

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1072 be amended to read as follows:

1 Page 143, delete lines 8 through 11, begin a new paragraph and
2 insert:

3 "(d) In any fiscal year, a political subdivision may transfer ~~under~~
4 **any unused and unencumbered funds specified in subsection**
5 **(b)(2)(A) from any fiscal year at any time to the rainy day fund.**

6 **(e) In any fiscal year, at any time, a political subdivision may**
7 **transfer under this chapter any other unobligated cash balances**
8 **not otherwise identified in section 5 of this chapter or in subsection**
9 **(b)(2)(A) if the amount is identified in an ordinance or resolution**
10 **establishing the rainy day fund and the amount is not more than ten**
11 **percent (10%) of the political subdivision's total annual budget for that**
12 **fiscal year, ~~adopted~~ certified under IC 6-1.1-17, to the rainy day fund.**
13 **The balances may be from any fiscal year."**

14 Page 143, line 12, delete "(e)" and insert "~~(e)~~ (f)".

15 Page 143, line 17, delete "(f)" and insert "~~(f)~~ (g)".

16 Page 143, line 20, delete "(g)" and insert "~~(g)~~ (h)".

17 Page 143, between lines 25 and 26, begin a new paragraph and
18 insert:

19 "SECTION 101. IC 36-1-8-11 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) This section
21 does not apply to a county treasurer governed by IC 36-2-10-23.

22 (b) As used in this section, "credit card" means a:

- 23 (1) credit card;
24 (2) debit card;
25 (3) charge card; or
26 (4) stored value card.

27 (c) A payment to a political subdivision or a municipally owned
28 utility for any purpose may be made by any of the following financial
29 instruments that the fiscal body of the political subdivision or the board
30 of the municipally owned utility authorizes for use:

- 1 (1) Cash.
 2 (2) Check.
 3 (3) Bank draft.
 4 (4) Money order.
 5 (5) Bank card or credit card.
 6 (6) Electronic funds transfer.
 7 (7) Any other financial instrument authorized by the fiscal body.
- 8 (d) If there is a charge to the political subdivision or municipally
 9 owned utility for the use of a financial instrument, the political
 10 subdivision or municipally owned utility may collect a sum equal to the
 11 amount of the charge from the person who uses the financial
 12 instrument.
- 13 (e) If authorized by the fiscal body of the political subdivision or the
 14 board of the municipally owned utility, the political subdivision or
 15 municipally owned utility may accept payments under this section with
 16 a bank card or credit card under the procedures set forth in this section.
 17 However, the procedure authorized for a particular type of payment
 18 must be uniformly applied to all payments of the same type.
- 19 (f) The political subdivision or municipally owned utility may
 20 contract with a bank card or credit card vendor for acceptance of bank
 21 cards or credit cards. **However, if there is a vendor transaction**
 22 **charge or discount fee, whether billed to the political subdivision**
 23 **or municipally owned utility or charged directly to the political**
 24 **subdivision's or municipally owned utility's account, the political**
 25 **subdivision or municipally owned utility shall collect from the**
 26 **person using the card an official fee that may not exceed the**
 27 **highest transaction charge or discount fee charged to the political**
 28 **subdivision or municipally owned utility by bank or credit card**
 29 **vendors during the most recent collection period. This fee may be**
 30 **collected regardless of retail merchant agreements between the**
 31 **bank and credit card vendors that may prohibit such a fee. The fee**
 32 **is a permitted additional charge under IC 24-4.5-3-202.**
- 33 (g) The political subdivision or municipally owned utility may pay
 34 any applicable bank card or credit card service charge associated with
 35 the use of a bank card or credit card under this subsection.
- 36 (h) The authorization of the fiscal body of the political subdivision
 37 is not required by the bureau of motor vehicles or the bureau of motor
 38 vehicles commission to use electronic funds transfer or other financial
 39 instruments to transfer funds to the political subdivision.
- 40 SECTION 102. IC 36-1-8-11.5 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) As used in this**
 43 **section, "electronic funds transfer" means any transfer of funds,**
 44 **other than a transaction originated by check, draft, or similar**
 45 **paper instrument, that is initiated through an electronic terminal,**
 46 **telephone, or computer or magnetic tape for the purpose of**

1 ordering, instructing, or authorizing a financial institution to debit
2 or credit an account.
3 (b) The fiscal body of a political subdivision or the board of a
4 municipally owned utility may adopt a resolution to authorize an
5 electronic funds transfer method of payment of claims. If a proper
6 body adopts a resolution under this subsection, the political
7 subdivision or municipally owned utility may pay money from its
8 funds by electronic funds transfer.
9 (c) A political subdivision or municipally owned utility that pays
10 a claim by electronic funds transfer shall comply with all other
11 requirements for the payment of claims by political subdivisions or
12 municipal utilities."
13 Renumber all SECTIONS consecutively.
(Reference is to EHB 1072 as printed February 24, 2012.)

Senator HEAD