

HOUSE BILL No. 1024

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-4-10-5.5; IC 36-5-2-8; IC 36-9-23-6.

Synopsis: Municipal administrative matters. Requires appropriations for the salaries of attorneys and legal research assistants employed by a clerk or clerk-treasurer to 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 when an even number of members of the town legislative body are present at a meeting. 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 (Current municipal sewage law refers to a public purchasing statute that was repealed for local governments by P.L.57-1981.)

Effective: July 1, 1999.

Ayres, Stevenson

January 6, 1999, read first time and referred to Committee on Local Government.

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Introduced

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 36-4-10-5.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5.5. (a) A clerk or
3 clerk-treasurer may hire or contract with competent attorneys or legal
4 research assistants on terms the clerk or clerk-treasurer considers
5 appropriate.

6 (b) Employment of an attorney under this section does not affect a
7 city department of law established under IC 36-4-9-4.

8 (c) Appropriations for the salaries of attorneys and legal research
9 assistants employed under this section shall be approved in the annual
10 budget **and must be allocated to the clerk or clerk-treasurer for the**
11 **payment of attorney's and legal research assistant's salaries.**

12 SECTION 2. IC 36-5-2-8 IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The town clerk-treasurer is
14 the clerk of the legislative body.

15 (b) Whenever the legislative body has an even number of members
16 **present at a meeting of the legislative body**, for any reason, the
17 clerk-treasurer is an ex officio member for the purpose of casting the

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1 deciding vote to break a tie.

2 SECTION 3. IC 36-9-23-6 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) The board may
4 enter into all contracts or agreements necessary or incidental to the
5 performance of its duties and the execution of its powers under this
6 chapter. However, the board may not obligate itself or the municipality
7 beyond the extent to which money has been or may be provided under
8 this chapter.

9 (b) A contract relating to the financing of the acquisition or
10 construction of any sewage works, or to any trust indenture authorized
11 by this chapter, is not effective until it is approved by the municipal
12 legislative body.

13 (c) A contract or an agreement with any contractor or contractors for
14 labor, equipment, or materials shall be let and entered into under the
15 statutes governing the letting of contracts by agencies of municipalities.
16 ~~including IC 5-17-1.~~

17 (d) The board or any public utility (as defined in IC 8-1-6-3)
18 contracting with the board for the treatment, purification, or disposal
19 in a sanitary manner of liquid and solid waste, sewage, night soil, or
20 industrial waste may contract with a water utility furnishing water
21 service to users or property served in the municipality or by the public
22 utility to do the following:

- 23 (1) Ascertain the amount of water consumed.
- 24 (2) Compute the amount of the charge to be billed for sewer
25 services to each user or property served.
- 26 (3) Bill and collect the amounts due for sewer services.
- 27 (4) Discontinue water service to delinquent sewer users.

28 A contract under this subsection is enforceable without the approval of
29 the Indiana utility regulatory commission.

30 (e) The procedures in IC 36-9-25-11.5(a) through
31 IC 36-9-25-11.5(e) apply to the discontinuance of water service to a
32 delinquent sewer user under a contract between the board and a water
33 utility described in subsection (d).

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