

Adopted	Rejected
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## COMMITTEE REPORT

YES:	13
NO:	0

### MR. SPEAKER:

*Your Committee on Local Government, to which was referred House Bill 1503, 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:*

- 1 Page 3, line 11, reset in roman "Except as provided in subsection
- 2 (k),".
- 3 Page 3, reset in roman lines 19 through 20.
- 4 Page 3, line 21, after "shall" insert "**may**".
- 5 Page 3, line 21, reset in roman "be waived by the public agency if
- 6 the electronic map for which".
- 7 Page 3, reset in roman lines 22 through 27.
- 8 Page 3, after line 27, begin a new paragraph and insert:
- 9 "SECTION 2. IC 6-3.5-1.1-3.5 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3.5. (a) This section
- 11 applies only to a county having a population of more than twelve
- 12 thousand six hundred (12,600) but less than thirteen thousand (13,000).
- 13 (b) The county council of a county described in subsection (a) may,
- 14 by ordinance, determine that additional county adjusted gross income
- 15 tax revenue is needed in the county to fund the operation and
- 16 maintenance of a jail and justice center.

1 (c) Notwithstanding section 2 of this chapter, if the county council  
 2 adopts an ordinance under subsection (b), the county council may  
 3 impose the county adjusted gross income tax at a rate of one and  
 4 three-tenths percent (1.3%) on adjusted gross income. However, a  
 5 county may impose the county adjusted gross income tax at a rate of  
 6 one and three-tenths percent (1.3%) for only ~~four (4)~~ **eight (8)** years.  
 7 After the county has imposed the county adjusted gross income tax at  
 8 a rate of one and three-tenths percent (1.3%) for ~~four (4)~~ **eight (8)**  
 9 years, the rate is reduced to one percent (1%). If the county council  
 10 imposes the county adjusted gross income tax at a rate of one and  
 11 three-tenths percent (1.3%), the county council may decrease the rate  
 12 or rescind the tax in the manner provided under this chapter.

13 (d) If a county imposes the county adjusted gross income tax at a  
 14 rate of one and three-tenths percent (1.3%) under this section, the  
 15 revenue derived from a tax rate of three-tenths percent (0.3%) on  
 16 adjusted gross income:

- 17 (1) shall be paid to the county treasurer;
- 18 (2) may be used only to pay the costs of operating and  
 19 maintaining a jail and justice center; and
- 20 (3) may not be considered by the state board of tax commissioners  
 21 under any provision of IC 6-1.1-18.5, including the determination  
 22 of the county's maximum permissible property tax levy.

23 (e) Notwithstanding section 3 of this chapter, the county fiscal body  
 24 may adopt an ordinance under this section before June 1.

25 SECTION 3. IC 36-2-6-4 IS AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) This section does not apply  
 27 to a county having a consolidated city.

28 (b) **Except as provided in section 4.5 of this chapter**, the county  
 29 executive may allow a claim or order the issuance of a county warrant  
 30 for payment of a claim only at a regular or special meeting of the  
 31 executive. The county auditor may issue a county warrant for payment  
 32 of a claim against the county only if the executive or a court orders him  
 33 to do so. However, this subsection does not apply to the issuance of  
 34 warrants related to management of the common or congressional  
 35 school fund.

36 (c) The county executive may allow a claim if the claim:

- 37 (1) complies with IC 5-11-10-1.6; and
- 38 (2) is placed on the claim docket by the auditor at least five (5)

1           days before the meeting at which the executive is to consider the  
2           claim.

3           (d) A county auditor or member of a county executive who violates  
4           this section commits a Class C infraction.

5           (e) A county auditor who violates this section is liable on his official  
6           bond for twice the amount of the illegally drawn warrant, which may  
7           be recovered for the benefit of the county by a taxpayer of the county.  
8           A person who brings an action under this subsection shall give security  
9           for costs, and the court shall allow him a reasonable sum, including  
10          attorney's fees, out of the money recovered as compensation for his  
11          trouble and expense in bringing the action. This compensation shall be  
12          specified in the court's order.

13          (f) If, within sixty (60) days after the county executive allows a  
14          claim, a taxpayer of the county demands that the executive refund that  
15          allowance to the county, and the executive refuses to do so, the  
16          taxpayer may bring an action to recover an illegal, unwarranted, or  
17          unauthorized allowance for the benefit of the county. A person who  
18          brings an action under this subsection shall give security for costs, and  
19          the court shall allow him a reasonable sum, including attorney's fees,  
20          out of the money recovered as compensation for his trouble and  
21          expense in bringing the action. This compensation shall be specified in  
22          the court's order.

23          SECTION 4. IC 36-2-6-4.5 IS ADDED TO THE INDIANA CODE  
24          AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
25          1, 2001]: **Sec. 4.5. (a) A county executive may adopt an ordinance  
26          allowing money to be disbursed for lawful county purposes under  
27          this section.**

28          **(b) Notwithstanding IC 5-11-10, with the prior written approval  
29          of the board having jurisdiction over the allowance of claims, the  
30          county auditor may make claim payments in advance of board  
31          allowance for the following kinds of expenses if the county  
32          executive has adopted an ordinance under subsection (a):**

33                 **(1) Property or services purchased or leased from the United  
34                 States government, its agencies, or its political subdivisions.**

35                 **(2) License or permit fees.**

36                 **(3) Insurance premiums.**

37                 **(4) Utility payments or utility connection charges.**

38                 **(5) General grant programs where advance funding is not**

- 1           **prohibited and the contracting party posts sufficient security**
- 2           **to cover the amount advanced.**
- 3           **(6) Grants of state funds authorized by statute.**
- 4           **(7) Maintenance or service agreements.**
- 5           **(8) Leases or rental agreements.**
- 6           **(9) Bond or coupon payments.**
- 7           **(10) Payroll.**
- 8           **(11) State or federal taxes.**
- 9           **(12) Expenses that must be paid because of emergency**
- 10          **circumstances.**
- 11          **(13) Expenses described in an ordinance.**

12          **(c) Each payment of expenses under this section must be**  
 13          **supported by a fully itemized invoice or bill and certification by the**  
 14          **county auditor.**

15          **(d) The county executive or the county board having jurisdiction**  
 16          **over the allowance of the claim shall review and allow the claim at**  
 17          **its next regular or special meeting following the pre-approved**  
 18          **payment of the expense.**

19          **(e) A payment of expenses under this section must be published**  
 20          **in the manner provided under section 3 of this chapter.**

21          SECTION 5. IC 36-4-7-3, AS AMENDED BY P.L.35-1999,  
 22          SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23          JULY 1, 2001]: Sec. 3. (a) This section does not apply to compensation  
 24          paid by a city to members of its police and fire departments.

25          (b) Subject to the approval of the city legislative body, the city  
 26          executive shall fix the compensation of each appointive officer, deputy,  
 27          and other employee of the city. The legislative body may reduce but  
 28          may not increase any compensation fixed by the executive.  
 29          Compensation must be fixed under this section before:

- 30           (1) ~~August~~ **September** 20 for a third class city; and
  - 31           (2) September 30 for a second class city;
- 32          of each year for the ensuing budget year.

33          (c) Compensation fixed under this section may not be increased  
 34          during the budget year for which it is fixed, but may be reduced by the  
 35          executive.

36          (d) Notwithstanding subsection (b), the city clerk may, with the  
 37          approval of the legislative body, fix the salaries of deputies and  
 38          employees appointed under IC 36-4-11-4.

1           SECTION 6. IC 6-1.1-5.5-8 IS REPEALED [EFFECTIVE JULY 1,  
2           2001]."  
              (Reference is to HB 1503 as introduced.)

**and when so amended that said bill do pass.**

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Representative Stevenson