

# HOUSE BILL No. 1008

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-3-1-4; IC 5-11-14-1; IC 32-1-2-18; IC 33-19-7-3; IC 36-5-6-8; IC 36-9-23-33.

**Synopsis:** Local government matters. 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 to the list of officials before whom the recording of a real property conveyance may be proved. 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. Makes changes regarding filings to collect delinquent municipal sewer fees.

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

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## Ayres, Stevenson, Leuck, Goeglein

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January 10, 2000, read first time and referred to Committee on Local Government.

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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.

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**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



1 building; ~~and or~~

2 (2) at the post office in the municipality or school corporation (or  
3 at the bank if there is no post office).

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

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

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

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

23 (A) published in any county in which the political subdivision  
24 extends; and

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

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

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

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

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

34 (f) A political subdivision may, in its discretion, publish public  
35 notices in a qualified publication or additional newspapers to provide  
36 supplementary notification to the public. The cost of publishing  
37 supplementary notification is a proper expenditure of the political  
38 subdivision.

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



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- 1 (1) An elected official who is entitled to attend a conference  
 2 under this section.
- 3 (2) An individual elected to an office who is entitled to attend a  
 4 conference under this section.
- 5 (3) A deputy or an assistant to an elected official who is entitled  
 6 to attend a conference under this section.
- 7 (b) The state board of accounts shall annually call a conference of  
 8 each of the following:
- 9 (1) County auditors and auditors elect.  
 10 (2) County treasurers and treasurers elect.  
 11 (3) Circuit court clerks and circuit court clerks elect.
- 12 (c) Each of the conferences called under subsection (b):  
 13 (1) must be held at a time and place fixed by the state examiner;  
 14 (2) may be held statewide or by district; and  
 15 (3) may not continue for longer than three (3) days in any one (1)  
 16 year.
- 17 (d) The following training must be provided at each conference  
 18 called under subsection (b):
- 19 (1) The proper use of forms prescribed by the state board of  
 20 accounts.  
 21 (2) The keeping of the records of the respective offices.  
 22 (3) At the conference for county treasurers and treasurers elect,  
 23 investment training by the following:  
 24 (A) The treasurer of state.  
 25 (B) The board for depositories.  
 26 (C) Any other person the state examiner considers to be  
 27 competent in providing investment training.  
 28 (4) Any other training that, in the judgment of the state examiner,  
 29 will result in the better conduct of the public business.
- 30 (e) The state examiner may hold other conferences for:  
 31 (1) the officials described in subsection (b); or  
 32 (2) other county, city, or township officers;  
 33 whenever in the judgment of the state examiner conferences are  
 34 necessary.
- 35 (f) Whenever a conference is called by the state board of accounts  
 36 under this section, an elected official, at the direction of the state  
 37 examiner, may require the attendance of:  
 38 (1) each of the elected official's appointed and acting chief  
 39 deputies or chief assistants; and  
 40 (2) if the number of deputies or assistants employed:  
 41 (A) does not exceed three (3), one (1) of the elected official's  
 42 appointed and acting deputies or assistants; or

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1 (B) exceeds three (3), two (2) of the elected official's duly  
2 appointed and acting deputies or assistants.

3 (g) Each official attending any conference under this section shall  
4 be allowed, for each mile necessarily traveled in going to and returning  
5 from the conference by the most expeditious route, a sum for mileage  
6 at a rate determined by the fiscal body of the unit the official  
7 represents. Each official shall also be allowed, while attending a  
8 conference called under this section, an allowance for lodging for each  
9 night preceding conference attendance in an amount equal to the single  
10 room rate. However, lodging expense, in the case of a one (1) day  
11 conference, shall only be allowed for persons who reside fifty (50)  
12 miles or farther from the conference location. **Each official shall be**  
13 **reimbursed, in an amount determined by the fiscal body of the unit**  
14 **the official represents, for meals purchased while attending a**  
15 **conference called under this section.** Regardless of the duration of the  
16 conference, only one (1) mileage reimbursement shall be allowed to the  
17 official furnishing the conveyance although the official transports more  
18 than one (1) person.

19 (h) The state board of accounts shall certify the number of days of  
20 attendance and the mileage for each conference to each official  
21 attending any conference under this section.

22 (i) All payments of mileage and lodging shall be made by the proper  
23 disbursing officer in the manner provided by law on a duly verified  
24 claim or voucher to which shall be attached the certificate of the state  
25 board of accounts showing the number of days attended and the  
26 number of miles traveled. All payments shall be made from the general  
27 fund from any money not otherwise appropriated and without any  
28 previous appropriation being made therefor.

29 SECTION 3. IC 32-1-2-18 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 18. To entitle any  
31 conveyance, mortgage or instrument of writing to be recorded, it shall  
32 be acknowledged by the grantor, or proved before any judge, or clerk  
33 of a court of record, justice of the peace, auditor, recorder, notary  
34 public, or mayor of a city in this or any other state, or before any  
35 commissioner appointed in any other state by the governor of this state,  
36 or before any minister, charge d'affaires, or consul of the United States  
37 in any foreign country, **or a person authorized under IC 33-16-4-1.**

38 SECTION 4. IC 33-19-7-3 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) The qualified  
40 municipality share to be distributed to each city and town maintaining  
41 a law enforcement agency that prosecutes at least fifty percent (50%)  
42 of its ordinance violations in a circuit, superior, **or county or municipal**

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1 court located in the county is three percent (3%) of the amount of fees  
2 collected under the following:

- 3 (1) IC 33-19-5-1(a) (criminal costs fees).  
4 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).  
5 (3) IC 33-19-5-3(a) (juvenile costs fees).  
6 (4) IC 33-19-5-4(a) (civil costs fees).  
7 (5) IC 33-19-5-5(a) (small claims costs fees).  
8 (6) IC 33-19-5-6(a) (probate costs fees).  
9 (7) IC 33-19-6-16.2 (deferred prosecution fees).

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

12 STEP ONE: Determine the population of the qualified city or  
13 town.

14 STEP TWO: Add the populations of all qualified cities and towns  
15 determined under STEP ONE.

16 STEP THREE: Divide the population of each qualified city and  
17 town by the sum determined under STEP TWO.

18 STEP FOUR: Multiply the result determined under STEP THREE  
19 for each qualified city and town by the amount of the qualified  
20 municipality share.

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

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

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

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

36 SECTION 6. IC 36-9-23-33 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 33. (a) An officer  
38 described in subsection (b) may defer enforcing the collection of  
39 unpaid fees and penalties assessed under this chapter until the unpaid  
40 fees and penalties have been due and unpaid for at least ninety (90)  
41 days.

42 (b) Except as provided in subsection (l), the officer charged with the

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1 collection of fees and penalties assessed under this chapter shall  
2 enforce their payment. **As often as the officer determines is**  
3 **necessary in a calendar year**, the officer shall ~~not more than four (4)~~  
4 ~~times in any calendar year~~ prepare a list of the delinquent fees and  
5 penalties that are enforceable under this section, which must include:

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

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

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

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

19 (d) This subsection applies only to a county containing a  
20 consolidated city. Using the lists prepared under subsection (b) and  
21 recorded under subsection (c), the officer shall certify to the county  
22 auditor a list of the liens that remain unpaid according to a schedule  
23 agreed upon by the county treasurer and the officer for collection with  
24 the next cycle's property tax installment. The county and its officers  
25 and employees are not liable for any material error in the information  
26 on the list.

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

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

38 (g) On receipt of the list under subsection (d) or (e), the county  
39 auditor of each county (excluding a county having a consolidated city)  
40 shall add a fifteen dollar (\$15) certification fee for each lot or parcel of  
41 real property on which fees are delinquent, which fee is in addition to  
42 all other fees and charges. The county auditor shall immediately enter

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1 on the tax duplicate for the municipality the delinquent fees, penalties,  
2 service charges, recording fees, and certification fees, which are due no  
3 later than the due date of the next May installment of property taxes.  
4 However, in a county having a consolidated city, the delinquent fees,  
5 penalties, service charges, and recording fees are due not later than the  
6 due date of the next installment of property taxes. The county treasurer  
7 shall then include any unpaid charges for the delinquent fee, penalty,  
8 service charge, recording fee, and certification fee to the owner or  
9 owners of each lot or parcel of property, at the time the next cycle's  
10 property tax installment is billed.

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

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

19 (j) At the time of each semiannual tax settlement, the county  
20 treasurer shall certify to the county auditor all fees, charges, and  
21 penalties that have been collected. The county auditor shall deduct the  
22 service charges and certification fees collected by the county treasurer  
23 and pay over to the officer the remaining fees and penalties due the  
24 municipality. The county treasurer shall retain the service charges and  
25 certification fees that have been collected, and shall deposit them in the  
26 county general fund.

27 (k) Fees, penalties, and service charges that were not recorded  
28 before a recorded conveyance shall be removed from the tax roll for a  
29 purchaser who, in the manner prescribed by section 32(d) of this  
30 chapter, files a verified demand with the county auditor.

31 (l) A board may write off a fee or penalty under subsection (a) that  
32 is for less than forty dollars (\$40).

33 **SECTION 7. An emergency is declared for this act.**

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