



February 17, 1999

HOUSE BILL No. 1024

DIGEST OF HB 1024 (Updated February 16, 1999 3:46 pm - DI 94)

Citations Affected: IC 31-11; IC 36-4; IC 36-5; IC 36-9.

Synopsis: Municipal administrative matters. Requires that the appropriations for the salaries of attorneys and legal research assistants employed by a clerk or clerk-treasurer must be allocated to the clerk or clerk-treasurer for the payment of the salaries. Provides that a clerk-treasurer is an ex-officio member of the town legislative body for the purpose of tie-breaking. Eliminates an obsolete reference to a state agency public purchasing statute in municipal sewage law. (Current municipal sewage law refers to a public purchasing statute that was repealed for local governments by P.L.57-1981.) Requires the town executive to have the approval of the town board before discharging or removing a town employee.

Effective: Upon passage; July 1, 1999.

Ayres, Stevenson

January 6, 1999, read first time and referred to Committee on Local Government.
February 16, 1999, amended, reported — Do Pass.

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February 17, 1999

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.

HOUSE BILL No. 1024

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 31-11-6-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. Marriages may be
3 solemnized by any of the following:
4 (1) A member of the clergy of a religious organization (even if the
5 cleric does not perform religious functions for an individual
6 congregation), such as a minister of the gospel, a priest, a bishop,
7 an archbishop, or a rabbi.
8 (2) A judge.
9 (3) A mayor, within the mayor's ~~city~~ **county**.
10 (4) A clerk or a clerk-treasurer of a city or town, within a county
11 in which the city or town is located.
12 (5) A clerk of the circuit court.
13 (6) The Friends Church, in accordance with the rules of the
14 Friends Church.
15 (7) The German Baptists, in accordance with the rules of their
16 society.
17 (8) The Bahai faith, in accordance with the rules of the Bahai

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- 1 faith.
- 2 (9) The Church of Jesus Christ of Latter Day Saints, in
- 3 accordance with the rules of the Church of Jesus Christ of Latter
- 4 Day Saints.
- 5 (10) An imam of a masjid (mosque), in accordance with the rules
- 6 of the religion of Islam.
- 7 SECTION 2. IC 36-4-10-5.5 IS AMENDED TO READ AS
- 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) A clerk or
- 9 clerk-treasurer may hire or contract with competent attorneys or legal
- 10 research assistants on terms the clerk or clerk-treasurer considers
- 11 appropriate.
- 12 (b) Employment of an attorney under this section does not affect a
- 13 city department of law established under IC 36-4-9-4.
- 14 (c) Appropriations for the salaries of attorneys and legal research
- 15 assistants employed under this section shall be approved in the annual
- 16 budget **and must be allocated to the clerk or clerk-treasurer for the**
- 17 **payment of attorney's and legal research assistant's salaries.**
- 18 SECTION 3. IC 36-5-2-8 IS AMENDED TO READ AS FOLLOWS
- 19 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The town clerk-treasurer
- 20 is the clerk of the legislative body.
- 21 (b) ~~Whenever the legislative body has an even number of members~~
- 22 ~~for any reason,~~ The clerk-treasurer is an ex officio member for the
- 23 purpose of casting the deciding vote to break a tie.
- 24 SECTION 4. IC 36-5-2-13 IS ADDED TO THE INDIANA CODE
- 25 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
- 26 **UPON PASSAGE]: Sec. 13. The town executive must have the**
- 27 **approval of a majority of the town board before the executive may**
- 28 **discharge or remove a town employee.**
- 29 SECTION 5. IC 36-9-23-6 IS AMENDED TO READ AS
- 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The board
- 31 may enter into all contracts or agreements necessary or incidental to the
- 32 performance of its duties and the execution of its powers under this
- 33 chapter. However, the board may not obligate itself or the municipality
- 34 beyond the extent to which money has been or may be provided under
- 35 this chapter.
- 36 (b) A contract relating to the financing of the acquisition or
- 37 construction of any sewage works, or to any trust indenture authorized
- 38 by this chapter, is not effective until it is approved by the municipal
- 39 legislative body.
- 40 (c) A contract or an agreement with any contractor or contractors for
- 41 labor, equipment, or materials shall be let and entered into under the
- 42 statutes governing the letting of contracts by agencies of municipalities.

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1 ~~including IC 5-17-1.~~
2 (d) The board or any public utility (as defined in IC 8-1-6-3)
3 contracting with the board for the treatment, purification, or disposal
4 in a sanitary manner of liquid and solid waste, sewage, night soil, or
5 industrial waste may contract with a water utility furnishing water
6 service to users or property served in the municipality or by the public
7 utility to do the following:
8 (1) Ascertain the amount of water consumed.
9 (2) Compute the amount of the charge to be billed for sewer
10 services to each user or property served.
11 (3) Bill and collect the amounts due for sewer services.
12 (4) Discontinue water service to delinquent sewer users.
13 A contract under this subsection is enforceable without the approval of
14 the Indiana utility regulatory commission.
15 (e) The procedures in IC 36-9-25-11.5(a) through
16 IC 36-9-25-11.5(e) apply to the discontinuance of water service to a
17 delinquent sewer user under a contract between the board and a water
18 utility described in subsection (d).
19 **SECTION 6. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1024, 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 31-11-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. Marriages may be solemnized by any of the following:

- (1) A member of the clergy of a religious organization (even if the cleric does not perform religious functions for an individual congregation), such as a minister of the gospel, a priest, a bishop, an archbishop, or a rabbi.
- (2) A judge.
- (3) A mayor, within the mayor's ~~city~~ **county**.
- (4) A clerk or a clerk-treasurer of a city or town, within a county in which the city or town is located.
- (5) A clerk of the circuit court.
- (6) The Friends Church, in accordance with the rules of the Friends Church.
- (7) The German Baptists, in accordance with the rules of their society.
- (8) The Bahai faith, in accordance with the rules of the Bahai faith.
- (9) The Church of Jesus Christ of Latter Day Saints, in accordance with the rules of the Church of Jesus Christ of Latter Day Saints.
- (10) An imam of a masjid (mosque), in accordance with the rules of the religion of Islam."

Page 1, line 2, delete the effective date "[EFFECTIVE JULY 1, 1999]" and insert the effective date "[EFFECTIVE UPON PASSAGE]".

Page 1, line 13, delete the effective date "[EFFECTIVE JULY 1, 1999]" and insert the effective date "[EFFECTIVE UPON PASSAGE]".

Page 1, line 15, strike "Whenever the legislative body has an even number of members".

Page 1, line 16, delete "present at a meeting of the legislative body,".

Page 1, line 16, strike "for any reason,".

Page 1, line 16, delete "the" and insert "The".

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Page 2, between lines 1 and 2, begin a new paragraph and insert:
"SECTION 3. IC 36-5-2-13 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 13. The town executive must have the approval of a majority of the town board before the executive may discharge or remove a town employee.**".

Page 2, line 3, delete the effective date "[EFFECTIVE JULY 1, 1999]" and insert the effective date "[EFFECTIVE UPON PASSAGE]".

Page 2, after line 33, begin a new paragraph and insert:
"SECTION 5. **An emergency is declared for this act.**".
Renumber all sections consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1024 as introduced.)

STEVENSON, Chair

Committee Vote: yeas 9, nays 0.

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