



January 10, 2020

HOUSE BILL No. 1100

DIGEST OF HB 1100 (Updated January 9, 2020 9:32 am - DI 129)

Citations Affected: IC 6-3.6; IC 33-34; IC 33-37; IC 36-1.

Synopsis: Local government matters. Provides that if a proposed ordinance will decrease a local income tax rate, rescind a local income tax, or change the use of the proceeds from a local income tax, an adopting body that is a local income tax council or a county council shall inform the taxing units that they must provide verification and notice to the adopting body before the hearing on the proposed ordinance if the decrease, rescission, or change will adversely affect the repayment of bonds, leases, or other obligations. Increases, for the Marion County small claims courts, the: (1) bailiff's service of process by registered or certified mail fee; and (2) cost for the personal service of process by the bailiff or other process server; from \$13 to \$15. Provides that if an amount collected by a clerk of a city or town court for bail, a fine, a civil penalty, or various other fees is more than the amount required, the clerk shall retain as an administrative fee an amount up to \$5 and refund the excess amount. Provides that for certain disposals of property, if more than one eligible abutting landowner submits an offer to purchase a tract, the disposing agent, without further appraisal or notice, may sell the tract to the eligible abutting landowner who submits the highest offer.

Effective: July 1, 2020.

Manning, Karickhoff, Pryor

January 7, 2020, read first time and referred to Committee on Local Government.
January 9, 2020, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

HB 1100—LS 6724/DI 134



January 10, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1100

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 6-3.6-3-7, AS AMENDED BY P.L.247-2017,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 7. (a) This section applies to a county in which the
4 county adopting body is a local income tax council.
5 (b) Before a member of the local income tax council may propose
6 an ordinance or vote on a proposed ordinance, the member must hold
7 a public hearing on the proposed ordinance and provide the public with
8 notice of the time and place where the public hearing will be held.
9 (c) The notice required by subsection (b) must be given in
10 accordance with IC 5-3-1 and include the proposed ordinance or
11 resolution to propose an ordinance.
12 (d) In addition to the notice required by subsection (b), the adopting
13 body shall also:
14 (1) provide a copy of the notice to all taxing units in the county at
15 least ten (10) days before the public hearing; **and**
16 (2) **if the proposed ordinance will decrease the tax rate,**
17 **rescind the tax, or change the use of the proceeds from the**

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1 **tax, inform the taxing units that they must provide**
 2 **verification and notice to the adopting body before the**
 3 **hearing on the proposed ordinance if the decrease, rescission,**
 4 **or change proposed in the ordinance will affect the repayment**
 5 **of bonds, leases, or other obligations as set forth in**
 6 **IC 6-3.6-4-3 or IC 6-3.6-6-3(b).**

7 SECTION 2. IC 6-3.6-3-7.5, AS AMENDED BY P.L.247-2017,
 8 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2020]: Sec. 7.5. (a) This section applies to a county in which
 10 the county adopting body is the county council.

11 (b) Before the county council may vote on a proposed ordinance
 12 under this article, the county council must hold a public hearing on the
 13 proposed ordinance and provide the public with notice of the date,
 14 time, and place of the public hearing.

15 (c) The notice required by subsection (b) must be given in
 16 accordance with IC 5-3-1 and include the proposed ordinance.

17 (d) In addition to the notice required by subsection (b), the adopting
 18 body shall also:

19 (1) provide a copy of the notice to all taxing units in the county at
 20 least ten (10) days before the public hearing; and

21 (2) **if the proposed ordinance will decrease the tax rate,**
 22 **rescind the tax, or change the use of the proceeds from the**
 23 **tax, inform the taxing units that they must provide**
 24 **verification and notice to the adopting body prior to the**
 25 **hearing on the proposed ordinance if the decrease, rescission,**
 26 **or change proposed in the ordinance will affect the repayment**
 27 **of bonds, leases, or other obligations as set forth in**
 28 **IC 6-3.6-4-3 or IC 6-3.6-6-3(b).**

29 SECTION 3. IC 33-34-8-1, AS AMENDED BY P.L.39-2017,
 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2020]: Sec. 1. (a) The following fees and costs apply to cases
 32 in the small claims court:

33 (1) A township docket fee of five dollars (\$5) plus forty-five
 34 percent (45%) of the infraction or ordinance violation costs fee
 35 under IC 33-37-4-2.

36 (2) The bailiff's service of process by registered or certified mail
 37 fee of ~~thirteen dollars (\$13)~~ **fifteen dollars (\$15)** for each service.

38 (3) The cost for the personal service of process by the bailiff or
 39 other process server of ~~thirteen dollars (\$13)~~ **fifteen dollars (\$15)**
 40 for each service.

41 (4) Witness fees, if any, in the amount provided by IC 33-37-10-3
 42 to be taxed and charged in the circuit court.



- 1 (5) A redocketing fee, if any, of five dollars (\$5).
- 2 (6) A document storage fee under IC 33-37-5-20.
- 3 (7) An automated record keeping fee under IC 33-37-5-21.
- 4 (8) A late fee, if any, under IC 33-37-5-22.
- 5 (9) A public defense administration fee under IC 33-37-5-21.2.
- 6 (10) A judicial insurance adjustment fee under IC 33-37-5-25.
- 7 (11) A judicial salaries fee under IC 33-37-5-26.
- 8 (12) A court administration fee under IC 33-37-5-27.
- 9 (13) Before July 1, 2022, a pro bono legal services fee under
- 10 IC 33-37-5-31.

11 The docket fee and the cost for the initial service of process shall be
 12 paid at the institution of a case. The cost of service after the initial
 13 service shall be assessed and paid after service has been made. The
 14 cost of witness fees shall be paid before the witnesses are called.

15 (b) If the amount of the township docket fee computed under
 16 subsection (a)(1) is not equal to a whole number, the amount shall be
 17 rounded to the next highest whole number.

18 SECTION 4. IC 33-37-12-1, AS ADDED BY P.L.78-2014,
 19 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2020]: Sec. 1. (a) This chapter applies to any amount that the
 21 clerk of a circuit court **or the clerk of a city or town court** is required
 22 to collect from a person, including:

- 23 (1) bail;
- 24 (2) a fine;
- 25 (3) a civil penalty;
- 26 (4) a court fee, court cost, or user fee imposed by the court; or
- 27 (5) a fee for the preparation, duplication, or transmission of a
 28 document.

29 (b) This chapter does not apply to child support funds received by
 30 the clerk of a circuit court under IC 33-32-4.

31 SECTION 5. IC 33-37-12-2, AS ADDED BY P.L.78-2014,
 32 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2020]: Sec. 2. If the amount collected by the clerk of the
 34 circuit court **or the clerk of a city or town court** is more than the
 35 amount required, the clerk shall:

- 36 (1) retain the administrative fee described in section 3 of this
 37 chapter; and
- 38 (2) refund the excess amount.

39 SECTION 6. IC 33-37-12-3, AS ADDED BY P.L.78-2014,
 40 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2020]: Sec. 3. (a) The clerk of a circuit court **or the clerk of**
 42 **a city or town court** may retain as an administrative fee an amount of



1 up to ~~three dollars (\$3)~~ **five dollars (\$5)** from the excess amount
2 collected by the clerk under section 2 of this chapter.

3 (b) The clerk shall deposit the amount retained as an administrative
4 fee under subsection (a) in the clerk's record perpetuation fund
5 established under IC 33-37-5-2.

6 SECTION 7. IC 36-1-11-5, AS AMENDED BY P.L.28-2017,
7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2020]: Sec. 5. (a) As used in this section, "abutting
9 landowner" means an owner of property that:

10 (1) touches, borders on, or is contiguous to the property that is the
11 subject of sale; and

12 (2) does not constitute a:

13 (A) public easement; or

14 (B) public right-of-way.

15 (b) As used in this section, "offering price" means the appraised
16 value of real property plus all costs associated with the sale, including:

17 (1) appraisal fees;

18 (2) title insurance;

19 (3) recording fees; and

20 (4) advertising costs.

21 (c) The disposing agent may proceed under this section if either of
22 the following applies:

23 (1) The assessed value of a tract of real property to be sold is less
24 than:

25 (A) except as provided in clause (B) and subsection (i), fifteen
26 thousand dollars (\$15,000); or

27 (B) an amount greater than fifteen thousand dollars (\$15,000)
28 that is specified in an ordinance or a resolution adopted by the
29 fiscal body of the political subdivision under subsection (i);

30 based on the most recent assessment of the tract or of the tract of
31 which it was a part before it was acquired.

32 (2) If the property has not been assessed and the property was
33 previously part of a public right-of-way.

34 (d) The disposing agent may determine that:

35 (1) the highest and best use of the tract is sale to an abutting
36 landowner;

37 (2) the cost to the public of maintaining the tract equals or
38 exceeds the estimated fair market value of the tract; or

39 (3) it is economically unjustifiable to sell the tract under section
40 4 of this chapter.

41 (e) Within ten (10) days after the disposing agent makes a
42 determination under subsection (d), the disposing agent shall publish



1 a notice in accordance with IC 5-3-1 identifying the tracts intended for
 2 sale by legal description and, if possible, by key number and street
 3 address. The notice must also include the offering price and a statement
 4 that:

5 (1) the property may not be sold to a person who is ineligible
 6 under section 16 of this chapter; and

7 (2) an offer to purchase the property submitted by a trust (as
 8 defined in IC 30-4-1-1(a)) must identify each:

9 (A) beneficiary of the trust; and

10 (B) settlor empowered to revoke or modify the trust.

11 At the time of publication of notice under this subsection, the disposing
 12 agent shall send notice by certified mail to all abutting landowners.
 13 This notice shall contain the same information as the published notice.

14 (f) The disposing agent shall also have each tract appraised. The
 15 appraiser must be professionally engaged in making appraisals, a
 16 person licensed under IC 25-34.1, or an employee of the political
 17 subdivision who is familiar with the value of the tract. However, if the
 18 assessed value of a tract is less than six thousand dollars (\$6,000),
 19 based on the most recent assessment of the tract or of the tract of which
 20 it was a part before it was acquired, the disposing agent is not required
 21 to have the tract appraised.

22 (g) If, within ten (10) days after the date of publication of the notice
 23 under subsection (e), the disposing agent receives an eligible offer to
 24 purchase a tract listed in the notice at or in excess of the offering price,
 25 the disposing agent shall conduct the negotiation and sale of the tract
 26 under section 4(c) through 4(g) of this chapter.

27 (h) Notwithstanding subsection (g), if within ten (10) days after the
 28 date of publication of the notice under subsection (e) the disposing
 29 agent does not receive from any person other than an abutting
 30 landowner an eligible offer to purchase the tract at or in excess of the
 31 offering price, the disposing agent shall conduct the negotiation and
 32 sale of the tract as follows:

33 (1) If only one (1) abutting landowner makes an eligible offer to
 34 purchase the tract, then subject to section 16 of this chapter and
 35 without further appraisal or notice, the disposing agent shall offer
 36 to negotiate for the sale of the tract with that abutting landowner.

37 (2) If more than one (1) eligible abutting landowner submits an
 38 offer to purchase the tract, ~~the other eligible abutting landowners~~
 39 ~~who submit offers shall be informed of the highest offer received~~
 40 ~~and be given an opportunity to submit one (1) additional offer.~~
 41 ~~The tract shall be sold to the eligible abutting landowner who~~
 42 ~~submits the highest offer for the tract and who complies with any~~



1 requirement under subsection (c)(2): then subject to section 16
2 of this chapter and without further appraisal or notice, the
3 disposing agent may sell the tract to the eligible abutting
4 landowner who submits the highest offer for the tract.
5 (3) If no eligible abutting landowner submits an offer to purchase
6 the tract, the disposing agent may sell the tract to any person who
7 submits the highest offer for the tract, except a person who is
8 ineligible to purchase the tract under section 16 of this chapter.
9 (i) The fiscal body of a political subdivision may adopt an ordinance
10 (in the case of a county or municipality) or a resolution (in the case of
11 any other political subdivision) to increase the threshold that applies
12 under subsection (c)(1) to an amount greater than fifteen thousand
13 dollars (\$15,000).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1100, 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:

Page 2, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 3. IC 33-34-8-1, AS AMENDED BY P.L.39-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The following fees and costs apply to cases in the small claims court:

- (1) A township docket fee of five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.
- (2) The bailiff's service of process by registered or certified mail fee of ~~thirteen dollars (\$13)~~ **fifteen dollars (\$15)** for each service.
- (3) The cost for the personal service of process by the bailiff or other process server of ~~thirteen dollars (\$13)~~ **fifteen dollars (\$15)** for each service.
- (4) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.
- (5) A redocketing fee, if any, of five dollars (\$5).
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- (11) A judicial salaries fee under IC 33-37-5-26.
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- (13) Before July 1, 2022, a pro bono legal services fee under IC 33-37-5-31.

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 4. IC 33-37-12-1, AS ADDED BY P.L.78-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) This chapter applies to any amount that the clerk of a circuit court **or the clerk of a city or town court** is required



to collect from a person, including:

- (1) bail;
- (2) a fine;
- (3) a civil penalty;
- (4) a court fee, court cost, or user fee imposed by the court; or
- (5) a fee for the preparation, duplication, or transmission of a document.

(b) This chapter does not apply to child support funds received by the clerk of a circuit court under IC 33-32-4."

Page 2, line 41, strike "three dollars (\$3)" and insert "**five dollars (\$5)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1100 as introduced.)

ZENT

Committee Vote: yeas 12, nays 0.

