

SENATE BILL No. 338

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-9.

Synopsis: Barrett Law installments. Establishes options for Barrett Law payments in annual or monthly installments for ten, 20, or 30 years. Permits a municipality to issue Barrett Law bonds to mature not less than 15 and not more than 30 years from the date of issuance.

Effective: July 1, 2001.

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January 16, 2001, read first time and referred to Committee on Governmental and Regulatory Affairs.

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First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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SENATE BILL No. 338



A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-9-36-36 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 36. (a) Upon receipt of
- 3 the primary assessment roll, the disbursing officer shall by mail notify
- 4 each affected person of the amount of the assessment against the
- 5 person's property.
- 6 (b) The notice must state the following:
- 7 (1) That the amount is due not later than thirty (30) days after the
- 8 approval of the assessment roll by the works board.
- 9 (2) That a person who desires to pay the person's assessment by
- 10 installments must enter into a written agreement under subsection
- 11 (c) before the due date.
- 12 (c) **With respect to assessments imposed after June 30, 2001, to**
- 13 **pay for improvements or to repay bonds issued under this chapter**
- 14 **after June 30, 2001, a person may elect to pay the person's**
- 15 **assessment in:**
- 16 (1) **ten (10) annual installments;**
- 17 (2) **twenty (20) annual installments;**



- 1 **(3) thirty (30) annual installments;**
 2 **(4) one hundred twenty (120) monthly installments;**
 3 **(5) two hundred forty (240) monthly installments; or**
 4 **(6) three hundred sixty (360) monthly installments.**

5 ~~(d)~~ A person who desires to pay the person's assessment in ~~ten (10)~~
 6 ~~annual~~ installments **as described in subsection (c)** must before the due
 7 date enter into a written agreement stating that in consideration of that
 8 privilege the person:

- 9 (1) will not make an objection to an illegality or irregularity
 10 regarding the assessment against the person's property; and
 11 (2) will pay the assessment as required by law with specified
 12 interest.

13 ~~(d)~~ **(e)** The agreement under subsection ~~(e)~~ **(d)** shall be filed in the
 14 office of the disbursing officer.

15 ~~(e)~~ **(f)** The interest rate specified for the installments of the
 16 assessment may be equal to or greater than the interest rate on bonds
 17 issued under section 44 of this chapter.

18 ~~(f)~~ **(g)** An assessment of less than one hundred dollars (\$100) may
 19 not be paid in installments.

20 SECTION 2. IC 36-9-37-11 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) If a municipal
 22 works board orders any of the following improvements **and**
 23 **assessments are imposed after June 30, 2001, to pay for the**
 24 **improvements or to repay bonds issued under this chapter after**
 25 **June 30, 2001**, each owner of property assessed for that improvement
 26 may elect to pay the owner's assessment in ~~ten (10)~~ **equal annual**
 27 installments with interest **as described in subsection (b):**

- 28 (1) Streets.
 29 (2) Alleys.
 30 (3) Other paved public places.
 31 (4) Lighting.
 32 (5) For municipalities that own and operate a water utility, water
 33 main extensions from the water utility.

34 **(b) A property owner may elect to pay the owner's assessment**
 35 **in:**

- 36 **(1) ten (10) annual installments;**
 37 **(2) twenty (20) annual installments;**
 38 **(3) thirty (30) annual installments;**
 39 **(4) one hundred twenty (120) monthly installments;**
 40 **(5) two hundred forty (240) monthly installments; or**
 41 **(6) three hundred sixty (360) monthly installments.**

42 (c) The interest rate specified for the installments may be equal to

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1 or greater than the interest rate on bonds issued under section 28 of this
2 chapter.

3 ~~(c)~~ (d) An assessment of less than one hundred dollars (\$100) may
4 not be paid in installments.

5 ~~(d)~~ (e) If the property owner is not an individual, the election under
6 subsection (a) must be made in the following manner:

7 (1) For a partnership, at least one (1) of the partners must sign the
8 waiver and other instruments required for the election.

9 (2) For a corporation, the president or vice president must do all
10 of the following:

11 (A) Sign the waiver and other instruments required for the
12 election.

13 (B) File a certified copy of the resolution of the board of
14 directors or trustees authorizing the president or vice president
15 to execute those instruments on behalf of the corporation.

16 (3) For a church, lodge, charitable institution, or other
17 organization, the person or persons acting on behalf of the
18 organization must sign the waiver and other instruments required
19 for the election, but only after being instructed to do so by a
20 resolution adopted at a meeting of the organization called for that
21 purpose.

22 SECTION 3. IC 36-9-37-12 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) If a property
24 owner has elected to pay the property owner's assessment in
25 installments and the assessment roll for the cost of the improvement
26 was finally approved before July 1 of a year, the first installment of the
27 principal of the assessment, together with accrued interest, is payable
28 on November 10 of that year.

29 (b) If a property owner has elected to pay the property owner's
30 assessment in installments and the assessment roll for the cost of the
31 improvement was finally approved after June 30 of a year, the first
32 installment of the principal of the assessment, together with accrued
33 interest, is payable on May 10 of the following year.

34 (c) Subsequent installments of principal and interest are payable at:

35 (1) one (1) year intervals after the date of payment of the first
36 installment under subsection (a) or (b) **if the property owner**
37 **elected annual payments; or**

38 (2) one (1) month intervals after the date of payment of the
39 **first installment under subsection (a) or (b) if the property**
40 **owner elected monthly payments.**

41 (d) **This subsection applies if the property owner elected annual**
42 **installment payments.** With the first installment of principal, and

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1 interest to the first bond maturity date, an amount sufficient to cover six
 2 (6) months interest in advance on the assessment shall also be
 3 collected. With each succeeding installment of principal, except the
 4 last installment, six (6) months interest shall be collected in advance,
 5 so that only one (1) annual payment is made by the property owner on
 6 the assessment.

7 **(e) This subsection applies if the property owner elected**
 8 **monthly installment payments. With each of the first six (6)**
 9 **installments of principal, and interest to the first bond maturity**
 10 **date, an amount sufficient to cover one (1) additional month's**
 11 **interest in advance on the assessment shall also be collected. With**
 12 **each succeeding installment of principal, except the last six (6)**
 13 **installments, one (1) month's interest shall be collected in advance.**

14 SECTION 4. IC 36-9-37-29 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 29. (a) ~~The bonds shall~~
 16 ~~be issued in ten (10) series with one (1) series payable each year;~~
 17 ~~beginning as provided in subsection (c) or (d). The ten (10) series shall;~~
 18 ~~to the extent possible, be issued in equal amounts. The municipal~~
 19 ~~legislative body may provide in the preliminary resolution that the~~
 20 ~~bonds issued in anticipation of the collection of the assessments~~
 21 ~~shall be issued so as to mature not less than fifteen (15) years and~~
 22 ~~not more than thirty (30) years from the date of issuance.~~

23 (b) The terms of the bonds may allow early redemption of the bonds
 24 for and to the extent of prepayment of the assessments in anticipation
 25 of which the bonds were issued.

26 (c) If the assessment roll for the cost of an improvement was finally
 27 approved before July 1 of a year, the first of the series of bonds issued
 28 for the payment of the improvement is payable on February 1 of the
 29 following year, and the interest on the bonds shall be computed
 30 accordingly.

31 (d) If the assessment roll for the cost of an improvement was finally
 32 approved after June 30 of a year, the first of the series of bonds issued
 33 for the payment of the improvement is payable on August 1 of the
 34 following year, and the interest on the bonds shall be computed
 35 accordingly.

36 (e) Interest on the bonds is payable semiannually, beginning on the
 37 date prescribed by subsection (c) or (d).

38 (f) The municipal works board may by ordinance or resolution
 39 choose to:

- 40 (1) sell the bonds by negotiated private sale to a financial
 41 institution; and
 42 (2) remit the proceeds of the bonds to the contractor for the public

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- 1 improvement.
- 2 (g) An action to challenge the validity of the bonds or the sale of the
- 3 bonds may not be brought after issuance of the bonds.

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