



February 12, 2019

HOUSE BILL No. 1582

DIGEST OF HB 1582 (Updated February 7, 2019 12:53 pm - DI 129)

Citations Affected: IC 5-10; IC 5-11; IC 6-1.1; IC 8-1.5; IC 36-3; IC 36-4; IC 36-5; IC 36-9.

Synopsis: Local government matters. Allows a political subdivision to provide for automatic enrollment of employees hired after June 30, 2019, in the political subdivision's deferred compensation plan, if the employee does not reject enrollment in the plan within a specified time period. Allows political subdivisions (except school corporations) that make a preliminary determination after June 30, 2019, as to whether a project is a controlled project to deduct from the project cost any funds segregated for use in the project that are in the political subdivision's capital improvement plan or other plan. (Current law applies only to political subdivisions other than school corporations in Hamilton County.) Allows a municipality to make deposits to a vendor or service provider to ensure the municipality's performance of a contract for the
(Continued next page)

Effective: July 1, 2019.

Candelaria Reardon, Zent

January 17, 2019, read first time and referred to Committee on Local Government.
February 11, 2019, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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Digest Continued

purchase of: (1) personal property having a cost of more than \$150,000; or (2) the services of a performer or performers that a municipality contracts with for performing at an entertainment, cultural, or recreational event or activity. Requires the clerk and fiscal officer of all cities and towns to complete at least: (1) 14 hours of training courses within one year; and (2) 36 hours of training courses within three years. Provides that a training course that an individual completes after being elected or appointed as clerk or fiscal officer of a city or town and before the individual begins serving in office applies toward the training requirements. Requires all city and town clerks and fiscal officers to fulfill the training requirements for each term the clerk or fiscal officer serves in office. Provides, in the case of a city or town that reorganizes, that the individual who performs the functions of clerk or fiscal officer for the reorganizing city or town shall comply with the training requirements for the reorganized political subdivision. Allows the board governing a: (1) municipal water or sewer provider; (2) municipal department of sanitation; or (3) sewage disposal plant service provider; to fix the time within which service charges become delinquent and service may be discontinued due to nonpayment of charges. (Currently these time periods are provided by statute.)

HB 1582—LS 7155/DI 87



February 12, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1582

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 5-10-1.1-7.4 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: **Sec. 7.4. (a) This section applies to a**
4 **political subdivision that:**
5 (1) **has a deferred compensation plan under section 7(b)(1) or**
6 **7(b)(2) of this chapter; and**
7 (2) **adopts this section by ordinance or resolution after June**
8 **30, 2019.**
9 (b) **This section applies to an individual who becomes an**
10 **employee of a political subdivision after the date the political**
11 **subdivision adopts the ordinance or resolution under subsection**
12 **(a).**
13 (c) **As used in this section, "employer" means the administrator**
14 **of the deferred compensation plan of the political subdivision.**
15 (d) **Unless an employee notifies the employer that the employee**
16 **does not want to enroll in the deferred compensation plan, on day**
17 **thirty-one (31) of the employee's employment:**

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- 1 (1) the employee is automatically enrolled in the deferred
2 compensation plan; and
- 3 (2) the employer is authorized to begin deductions as
4 otherwise allowed under this chapter.
- 5 (e) The employer shall provide written notice to an employee of
6 the provisions of this chapter. The notice provided under this
7 subsection must:
- 8 (1) be provided:
- 9 (A) with the employee's first paycheck; and
- 10 (B) on paper that is a color that is separate and distinct
11 from the color of the employee's paycheck;
- 12 (2) contain a statement concerning:
- 13 (A) the purposes of;
- 14 (B) procedures for notifying the employer that the
15 employee does not want to enroll in;
- 16 (C) the tax consequences of; and
- 17 (D) the details of any match for employee contribution to;
18 the deferred compensation plan; and
- 19 (3) list the telephone number, electronic mail address, and
20 other contact information for the employer.
- 21 (f) The amount that the employer may deduct from an
22 employee's compensation as a contribution to a deferred
23 compensation plan in which the employee is automatically enrolled
24 under this section shall be determined by the state or political
25 subdivision according to:
- 26 (1) the law applicable to; and
- 27 (2) the terms and conditions of;
- 28 the employee's deferred compensation plan.
- 29 (g) An individual who becomes an employee of a political
30 subdivision after June 30, 2019, must have the opportunity to
31 enroll in a deferred compensation plan that is subject to the same
32 parameters as the state employees' deferred compensation plan.
- 33 SECTION 2. IC 5-11-10-1.6, AS AMENDED BY P.L.121-2016,
34 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2019]: Sec. 1.6. (a) As used in this section, "governmental
36 entity" refers to any of the following:
- 37 (1) A municipality (as defined in IC 36-1-2-11).
- 38 (2) A school corporation (as defined in IC 36-1-2-17), including
39 a school extracurricular account.
- 40 (3) A county.
- 41 (4) A regional water or sewer district organized under IC 13-26
42 or under IC 13-3-2 (before its repeal).



- 1 (5) A municipally owned utility that is subject to IC 8-1.5-3 or
 2 IC 8-1.5-4.
 3 (6) A board of an airport authority under IC 8-22-3.
 4 (7) A board of aviation commissioners under IC 8-22-2.
 5 (8) A conservancy district.
 6 (9) A public transportation corporation under IC 36-9-4.
 7 (10) A commuter transportation district under IC 8-5-15.
 8 (11) The state.
 9 (12) A solid waste management district established under
 10 IC 13-21 or IC 13-9.5 (before its repeal).
 11 (13) A levee authority established under IC 14-27-6.
 12 (14) A county building authority under IC 36-9-13.
 13 (15) A soil and water conservation district established under
 14 IC 14-32.
 15 (16) The northwestern Indiana regional planning commission
 16 established by IC 36-7-7.6-3.
 17 (b) As used in this section, "claim" means a bill or an invoice
 18 submitted to a governmental entity for goods or services.
 19 (c) The fiscal officer of a governmental entity may not draw a
 20 warrant or check for payment of a claim unless:
 21 (1) there is a fully itemized invoice or bill for the claim;
 22 (2) the invoice or bill is approved by the officer or person
 23 receiving the goods and services;
 24 (3) the invoice or bill is filed with the governmental entity's fiscal
 25 officer;
 26 (4) the fiscal officer audits and certifies before payment that the
 27 invoice or bill is true and correct; and
 28 (5) payment of the claim is allowed by the governmental entity's
 29 legislative body or the board or official having jurisdiction over
 30 allowance of payment of the claim.
 31 This subsection does not prohibit a school corporation, with prior
 32 approval of the board having jurisdiction over allowance of payment of
 33 the claim, from making payment in advance of receipt of services as
 34 allowed by guidelines developed under IC 20-20-13-10. This
 35 subsection does not prohibit a municipality from making meal expense
 36 advances to a municipal employee who will be traveling on official
 37 municipal business if the municipal fiscal body has adopted an
 38 ordinance allowing the advance payment, specifying the maximum
 39 amount that may be paid in advance, specifying the required invoices
 40 and other documentation that must be submitted by the municipal
 41 employee, and providing for reimbursement from the wages of the
 42 municipal employee if the municipal employee does not submit the



1 required invoices and documentation.

2 (d) The fiscal officer of a governmental entity shall issue checks or
3 warrants for claims by the governmental entity that meet all of the
4 requirements of this section. The fiscal officer does not incur personal
5 liability for disbursements:

- 6 (1) processed in accordance with this section; and
7 (2) for which funds are appropriated and available.

8 (e) The certification provided for in subsection (c)(4) must be on a
9 form prescribed by the state board of accounts.

10 **(f) This subsection applies only to a municipality (as defined in**
11 **IC 36-1-2-11). The fiscal officer of a municipality may pay a**
12 **deposit or series of deposits to a vendor or service provider to**
13 **ensure the municipality's performance of a contract for the**
14 **purchase of:**

- 15 **(1) personal property at a cost of more than one hundred fifty**
16 **thousand dollars (\$150,000); or**
17 **(2) the services of a performer or group of performers to**
18 **perform at an entertainment, cultural, or recreational event**
19 **or activity of the municipality.**

20 **Payments may be made in advance of approval of the board having**
21 **jurisdiction over the allowance of claims, if the municipality has**
22 **adopted an ordinance under IC 36-4-8-14 or IC 36-5-4-12.**

23 SECTION 3. IC 6-1.1-20-0.7, AS ADDED BY P.L.203-2015,
24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2019]: Sec. 0.7. (a) This section applies ~~only~~ **to the following:**

- 26 **(1) A preliminary determination made after June 30, 2015, by a**
27 **political subdivision located in Hamilton County, other than a**
28 **school corporation, to issue bonds or enter into a lease.**
29 **(2) A preliminary determination made after June 30, 2019, by**
30 **a political subdivision:**
31 **(A) located in a county other than Hamilton County; and**
32 **(B) other than a school corporation;**
33 **to issue bonds or enter into a lease.**

34 (b) In determining whether a project is a controlled project for
35 purposes of this chapter and whether the petition and remonstrance
36 process under sections 3.1 and 3.2 of this chapter or the referendum
37 process under sections 3.5 and 3.6 of this chapter apply to the project,
38 the cost of the project for purposes of this chapter does not include the
39 following:

- 40 (1) Any expenditures excluded under section 0.5 of this chapter
41 (expenditures for the project that will be paid from donations or
42 other gifts).



1 (2) Any expenditures that will be paid from money that has
 2 accumulated or has been deposited by the political subdivision in
 3 any fund of the political subdivision, if before the preliminary
 4 determination is made the political subdivision segregates the
 5 money for use in the project as provided in a capital improvement
 6 plan, a capital development plan, or a similar plan adopted by the
 7 political subdivision.

8 (c) The proper officers of a political subdivision, other than a school
 9 corporation, must include in the resolution or ordinance making a
 10 preliminary determination to issue bonds or enter into a lease a
 11 determination of that part of the total project cost that will be paid from
 12 sources described in subsection (b)(1) or (b)(2). The proper officers of
 13 the political subdivision must make the determination concerning the
 14 part of the total project cost that will be financed by the bonds or lease
 15 at a public hearing after proper notice under IC 5-3-1.

16 SECTION 4. IC 8-1.5-3-4 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) The board has
 18 general supervisory powers over the utilities under its control, with
 19 responsibility for the detailed supervision of each utility to be vested in
 20 its superintendent, who is responsible to the board for the business and
 21 technical operation of the utility. The board shall:

- 22 (1) fix the number and compensation of employees;
 23 (2) adopt rules governing the appointment of employees including
 24 making proper classifications and rules to:
 25 (A) determine the eligibility of applicants;
 26 (B) determine by competitive examination the relative fitness
 27 of applicants for positions;
 28 (C) establish eligible lists arranged according to the ratings
 29 secured;
 30 (D) provide for the appointment of those having the highest
 31 ratings; and
 32 (E) provide for the promotion of employees;
 33 (3) subject to IC 36-4-9-2, appoint a superintendent or manager
 34 of each utility under its control who is responsible to the board for
 35 the business and technical operation of the utility; the board shall
 36 make the appointment on the basis of fitness to manage the
 37 particular utility to which he is to be assigned, taking into account
 38 his executive ability and his knowledge of the utility industry;
 39 (4) subject to IC 36-4-9-12, hire attorneys when required for the
 40 operation of the utility;
 41 (5) hire professional or expert personnel when required for the
 42 operation of the utility;



- 1 (6) submit a budget of its financial needs for the next year in the
 2 detail required by the municipal legislative body;
 3 (7) recommend to the legislative body reasonable and just rates
 4 and charges for services to the patrons of each utility;
 5 (8) appropriate, lease, rent, purchase, and hold all real and
 6 personal property of the utility;
 7 (9) enter upon lands for the purpose of surveying or examining
 8 the land to determine the location of any plant or appurtenances;
 9 (10) award contracts for:
 10 (A) the purchase of capital equipment;
 11 (B) the construction of capital improvements; or
 12 (C) other property or purposes that are necessary for the full
 13 and efficient construction, management, and operation of each
 14 utility;
 15 (11) adopt rules for the safe, economical, and efficient
 16 management and protection of each utility;
 17 (12) deposit at least weekly with the municipal fiscal officer all
 18 money collected from each utility to be kept in a separate fund
 19 subject to the order of the board; and
 20 (13) make monthly reports to the fiscal officer of the receipts and
 21 disbursements of money belonging to each utility and an annual
 22 report of the condition of the utility.
- 23 (b) The board may purchase by contract electricity, water, gas,
 24 power, or any other commodity or service for the purpose of furnishing
 25 the commodity or service to the patrons of the municipally owned
 26 utility or to the municipality itself.
- 27 (c) If the board wants to purchase the commodity or service from a
 28 public utility and the parties cannot agree on a rate or charge to be paid
 29 for it, either party may apply to the commission or other appropriate
 30 state or federal regulatory agency to establish a fair and reasonable rate
 31 or charge to be paid for the commodity or service.
- 32 (d) The board may discontinue water service by a waterworks to:
 33 (1) a water consumer; or
 34 (2) any property;
 35 upon failure by the water consumer or the property owner to pay
 36 charges legally due for sewer or sewage disposal plant service.
 37 However, the water service may not be discontinued for nonpayment
 38 of sewer or sewage disposal plant service charges until the charges
 39 have been due and unpaid for at least ~~thirty (30) days~~ **the time fixed**
 40 **by the board governing the sewer or sewage disposal plant service.**
- 41 (e) Before water service is discontinued under subsection (d), the
 42 board must give written notice to the water consumer or property owner



1 of its intention to discontinue water service if the unpaid sewer or
 2 sewage disposal plant service charges are not paid before a date
 3 specified in the notice. The notice must be mailed not less than ten (10)
 4 days before water service is to be discontinued and addressed to the
 5 water consumer or the property owner at his last known address.

6 SECTION 5. IC 36-3-5.5 IS ADDED TO THE INDIANA CODE
 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2019]:

9 **Chapter 5.5. Training for Clerk and Fiscal Officer**

10 **Sec. 1. As used in this chapter, "training courses" refers to**
 11 **training courses, workshops, training institutes authorized by**
 12 **IC 5-11-14, formal academies, special seminars and other**
 13 **in-service training related to the office of the:**

- 14 (1) clerk of the consolidated city described in IC 36-3-4-8; and
 15 (2) fiscal officer of the consolidated city described in
 16 IC 36-3-5-2.5;

17 **that are developed or offered under the rubric of a generally**
 18 **accepted professional association, association of governments or a**
 19 **state agency or department, or public university or affiliated**
 20 **center.**

21 **Sec. 2. An individual who is appointed to or holds an office**
 22 **described in section 1 of this chapter on or after November 5, 2019,**
 23 **shall complete at least:**

- 24 (1) fourteen (14) hours of training courses within one (1) year;
 25 and
 26 (2) thirty-six (36) hours of training courses within three (3)
 27 years;

28 **after the individual is appointed to or while the individual holds an**
 29 **office described in section 1 of this chapter.**

30 **Sec. 3. A training course that an individual completes:**

- 31 (1) after being appointed to an office described in this section;
 32 and
 33 (2) before the individual begins serving in an office described
 34 in this section;

35 **shall be counted toward the requirements under section 2 of this**
 36 **chapter.**

37 **Sec. 4. An individual shall fulfill the training requirements**
 38 **established by section 2 of this chapter for each four (4) year**
 39 **period during which the individual holds an office described in**
 40 **section 1 of this chapter.**

41 **Sec. 5. This section applies only to an individual appointed to fill**
 42 **a vacancy in an office described in section 1 of this chapter. An**



1 individual described in this section may, but is not required to, take
 2 training courses required by section 2 of this chapter. If an
 3 individual described in this section takes a training course required
 4 by section 2 of this chapter for an office described in section 1 of
 5 this chapter, the consolidated city shall pay for the training course
 6 as if the individual had been appointed to an office described in
 7 section 1 of this chapter.

8 **Sec. 6. The:**

- 9 (1) executive;
 10 (2) legislative body; and
 11 (3) individual who holds an office described in section 1 of this
 12 chapter;

13 shall use all reasonable means to ensure that the individual who
 14 holds an office described in section 1 of this chapter complies with
 15 the training requirements established by section 2 of this chapter.

16 **Sec. 7. The individual who holds an office described in section**
 17 **1 of this chapter shall maintain written documentation of the**
 18 **training courses that the individual completes toward the**
 19 **requirements of this chapter.**

20 **Sec. 8. If the consolidated city reorganizes under IC 36-1.5, the**
 21 **individual who performs the functions of an office described in**
 22 **section 1 of this chapter for the consolidated city shall comply with**
 23 **the training requirements established by this chapter for the**
 24 **reorganized political subdivision.**

25 SECTION 6. IC 36-4-8-14 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) A city
 27 legislative body may adopt an ordinance allowing money to be
 28 disbursed for lawful city purposes under this section.

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

- 34 (1) Property or services purchased or leased from the United
 35 States government, its agencies, or its political subdivisions.
 36 (2) License or permit fees.
 37 (3) Insurance premiums.
 38 (4) Utility payments or utility connection charges.
 39 (5) General grant programs where advance funding is not
 40 prohibited and the contracting party posts sufficient security to
 41 cover the amount advanced.
 42 (6) Grants of state funds authorized by statute.



- 1 (7) Maintenance or service agreements.
 2 (8) Leases or rental agreements.
 3 (9) Bond or coupon payments.
 4 (10) Payroll.
 5 (11) State, federal, or county taxes.
 6 (12) Expenses that must be paid because of emergency
 7 circumstances.
 8 (13) Expenses described in an ordinance.
 9 **(14) Deposits for the purchase of goods or services under**
 10 **IC 5-11-10-1.6(f).**
 11 (c) Each payment of expenses under this section must be supported
 12 by a fully itemized invoice or bill and certification by the fiscal officer.
 13 (d) The city legislative body or the city board having jurisdiction
 14 over the allowance of the claim shall review and allow the claim at its
 15 next regular or special meeting following the preapproved payment of
 16 the expense.
 17 SECTION 7. IC 36-4-10-8 IS ADDED TO THE INDIANA CODE
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2019]: **Sec. 8. (a) As used in this section, "training courses"**
 20 **refers to training courses, workshops, training institutes authorized**
 21 **by IC 5-11-14, formal academies, special seminars and other**
 22 **in-service training related to an office described in section 2 of this**
 23 **chapter that are developed or offered under the rubric of a**
 24 **generally accepted professional association, association of**
 25 **governments or a state agency or department, or public university**
 26 **or affiliated center.**
 27 **(b) An individual elected or appointed to an office described in**
 28 **section 2 of this chapter on or after November 5, 2019, shall**
 29 **complete at least:**
 30 **(1) fourteen (14) hours of training courses within one (1) year;**
 31 **and**
 32 **(2) thirty-six (36) hours of training courses within three (3)**
 33 **years;**
 34 **after the individual is elected or appointed to an office described in**
 35 **section 2 of this chapter.**
 36 **(c) A training course that an individual completes:**
 37 **(1) after being elected or appointed to an office described in**
 38 **section 2 of this chapter; and**
 39 **(2) before the individual begins serving in an office described**
 40 **in section 2 of this chapter;**
 41 **shall be counted toward the requirements under subsection (b).**
 42 **(d) An individual shall fulfill the training requirements**



1 established by subsection (b) for each term to which the individual
 2 is elected or appointed to an office described in section 2 of this
 3 chapter.

4 (e) This subsection applies only to an individual appointed to fill
 5 a vacancy in an office described in section 2 of this chapter. An
 6 individual described in this subsection may, but is not required to,
 7 take training courses required by subsection (b). If an individual
 8 described in this subsection takes a training course required by
 9 subsection (b) for an office described in section 2 of this chapter,
 10 the city shall pay for the training course as if the individual had
 11 been elected or appointed to an office described in section 2 of this
 12 chapter.

13 (f) The:

14 (1) city executive;

15 (2) city legislative body; and

16 (3) individual who holds the office described in section 2 of
 17 this chapter;

18 shall use all reasonable means to ensure that the individual who
 19 holds the office described in section 2 of this chapter complies with
 20 the training requirements established by this section.

21 (g) The individual who holds the office described in section 2 of
 22 this chapter shall maintain written documentation of the training
 23 courses that the individual completes toward the requirements of
 24 this section.

25 (h) If a city reorganizes under IC 36-1.5, the individual who
 26 performs the functions of an office described in section 2 of this
 27 chapter for the city shall comply with the training requirements
 28 established by this section for the reorganized political subdivision.

29 SECTION 8. IC 36-5-4-12 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) The legislative
 31 body of a town may adopt an ordinance allowing money to be
 32 disbursed under this section for lawful town purposes.

33 (b) Notwithstanding IC 5-11-10, with the prior written approval of
 34 the board having jurisdiction over allowance of the claim, a town fiscal
 35 officer may make claim payments in advance of a board allowance for
 36 the following types of expenses if the town legislative body has
 37 adopted an ordinance under subsection (a):

38 (1) Property or services purchased or leased from:

39 (A) the United States government; or

40 (B) an agency or a political subdivision of the United States
 41 government.

42 (2) License fees or permit fees.



- 1 (3) Insurance premiums.
- 2 (4) Utility payments or utility connection charges.
- 3 (5) Federal grant programs if:
- 4 (A) advance funding is not prohibited; and
- 5 (B) the contracting party provides sufficient security for the
- 6 amount advanced.
- 7 (6) Grants of state funds authorized by statute.
- 8 (7) Maintenance agreements or service agreements.
- 9 (8) Lease agreements or rental agreements.
- 10 (9) Principal and interest payments on bonds.
- 11 (10) Payroll.
- 12 (11) State, federal, or county taxes.
- 13 (12) Expenses that must be paid because of emergency
- 14 circumstances.
- 15 (13) Expenses described in an ordinance.
- 16 **(14) Deposits for the purchase of goods or services under**
- 17 **IC 5-11-10-1.6(f).**
- 18 (c) Each payment of expenses under this section must be supported
- 19 by a fully itemized invoice or bill and certification by the fiscal officer.
- 20 (d) The town legislative body or the board having jurisdiction over
- 21 the allowance of the claim shall review and allow the claim at the
- 22 body's or board's next regular or special meeting following the
- 23 preapproved payment of the expense.
- 24 SECTION 9. IC 36-5-6-10 IS ADDED TO THE INDIANA CODE
- 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 26 1, 2019]: **Sec. 10. (a) As used in this section, "training courses"**
- 27 **refers to training courses, workshops, training institutes authorized**
- 28 **by IC 5-11-14, formal academies, special seminars and other**
- 29 **in-service training related to an office described in section 2 of this**
- 30 **chapter that are developed or offered under the rubric of a**
- 31 **generally accepted professional association, association of**
- 32 **governments or a state agency or department, or public university**
- 33 **or affiliated center.**
- 34 **(b) An individual elected to the office described in section 2 of**
- 35 **this chapter on or after November 5, 2019, shall complete at least:**
- 36 **(1) fourteen (14) hours of training courses within one (1) year;**
- 37 **and**
- 38 **(2) thirty-six (36) hours of training courses within three (3)**
- 39 **years;**
- 40 **after the individual is elected to the office described in section 2 of**
- 41 **this chapter.**
- 42 **(c) A training course that an individual completes:**



1 (1) after being elected to the office described in section 2 of
2 this chapter; and

3 (2) before the individual begins serving in the office described
4 in section 2 of this chapter;

5 shall be counted toward the requirements under subsection (b).

6 (d) An individual shall fulfill the training requirements
7 established by subsection (b) for each term to which the individual
8 is elected to the office described in section 2 of this chapter.

9 (e) This subsection applies only to an individual appointed to fill
10 a vacancy in the office described in section 2 of this chapter. An
11 individual described in this subsection may, but is not required to,
12 take training courses required by subsection (b). If an individual
13 described in this subsection takes a training course required by
14 subsection (b) for an individual elected to the office described in
15 section 2 of this chapter, the town shall pay for the training course
16 as if the individual had been elected to the office described in
17 section 2 of this chapter.

18 (f) The:

19 (1) town executive;

20 (2) town legislative body; and

21 (3) individual who holds the office described in section 2 of
22 this chapter;

23 shall use all reasonable means to ensure that the individual who
24 holds the office described in section 2 of this chapter complies with
25 the training requirements established by this section.

26 (g) The individual who holds the office described in section 2 of
27 this chapter shall maintain written documentation of the training
28 courses that the individual completes toward the requirements of
29 this section.

30 (h) If a town reorganizes under IC 36-1.5, the individual who
31 performs the functions of the office described in section 2 of this
32 chapter for the town shall comply with the training requirements
33 established by this section for the reorganized political subdivision.

34 SECTION 10. IC 36-9-25-11, AS AMENDED BY P.L.196-2014,
35 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2019]: Sec. 11. (a) In connection with its duties, the board
37 may fix fees for the treatment and disposal of sewage and other waste
38 discharged into the sewerage system, collect the fees, and establish and
39 enforce rules governing the furnishing of and payment for sewage
40 treatment and disposal service. The fees must be just and equitable and
41 shall be paid by any user of the sewage works and, except as otherwise
42 provided in an ordinance provision described in subsection (l), the



1 owner of every lot, parcel of real property, or building that is connected
 2 with and uses the sewage works of the district by or through any part
 3 of the sewerage system. This section applies to owners of property that
 4 is partially or wholly exempt from taxation, as well as owners of
 5 property subject to full taxation.

6 (b) The board may change fees from time to time. The fees, together
 7 with the taxes levied under this chapter, must at all times be sufficient
 8 to produce revenues sufficient to pay operation, maintenance, and
 9 administrative expenses, to pay the principal and interest on bonds as
 10 they become due and payable, and to provide money for the revolving
 11 fund authorized by this chapter.

12 (c) Fees may not be established until a public hearing has been held
 13 at which all the users of the sewage works and owners of property
 14 served or to be served by the works, including interested parties, have
 15 had an opportunity to be heard concerning the proposed fees. After
 16 introduction of the resolution fixing fees, and before they are finally
 17 adopted, notice of the hearing setting forth the proposed schedule of
 18 fees shall be given by publication in accordance with IC 5-3-1. After
 19 the hearing the resolution establishing fees, either as originally
 20 introduced or as amended, shall be passed and put into effect.
 21 However, fees related to property that is subject to full taxation do not
 22 take effect until they have been approved by ordinance of the municipal
 23 legislative body or, in the case of a district described in section 3(b)(2)
 24 of this chapter, under section 11.3 of this chapter.

25 (d) A copy of the schedule of the fees shall be kept on file in the
 26 office of the board and must be open to inspection by all interested
 27 parties. The fees established for any class of users or property served
 28 shall be extended to cover any additional premises thereafter served
 29 that fall within the same class, without the necessity of hearing or
 30 notice.

31 (e) A change of fees may be made in the same manner as fees were
 32 originally established. However, if a change is made substantially pro
 33 rata for all classes of service, hearing or notice is not required, but
 34 approval of the change by ordinance of the municipal legislative body
 35 is required, and, in the case of a district described in section 3(b)(2) of
 36 this chapter, approval under section 11.3 of this chapter is required.

37 (f) If a fee established is not paid within ~~thirty (30) days~~ **after it is**
 38 **due; the time fixed by the board**, the board may recover, in a civil
 39 action in the name of the municipality, the amount, together with a
 40 penalty of ten percent (10%) and a reasonable attorney's fee from:

- 41 (1) the delinquent user; or
- 42 (2) the owner of the property;



1 subject to any ordinance described in subsection (l).

2 (g) Except as otherwise provided in subsection (h) or in an
3 ordinance provision described in subsection (l), fees assessed against
4 real property under this section also constitute a lien against the
5 property assessed. The lien attaches at the time of the filing of the
6 notice of lien in the county recorder's office. The lien is superior to all
7 other liens except tax liens, and shall be enforced and foreclosed in the
8 same manner as is provided for liens under IC 36-9-23-33 and
9 IC 36-9-23-34.

10 (h) A fee assessed against real property under this section
11 constitutes a lien against the property assessed only when the fee is
12 delinquent for no more than three (3) years from the day after the fee
13 is due.

14 (i) In addition to the:

- 15 (1) penalties under subsections (f) and (g); or
16 (2) alternative penalty available under section 11.5 of this
17 chapter;

18 a delinquent user may not discharge water into the public sewers and
19 may have the property disconnected from the public sewers.

20 (j) The authority to establish a user fee under this section includes
21 fees to recover the cost of construction of sewage works from industrial
22 users as defined and required under federal statute or rule. Any
23 industrial users' cost recovery fees may become a lien upon the real
24 property and shall be collected in the manner provided by law. In
25 addition, the imposition of the fees, the use of the amounts collected,
26 and the criteria for the fees must be consistent with the regulations of
27 the federal Environmental Protection Agency.

28 (k) The authority to establish a user fee under this section includes
29 fees to recover the costs associated with providing financial assistance
30 under section 42 of this chapter. A fee that is:

- 31 (1) established under this subsection or any other law; and
32 (2) used to provide financial assistance under section 42 of this
33 chapter;

34 is considered just and equitable if the project for which the financial
35 assistance is provided otherwise complies with the requirements of this
36 chapter.

37 (l) For purposes of this subsection, "municipal legislative body"
38 refers to the legislative body of each municipality in the district, in the
39 case of a district described in section 3(b)(2) of this chapter. This
40 subsection does not apply to a conservancy district established under
41 IC 14-33 for the collection, treatment, and disposal of sewage and other
42 liquid wastes. In an ordinance adopted under this chapter, the



1 municipal legislative body may include one (1) or more of the
 2 following provisions with respect to property occupied by someone
 3 other than the owner of the property:

4 (1) That fees for the services rendered by the sewerage system to
 5 the property are payable by the person occupying the property. At
 6 the option of the municipal legislative body, the ordinance may
 7 include any:

8 (A) requirement for a deposit to ensure payment of the fees by
 9 the person occupying the property; or

10 (B) other requirement to ensure the creditworthiness of the
 11 person occupying the property as the account holder or
 12 customer with respect to the property;

13 that the municipal legislative body may lawfully impose.

14 (2) That the fees for the services rendered by the sewerage system
 15 to the property are payable by the person occupying the property
 16 if one (1) of the following conditions is satisfied:

17 (A) Either the property owner or the person occupying the
 18 property gives to the board written notice that indicates that
 19 the person occupying the property is responsible for paying the
 20 fees with respect to the property and requests that the account
 21 or other customer or billing records maintained for the
 22 property be in the name of the person occupying the property.
 23 At the option of the municipal legislative body, the ordinance
 24 may provide that a document that:

25 (i) is executed by the property owner and the person
 26 occupying the property;

27 (ii) identifies the person occupying the property by name;
 28 and

29 (iii) indicates that the person occupying the property is
 30 responsible for paying the fees assessed by the board with
 31 respect to the property;

32 serves as written notice for purposes of this clause.

33 (B) The account or other customer or billing records
 34 maintained by the board for the property otherwise indicate
 35 that:

36 (i) the property is occupied by someone other than the
 37 owner; and

38 (ii) the person occupying the property is responsible for
 39 paying the fees.

40 (C) The property owner or the person occupying the property
 41 satisfies any other requirements or conditions that the
 42 municipal legislative body includes in the ordinance.



1 (3) That fees assessed against the property for the services
 2 rendered by the sewerage system to the property do not constitute
 3 a lien against the property, notwithstanding subsection (g), and
 4 subject to any requirements or conditions set forth in the
 5 ordinance.

6 This subsection may not be construed to prohibit a municipal
 7 legislative body from including in an ordinance adopted under this
 8 chapter any other provision that the municipal legislative body
 9 considers appropriate.

10 SECTION 11. IC 36-9-25-11.2 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11.2. If a fee
 12 established under section 11 of this chapter is not paid within ~~thirty~~
 13 ~~(30) days after it is due;~~ **the time fixed by the board**, a copy of any
 14 notice of delinquency sent to a delinquent user who is a tenant must be
 15 sent to the owner of the property occupied by the tenant at the latest
 16 address of the owner as shown on the property tax records of the county
 17 in which the property is located.

18 SECTION 12. IC 36-9-25-11.5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11.5. (a) As an
 20 alternative to the penalties provided in section 11 of this chapter, the
 21 board may require that the water utility providing water service to a
 22 delinquent user discontinue service until payment of all overdue user
 23 fees, together with any penalties provided in this section, are received
 24 by the municipality.

25 (b) If a fee established is not paid within ~~one (1) monthly billing~~
 26 ~~cycle after it is due;~~ **the time fixed by the board**, the board or its
 27 designee shall send notice to the delinquent user stating:

- 28 (1) the delinquent amount due, together with any penalty;
 29 (2) that water service may be disconnected if the user continues
 30 not to pay the delinquency and any penalty; and
 31 (3) the procedure for resolving disputed bills.

32 The municipality shall provide by ordinance a procedure for resolving
 33 disputed bills that includes an opportunity for a delinquent user to meet
 34 informally with designated personnel empowered to correct incorrect
 35 charges. Payment of a disputed bill and penalties by a user does not
 36 constitute a waiver of rights to subsequently claim and recover from the
 37 municipality sums improperly charged to the user.

38 (c) If the user fails to pay the delinquent amount or otherwise
 39 resolve the charges as specified in subsection (a), the board or its
 40 designee shall give written notice to the water utility serving the user
 41 to discontinue water service to the premises designated in the notice
 42 until notified otherwise. The notice must identify the delinquent sewer



1 user in enough detail to enable the water utility to identify the water
2 service connection that is to be terminated. Upon receipt of the notice,
3 the water utility shall disconnect water service to the user.
4 (d) Water service may not be shut off under this section if a local
5 board of health has found and certified to the municipality that the
6 termination of water service will endanger the health of the user and
7 others in the municipality.
8 (e) The water utility that discontinues water service in accordance
9 with an order from the board or its designee does not incur any liability
10 except to the extent of its own negligence or improper conduct.
11 (f) If the water utility does not discontinue service within ~~thirty (30)~~
12 **days the time fixed by the board** after receiving notice from the
13 municipality, the utility is liable for any user fees incurred ~~thirty (30)~~
14 **days** after receipt of notice to discontinue water service and that are not
15 collected from the user.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1582, 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 1, line 13, delete "plan administrator" and insert "**employer**".

Page 1, line 16, delete "plan administrator" and insert "**employer**".

Page 2, line 4, delete "plan administrator" and insert "**employer**".

Page 2, line 6, delete "plan administrator" and insert "**employer**".

Page 2, line 15, delete "administrator" and insert "**employer**".

Page 2, line 21, delete "plan administrator" and insert "**employer**".

Page 2, line 22, delete "plan administrator" and insert "**employer**".

Page 2, between lines 29 and 30, begin a new paragraph and insert:

"(g) An individual who becomes an employee of a political subdivision after June 30, 2019, must have the opportunity to enroll in a deferred compensation plan that is subject to the same parameters as the state employees' deferred compensation plan."

Page 7, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 5. IC 36-3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 5.5. Training for Clerk and Fiscal Officer

Sec. 1. As used in this chapter, "training courses" refers to training courses, workshops, training institutes authorized by IC 5-11-14, formal academies, special seminars and other in-service training related to the office of the:

- (1) clerk of the consolidated city described in IC 36-3-4-8; and**
- (2) fiscal officer of the consolidated city described in IC 36-3-5-2.5;**

that are developed or offered under the rubric of a generally accepted professional association, association of governments or a state agency or department, or public university or affiliated center.

Sec. 2. An individual who is appointed to or holds an office described in section 1 of this chapter on or after November 5, 2019, shall complete at least:

- (1) fourteen (14) hours of training courses within one (1) year; and**
- (2) thirty-six (36) hours of training courses within three (3) years;**

after the individual is appointed to or while the individual holds an



office described in section 1 of this chapter.

Sec. 3. A training course that an individual completes:

- (1) after being appointed to an office described in this section;**
- and**
- (2) before the individual begins serving in an office described in this section;**

shall be counted toward the requirements under section 2 of this chapter.

Sec. 4. An individual shall fulfill the training requirements established by section 2 of this chapter for each four (4) year period during which the individual holds an office described in section 1 of this chapter.

Sec. 5. This section applies only to an individual appointed to fill a vacancy in an office described in section 1 of this chapter. An individual described in this section may, but is not required to, take training courses required by section 2 of this chapter. If an individual described in this section takes a training course required by section 2 of this chapter for an office described in section 1 of this chapter, the consolidated city shall pay for the training course as if the individual had been appointed to an office described in section 1 of this chapter.

Sec. 6. The:

- (1) executive;**
- (2) legislative body; and**
- (3) individual who holds an office described in section 1 of this chapter;**

shall use all reasonable means to ensure that the individual who holds an office described in section 1 of this chapter complies with the training requirements established by section 2 of this chapter.

Sec. 7. The individual who holds an office described in section 1 of this chapter shall maintain written documentation of the training courses that the individual completes toward the requirements of this chapter.

Sec. 8. If the consolidated city reorganizes under IC 36-1.5, the individual who performs the functions of an office described in section 1 of this chapter for the consolidated city shall comply with the training requirements established by this chapter for the reorganized political subdivision."

Page 7, between lines 36 and 37, begin a new paragraph and insert:
 "SECTION 7. IC 36-4-10-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 8. (a) As used in this section, "training courses"**



refers to training courses, workshops, training institutes authorized by IC 5-11-14, formal academies, special seminars and other in-service training related to an office described in section 2 of this chapter that are developed or offered under the rubric of a generally accepted professional association, association of governments or a state agency or department, or public university or affiliated center.

(b) An individual elected or appointed to an office described in section 2 of this chapter on or after November 5, 2019, shall complete at least:

- (1) fourteen (14) hours of training courses within one (1) year; and
- (2) thirty-six (36) hours of training courses within three (3) years;

after the individual is elected or appointed to an office described in section 2 of this chapter.

(c) A training course that an individual completes:

- (1) after being elected or appointed to an office described in section 2 of this chapter; and
- (2) before the individual begins serving in an office described in section 2 of this chapter;

shall be counted toward the requirements under subsection (b).

(d) An individual shall fulfill the training requirements established by subsection (b) for each term to which the individual is elected or appointed to an office described in section 2 of this chapter.

(e) This subsection applies only to an individual appointed to fill a vacancy in an office described in section 2 of this chapter. An individual described in this subsection may, but is not required to, take training courses required by subsection (b). If an individual described in this subsection takes a training course required by subsection (b) for an office described in section 2 of this chapter, the city shall pay for the training course as if the individual had been elected or appointed to an office described in section 2 of this chapter.

(f) The:

- (1) city executive;
- (2) city legislative body; and
- (3) individual who holds the office described in section 2 of this chapter;

shall use all reasonable means to ensure that the individual who holds the office described in section 2 of this chapter complies with



the training requirements established by this section.

(g) The individual who holds the office described in section 2 of this chapter shall maintain written documentation of the training courses that the individual completes toward the requirements of this section.

(h) If a city reorganizes under IC 36-1.5, the individual who performs the functions of an office described in section 2 of this chapter for the city shall comply with the training requirements established by this section for the reorganized political subdivision."

Page 8, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 7. IC 36-5-6-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 10. (a) As used in this section, "training courses" refers to training courses, workshops, training institutes authorized by IC 5-11-14, formal academies, special seminars and other in-service training related to an office described in section 2 of this chapter that are developed or offered under the rubric of a generally accepted professional association, association of governments or a state agency or department, or public university or affiliated center.**

(b) An individual elected to the office described in section 2 of this chapter on or after November 5, 2019, shall complete at least:

- (1) fourteen (14) hours of training courses within one (1) year; and
- (2) thirty-six (36) hours of training courses within three (3) years;

after the individual is elected to the office described in section 2 of this chapter.

(c) A training course that an individual completes:

- (1) after being elected to the office described in section 2 of this chapter; and
- (2) before the individual begins serving in the office described in section 2 of this chapter;

shall be counted toward the requirements under subsection (b).

(d) An individual shall fulfill the training requirements established by subsection (b) for each term to which the individual is elected to the office described in section 2 of this chapter.

(e) This subsection applies only to an individual appointed to fill a vacancy in the office described in section 2 of this chapter. An individual described in this subsection may, but is not required to, take training courses required by subsection (b). If an individual



described in this subsection takes a training course required by subsection (b) for an individual elected to the office described in section 2 of this chapter, the town shall pay for the training course as if the individual had been elected to the office described in section 2 of this chapter.

(f) The:

- (1) town executive;
- (2) town legislative body; and
- (3) individual who holds the office described in section 2 of this chapter;

shall use all reasonable means to ensure that the individual who holds the office described in section 2 of this chapter complies with the training requirements established by this section.

(g) The individual who holds the office described in section 2 of this chapter shall maintain written documentation of the training courses that the individual completes toward the requirements of this section.

(h) If a town reorganizes under IC 36-1.5, the individual who performs the functions of the office described in section 2 of this chapter for the town shall comply with the training requirements established by this section for the reorganized political subdivision."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1582 as introduced.)

ZENT

Committee Vote: yeas 12, nays 0.

