



February 11, 2000

ENGROSSED HOUSE BILL No. 1008

DIGEST OF HB 1008 (Updated February 10, 2000 1:58 PM - DI 51)

Citations Affected: IC 5-3; IC 5-11; IC 6-1.1; IC 6-4.1; IC 13-21; IC 32-1; IC 33-17; IC 33-19; IC 34-30; IC 36-1; IC 36-2; IC 36-4; IC 36-5; IC 36-8; IC 36-9.

Synopsis: Local government matters. Provides that a city, town, or school corporation may post notices at a post office, bank, or public building in which the respective governing bodies meet only if the city or town does not have a city or town hall, or the school district does not have an administration building. Prohibits a person who owes delinquent property taxes from purchasing real property at a tax sale or at a sheriff's sale of real property to which the county has obtained title. Revises the procedure for refunding inheritance tax that has been erroneously or illegally collected. Requires a change in city, town, or school corporation notice postings. Provides that a local official who attends a state called conference is entitled to receive reimbursement for meals. Adds city clerk and town clerk to the list of officials before whom the recording of a real property conveyance may be proved.
(Continued next page)

Effective: January 1, 2000 (retroactive); upon passage; July 1, 2000.

Ayres, Stevenson, Leuck, Goeglein, Hasler

(SENATE SPONSORS — SKILLMAN, MERRITT, WOLF, SMITH S,
LAWSON C)

November 23, 1999, read first time and referred to Committee on Local Government.
January 18, 2000, amended, reported — Do Pass.
January 24, 2000, read second time, amended; made special order of business for 3:45 p.m.; reread second time, amended, ordered engrossed.
January 25, 2000, engrossed. Read third time, passed. Yeas 92, nays 0.
SENATE ACTION
January 27, 2000, read first time and referred to Committee on Judiciary.
February 10, 2000, amended, reported favorably — Do Pass.

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Digest Continued

Cross references to a provision that allows legislators and certain others to prove a conveyance. Removes municipal courts from the distribution of the qualified municipality share of court fees. Requires that funds appropriated for clerk-treasurer legal expenses be allocated to the clerk-treasurer. Provides that a county clerk is not personally liable for dishonored checks presented for the payment of fees, court ordered payments, or licenses. Requires that one copy of the financial records of each agency, board, commission or district or other municipal entity must be filed with the municipal fiscal officer. Provides that a county recorder is not personally liable for dishonored checks presented for the payment of fees. Provides that a county treasurer is not personally liable for an act or omission occurring in connection with the performance of the county treasurer's official duties, except under certain circumstances. Requires that documents submitted to a county recorder must be legible. Repeals statute requiring the county auditor to collect a fee for each assessed value deduction application received from a property taxpayer. Makes changes regarding filings to collect delinquent municipal sewer fees. Allows a solid waste management district in Vanderburgh County to provide grants and loans to plant and maintain trees on rights-of-way, public property, and vacant property. Requires each county, municipality, and township to forward matters related to dishonored checks to the prosecuting attorney. Allows a town board of metropolitan police commissioners to provide for a one year probationary period for town police officers.

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February 11, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

ENGROSSED HOUSE BILL No. 1008

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 5-3-1-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) Whenever officers of a
3 political subdivision are required to publish a notice affecting the
4 political subdivision, they shall publish the notice in two (2)
5 newspapers published in the political subdivision.
6 (b) This subsection applies to notices published by county officers.
7 If there is only one (1) newspaper published in the county, then
8 publication in that newspaper alone is sufficient.
9 (c) This subsection applies to notices published by city, town, or
10 school corporation officers. If there is only one (1) newspaper
11 published in the municipality or school corporation, then publication
12 in that newspaper alone is sufficient. If no newspaper is published in
13 the municipality or school corporation, then publication shall be made
14 in a newspaper published in the county in which the municipality or
15 school corporation is located and that circulates within the municipality
16 or school corporation. The notice shall be posted:
17 (1) at or near the city or town hall or school administration

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1 building; ~~and~~ or

2 (2) at the:

3 (A) **public building where the governing body of the**
 4 **respective city, town, or school corporation meets; or**

5 (B) post office in the municipality or school corporation (or at
 6 the bank if there is no post office);

7 **if the municipality does not have a city or town hall, or the**
 8 **school corporation does not have an administration building.**

9 (d) This subsection applies to notices published by officers of
 10 political subdivisions not covered by subsection (a) or (b), including
 11 township officers. If there is only one (1) newspaper published in the
 12 political subdivision, then the notice shall be published in that
 13 newspaper and if another newspaper is published in the county and
 14 circulates within the political subdivision in the other newspaper. If no
 15 newspaper is published in the political subdivision, then publication
 16 shall be made in a newspaper published in the county and that
 17 circulates within the political subdivision.

18 (e) This subsection applies to a political subdivision, including a
 19 city, town, or school corporation. Notwithstanding any other law, if a
 20 political subdivision has territory in more than one (1) county, public
 21 notices that are required by law or ordered to be published must be
 22 given as follows:

23 (1) By publication in two (2) newspapers published within the
 24 boundaries of the political subdivision.

25 (2) If only one (1) newspaper is published within the boundaries
 26 of the political subdivision, by publication in that newspaper and
 27 in some other newspaper:

28 (A) published in any county in which the political subdivision
 29 extends; and

30 (B) that has a general circulation in the political subdivision.

31 (3) If no newspaper is published within the boundaries of the
 32 political subdivision, by publication in two (2) newspapers that:

33 (A) are published in any counties into which the political
 34 subdivision extends; and

35 (B) have a general circulation in the political subdivision.

36 (4) If only one (1) newspaper is published in any of the counties
 37 into which the political subdivision extends, by publication in that
 38 newspaper if it circulates within the political subdivision.

39 (f) A political subdivision may, in its discretion, publish public
 40 notices in a qualified publication or additional newspapers to provide
 41 supplementary notification to the public. The cost of publishing
 42 supplementary notification is a proper expenditure of the political

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1 subdivision.

2 SECTION 2. IC 5-11-14-1, AS AMENDED BY P.L.35-1999,
3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2000 (RETROACTIVE)]: Sec. 1. (a) As used in this
5 section, "official" includes the following:

6 (1) An elected official who is entitled to attend a conference
7 under this section.

8 (2) An individual elected to an office who is entitled to attend a
9 conference under this section.

10 (3) A deputy or an assistant to an elected official who is entitled
11 to attend a conference under this section.

12 (b) The state board of accounts shall annually call a conference of
13 each of the following:

14 (1) County auditors and auditors elect.

15 (2) County treasurers and treasurers elect.

16 (3) Circuit court clerks and circuit court clerks elect.

17 (c) Each of the conferences called under subsection (b):

18 (1) must be held at a time and place fixed by the state examiner;

19 (2) may be held statewide or by district; and

20 (3) may not continue for longer than three (3) days in any one (1)
21 year.

22 (d) The following training must be provided at each conference
23 called under subsection (b):

24 (1) The proper use of forms prescribed by the state board of
25 accounts.

26 (2) The keeping of the records of the respective offices.

27 (3) At the conference for county treasurers and treasurers elect,
28 investment training by the following:

29 (A) The treasurer of state.

30 (B) The board for depositories.

31 (C) Any other person the state examiner considers to be
32 competent in providing investment training.

33 (4) Any other training that, in the judgment of the state examiner,
34 will result in the better conduct of the public business.

35 (e) The state examiner may hold other conferences for:

36 (1) the officials described in subsection (b); or

37 (2) other county, city, or township officers;

38 whenever in the judgment of the state examiner conferences are
39 necessary.

40 (f) Whenever a conference is called by the state board of accounts
41 under this section, an elected official, at the direction of the state
42 examiner, may require the attendance of:



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- 1 (1) each of the elected official's appointed and acting chief
 2 deputies or chief assistants; and
 3 (2) if the number of deputies or assistants employed:
 4 (A) does not exceed three (3), one (1) of the elected official's
 5 appointed and acting deputies or assistants; or
 6 (B) exceeds three (3), two (2) of the elected official's duly
 7 appointed and acting deputies or assistants.
- 8 (g) Each official attending any conference under this section shall
 9 be allowed, for each mile necessarily traveled in going to and returning
 10 from the conference by the most expeditious route, a sum for mileage
 11 at a rate determined by the fiscal body of the unit the official
 12 represents. Each official shall also be allowed, while attending a
 13 conference called under this section, an allowance for lodging for each
 14 night preceding conference attendance in an amount equal to the single
 15 room rate. However, lodging expense, in the case of a one (1) day
 16 conference, shall only be allowed for persons who reside fifty (50)
 17 miles or farther from the conference location. **Each official shall be**
 18 **reimbursed, in an amount determined by the fiscal body of the unit**
 19 **the official represents, for meals purchased while attending a**
 20 **conference called under this section.** Regardless of the duration of the
 21 conference, only one (1) mileage reimbursement shall be allowed to the
 22 official furnishing the conveyance although the official transports more
 23 than one (1) person.
- 24 (h) The state board of accounts shall certify the number of days of
 25 attendance and the mileage for each conference to each official
 26 attending any conference under this section.
- 27 (i) All payments of mileage and lodging shall be made by the proper
 28 disbursing officer in the manner provided by law on a duly verified
 29 claim or voucher to which shall be attached the certificate of the state
 30 board of accounts showing the number of days attended and the
 31 number of miles traveled. All payments shall be made from the general
 32 fund from any money not otherwise appropriated and without any
 33 previous appropriation being made therefor.
- 34 SECTION 3. IC 6-1.1-24-5.3 IS ADDED TO THE INDIANA
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2000]: **Sec. 5.3. (a) This section applies to the**
 37 **following:**
 38 (1) **A person who owes delinquent taxes, special assessments,**
 39 **penalties, interest, or costs directly attributable to a prior tax**
 40 **sale on a tract of real property listed under section 1 of this**
 41 **chapter.**
 42 (2) **A person who is an agent of the person described in**



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1 subdivision (1).

2 **(b) A person subject to this section may not purchase a tract**
 3 **offered for sale under section 5, 5.2, 5.5, or 5.6 of this chapter.**

4 **(c) If a person purchases a tract that the person was not eligible**
 5 **to purchase under this section, the sale of the property is void. The**
 6 **county treasurer shall apply the amount of the person's bid to the**
 7 **person's delinquent taxes and offer the real property for sale again**
 8 **under this chapter.**

9 SECTION 4. IC 6-4.1-10-3 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) The department
 11 of state revenue shall review each claim for refund and shall enter an
 12 order either approving, partially approving, or disapproving the refund.
 13 If the department either approves or partially approves a claim for
 14 refund, the department shall send a copy of the order to:

15 (1) the treasurer of the county that collected the tax, if the refund
 16 applies to inheritance tax collected as a result of a resident
 17 decedent's death; ~~or and~~

18 (2) the treasurer of state. ~~if the refund applies to tax collected by~~
 19 ~~the department.~~

20 The ~~county or state~~ treasurer as the case may be, ~~of state~~ shall pay the
 21 refund from money which is under his control and which has not
 22 otherwise been appropriated. The ~~county or state~~ treasurer **of state**
 23 shall receive a credit for the **county portion of the** amount so
 24 refunded, **and** the county treasurer **of the county owing the credit**
 25 shall ~~claim the credit account for the credit on his the county's~~
 26 inheritance tax report for the quarter in which the refund is paid.

27 (b) Within five (5) days after entering an order with respect to a
 28 claim for refund filed under section 1 of this chapter, the department
 29 shall send a copy of the order to the person who filed the claim.

30 SECTION 5. IC 13-21-3-12.2 IS ADDED TO THE INDIANA
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2000]: **Sec. 12.2. (a) This section applies to a**
 33 **county having a population of more than one hundred sixty**
 34 **thousand (160,000) but less than two hundred thousand (200,000).**

35 **(b) In addition to the powers granted to a district under section**
 36 **12 of this chapter, a district may make grants or loans of money,**
 37 **property, or services to a public or private program to plant or**
 38 **maintain trees in an area of the district that is a right-of-way,**
 39 **public property, or vacant property.**

40 SECTION 6. IC 32-1-2-18 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 18. To entitle any
 42 conveyance, mortgage or instrument of writing to be recorded, it shall



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1 be acknowledged by the grantor or proved before any:

2 (1) judge; ~~or~~

3 (2) clerk of a court of record; ~~justice of the peace;~~

4 (3) auditor;

5 (4) recorder;

6 (5) notary public; ~~or~~

7 (6) mayor of a city in this or any other state; ~~or before any~~

8 (7) commissioner appointed in any other state by the governor of
9 ~~this state, Indiana; or before any~~

10 (8) minister, charge d'affaires, or consul of the United States in
11 any foreign country;

12 (9) **clerk of the city-county council for a consolidated city, city**
13 **clerk for a second class city, or clerk-treasurer for a third**
14 **class city;**

15 (10) **clerk-treasurer for a town; or**

16 (11) **person authorized under IC 2-3-4-1, including a member**
17 **of the general assembly, the principal clerk of the house of**
18 **representatives, and the secretary of the senate.**

19 SECTION 7. IC 33-17-1-4 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) As used in this
21 section, "Indiana support enforcement tracking system (ISETS)" refers
22 to the statewide automated system for the collection, disbursement, and
23 distribution of child support payments established by the division of
24 family and children.

25 (b) The clerk may receive funds:

26 (1) in payment of judgments; and

27 (2) ordered to be paid into the court by the judge.

28 (c) Except as provided in ~~subsection~~ **subsections (d) and (g)**, the
29 clerk is liable, with his sureties, on his official bond for all funds
30 received to any person who is entitled to demand and receive those
31 funds from him.

32 (d) The clerk is not personally liable or liable in the clerk's official
33 capacity on the clerk's official bond for funds received if the clerk:

34 (1) through error or in accordance with the best information
35 available to the clerk, disbursed the funds to a person the clerk
36 reasonably believed to be entitled to receive the funds and to
37 comply with a:

38 (A) child support order; or

39 (B) garnishment order;

40 (2) inappropriately disbursed or misapplied child support funds,
41 arising without the knowledge or approval of the clerk, that
42 resulted from:

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- 1 (A) an action by an employee of, or a consultant to, the
 2 division of family and children;
 3 (B) an ISETS technological error; or
 4 (C) information generated by ISETS;
 5 (3) disbursed funds that the clerk reasonably believed were
 6 available for disbursement but that were not actually available for
 7 disbursement;
 8 (4) disbursed child support funds paid to the clerk by a personal
 9 check that was later dishonored by a financial institution; and
 10 (5) did not commit a criminal offense as a part of the
 11 disbursement.
 12 (e) If the clerk improperly disburses funds in the manner described
 13 by subsection (d), the clerk shall do the following:
 14 (1) Deduct an amount equal to the amount of funds improperly
 15 disbursed from fees collected under IC 33-19-6-5.
 16 (2) Credit each account from which funds were improperly
 17 disbursed with the amount of funds improperly disbursed under
 18 subsection (d).
 19 (3) Notify the prosecuting attorney of the county of:
 20 (A) the amount of the improper disbursement;
 21 (B) the person from whom the amount of the improper
 22 disbursement should be collected; and
 23 (C) any other information to assist the prosecuting attorney to
 24 collect the amount of the improper disbursement.
 25 (4) Record each action taken under this subsection on a form
 26 prescribed by the state board of accounts.
 27 (f) If:
 28 (1) fees collected under IC 33-19-6-5 are credited to an account
 29 under subsection (e)(2) because a check or money order was
 30 dishonored by a financial institution or was the subject of a stop
 31 payment order; and
 32 (2) a person subsequently pays to the clerk all or part of the
 33 amount of the check or money order that was dishonored or the
 34 subject of a stop payment order;
 35 the clerk shall reimburse the account containing fees collected under
 36 IC 33-19-6-5 using the amount the person paid to the clerk.
 37 **(g) The clerk is not personally liable for the amount of a**
 38 **dishonored check, for penalties assessed against a dishonored**
 39 **check, or for financial institution charges relating to a dishonored**
 40 **check, if:**
 41 **(1) the check was tendered to the clerk for the payment of a:**
 42 **(A) fee;**



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- 1 (B) court ordered payment; or
- 2 (C) license; and
- 3 (2) the acceptance of the check was not an act or omission
- 4 constituting gross negligence or an intentional disregard of
- 5 the responsibilities of the office of clerk.

6 SECTION 8. IC 33-19-7-3 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) The qualified
 8 municipality share to be distributed to each city and town maintaining
 9 a law enforcement agency that prosecutes at least fifty percent (50%)
 10 of its ordinance violations in a circuit, superior, ~~or county or municipal~~
 11 court located in the county is three percent (3%) of the amount of fees
 12 collected under the following:

- 13 (1) IC 33-19-5-1(a) (criminal costs fees).
- 14 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 15 (3) IC 33-19-5-3(a) (juvenile costs fees).
- 16 (4) IC 33-19-5-4(a) (civil costs fees).
- 17 (5) IC 33-19-5-5(a) (small claims costs fees).
- 18 (6) IC 33-19-5-6(a) (probate costs fees).
- 19 (7) IC 33-19-6-16.2 (deferred prosecution fees).

20 (b) The county auditor shall determine the amount to be distributed
 21 to each city and town qualified under subsection (a) as follows:

- 22 STEP ONE: Determine the population of the qualified city or
- 23 town.
- 24 STEP TWO: Add the populations of all qualified cities and towns
- 25 determined under STEP ONE.
- 26 STEP THREE: Divide the population of each qualified city and
- 27 town by the sum determined under STEP TWO.
- 28 STEP FOUR: Multiply the result determined under STEP THREE
- 29 for each qualified city and town by the amount of the qualified
- 30 municipality share.

31 (c) The county auditor shall semiannually distribute to each city and
 32 town described in subsection (a) the amount computed for that city or
 33 town under STEP FOUR of subsection (b).

34 SECTION 9. IC 34-30-2-144.5 IS ADDED TO THE INDIANA
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2000]: **Sec. 144.5. IC 33-17-1-4. (Concerning**
 37 **the personal liability of circuit court clerks for dishonored checks.)**

38 SECTION 10. IC 34-30-2-152.4 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2000]: **Sec. 152.4. IC 36-2-10-24. (Concerning**
 41 **the personal liability of county treasurers.)**

42 SECTION 11. IC 34-30-2-152.6 IS ADDED TO THE INDIANA

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2000]: **Sec. 152.6. IC 36-2-11-7.5.**
 3 **(Concerning the personal liability of county recorders for**
 4 **dishonored checks.)**

5 SECTION 12. IC 36-1-8-13 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2000]: **Sec. 13. (a) A unit that is unable to obtain payment of a**
 8 **dishonored check shall, not later than ninety (90) days after the**
 9 **check is initially received by the unit, refer the matter to the**
 10 **prosecuting attorney for the county where the dishonored check**
 11 **was received for prosecution.**

12 SECTION 13. IC 36-1-11-16 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 16. (a) This section**
 14 **applies to the following:**

15 (1) A person who ~~could have redeemed a tract under~~
 16 ~~IC 6-1.1-25-1 who did not redeem the tract before a deed for the~~
 17 ~~tract was issued to a county under IC 6-1.1-25-4.~~ **owes**
 18 **delinquent taxes, special assessments, penalties, interest, or**
 19 **costs directly attributable to a prior tax sale on a tract of real**
 20 **property listed under IC 6-1.1-24-1.**

21 (2) A person who is an agent of the person described in
 22 subdivision (1).

23 (b) A person subject to this section may not purchase, receive, or
 24 lease a tract ~~the person could have redeemed when the tract that~~ is
 25 offered in a sale, exchange, or lease under this chapter. ~~unless:~~

26 ~~(1) the county was issued a deed to the tract under IC 6-1.1-25-4~~
 27 ~~more than five (5) years before the tract is offered for sale;~~
 28 ~~exchange; or lease under this chapter; or~~

29 ~~(2) the person pays the county treasurer an amount equal to the~~
 30 ~~amount required to redeem the tract when the county was issued~~
 31 ~~a deed for the tract under IC 6-1.1-25-4 before the sale, exchange;~~
 32 ~~or lease under this chapter is executed by the county.~~

33 (c) If a person purchases, receives, or leases a tract that the person
 34 was not eligible to purchase, receive, or lease under this section, the
 35 sale, transfer, or lease of the property is void and the county retains the
 36 interest in the tract it possessed before the sale, transfer, or lease of the
 37 tract.

38 SECTION 14. IC 36-2-10-24 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2000]: **Sec. 24. A county treasurer is not**
 41 **personally liable for any act or omission occurring in connection**
 42 **with the performance of the county treasurer's official duties,**



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1 unless the act or omission constitutes gross negligence or an
 2 intentional disregard of the responsibilities of the office of county
 3 treasurer.

4 SECTION 15. IC 36-2-11-7.5 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2000]: **Sec. 7.5. A county recorder is not**
 7 **personally liable for the amount of a dishonored check, for**
 8 **penalties assessed against a dishonored check, or for financial**
 9 **institution charges relating to a dishonored check, if:**

10 (1) the check was tendered to the county recorder for the
 11 payment of a fee; and

12 (2) the acceptance of the check was not an act or omission
 13 constituting gross negligence or an intentional disregard of
 14 the responsibilities of the office of county recorder.

15 SECTION 16. IC 36-4-8-15 IS ADDED TO THE INDIANA CODE
 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 17 1, 2000]: **Sec. 15. Each city agency, board, commission, district, or**
 18 **other city entity shall file one (1) copy of that agency's, board's,**
 19 **commission's, district's, or entity's financial records with the city**
 20 **fiscal officer.**

21 SECTION 17. IC 36-5-4-14 IS ADDED TO THE INDIANA CODE
 22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 23 1, 2000]: **Sec. 14. Each town agency, board, commission, district, or**
 24 **other town entity shall file one (1) copy of that agency's, board's,**
 25 **commission's, district's, or entity's financial records with the town**
 26 **fiscal officer.**

27 SECTION 18. IC 36-5-6-8 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 8. (a) A clerk-treasurer**
 29 **may hire or contract with competent attorneys or legal research**
 30 **assistants on terms the clerk-treasurer considers appropriate.**

31 (b) Appropriations for the salaries of attorneys and legal research
 32 assistants employed under this section shall be approved in the annual
 33 budget.

34 (c) **Appropriations for the salaries of attorneys and legal**
 35 **research assistants employed under this section shall be approved**
 36 **in the annual budget and must be allocated to the clerk-treasurer**
 37 **for the payment of attorneys' and legal research assistants'**
 38 **salaries.**

39 SECTION 19. IC 36-8-9-3 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 3. (a) The board**
 41 **consists of three (3) commissioners appointed by the town legislative**
 42 **body. The commissioners must be of good moral character and legal**



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1 residents of the town. Not more than two (2) of the commissioners may
 2 be of the same political party. All three (3) commissioners shall be
 3 appointed in January following the general or primary election at which
 4 the trustees' action is ratified as specified in the ordinance creating
 5 the board. One (1) commissioner serves for one (1) year, one (1)
 6 commissioner serves for two (2) years, and one (1) commissioner
 7 serves for three (3) years. On January 1 of each year one (1)
 8 commissioner shall be appointed to serve for a term of three (3) years.
 9 Each commissioner is subject to removal by the legislative body for
 10 any cause that the legislative body considers sufficient.

11 (b) After the initial appointment of the three (3) commissioners, the
 12 town legislative body may, by ordinance, increase the size of the board
 13 by providing for the appointment of two (2) additional commissioners.
 14 The commissioners must be of good moral character and legal residents
 15 of the town. The additional commissioners may not be members of the
 16 same political party. Each additional commissioner shall be appointed
 17 to serve for a term of three (3) years, however the initial appointment
 18 need not be for three (3) years if the town legislative body adopts, by
 19 ordinance, a staggered system for the terms of the additional members.
 20 The terms of additional members begin January 1 following the date of
 21 their appointment. Each commissioner appointed under this subsection
 22 is subject to removal by the legislative body for any cause that the
 23 legislative body considers sufficient.

24 (c) Before entering upon his duties, each commissioner shall take
 25 and subscribe an oath of office before the clerk of the county in which
 26 the town is located. Each commissioner shall also take and subscribe
 27 before the clerk the further oath or affirmation that, in each
 28 appointment or removal made by the board to or from the town police
 29 department under this chapter, he will not appoint or remove a member
 30 because of the political affiliation of the person or for another cause or
 31 reason other than that of the fitness of the person. The oath and
 32 affirmation shall be recorded and placed among the records of the
 33 court.

34 (d) Each commissioner shall give bond in the penal sum of five
 35 thousand dollars (\$5,000), payable to the state and conditioned upon
 36 the faithful and honest discharge of his duties. The bond must be
 37 approved by the legislative body.

38 (e) The salary of the commissioners shall be fixed by the legislative
 39 body and is payable monthly out of the treasury of the town.

40 SECTION 20. IC 36-8-9-7 IS ADDED TO THE INDIANA CODE
 41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: **Sec. 7. (a) The board may provide that all**



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1 **appointments to the police department are probationary for a**
 2 **period not to exceed one (1) year.**

3 **(b) If the board finds, upon the recommendation of the chief of**
 4 **the department during the probationary period, that the conduct**
 5 **or capacity of a member is not satisfactory, the board shall notify**
 6 **the member in writing that the member is being suspended or that**
 7 **the member will not receive a permanent appointment.**

8 **(c) If a member is notified that the member will not receive a**
 9 **permanent appointment, the member's employment immediately**
 10 **ceases. Otherwise, at the expiration of the probationary period, the**
 11 **member is considered regularly employed.**

12 SECTION 21. IC 36-9-23-33 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 33. (a) An officer
 14 described in subsection (b) may defer enforcing the collection of
 15 unpaid fees and penalties assessed under this chapter until the unpaid
 16 fees and penalties have been due and unpaid for at least ninety (90)
 17 days.

18 (b) Except as provided in subsection (l), the officer charged with the
 19 collection of fees and penalties assessed under this chapter shall
 20 enforce their payment. **As often as the officer determines is**
 21 **necessary in a calendar year, the officer shall not more than four (4)**
 22 **times in any calendar year** prepare a list of the delinquent fees and
 23 penalties that are enforceable under this section, which must include:

24 (1) the name or names of the owner or owners of each lot or
 25 parcel of real property on which fees are delinquent;

26 (2) the description of the premises, as shown by the records of the
 27 county auditor; and

28 (3) the amount of the delinquent fees, together with the penalty.

29 (c) The officer shall record a copy of each list with the county
 30 recorder who shall charge a fee for recording it in accordance with the
 31 fee schedule established in IC 36-2-7-10. The officer shall then mail to
 32 each property owner on the list a notice stating that a lien against the
 33 owner's property has been recorded. Except for a county having a
 34 consolidated city, a service charge of five dollars (\$5), which is in
 35 addition to the recording fee charged under this subsection and under
 36 subsection (f), shall be added to each delinquent fee that is recorded.

37 (d) This subsection applies only to a county containing a
 38 consolidated city. Using the lists prepared under subsection (b) and
 39 recorded under subsection (c), the officer shall certify to the county
 40 auditor a list of the liens that remain unpaid according to a schedule
 41 agreed upon by the county treasurer and the officer for collection with
 42 the next cycle's property tax installment. The county and its officers



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and employees are not liable for any material error in the information on the list.

(e) Using the lists prepared under subsection (b) and recorded under subsection (c), after September 1 of the preceding calendar year and before September 1 of the current calendar year, the officer shall before December 15 of each year certify to the county auditor a list of the liens that remain unpaid for collection in the next May. The county and its officers and employees are not liable for any material error in the information on this list.

(f) The officer shall release any recorded lien when the delinquent fees, penalties, service charges, and recording fees have been fully paid. The county recorder shall charge a fee for releasing the lien in accordance with IC 36-2-7-10.

(g) On receipt of the list under subsection (d) or (e), the county auditor of each county (excluding a county having a consolidated city) shall add a fifteen dollar (\$15) certification fee for each lot or parcel of real property on which fees are delinquent, which fee is in addition to all other fees and charges. The county auditor shall immediately enter on the tax duplicate for the municipality the delinquent fees, penalties, service charges, recording fees, and certification fees, which are due no later than the due date of the next May installment of property taxes. However, in a county having a consolidated city, the delinquent fees, penalties, service charges, and recording fees are due not later than the due date of the next installment of property taxes. The county treasurer shall then include any unpaid charges for the delinquent fee, penalty, service charge, recording fee, and certification fee to the owner or owners of each lot or parcel of property, at the time the next cycle's property tax installment is billed.

(h) After the date of certification in each year, the officer may not collect or accept delinquent fees, penalties, service charges, recording fees, or certification fees from property owners whose property has been certified to the county auditor. This subsection does not apply to a county containing a consolidated city.

(i) If a delinquent fee, penalty, service charge, recording fee, and certification fee are not paid, they shall be collected by the county treasurer in the same way that delinquent property taxes are collected.

(j) At the time of each semiannual tax settlement, the county treasurer shall certify to the county auditor all fees, charges, and penalties that have been collected. The county auditor shall deduct the service charges and certification fees collected by the county treasurer and pay over to the officer the remaining fees and penalties due the municipality. The county treasurer shall retain the service charges and

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1 certification fees that have been collected, and shall deposit them in the
2 county general fund.
3 (k) Fees, penalties, and service charges that were not recorded
4 before a recorded conveyance shall be removed from the tax roll for a
5 purchaser who, in the manner prescribed by section 32(d) of this
6 chapter, files a verified demand with the county auditor.
7 (l) A board may write off a fee or penalty under subsection (a) that
8 is for less than forty dollars (\$40).
9 SECTION 22. IC 6-1.1-12-8 IS REPEALED [EFFECTIVE JULY
10 1, 2000].
11 SECTION 23. **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 1008, 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 2, line 2, after "at the" insert ":

- (A) **public building where the governing body of the respective city, town, or school corporation meets; or**
 (B)".

Page 2, line 3, delete "." and insert ";

Page 2, between lines 3 and 4, begin a new single block indented and insert:

"if the municipality does not have a city or town hall, or the school corporation does not have an administration building."

Page 4, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-24-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 5.3. (a) This section applies to the following:**

(1) **A person who owes delinquent taxes, special assessments, penalties, interest, or costs directly attributable to a prior tax sale on a tract of real property listed under section 1 of this chapter.**

(2) **A person who is an agent of the person described in subdivision (1).**

(b) **A person subject to this section may not purchase a tract offered for sale under section 5, 5.2, 5.5, or 5.6 of this chapter.**

(c) **If a person purchases a tract that the person was not eligible to purchase under this section, the sale of the property is void. The county treasurer shall apply the amount of the person's bid to the person's delinquent taxes and offer the real property for sale again under this chapter.**

SECTION 4. IC 6-4.1-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) The department of state revenue shall review each claim for refund and shall enter an order either approving, partially approving, or disapproving the refund. If the department either approves or partially approves a claim for refund, the department shall send a copy of the order to:

(1) the treasurer of the county that collected the tax, if the refund applies to inheritance tax collected as a result of a resident decedent's death; ~~or~~ **and**

(2) the treasurer of state. ~~if the refund applies to tax collected by~~

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~~the department.~~

The ~~county or state~~ treasurer as the case may be, of state shall pay the refund from money which is under his control and which has not otherwise been appropriated. The ~~county or state~~ treasurer of state shall receive a credit for the **county portion of the** amount so refunded, **and** the county treasurer **of the county owing the credit** shall ~~claim the credit account for the credit~~ on his the county's inheritance tax report for the quarter in which the refund is paid.

(b) Within five (5) days after entering an order with respect to a claim for refund filed under section 1 of this chapter, the department shall send a copy of the order to the person who filed the claim.

SECTION 5. IC 13-21-3-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 23. (a) This section applies to a county having a population of more than one hundred sixty thousand (160,000) but less than two hundred thousand (200,000).**

(b) A district may pay the costs of operation and enter contracts and agreements for the delivery of service in connection with:

- (1) air quality attainment;**
- (2) mowing;**
- (3) litter cleanup;**
- (4) pruning and trimming of shrubs, trees, and other vegetation; and**
- (5) waste services;**

for an area of the district that is a right-of-way, public property, or vacant property."

Page 4, between lines 37 and 38, begin a new paragraph and insert: "SECTION 7. IC 33-17-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) As used in this section, "Indiana support enforcement tracking system (ISETS)" refers to the statewide automated system for the collection, disbursement, and distribution of child support payments established by the division of family and children.

(b) The clerk may receive funds:

- (1) in payment of judgments; and
- (2) ordered to be paid into the court by the judge.

(c) Except as provided in ~~subsection~~ **subsections (d) and (g)**, the clerk is liable, with his sureties, on his official bond for all funds received to any person who is entitled to demand and receive those funds from him.

(d) The clerk is not personally liable or liable in the clerk's official capacity on the clerk's official bond for funds received if the clerk:

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(1) through error or in accordance with the best information available to the clerk, disbursed the funds to a person the clerk reasonably believed to be entitled to receive the funds and to comply with a:

- (A) child support order; or
- (B) garnishment order;

(2) inappropriately disbursed or misapplied child support funds, arising without the knowledge or approval of the clerk, that resulted from:

- (A) an action by an employee of, or a consultant to, the division of family and children;
- (B) an ISETS technological error; or
- (C) information generated by ISETS;

(3) disbursed funds that the clerk reasonably believed were available for disbursement but that were not actually available for disbursement;

(4) disbursed child support funds paid to the clerk by a personal check that was later dishonored by a financial institution; and

(5) did not commit a criminal offense as a part of the disbursement.

(e) If the clerk improperly disburses funds in the manner described by subsection (d), the clerk shall do the following:

(1) Deduct an amount equal to the amount of funds improperly disbursed from fees collected under IC 33-19-6-5.

(2) Credit each account from which funds were improperly disbursed with the amount of funds improperly disbursed under subsection (d).

(3) Notify the prosecuting attorney of the county of:

- (A) the amount of the improper disbursement;
- (B) the person from whom the amount of the improper disbursement should be collected; and
- (C) any other information to assist the prosecuting attorney to collect the amount of the improper disbursement.

(4) Record each action taken under this subsection on a form prescribed by the state board of accounts.

(f) If:

(1) fees collected under IC 33-19-6-5 are credited to an account under subsection (e)(2) because a check or money order was dishonored by a financial institution or was the subject of a stop payment order; and

(2) a person subsequently pays to the clerk all or part of the amount of the check or money order that was dishonored or the

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subject of a stop payment order;
the clerk shall reimburse the account containing fees collected under IC 33-19-6-5 using the amount the person paid to the clerk.

(g) The clerk is not personally liable for the amount of a dishonored check, for penalties assessed against a dishonored check, or for financial institution charges relating to a dishonored check, if:

- (1) the check was tendered to the clerk for the payment of a:**
 - (A) fee;**
 - (B) court ordered payment; or**
 - (C) license; and**
- (2) the acceptance of the check was not an act or omission constituting gross negligence or an intentional disregard of the responsibilities of the office of clerk."**

Page 5, between lines 23 and 24, begin a new paragraph and insert:
"SECTION 9. IC 34-30-2-144.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 144.5. IC 33-17-1-4. (Concerning the personal liability of circuit court clerks for dishonored checks.)**

SECTION 10. IC 34-30-2-152.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 152.4. IC 36-2-10-24. (Concerning the personal liability of county treasurers.)**

SECTION 11. IC 34-30-2-152.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 152.6. IC 36-2-11-7.5. (Concerning the personal liability of county recorders for dishonored checks.)**

SECTION 12. IC 36-1-11-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 16. (a) This section applies to the following:**

- (1) A person who could have redeemed a tract under ~~IC 6-1.1-25-1~~ who did not redeem the tract before a deed for the tract was issued to a county under ~~IC 6-1.1-25-4~~: owes delinquent taxes, special assessments, penalties, interest, or costs directly attributable to a prior tax sale on a tract of real property listed under **IC 6-1.1-24-1.****

- (2) A person who is an agent of the person described in subdivision (1).**

(b) A person subject to this section may not purchase, receive, or lease a tract ~~the person could have redeemed when the tract that~~ is offered in a sale, exchange, or lease under this chapter. ~~unless:~~



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- (1) the county was issued a deed to the tract under IC 6-1.1-25-4 more than five (5) years before the tract is offered for sale, exchange, or lease under this chapter; or
- (2) the person pays the county treasurer an amount equal to the amount required to redeem the tract when the county was issued a deed for the tract under IC 6-1.1-25-4 before the sale, exchange, or lease under this chapter is executed by the county.

(c) If a person purchases, receives, or leases a tract that the person was not eligible to purchase, receive, or lease under this section, the sale, transfer, or lease of the property is void and the county retains the interest in the tract it possessed before the sale, transfer, or lease of the tract.

SECTION 13. IC 36-2-10-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 24. A county treasurer is not personally liable for any act or omission occurring in connection with the performance of the county treasurer's official duties, unless the act or omission constitutes gross negligence or an intentional disregard of the responsibilities of the office of county treasurer.**

SECTION 14. IC 36-2-11-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 7.5. A county recorder is not personally liable for the amount of a dishonored check, for penalties assessed against a dishonored check, or for financial institution charges relating to a dishonored check, if:**

- (1) the check was tendered to the county recorder for the payment of a fee; and
- (2) the acceptance of the check was not an act or omission constituting gross negligence or an intentional disregard of the responsibilities of the office of county recorder.

SECTION 15. IC 36-2-11-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 16. (a) This section does not apply to:**

- (1) an instrument executed before November 4, 1943;
- (2) a judgment, order, or writ of a court;
- (3) a will or death certificate; or
- (4) an instrument executed or acknowledged outside Indiana.

(b) Whenever this section prescribes that the name of a person be printed, typewritten, or stamped immediately beneath his signature, the signature must be written on the instrument, directly preceding the printed, typewritten, or stamped name, and may not be superimposed

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on that name so as to render either illegible. However, the instrument may be received for record if the name and signature are, in the discretion of the county recorder, placed on the instrument so as to render the connection between the two apparent.

(c) The recorder may receive for record an instrument only if:

- (1) the name of each person who executed the instrument is legibly printed, typewritten, or stamped immediately beneath his signature or the signature itself is printed, typewritten, or stamped;
- (2) the name of each witness to the instrument is legibly printed, typewritten, or stamped immediately beneath his signature or the signature itself is printed, typewritten, or stamped;
- (3) the name of each notary public whose signature appears on the instrument is legibly printed, typewritten, or stamped immediately beneath his signature or the signature itself is printed, typewritten, or stamped; and
- (4) the name of each person who executed the instrument appears identically in the body of the instrument, in the acknowledgment or jurat, in his signature, and beneath his signature;

or if subsection (d) is complied with.

(d) The recorder may receive for record an instrument that does not comply with subsection (c) if:

- (1) a printed or typewritten affidavit of a person with personal knowledge of the facts is recorded with the instrument;
- (2) the affidavit complies with this section;
- (3) the affidavit states the correct name of a person, if any, whose signature cannot be identified or whose name is not printed, typewritten, or stamped on the instrument as prescribed by this section; and
- (4) when the instrument does not comply with subsection (c)(4), the affidavit states the correct name of the person and states that each of the names used in the instrument refers to the person.

(e) The recorder may record a copy produced by a photographic process of any document presented for recording if:

- (1) the document complies with other statutory recording requirements; and
- (2) the copy is a clear, concise, and unobstructed copy.

All copies accepted for recording shall be marked as copies by the recorder.

(f) An instrument received and recorded by a county recorder is conclusively presumed to comply with this section.

(g) The recorder may receive an instrument for record only if



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the recorder determines that the instrument is legible.

SECTION 16. IC 36-4-8-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 15. Each city agency, board, commission, district, or other city entity shall file one (1) copy of that agency's, board's, commission's, district's, or entity's financial records with the city fiscal officer.**

SECTION 17. IC 36-5-4-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 14. Each town agency, board, commission, district, or other town entity shall file one copy of that agency's, board's, commission's, district's, or entity's financial records with the town fiscal officer."**

Page 5, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 19. IC 36-7-14-16.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 16.3. (a) After a resolution has been amended, approved, or disapproved under section 16 of this chapter by the plan commission or the body charged with developing a general plan, the plan commission or body shall submit the resolution to the municipal legislative body or the county executive.**

(b) The redevelopment commission may not proceed with the acquisition of a blighted area until the resolution is finally approved by the municipal legislative body or county executive under section 17 or 17.3 of this chapter.

SECTION 20. IC 36-7-14-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 17. (a) After receipt of the written order of approval of the plan commission, and approval of the municipal legislative body or county executive, the redevelopment commission municipal legislative body or the county executive shall publish notice of the adoption and substance of the resolution of the redevelopment commission in accordance with IC 5-3-1. The notice must state that maps and plats have been prepared and can be inspected at the office of the department. The notice must also name a date when the commission municipal legislative body or the county executive will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project, and will determine the public utility and benefit of the proposed project. All persons affected in any manner by the hearing, including all taxpayers of the special taxing district, shall be considered notified of the pendency of the hearing and of subsequent acts,**



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hearings, adjournments, and orders of the commission **and the municipal legislative body or county executive** by the notice given under this section.

(b) A copy of the notice of the hearing on the proposed project shall be filed in the office of the unit's plan commission, board of zoning appeals, works board, park board, and building commissioner, and any other departments, bodies, or officers of the unit having to do with unit planning, variances from zoning ordinances, land use, or the issuance of building permits. These agencies and officers shall take notice of the pendency of the hearing and, until the ~~commission~~ **municipal legislative body or county executive** confirms, modifies and confirms, or rescinds the resolution, or the confirmation of the resolution is set aside on appeal, may not:

- (1) authorize any construction on property or sewers in the area described in the resolution, including substantial modifications, rebuilding, conversion, enlargement, additions, and major structural improvements; or
- (2) take any action regarding the zoning or rezoning of property, or the opening, closing, or improvement of streets, alleys, or boulevards in the area described in the resolution.

This subsection does not prohibit the granting of permits for ordinary maintenance or minor remodeling, or for changes necessary for the continued occupancy of buildings in the area.

(c) If the resolution to be considered at the hearing includes a provision establishing or amending an allocation provision under section 39 of this chapter, the ~~redevelopment commission~~ **municipal legislative body or county executive** shall file the following information with each taxing unit that is wholly or partly located within the allocation area:

- (1) A copy of the notice required by subsection (a).
- (2) A statement disclosing the impact of the allocation area, including the following:
 - (A) The estimated economic benefits and costs incurred by the allocation area, as measured by increased employment and anticipated growth of real property assessed values.
 - (B) The anticipated impact on tax revenues of each taxing unit.

The ~~redevelopment commission~~ **municipal legislative body or the county executive** shall file the information required by this subsection with the officers of the taxing unit who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 at least ten (10) days before the date of the hearing.

(d) At the hearing, which may be adjourned from time to time, the

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~~redevelopment commission~~ **municipal legislative body or the county executive** shall hear all persons interested in the proceedings and shall consider all written remonstrances and objections that have been filed. After considering the evidence presented, the ~~commission~~ **municipal legislative body or the county executive** shall take final action determining the public utility and benefit of the proposed project, and confirming, modifying and confirming, or rescinding the resolution. **Except as provided in section 17.3 of this chapter**, the final action taken by the ~~commission~~ **municipal legislative body or the county executive** shall be recorded and is final and conclusive, except that an appeal may be taken in the manner prescribed by section 18 of this chapter.

SECTION 21. IC 36-7-14-17.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 17.3. (a) If the municipal legislative body or the county executive modifies or rescinds the resolution of the redevelopment commission, the municipal legislative body or county executive shall return the resolution to the redevelopment commission for its consideration, with a written statement of the reasons for the modification or rescission.**

(b) The redevelopment commission has sixty (60) days after receiving the statement under subsection (a) in which to consider the modification or rescission and to file a report with the municipal legislative body or county executive. However, the municipal legislative body or county executive may grant the redevelopment commission an extension of time, of a specified duration, in which to file its report. If the redevelopment commission approves the modification made by the municipal legislative body or county executive, the resolution stands as amended by the municipal legislative body or county executive as of the date of the filing of the redevelopment commission's report with the municipal legislative body or county executive. If the redevelopment commission disapproves the modification or rescission, the action of the municipal legislative body or county executive on the original modification or rescission stands only if confirmed by another resolution, adopted after notice and a hearing, of the municipal legislative body or county executive.

(c) If the redevelopment commission does not file a report with the municipal legislative body or county executive body within the time allotted under subsection (b), the action of the municipal legislative body or county executive in modifying or rescinding the resolution of the redevelopment commission becomes final.



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SECTION 22. IC 36-7-14-17.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 17.5. (a) The commission must conduct a public hearing before amending a resolution or plan for a redevelopment area, an urban renewal project area, or an economic development area. The commission shall give notice of the hearing in accordance with IC 5-3-1. The notice must:

- (1) set forth the substance of the proposed amendment;
- (2) state the time and place where written remonstrances against the proposed amendment may be filed;
- (3) set forth the time and place of the hearing; and
- (4) state that the commission will hear any person who has filed a written remonstrance during the filing period set forth under subdivision (2).

(b) For the purposes of this section, the consolidation of areas is not considered the enlargement of the boundaries of an area.

(c) When the commission proposes to amend a resolution or plan, the commission is not required to have evidence or make findings that were required for the establishment of the original redevelopment area, urban renewal area, or economic development area. However, the commission must make the following findings before approving the amendment:

- (1) The amendment is reasonable and appropriate when considered in relation to the original resolution or plan and the purposes of this chapter.
- (2) The resolution or plan, with the proposed amendment, conforms to the comprehensive plan for the unit.

(d) In addition to the requirements of subsection (a), if the resolution or plan is proposed to be amended in a way that changes:

- (1) parts of the area that are to be devoted to a public way, levee, sewerage, park, playground, or other public purposes;
- (2) the proposed use of the land in the area; or
- (3) requirements for rehabilitation, building requirements, proposed zoning, maximum densities, or similar requirements;

the commission must, at least ten (10) days before the public hearing, send the notice required by subsection (a) by first class mail to affected neighborhood associations.

(e) In addition to the requirements of subsection (a), if the resolution or plan is proposed to be amended in a way that:

- (1) enlarges the boundaries of the area by not more than twenty percent (20%) of the original area; or
- (2) adds one (1) or more parcels to the list of parcels to be acquired;



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the commission must, at least ten (10) days before the public hearing, send the notice required by subsection (a) by first class mail to affected neighborhood associations and to persons owning property that is in the proposed enlargement of the area or that is proposed to be added to the acquisition list. If the enlargement of an area is proposed, notice must also be filed in accordance with section 17(b) of this chapter, and agencies and officers may not take actions prohibited by section 17(b) of this chapter in the proposed enlarged area.

(f) Notwithstanding subsections (a) and (c), if the resolution or plan is proposed to be amended in a way that enlarges the original boundaries of the area by more than twenty percent (20%), the commission must use the procedure provided for the original establishment of areas and must comply with sections 15 through 17 of this chapter.

(g) At the hearing on the amendments, the commission shall consider written remonstrances that are filed. The action of the commission on the amendment shall be recorded and **submitted to the municipal legislative body or county executive for approval under section 17 of this chapter. A final decision of the municipal legislative body or county executive under section 17 or 17.3 of this chapter** is final and conclusive, except that an appeal of the ~~commission's~~ **action of the municipal legislative body or county executive** may be taken under section 18 of this chapter.

(h) The commission may require that neighborhood associations register with the commission. The commission may adopt a rule that requires that a neighborhood association encompass a part of the geographic area included in or proposed to be included in a redevelopment area, urban renewal area, or economic development area to qualify as an affected neighborhood association.

SECTION 23. IC 36-7-14-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 18. (a) A person who filed a written remonstrance with the ~~redevelopment commission~~ **municipal legislative body or the county executive** under section 17 of this chapter and is aggrieved by the final action taken may, within ten (10) days after that ~~final~~ **action has become final under section 17 or 17.3 of this chapter**, file in the office of the clerk of the circuit or superior court a copy of the order of the ~~commission~~ **municipal legislative body or the county executive** and his remonstrance against that order, together with his bond conditioned to pay the costs of his appeal if the appeal is determined against him. The only ground of remonstrance that the court may hear is whether the proposed project will be of public utility and benefit. The burden of proof is on the



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remonstrator.

(b) An appeal under this section shall be promptly heard by the court without a jury. All remonstrances upon which an appeal has been taken shall be consolidated and heard and determined within thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the remonstrances, and may confirm the final action of the commission or sustain the remonstrances. The judgment of the court is final and conclusive, unless an appeal is taken as in other civil actions.

SECTION 24. IC 36-7-14-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 19. (a) If no appeal is taken or if an appeal is taken but is unsuccessful, the redevelopment commission shall proceed with ~~the a~~ proposed project **that has been approved by the municipal legislative body or the county executive** to the extent that money is available for that purpose.

(b) The redevelopment commission shall first approve and adopt a list of the real property and interests in real property to be acquired and the price to be offered to the owner of each parcel of interest. The prices to be offered may not exceed the average of two (2) independent appraisals of fair market value procured by the commission except that appraisals are not required in transactions with other governmental agencies. However, if the real property is less than five (5) acres in size and the fair market value of the real property or interest has been appraised by one (1) independent appraiser at less than ten thousand dollars (\$10,000), the second appraisal may be made by a qualified employee of the department of redevelopment. The prices indicated on the list may not be exceeded unless specifically authorized by the commission or ordered by a court in condemnation proceedings. The commission may except from acquisition any real property in the area if the commission finds that such an acquisition is not necessary under the redevelopment plan. Appraisals made under this section are for the information of the commission and are not open for public inspection.

(c) Negotiations for the purchase of property may be carried on directly by the redevelopment commission, by its employees, or by expert negotiations, but no option, contract, or understanding relative to the purchase of real property is binding on the commission until approved and accepted by the commission in writing. The commission may authorize the payment of a nominal fee to bind an option and as a part of the consideration for conveyance may agree to pay the expense incident to the conveyance and determination of the title of the property. Payment for the property purchased shall be made when and as directed by the commission but only on delivery of proper instruments conveying the title or interest of the owner to the "City

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(Town or County) of _____ for the use and benefit of its department of redevelopment".

(d) All real property and interests in real property acquired by the redevelopment commission are free and clear of all liens, assessments, and other governmental charges except for current property taxes, which shall be prorated to the date of acquisition.

(e) Notwithstanding subsections (a) through (d), the redevelopment commission may, before the time referred to in this section, accept gifts of property needed for the redevelopment of blighted areas if the property is free and clear of all liens other than taxes, assessments, and other governmental charges. The commission may, before the time referred to in this section, take options on or contract for the acquisition of property needed for the redevelopment of blighted areas if the options and contracts are not binding on the commission or the district until the time referred to in this section and until money is available to pay the consideration set out in the options or contracts.

SECTION 25. IC 36-7-14-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 36. (a) In addition to all of the other powers, authority, and jurisdiction of a redevelopment commission operating under this chapter, a commission may undertake a neighborhood development program. A neighborhood development program may include one (1) or more contiguous or noncontiguous blighted, deteriorated, or deteriorating areas. These areas may include redevelopment or urban renewal project areas.

(b) Whenever the redevelopment commission finds that any area in the territory under their jurisdiction has become blighted, deteriorated, or deteriorating to an extent that cannot be corrected by regulatory processes or by the ordinary operations of private enterprise without resort to the provisions of this chapter, and that the public health and welfare would be benefited by the redevelopment or urban renewal of that area under this chapter, the commission shall prepare a description and map showing the boundaries of the area to be included in the neighborhood development program.

(c) After preparation of the description and map under subsection (b), the redevelopment commission shall adopt a resolution declaring, confirming, and delineating the general boundaries of the blighted, deteriorated, or deteriorating area, and of the parts of that area that are to be designated as redevelopment or urban renewal areas. However, an area may not be designated as a redevelopment or urban renewal area unless:

- (1) the required appraisals, maps, plats and plans have been prepared and all other requirements of this chapter are met; **and**

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(2) the municipal legislative body or county executive has finally approved the resolution and the neighborhood development program, including any amendments, under section 17 or 17.3 of this chapter.

(d) Areas designated as redevelopment or urban renewal areas under this section are considered to be redevelopment or urban renewal areas for all purposes of this chapter. Areas within the neighborhood development program area that are not so designated are not considered to be redevelopment or urban renewal areas until designated as such by an amendment to the neighborhood development plan, adopted in the same manner and with the same procedure as a declaratory and confirmatory resolution declaring an area blighted for redevelopment or urban renewal projects.

(e) The redevelopment commission may make studies, appraisals, maps, plats, and plans of areas within the neighborhood development program area that have not been designated as redevelopment or urban renewal project areas. However, the commission may not acquire any land in those areas until the neighborhood development plan has been amended to designate that land as a part of an urban renewal or redevelopment project area.

(f) The redevelopment commission may amend the neighborhood development plan, in the manner prescribed by subsection (d), to include additional areas in the neighborhood development program areas, either generally or as urban renewal or redevelopment project areas.

(g) The redevelopment commission may apply for and accept advances, loans, grants, contributions, and any other forms of financial assistance from the federal government, may contract with the federal government for any costs arising from a neighborhood development program, or may otherwise contract with the federal government concerning a neighborhood development program, to the same extent as they may for urban renewal project areas.

SECTION 26. IC 36-7-14-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 39. (a) As used in this section:

"Allocation area" means that part of a blighted area to which an allocation provision of a declaratory resolution adopted under section 15 of this chapter **and finally approved under section 17 or 17.3 of this chapter** refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a

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declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the state board of tax commissioners, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a blighted area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the state board of tax commissioners, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a blighted area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded portion of the

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area added after June 30, 1995.

(6) If an allocation area established in a blighted area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded portion of the area added after June 30, 1997.

Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A declaratory resolution adopted under section 15 of this chapter **and finally approved under section 17 or 17.3 of this chapter** before January 1, 2006, may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution before January 1, 2006, in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision that may not be more than thirty (30) years after the date on which the allocation provision is established. However, if bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the blighted area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

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(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment district and, when collected, paid into an allocation fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 27 of this chapter.

(D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements in or serving that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 25.2 of this chapter.

(G) Reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this chapter) in or serving that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility in or serving that allocation area under any lease entered into under IC 36-1-10.

(I) Pay all or a portion of a property tax replacement credit to taxpayers in an allocation area as determined by the redevelopment commission. This credit equals the amount determined under the following STEPS for each taxpayer in a

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taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

STEP TWO: Divide:

- (A) that part of twenty percent (20%) of each county's total county tax levy payable that year as determined under IC 6-1.1-21-4 that is attributable to the taxing district; by
- (B) the STEP ONE sum.

STEP THREE: Multiply:

- (A) the STEP TWO quotient; times
- (B) the total amount of the taxpayer's property taxes levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 39.5 of this chapter in the same year.

(J) Pay expenses incurred by the redevelopment commission for local public improvements that are in the allocation area or serving the allocation area. Public improvements include buildings, parking facilities, and other items described in section 25.1(a) of this chapter.

(K) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

- (i) in the allocation area; and
- (ii) on a parcel of real property that has been classified as industrial property under the rules of the state board of tax commissioners.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

The allocation fund may not be used for operating expenses of the commission.



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(3) Except as provided in subsection (g), before July 15 of each year the commission shall do the following:

(A) Determine the amount, if any, by which the base assessed value when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2).

(B) Notify the county auditor of the amount, if any, of the amount of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1). The commission may not authorize an allocation of assessed value to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (2) or lessors under section 25.3 of this chapter.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the redevelopment commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone

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created under IC 4-4-6.1, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. The amount sufficient for purposes specified in subsection (b)(2) for the year shall be determined based on the pro rata portion of such current property tax proceeds from the portion of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(2), except that where reference is made in subsection (b)(2) to allocation area it shall refer for purposes of payments from the special zone fund only to that portion of the allocation area that is also located in the enterprise zone. Those programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) The state board of accounts and state board of tax commissioners shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the state board of tax commissioners shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustment may not include the effect of property tax abatements under IC 6-1.1-12.1, and the adjustment may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(2) than would otherwise have been received if the general reassessment had not occurred. The state board



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of tax commissioners may prescribe procedures for county and township officials to follow to assist the state board in making the adjustments.

SECTION 27. IC 36-7-14-39.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 39.2. (a) This section applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

(b) As used in this section, "designated taxpayer" means any taxpayer designated by the commission in a declaratory resolution adopted or amended under section 15 or 17.5 of this chapter **and finally approved by the municipal legislative body or the county executive under section 17 or 17.3 of this chapter**, and with respect to which the commission finds that taxes to be derived from the taxpayer's depreciable personal property in the allocation area, in excess of the taxes attributable to the base assessed value of that personal property, are reasonably expected to exceed in one (1) or more future years the taxes to be derived from the taxpayer's real property in the allocation area in excess of the taxes attributable to the base assessed value of that real property.

(c) The allocation provision of a declaratory resolution may modify the definition of "property taxes" under section 39(a) of this chapter to include taxes imposed under IC 6-1.1 on the depreciable personal property of designated taxpayers, in accordance with the procedures and limitations set forth in this section and section 39 of this chapter. If such a modification is included in the resolution for purposes of section 39 of this chapter, the term "base assessed value" with respect to the depreciable personal property of designated taxpayers means the net assessed value of all the depreciable personal property as finally determined for the assessment date immediately preceding:

- (1) the effective date of the modification, for modifications adopted before July 1, 1995; and
- (2) the adoption date of the modification for modifications adopted after June 30, 1995;

as adjusted under section 39(h) of this chapter.

SECTION 28. IC 36-7-14-39.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 39.3. (a) As used in this section, "depreciable personal property" refers to:

- (1) all of the designated taxpayer's depreciable personal property that is located in the allocation area; and
- (2) all other depreciable property located and taxable on the designated taxpayer's site of operations within the allocation area.

(b) As used in this section, "designated taxpayer" means any

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taxpayer designated by the commission in a declaratory resolution adopted or amended under section 15 or 17.5 of this chapter **and finally approved by the municipal legislative body or the county executive under section 17 or 17.3 of this chapter**, and with respect to which the commission **and the municipal legislative body or the county executive** finds that taxes to be derived from the depreciable personal property in the allocation area, in excess of the taxes attributable to the base assessed value of that personal property, are needed to pay debt service or to provide security for bonds issued under section 25.1 of this chapter or to make payments or to provide security on leases payable under section 25.2 of this chapter in order to provide local public improvements for a particular allocation area. However, a commission **and a municipal legislative body or the county executive** may not designate a taxpayer after June 30, 1992, unless the commission **and the municipal legislative body or the county executive** also finds that:

- (1) the taxpayer's property in the allocation area will consist primarily of industrial, manufacturing, warehousing, research and development, processing, distribution, or transportation related projects; and
- (2) the taxpayer's property in the allocation area will not consist primarily of retail, commercial, or residential projects.

(c) The allocation provision of a declaratory resolution may modify the definition of "property taxes" under section 39(a) of this chapter to include taxes imposed under IC 6-1.1 on the depreciable personal property located and taxable on the site of operations of the designated taxpayers in accordance with the procedures and limitations set forth in this section and section 39 of this chapter. If such a modification is included in the resolution, for purposes of section 39 of this chapter the term "base assessed value" with respect to the depreciable personal property means the net assessed value of all the depreciable personal property as finally determined for the assessment date immediately preceding:

- (1) the effective date of the modification, for modifications adopted before July 1, 1995; and
- (2) the adoption date of the modification for modifications adopted after June 30, 1995;

as adjusted under section 39(h) of this chapter.

SECTION 29. IC 36-8-9-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 7. (a) The board may provide that all appointments to the police department are probationary for a period not to**

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exceed one (1) year.

(b) If the board finds, upon the recommendation of the chief of the department during the probationary period, that the conduct or capacity of a member is not satisfactory, the board shall notify the member in writing that the member is being suspended or that the member will not receive a permanent appointment.

(c) If a member is notified that the member will not receive a permanent appointment, the member's employment immediately ceases. Otherwise, at the expiration of the probationary period, the member is considered regularly employed."

Page 7, between lines 32 and 33, begin a new paragraph and insert: "SECTION 31. IC 6-1.1-12-8 IS REPEALED [EFFECTIVE JULY 1, 2000].".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1008 as introduced.)

STEVENSON, Chair

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 27, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 29. IC 36-8-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) The board consists of three (3) commissioners appointed by the town legislative body. The commissioners must be of good moral character and legal residents of the town. Not more than two (2) of the commissioners may be of the same political party. All three (3) commissioners shall be appointed in January following the general or primary election at which the trustees' action is ratified as specified in the ordinance creating the board. One (1) commissioner serves for one (1) year, one (1) commissioner serves for two (2) years, and one (1) commissioner serves for three (3) years. On January 1 of each year one (1) commissioner shall be appointed to serve for a term of three (3) years. Each commissioner is subject to removal by the legislative body for any cause that the legislative body considers sufficient.

(b) After the initial appointment of the three (3) commissioners, the town legislative body may, by ordinance, increase the size of the board by providing for the appointment of two (2) additional commissioners. The commissioners must be of good moral character and legal residents of the town. The additional commissioners may not be members of the same political party. Each additional commissioner shall be appointed to serve for a term of three (3) years, however the initial appointment need not be for three (3) years if the town legislative body adopts, by ordinance, a staggered system for the terms of the additional members. The terms of additional members begin January 1 following the date of their appointment. Each commissioner appointed under this subsection is subject to removal by the legislative body for any cause that the legislative body considers sufficient.

(c) Before entering upon his duties, each commissioner shall take and subscribe an oath of office before the clerk of the county in which the town is located. Each commissioner shall also take and subscribe before the clerk the further oath or affirmation that, in each appointment or removal made by the board to or from the town police department under this chapter, he will not appoint or remove a member because of the political affiliation of the person or for another cause or reason other than that of the fitness of the person. The oath and affirmation shall be recorded and placed among the records of the court.

(d) Each commissioner shall give bond in the penal sum of five

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thousand dollars (\$5,000), payable to the state and conditioned upon the faithful and honest discharge of his duties. The bond must be approved by the legislative body.

(e) The salary of the commissioners shall be fixed by the legislative body and is payable monthly out of the treasury of the town."

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as printed January 19, 2000.)

AYRES

HOUSE MOTION

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 29, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 32. [EFFECTIVE UPON PASSAGE] (a) **This SECTION applies to a township having a population of more than six hundred (600) but less than six hundred thirty-five (635) located in a county having a population of more than twelve thousand six hundred (12,600) but less than thirteen thousand (13,000).**

(b) **Notwithstanding IC 36-1-8-4, a township may transfer eight thousand two hundred dollars (\$8,200) from the township's fire fund to the township's general fund. The township is not required to return the money to the fire fund.**

(c) **A township may reduce the maximum permissible levy for the township's fire fund under IC 6-1.1-18.5 by four thousand dollars (\$4,000). The township may increase the maximum permissible levy for the township's general fund under IC 6-1.1-18.5 by four thousand dollars (\$4,000).**

(d) **This SECTION applies to property taxes first due and payable after December 31, 2000.**

(e) **This SECTION expires December 31, 2001."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as printed January 19, 2000.)

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

- Page 5, delete line 37.
- Page 5, line 38, delete "(2)" and insert "(1)".
- Page 5, line 39, delete "(3)" and insert "(2)".
- Page 5, line 40, delete "(4)" and insert "(3)".
- Page 5, line 41, delete "and".
- Page 5, delete line 42.

(Reference is to HB 1008 as printed January 19, 2000.)

BECKER

HOUSE MOTION

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 8, between lines 39 and 40, begin a new paragraph and insert:
"SECTION 12. IC 36-1-8-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 13. (a) A unit must prepare a dishonored check report listing each dishonored check and the name of each person tendering a dishonored check which the unit received during the preceding three (3) months.**

(b) One (1) copy of the report must be filed with the unit fiscal officer.

(c) One (1) copy of the report must be filed with the prosecutor in whose jurisdiction the unit lies.

(d) The prosecutor shall give notice by one (1) publication under IC 5-3-1-4 of the dishonored checks reported by each unit, and shall indicate in the publication the persons against whom the prosecutor will commence actions."

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as printed January 19, 2000.)

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SENATE MOTION

Mr. President: I move that Senator Lawson C be added as cosponsor of Engrossed House Bill 1008.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred House Bill No. 1008, 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:

Page 5, line 30, delete "IC 13-21-3-23" and insert "IC 13-21-3-12.2".

Page 5, line 32, delete "23" and insert "**12.2**".

Page 5, line 35, delete "A" and insert "**In addition to the powers granted to a district under section 12 of this chapter, a**".

Page 5, line 35, delete "pay the costs of operation and enter contracts" and insert "**make grants or loans of money, property, or services to a public or private program to plant or maintain trees in**".

Page 5, delete lines 36 through 40.

Page 5, line 41, delete "for".

Page 5, run in lines 35 through 41.

Page 6, line 4, after "grantor" delete ",".

Page 6, line 4, after "any" insert ":".

Page 6, line 4, before "judge" begin a new line block indented and insert:

"(1)".

Page 6, line 4, after "judge" delete "," and insert ";".

Page 6, line 4, before "clerk" strike "or", begin a new line block indented and insert:

"(2)".

Page 6, line 5, after "record" delete "," and insert ";".

Page 6, line 5, strike "justice of the peace,".

Page 6, line 5, before "auditor" begin a new line block indented and insert:

"(3)".

Page 6, line 5, after "auditor" delete "," and insert ";".

Page 6, line 5, before "recorder" begin a new line block indented and insert:

"(4)".

Page 6, line 5, after "recorder" delete "," and insert ";".

Page 6, line 5, before "notary" begin a new line block indented and insert:

"(5)".

Page 6, line 6, after "public" delete "," and insert ";".

Page 6, line 6, before "mayor" strike "or", begin a new line block indented and insert:

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"(6)".

Page 6, line 6, after "state" delete "," and insert ";".

Page 6, line 6, strike "or before any".

Page 6, line 7, before "commissioner" begin a new line block indented and insert:

"(7)".

Page 6, line 7, strike "this state," and insert "**Indiana**";.

Page 6, line 8, strike "or before any", begin a new line block indented and insert:

"(8)".

Page 6, line 9, after "country" delete "," and insert ";".

Page 6, line 9, delete "or", begin a new line block indented and insert:

"(9) clerk of the city-county council for a consolidated city, city clerk for a second class city, or clerk-treasurer for a third class city;".

Page 6, line 9, delete "a person authorized under IC 33-16-4-1.", begin a new line block indented and insert:

"(10) clerk-treasurer for a town; or

(11) person authorized under IC 2-3-4-1, including a member of the general assembly, the principal clerk of the house of representatives, and the secretary of the senate."

Page 8, line 40, delete "must prepare" and insert "**that is unable to obtain payment of**".

Page 8, line 40, after "check" insert "**shall, not later than ninety (90) days after the check is initially received by the unit, refer the matter to the prosecuting attorney for the county where the dishonored check was received for prosecution.**".

Page 8, delete lines 41 through 42.

Page 9, delete lines 1 through 9.

Page 10, delete lines 13 through 42.

Page 11, delete lines 1 through 24.

Page 11, line 34, after "one" insert "**(1)**".

Page 12, delete lines 7 through 42.

Delete pages 13 through 26.

Page 27, delete lines 1 through 30.

Page 28, line 33, delete "[EFFECTIVE JULY" and insert "**[EFFECTIVE UPON PASSAGE]**".

Page 28, line 34, delete "1, 2000]".

Page 31, delete lines 3 through 19.

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1008 as reprinted January 25, 2000.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

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