

Special Edition

NEW LAWS AFFECTING VARIOUS COUNTY OFFICES

The following is a digest of some of the laws passed by the 1998 Regular session of the General Assembly affecting various offices in county government. Some of the laws do not pertain directly to a particular county office, but are included in this digest for ready reference to the covered subject matter.

The digest is not intended as an expression of legal interpretations, nor is the digest intended to be all inclusive. References in the digest will be to the Indiana Code in the following form [Amends IC 33-17-10-5] which means [Amends Indiana Code, Title 33, Article 17, Chapter 10, Section 5]. Please note the effective date on each law.

PUBLIC LAW 1 - HOUSE ENROLLED ACT 1011 - EFFECTIVE JULY 1, 1998 - TITLE 34 RECODIFICATION

Recodifies Title 34 concerning civil law and procedure. Makes conforming changes throughout the Indiana Code.

PUBLIC LAW 4 - HOUSE ENROLLED ACT 1008 - EFFECTIVE JULY 1, 1998 - JURY DUTY

Amends and adds to IC 33-4 concerning qualifications and service on various juries.

PUBLIC LAW 7 - HOUSE ENROLLED ACT 1139 - EFFECTIVE JULY 1, 1998 - PUBLIC PURCHASE LAW

Amends IC 5-22-8-1. Provides the chapter applies only to a purchase expected by the purchasing agent to be less than seventy-five thousand dollars (\$75,000).

Also amends IC 5-22-8-2 concerning small purchase policies to provide that the section only applies if the purchasing agent expects the purchase to be less than twenty-five thousand dollars (\$25,000).

**THE COUNTY BULLETIN
and Uniform Compliance Guidelines
ISSUED BY THE STATE BOARD OF ACCOUNTS**

Volume 318, Page 2

April 1998

PUBLIC LAW 7 - HOUSE ENROLLED ACT 1139 - EFFECTIVE JULY 1, 1998 - PUBLIC PURCHASE LAW - (Continued)

Adds IC 5-22-8-3 to provide "(a) This section applies only if the purchasing agent expects the purchase to be:

- (1) at least twenty-five thousand dollars (\$25,000); and
- (2) not more than seventy-five thousand dollars (\$75,000).

(b) A purchasing agent may purchase supplies under this section by inviting quotes from at least three (3) persons known to deal in the lines or classes of supplies to be purchased.

© The purchasing agent shall mail an invitation to quote to the persons described in subsection (b) at least seven (7) days before the time fixed for receiving quotes.

(d) If the purchasing agent receives a satisfactory quote, the purchasing agent shall award a contract to the lowest responsible and responsive offeror for each line of class of supplies required.

(e) The purchasing agent may reject all quotes.

(f) If the purchasing agent does not receive a quote from a responsible and responsive offeror, the purchasing agent may purchase the supplies under IC 5-22-10-10."

IC 5-22-10-19 is added to provide "A purchasing agent may make a special purchase from a public utility if the purchase or least price is a negotiated price that considers the results of an independent appraisal that the purchasing agency obtains and an independent appraisal that the public utility obtains."

Adds IC 5-22-17-12 to provide "(a) A solicitation may provide that offers will be received and contracts will be awarded separately or for any combination of a line or a class of supplies or services contained in the solicitation.

(b) If the solicitation does not indicate how separate contracts might be awarded, the purchasing agent may award separate contracts to different offerors under this section only if the purchasing agent makes a written determination showing that the award of separate contracts is in the interest of efficiency or economy.

(c) If the purchasing agent awards a contract for a line or class of supplies or services, or any combination of lines or classes, to an offeror other than the lowest offeror, the purchasing agent must make a written determination stating the reasons for awarding a contract to that offeror."

Adds IC 5-22-17-13 to provide a solicitation may provide that the purchasing agent will award a contract for supplies or services for an unspecified number of items at a fixed price per unit. Such a contract may include a formula or a method for escalation of the unit price.

Adds IC 5-22-18-5(b) to provide "Within thirty (30) days after the acceptance of an offer, the purchasing agent shall deliver in person or by first class mail to the successful offeror the original of each purchase order or lease, retain a copy for the purchasing agent's records, and file a copy for public record and inspection as follows:...

(1) When a purchase or lease is made for a county or municipality, the copy of the purchase order or lease must be filed with the fiscal body of the unit."

**THE COUNTY BULLETIN
and Uniform Compliance Guidelines
ISSUED BY THE STATE BOARD OF ACCOUNTS**

Volume 318, Page 3

April 1998

PUBLIC LAW 7 - HOUSE ENROLLED ACT 1139 - EFFECTIVE JULY 1, 1998 - PUBLIC PURCHASES LAW - (Continued)

Amends IC 5-22-22-8 to provide that for the purposes of IC 5-22-22-8 and IC 5-22-21-6(4)(B), property may be considered worthless or of no market value if the value of the property is less than the estimated costs of the sale and transportation of the property.

Please review Public Law 49 of the Acts of 1997 for other changes effective July 1, 1998.

PUBLIC LAW 15 - HOUSE ENROLLED ACT 1245 - EFFECTIVE MARCH 6, 1998 AND AUGUST 5, 1996 (RETROACTIVE) - DEFERRED COMPENSATION

Amends IC 5-10-1.1 concerning deferred compensation plans and for the creation of a Deferred Compensation Committee. IC 5-10-1.1-1 now provides for insurance and investment products appropriate for a nonqualified deferred compensation plan.

PUBLIC LAW 20 - SENATE ENROLLED ACT 114 - EFFECTIVE JULY 1, 1998 - SMOKING IN PUBLIC BUILDINGS

Amends IC 16-41-37-4 concerning Class B infractions under certain circumstances for smoking in public buildings.

PUBLIC LAW 21 - SENATE ENROLLED ACT 115 - EFFECTIVE JULY 1, 1998 - ESTABLISHMENT OF PUBLIC LIBRARY

Amends IC 20-14-2-3 revising procedures for the establishment or revision of public library districts. The clerk of the circuit court shall do the following: (A) If a name appears more than one (1) time on a petition or remonstrance, the clerk shall strike any duplicates of the name until the name appears only one (1) time. (B) Strike the name from either the petition or the remonstrance of the person who: (i) signed both the petition and remonstrance; and (ii) personally, in the clerk's office, makes a voluntary written and signed request for the clerk to strike the person's name. © Not more than fifteen (15) days after the petition or remonstrance is filed, certify the number of signatures on the petition or remonstrance that: (i) are not duplicates; and (ii) represent persons who are registered voters where the public library is proposed to be established, on the day the persons signed the petition or remonstrance. (D) Establish a record of the clerk's certification in the clerk's office and file the original petition, the original remonstrance if any, and a copy of the clerk's certification with the legislative body.

The clerk may only strike a person's name as set forth in clauses (A) and (B).

**THE COUNTY BULLETIN
and Uniform Compliance Guidelines
ISSUED BY THE STATE BOARD OF ACCOUNTS**

Volume 318, Page 4

April 1998

PUBLIC LAW 29 - SENATE ENROLLED ACT 327 - EFFECTIVE JULY 1, 1998 - TAX SALES

Amends IC 6-1.1-24-2 to include an additional requirement to be added to the tax sale notice. Requires county auditor to include the name of the owner of each tract or item of real property with a single owner or the name of at least one (1) of the owners of each tract or item of real property with multiple owners on the tax sale notice.

Amends IC 6-1.1-24-3 to require the county auditor to mail a copy of the notice by certified mail, return receipt requested, to any mortgagee who annually requests, by certified mail, a copy of the notice.

PUBLIC LAW 33 - SENATE ENROLLED ACT 385 - EFFECTIVE JULY 1, 1998 - CLERK'S LIABILITY

Amends IC 33-17-1-4 to grant immunity to the clerk of the circuit court who 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.

PUBLIC LAW 36 - SENATE ENROLLED ACT 442 - EFFECTIVE JULY 1, 1998 - PUBLIC DEFENDER

Amends IC 33-9-14-4 and IC 33-9-15 exempting Lake County from the law governing county public defender offices and to allow for the establishment of the public defender's office for the criminal division of the superior court.

PUBLIC LAW 38 - HOUSE ENROLLED ACT 1002 - EFFECTIVE JULY 1, 1998 - PROPERTY TAXES

Amends IC 6-1.1-5-5.5 to provide that before the county auditor may transfer real property, that is created after the person became owner and is created either from a larger previously existing parcel or a combination of previously existing smaller parcels, on the last assessment list or apportion the assessed value of the real property among the owners, the owner must pay or otherwise satisfy all property taxes for which the due date has passed as of the date of transfer. Deleted the previous language of due and owing.

**THE COUNTY BULLETIN
and Uniform Compliance Guidelines
ISSUED BY THE STATE BOARD OF ACCOUNTS**

Volume 318, Page 5

April 1998

PUBLIC LAW 38 - HOUSE ENROLLED ACT 1002 - EFFECTIVE JULY 1, 1998 - PROPERTY TAXES -
(Continued)

Amends IC 6-1.1-5-16 concerning consolidating more than one (1) existing contiguous parcel into a single parcel if in a single taxing district and the same section. If the assessing official has knowledge that an improvement to the real property is located on or otherwise significantly affects the parcels, the assessing official shall consolidate the contiguous parcels into a single parcel.

Amends IC 6-1.1-23-1 to allow the county treasurer to serve a written demand upon the taxpayer who is delinquent in the payment of personal property taxes by proof of certificate of mailing.

Amends IC 6-1.1-23-7 to provide that the county treasurer shall charge as a collection expense for delinquent personal property taxes: \$8 if the demand is by registered or certified mail or \$5 if by any other manner.

Amends IC 6-1.1-26-5 to allow tax refunds paid to be deducted from the taxing unit's tax collections and paid to the county general fund in the June or December settlement and apportionment or taxes or in both the June and December settlement and apportionment. (Current law provides only in the December settlement and apportionment.) However, the county auditor shall make these deductions not later than the December settlement and apportionment.

Amends IC 6-1.1-26-6 to delete the reference specifying that reasonable proof, for the purposes of obtaining a refund of a property tax overpayment, may in part include a receipt. Also provides that the county treasurer, not less frequently than at the time of each semiannual settlement, shall prepare duplicate schedules of all excess payments received. The schedules shall contain the name on the tax duplicate, the amount of excess paid, and the taxing district. County treasurer shall deliver one (1) copy to the county auditor. Within fifteen (15) days after receiving the schedule, the county auditor shall review the schedule, and if the county auditor concurs with the schedule, the county auditor shall notify the county treasurer that the notice may be sent. The county auditor shall preserve the schedule, and if a refund is subsequently made, he shall note on the schedule and notify the county treasurer of the date and amount of the refund. If an excess payment has not been claimed within three (3) years after November 10 of the year the payment was made and the county treasurer has given written notice, the excess shall be transferred to the county general fund and may not be refunded. If the amount of excess, after applying to delinquent taxes, is greater than five dollars (\$5), the county treasurer, not later than forty five (45) days after receiving notification from county auditor, shall give the taxpayer who made the excess payment written notice that the taxpayer may be entitled to a refund. The notice shall be mailed to the last known address of the taxpayer as listed on the tax duplicate or the most current

**THE COUNTY BULLETIN
and Uniform Compliance Guidelines
ISSUED BY THE STATE BOARD OF ACCOUNTS**

Volume 318, Page 6

April 1998

**PUBLIC LAW - 38 - HOUSE ENROLLED ACT 1002 - EFFECTIVE JULY 1, 1998 - PROPERTY TAXES -
(Continued)**

record of the county treasurer. The notice must contain at least the following information: (1) A statement that the taxpayer may be entitled to a refund because the taxpayer made an excess payment; (2) The amount of the refund; (3) Instructions on how to claim the refund; (4) The date before which the refund must be claimed (the three (3) year period); and (5) An explanation that the amount of the refund will be reduced by any amount applied to property taxes that are delinquent. This applies to excess payments transferred to a surplus tax fund after June 30, 1998.

PUBLIC LAW 39 - HOUSE ENROLLED ACT 1015 - EFFECTIVE JULY 1, 1998 - MINIMUM WAGE

Amends IC 22-2-2-4 to change the rates for minimum pay under certain circumstances.

PUBLIC LAW 45 - HOUSE ENROLLED ACT 1072 - EFFECTIVE JULY 1, 1998 - RETIREMENT

Adds IC 5-10.2-5-26 to provide pension increases plus post-retirement increases to PERF and TERF.

**PUBLIC LAW 46 - HOUSE ENROLLED ACT 1097 - EFFECTIVE UPON PASSAGE - INNKEEPER'S AND
ADMISSIONS TAXES**

Amends Lake, Marion, and Allen County's Innkeeper's tax laws for specific projects in those counties.

Amends IC 6-9-18-4 (Uniform Innkeeper's Tax) to provide that if a county before July 1, 1997 issued a bond with a pledge of innkeepers tax, the county shall continue to expend money from the fund for that purpose until the bond is paid.

**PUBLIC LAW 47 - HOUSE ENROLLED ACT 1109 - EFFECTIVE MARCH 11, 1998 AND JULY 1, 1998 -
DEBIT**

Amends IC 5-1-1-1 concerning legalization and validity of debt executed before March 15, 1998.

**THE COUNTY BULLETIN
and Uniform Compliance Guidelines
ISSUED BY THE STATE BOARD OF ACCOUNTS**

Volume 318, Page 7

April 1998

PUBLIC LAW 52 - HOUSE ENROLLED ACT 1234 - EFFECTIVE UPON PASSAGE - UNEMPLOYMENT COMPENSATION WARRANTS

Amends IC 22-4-29-6 to provide that within five (5) days after receipt of an unemployment compensation warrant from the office of workforce development the clerk shall: (1) retain the duplicate copy of the warrant; (2) enter in the judgment record in the column for judgment debtors the name of the employing unit stated in the warrant, or if the employing unit is a partnership, the names of the partners; (3) enter the amount sought by the warrant; (4) enter the date the warrant was received; and (5) certify the original warrant and return it to the department. Five (5) days after the clerk receives the warrant the total amount including damages, penalties, and interest become a lien upon the title to and interest in the real and personal property of the employing unit.

Amends IC 22-4-29-7 that upon receipt of the warrant from the clerk, workforce development shall issue the warrant to the sheriff of the county.

Amends IC 22-4-29-10 to provide that in every instance in which the sheriff shall return any warrant unsatisfied, the sheriff shall attach to the warrant a summary of all relative information regarding the attempts to collect the warrant and the reason the warrant is being returned unsatisfied.

Amends IC 22-4-29-11 to provide that in the event the sheriff is unable to locate the employing unit after diligent search, the sheriff shall file with workforce development a statement sworn to by the sheriff that a diligent search has been made and the employing unit cannot be located within the sheriff's bailiwick. Eliminates the requirement the sheriff pay twenty dollars (\$20) when timely return is not made by sheriff. Removes the liability upon the sheriff's bond for failure of the sheriff to levy upon and sell property held by the employer.

PUBLIC LAW 62 - SENATE ENROLLED ACT 152 - EFFECTIVE JULY 1, 1998 - STATE POLICE EMPLOYEES

Amends IC 10-1-1-4 to allow State Police Employees to serve in a part-time local elected office and remain a State Police Employee.

**THE COUNTY BULLETIN
and Uniform Compliance Guidelines
ISSUED BY THE STATE BOARD OF ACCOUNTS**

Volume 318, Page 8

April 1998

PUBLIC LAW 68 - SENATE ENROLLED ACT 348 - EFFECTIVE JULY 1, 1998 - GHOST EMPLOYMENT

Amends IC 35-44-2-4 to add section (f) to provide "For the purposes of this section, an employee of a governmental entity who voluntarily perform services:

- (1) that do not:
 - (A) promote religion;
 - (B) attempt to influence legislation or governmental policies; or
 - © attempt to influence elections to public office;
- (2) for the benefit of:
 - (A) other governmental entities; or
 - (B) an organization that is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code;
- (3) with the approval of the employee's supervisor;
- (4) in compliance with policy or regulation that:
 - (A) is in writing;
 - (B) is issued by the executive officer of the governmental entity; and
 - © contains a limitation on the total time during a calendar year that they employee may spend performing the services during normal hours of employment; is considered to be performing duties related to the operation of the governmental entity.

PUBLIC LAW 70 - SENATE ENROLLED ACT 370 - EFFECTIVE JANUARY 1, 1999 AND JULY 1, 1999 - MOTOR VEHICLE EXCISE TAXES

Amends IC 6-6-5-7 to provide that refunds of motor vehicle excise tax shall be issued by the bureau of motor vehicles commission. (This amendment is effective July 1, 1999.)

Amends IC 6-6-5-9 to provide that the excise tax deposited in county bank account will be the excise tax collected less any refunds made by the license branch. The bureau of motor vehicles shall report the excise taxes collected and refunds made to the county auditor before the eleventh day of the month following the month the collections were made. (This amendment is effective January 1, 1999.)

Amends IC 6-6-5-10.4 to provide that the bureau shall verify the collections reported by the branches and provide the county auditor adequate and accurate audit information, registration form information, records, and materials to support the proper assessment, collection, and refund of excise taxes. (This amendment is effective July 1, 1999.)

**THE COUNTY BULLETIN
and Uniform Compliance Guidelines
ISSUED BY THE STATE BOARD OF ACCOUNTS**

Volume 318, Page 9

April 1998

PUBLIC LAW 79 - HOUSE ENROLLED ACT 1185 - EFFECTIVE JULY 1, 1998 - DEPOSIT DOCUMENTS

Amends IC 5-15-6-3 to provide "original records" includes the optical image of a check or deposit document when the check or deposit document is recorded, copied, or reproduced by an optical imaging process described in subsection (e); and the drawer of the check receives an optical image of the check after the check is processed for payment or the depositor receives an optical image of the deposit document after the document has been processed for the deposit.

Also amends IC 5-13-4-10(3) and (4) to define a savings association and a federally chartered savings association as a "financial institution."

PUBLIC LAW 83 - HOUSE ENROLLED ACT 1210 - EFFECTIVE JULY 1, 1998 - SURPLUS PROPERTY

Adds IC 5-22-22-12 to provide that a governmental body in Indiana may transfer surplus fire trucks, emergency service vehicles, or firefighting or emergency services equipment to a volunteer fire company without conducting an auction or a public sale. Requires the governmental body to give a volunteer fire company located in the same county the right of first refusal for surplus equipment offered.

PUBLIC LAW 85 - HOUSE ENROLLED ACT 1226 - EFFECTIVE JULY 1, 1998 - COURT FEES

Amends IC 33-19-6-10 to provide that the two hundred dollar (\$200) alcohol and drug countermeasures fee is to be collected when a person's driving privileges are suspended by the court or the bureau of motor vehicles. This applies to findings under IC 9-30-5 made after June 30, 1998, regardless of when the action was filed.

Amends IC 33-19-6-14 to add ordinance violations to the types of traffic violations for which a highway work zone fee is collected.

PUBLIC LAW 86 - HOUSE ENROLLED ACT 1229 - EFFECTIVE JULY 1, 1998 - ADVERSE POSSESSION

Amends IC 32-1-20-2 to provide the title to real property owned by the political subdivision (as defined in IC 36-1-2-13) may not be alienated by adverse possession. Also adds section 2 to provide a cause of action based on adverse possession may not be commenced against the political subdivision (as defined by IC 36-1-2-13) after June 30, 1998.

**THE COUNTY BULLETIN
and Uniform Compliance Guidelines
ISSUED BY THE STATE BOARD OF ACCOUNTS**

Volume 318, Page 10

April 1998

**PUBLIC LAW 87 - HOUSE ENROLLED ACT 1235 - EFFECTIVE JULY 1, 1999 - IMMUNIZATION
HEPATITIS B**

Amends IC 20-8.1-7 concerning every child residing in Indiana shall be immunized against Hepatitis B.

PUBLIC LAW 93 - HOUSE ENROLLED ACT 1338 - EFFECTIVE JULY 1, 1998 - WASTE TIRES

Amends and adds to several chapters and sections of IC 13 concerning waste tire storage and disposal.

**PUBLIC LAW 98 - SENATE ENROLLED ACT 150 - EFFECTIVE MARCH 13, 1998 - EMERGENCY
WIRELESS 9-1-1 SYSTEM**

Non code section creating a 9-1-1 advisory board providing for an emergency wireless 9-1-1 system.

PUBLIC LAW 99 - SENATE ENROLLED ACT 159 - EFFECTIVE JULY 1, 1998 - WEED CONTROL

Amends IC 15-3-4-2 to provide if the county has established a county weed control board, the township trustee may notify the county weed control board of the real estate containing detrimental plants, and the board shall either assume jurisdiction to control the detrimental plants or decline jurisdiction and refer the matter back to the township trustee. The county weed board shall notify the township trustee of the board's decision.

Adds IC 15-3-4.6-5.4 to provide for the procedures the county weed control board may take to destroy the noxious weeds should the property owner fail to do it. When the work has been performed, the person doing the work shall file an itemized bill for the work in the office of the weed control board. When the bill has been approved, the weed control board shall pay the bill from the county general fund, unless the county has established a separate fund for the weed control board. The weed control board shall certify the cost of the work, adding to the bill twenty dollars (\$20) per day for each day that a member of the weed control board or the board's agent supervises the performance of the services. The certified statement of costs must be sent by certified mail or personally served on the owner or person possessing the real estate. The certified statement must be mailed to the auditor of state for any real estate owned by the state or to the fiscal officer of another municipality for real estate owned by the municipality. The statement

**THE COUNTY BULLETIN
and Uniform Compliance Guidelines
ISSUED BY THE STATE BOARD OF ACCOUNTS**

Volume 318, Page 11

April 1998

PUBLIC LAW 99 - SENATE ENROLLED ACT 159 - EFFECTIVE JULY 1, 1998 - WEED CONTROL -
(Continued)

must request that the person pay the cost of performing the service to the weed control board. If the owner or person in possession of the property does not pay the amount within ten (10) days after receiving the notice, the weed control board shall file a copy of the certified statement in the office of the county auditor of the county where the real estate is located. The auditor shall place the amount claimed in the certified statement on the tax duplicate of the real estate. The amount claimed shall be collected as taxes are collected. After an amount is collected, the funds must be deposited in the weed control board fund, if one has been established by the county, for use at the discretion of the weed control board. If the weed control board has not been established by the county, the funds collected must be deposited in the county general fund. If the real estate is exempt from property taxation and the owner fails to pay the amount, the State Board of Tax Commissioners shall deny the property tax exemption.

Adds IC 15-3-4.6-5.6 to provide that the county auditor, upon receiving and filing the weed control board's certified statement, shall immediately place the amounts on the tax duplicate of the county, collect the amounts at the next tax paying time, in the same manner as other state, county, or township taxes are collected, including penalties, forfeitures, and sales, and after the amount has been collected, place the amount in the paper fund.

**PUBLIC LAW 103 - SENATE ENROLLED ACT 224 - EFFECTIVE JULY 1, 1998 - POLITICAL
SUBDIVISION RISK MANAGEMENT FUND**

Adds IC 27-1-29-28 to provide that under certain circumstances the Commission may prevent a political subdivision that is not already a member from becoming a member or declining to renew membership of political subdivision that are members of the fund.

**PUBLIC LAW 107 - SENATE ENROLLED ACT 264 - EFFECTIVE JULY 1, 1998 - BAIL AND PERSONAL
RECOGNIZANCE**

Adds IC 35-33-8-3.2 to allow a real estate bond to be used as bail. In the event a real estate bond is posted, the bond shall be used only to insure the presence of the defendant at any stage of the legal proceedings, but shall not be foreclosed for the payment of fines, costs, fees, or restitution. If the defendant is required to execute a bail bond by depositing cash or securities with the clerk of the court in an amount not less than ten percent (10%) of the bail, and if the defendant is convicted, the court may retain all or a part of the cash or securities to pay fines, costs, fees, and restitution, if ordered by the court.

**THE COUNTY BULLETIN
and Uniform Compliance Guidelines
ISSUED BY THE STATE BOARD OF ACCOUNTS**

Volume 318, Page 12

April 1998

PUBLIC LAW 114 - HOUSE ENROLLED ACT 1021 - EFFECTIVE JULY 1, 1998 - COMMON LAW LIENS

Amends IC 32-8-39 to provide no common law lien exists against property of a public official for the nonperformance or performance of a public official's official duty.

PUBLIC LAW 119 - HOUSE ENROLLED ACT 1157 - EFFECTIVE VARIOUS DATES - CAGIT

Adds to IC 3-5-1.1 to provide for CAGIT under certain circumstances in Pulaski and Jackson Counties.

PUBLIC LAW 123 - HOUSE ENROLLED ACT 1230 - EFFECTIVE JULY 1, 1998 - JAIL INMATES

Adds IC 35-50-5-4 to allow a court to order persons who are sentenced for a felony or a misdemeanor to reimburse the county for the cost of housing the person in the county jail if the county adopts an ordinance that allows for the reimbursement. The issuing court shall send a certified copy of the order to the clerk of the circuit court in the county where the felony or misdemeanor charge was filed. Upon receiving the order, the clerk shall enter and index the order in the circuit court judgment docket.

Adds IC 36-2-13-15 to provide that a person who is sentenced for a felony or a misdemeanor, subject to lawful detention in a county jail for a period of more than seventy-two (72) hours, not a member of a family that makes less than 150% of the federal income poverty level, and not detained as a child subject to the jurisdiction of a court shall reimburse the county for the following costs: (1) The lesser of: (A) the per diem amount as set by the county fiscal body that is reasonably related to the average daily cost of housing a person in the county jail; or (B) thirty dollars (\$30); multiplied by each day or part of a day that the person is lawfully detained in a county jail or lawfully detained under IC 35-33-11-3 for more than six (6) hours; (2) the direct cost of investigating whether the person is indigent; (3) the cost of collecting the amount for which the person is liable under this section. The county sheriff shall collect the amounts due from a person in conformity with the procedures as specified in the ordinance. If the county sheriff does not collect the amount due the county, the county attorney may collect the amount due.

**THE COUNTY BULLETIN
and Uniform Compliance Guidelines
ISSUED BY THE STATE BOARD OF ACCOUNTS**

Volume 318, Page 13

April 1998

**PUBLIC LAW 123 - HOUSE ENROLLED ACT 1230 - EFFECTIVE JULY 1, 1998 - JAIL INMATES -
(Continued)**

Adds IC 36-2-13-13 to provide that if the county legislative body adopts an ordinance implementing this reimbursement that they shall establish a nonreverting county prisoner reimbursement fund. All amounts collected shall be deposited in this fund with any amount earned from the investment of this fund becoming a part of the fund. Upon appropriation by the county fiscal body, amounts in the fund may be used by the county only for the operation, construction, repair, remodeling, enlarging, and equipment of a county jail or juvenile detention center.

PUBLIC LAW 124 - HOUSE ENROLLED ACT 1272 - EFFECTIVE JULY 1, 1998 - TAX SALES (LAKE COUNTY ONLY)

Amends IC 6-1.1-24-1.2 to provide that the county auditor in Lake County may remove real property from the list of property eligible for tax sale if the taxpayer and the county treasurer agree to a mutually satisfactory arrangement for the payment of the delinquent property taxes in full. The arrangement must: (1) be in writing; (2) signed by the taxpayer; and (3) requires the taxpayer to pay the delinquent taxes in full within (1) year of the date the agreement is signed. If the taxpayers fails to make a payment under the arrangement, the county auditor shall immediately place the tract or item of real property on the list of real property eligible for sale at a tax sale.

Adds IC 6-1.1-24-5.2, IC 6-1.1-24-5.6, and IC 6-1.1-24-6.6 to provide that certain cities in Lake County under certain circumstances may offer real property for sale through a city tax sale.

**PUBLIC LAW 126 - HOUSE ENROLLED ACT 1349 - EFFECTIVE RETROACTIVE TO JULY 1, 1997 -
MENTAL HEALTH**

Amends IC 12-29-1-7 to provide that if a county is making a payment to a mental health center that qualifies as a community mental health center disproportion share provider, the county treasurer shall certify that the payment represents expenditures eligible for financial participation under 42 U.S.C. 1396(w)(6)(A) and 42 CFR 433.51. The office of Medicaid policy and planning shall assist a county treasurer in making this certification.

PUBLIC LAW 129 - SENATE ENROLLED ACT 296 - EFFECTIVE UPON PASSAGE -RIVERBOAT FUND

Noncode provision to legalize fund established by local units of government before July 1, 1997, to receive riverboat tax revenues if those funds meet the requirements for a riverboat fund under IC 36-1-8-9.