

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 385, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 5, delete "or".
- 2 Page 1, line 5, after "probate court" insert ", or the court of
- 3 **appeals**".
- 4 Page 1, line 14, after "circuit court, or" reset in roman "a".
- 5 Page 1, line 14, before "county" insert "a".
- 6 Page 1, line 14, after "county court," delete "or" and insert "a".
- 7 Page 1, line 15, before "for a senior" insert ", or the court of
- 8 **appeals**".
- 9 Page 2, line 4, after "circuit" delete ", or" and insert " **court, or a**".
- 10 Page 2, line 4, after "superior" delete ", county, or probate".
- 11 Page 2, line 4, delete "." and insert ", **a county court, a probate**
- 12 **court, or the court of appeals.**".
- 13 Page 2, line 6, after "circuit" delete ", or" and insert " **court, or a**".
- 14 Page 2, line 6, after "superior" delete ", county, or".
- 15 Page 2, line 7, delete "probate".
- 16 Page 2, line 7, delete "." and insert ", **a county court, a probate**
- 17 **court, or the court of appeals.**".
- 18 Page 2, line 12, delete "." and insert "**or appoint a clerk of the**

1 **court."**

2 Page 2, line 12, delete "," and insert "**or appoint a clerk of the**
3 **court,"**.

4 Page 2, between lines 14 and 15, begin a new paragraph and
5 insert:

6 "**(b) The clerk is an officer of a town court. The judge of a**
7 **town court may act as clerk and perform all duties of the clerk of**
8 **the court or appoint a clerk of the court. If the judge does not act**
9 **as a clerk of the court or appoint a clerk of the court, the town**
10 **clerk-treasurer elected under IC 36-5-6-4 shall perform the duties**
11 **of the clerk of the town court."**

12 Page 2, line 15, delete "(b)" and insert "(c)".

13 Page 2, line 21, after "as clerk" insert "**or appoint a clerk**".

14 Page 2, line 22, after "city" insert "**or an appointed clerk in a**
15 **third class city**".

16 Page 2, line 24, after "clerk" insert "**of a city or town court**".

17 Page 2, line 34, after "city" insert "**or town**".

18 Page 2, line 38, delete "." and insert "**or town.**".

19 Page 2, line 41, after "city" insert "**or town**".

20 Page 3, delete lines 9 through 42.

21 Page 4, delete lines 1 through 32.

22 Page 5, line 7, after "clerk of the court" insert "**or appoint a clerk**
23 **of the court**".

24 Page 5, line 21, after "court" insert "**or appoint a clerk to serve**
25 **as clerk of the city court**".

26 Page 5, after line 22, begin a new paragraph and insert:

27 "SECTION 9. IC 36-5-6-6, AS AMENDED BY P.L.10-1997,
28 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 1998]: Sec. 6. (a) The clerk-treasurer shall do the following:

30 (1) Receive and care for all town money and pay the money out
31 only on order of the town legislative body.

32 (2) Keep accounts showing when and from what sources the
33 clerk-treasurer has received town money and when and to whom
34 the clerk-treasurer has paid out town money.

35 (3) Prescribe payroll and account forms for all town offices.

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

38 (5) Manage the finances and accounts of the town and make

- 1 investments of town money.
- 2 (6) Prepare for the legislative body the budget estimates of
- 3 miscellaneous revenue, financial statements, and the proposed
- 4 tax rate.
- 5 (7) Maintain custody of the town seal and the records of the
- 6 legislative body.
- 7 (8) Issue all licenses authorized by statute and collect the fees
- 8 fixed by ordinance.
- 9 (9) Serve as clerk of the legislative body by attending its
- 10 meetings and recording its proceedings.
- 11 (10) Administer oaths, take depositions, and take
- 12 acknowledgment of instruments that are required by statute to be
- 13 acknowledged, without charging a fee.
- 14 **(11) Serve as clerk of the town court under IC 33-10.1-6-2, if**
- 15 **the judge of the court does not serve as clerk of the court or**
- 16 **appoint a clerk of the court under IC 33-10.1-6-1.1.**
- 17 ~~(12)~~ (12) Perform all other duties prescribed by statute.
- 18 (b) A clerk-treasurer is not liable, in an individual capacity, for any
- 19 act or omission occurring in connection with the performance of the
- 20 requirements set forth in subsection (a), unless the act or omission
- 21 constitutes gross negligence or an intentional disregard of the
- 22 requirements."
- 23 Renumber all SECTIONS consecutively.
(Reference is to SB 385 as introduced.)

and when so amended that said Bill do pass.

Committee Vote: Yeas 10, Nays 0.

Senator Bray, Chairperson