~When the clerk has~~
16 ~~received the warrant;~~ **Upon receipt of the warrant from the clerk,** the
17 department ~~may~~ **shall** issue the warrant to the sheriff of the county.

18 SECTION 3. IC 22-4-29-8, AS AMENDED BY P.L.21-1995,
19 SECTION 115, IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 1998]: Sec. 8. (a) If the clerk fails to record the
21 warrant and issue the same to the department within five (5) days after
22 it has been received by the clerk as herein provided, the clerk shall
23 forfeit to the state for each such failure the sum of twenty dollars (\$20),
24 which shall be deposited in the unemployment insurance benefit fund.

25 (b) Within one hundred twenty (120) days from the date of receipt
26 of the warrant (or immediately after service if the warrant is fully
27 satisfied or found to be wholly uncollectible) the sheriff shall return it
28 **to the department,** together with the money collected, less fees and
29 costs. ~~payable to the department, and make his return thereon.~~

30 (c) "Costs" as referred to in this subsection includes the fees of the
31 clerk and sheriff as are specifically provided for and costs of storage,
32 appraisal, publication, and other necessary and properly chargeable
33 expenses incurred in the sale of property on execution. The costs herein
34 specifically prescribed for the clerk and sheriff shall be as follows:

- 35 (1) Clerk's fee of three dollars (\$3) to be charged on the warrant
36 and paid to the clerk for recording the warrant.
- 37 (2) Sheriff's fee of:
 - 38 (A) six dollars (\$6) to be charged on the warrant and paid to
39 the sheriff in every instance in which the warrant has been
40 duly and properly served and the schedules and affidavits
41 hereinafter provided for have been executed and signed; or
 - 42 (B) ten dollars (\$10) for sale of property on execution or



C
O
P
Y

1 decree, including making a deed or certificate of sale, to be
2 charged on the warrant.

C
o
p
y

