
HOUSE BILL No. 1573

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-13-9; IC 6-1.1-4-31; IC 8-5-15-8; IC 8-10-5-2; IC 10-17-9-3; IC 12-20-20-2; IC 12-30-1; IC 14-29-7; IC 20-45-8; IC 22-9-1-12.1; IC 23-14-62; IC 32-26-2-2; IC 34-17-2-1; IC 36-1; IC 36-2; IC 36-3-3-10.

Synopsis: County government. Provides that after December 31, 2012, in all counties other than Marion County, the county board of commissioners is the county executive and the county council is the county legislative body. Specifies that after December 31, 2012, certain powers currently exercised by a county's board of commissioners shall be exercised by the county council. Specifies that, in counties other than Marion County, the budget estimates of each county officer, each court, and all other county departments and agencies shall be submitted to the county executive. Provides that the county executive shall review the budget estimates and adopt a consolidated budget estimate for the county that includes budget estimates for all county officers, departments, and agencies. Requires the county auditor to present the consolidated budget estimate for the county to the county fiscal body for adoption. Provides that the executive of each county (other than Marion County) shall before January 1, 2013, adopt a policy and procedures manual that applies to all county officers, officials, and employees other than judges. Specifies that the county executive shall include in the manual those policy and procedures that the county executive believes are appropriate to guide the actions of county officers, officials, and employees in conducting the business of county government. Requires that the manual must include a county ethics policy. Provides that not later than July 1, 2012, the office of the attorney general shall develop a model ethics policy to assist county executives in adopting the county ethics policy.

Effective: July 1, 2011; January 1, 2012.

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January 20, 2011, read first time and referred to Committee on Government and Regulatory Reform.



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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1573



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 5-13-9-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Except as provided in
3 subsection (b), in addition to any other statutory power to make
4 investments, each county treasurer and each fiscal officer of any
5 political subdivision other than a county, under the guidelines
6 established, respectively, by the board of county commissioners
7 **(before January 1, 2013) or the county council (after December 31,**
8 **2012)** of each county and the fiscal body of any other subdivision, and
9 any other officer of a local government entity authorized by statute or
10 court order to make investments, may invest any funds held by each in
11 accordance with this chapter.

12 (b) The treasurer of state may invest funds under section 2.5 of this
13 chapter.

14 (c) The funds that may be invested under this chapter include money
15 raised by bonds issued for a future specific purpose, sinking funds,
16 depreciation reserve funds, gift, bequest or endowment, and any other
17 funds available for investment.



1 SECTION 2. IC 5-13-9-5, AS AMENDED BY P.L.115-2010,
 2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2011]: Sec. 5. (a) The board of county commissioners (**before**
 4 **January 1, 2013) or the county council (after December 31, 2012)**
 5 of each county, and the fiscal body of each political subdivision other
 6 than a county, may by ordinance or resolution authorize the investing
 7 officer of each, respectively, to invest in certificates of deposit of
 8 depositories that have not been designated by the local board of finance
 9 of either but have been designated by the state board of finance as a
 10 depository for state deposits under IC 5-13-9.5. An ordinance or a
 11 resolution adopted under this subsection must provide that the authority
 12 granted in the ordinance or resolution expires on a date that is not later
 13 than two (2) years after the date the ordinance or resolution is adopted.

14 (b) With respect to any money to be invested in a deposit account
 15 under subsection (a), the investing officer shall solicit quotes for the
 16 certificates of deposit from at least three (3) depositories. If only one
 17 (1) depository has been designated for the political subdivision by its
 18 local board of finance, a quote must be solicited from that depository.
 19 If two (2) or more depositories have been designated for the political
 20 subdivision by its local board of finance, at least two (2) quotes must
 21 be solicited from the depositories thus designated. The quotes may be
 22 solicited and taken by telephone. A memorandum of all quotes solicited
 23 and taken shall be retained by the investing officer as a public record
 24 of the political subdivision under IC 5-14-3.

25 (c) If a deposit is not placed in the designated depository quoting the
 26 highest rate of interest, the investing officer shall follow the procedures
 27 and priority for placing deposits that are set forth in section 4 of this
 28 chapter and note the reason for placing the deposit on the memorandum
 29 of quotes.

30 SECTION 3. IC 5-13-9-6 IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) All interest derived from an
 32 investment by a political subdivision or by any other local public
 33 officer under the authority granted by section 3 of this chapter shall be
 34 deposited, except as otherwise provided by law, in the general fund of
 35 the investment authority or in any other fund its governing body
 36 designates specifically or by rule, subject to the modifications and
 37 limitations in this section.

38 (b) Interest from the following investments shall be receipted as
 39 follows:

40 (1) Interest from investments of funds of a political subdivision
 41 that are traceable to United States government funds must be
 42 receipted to the fund of which they are a part, if required by

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1 federal law or regulation.
 2 (2) Interest from investments of funds controlled by court orders
 3 must be receipted to that fund unless otherwise designated by the
 4 court order.
 5 (c) Each county treasurer, if authorized by the board of county
 6 commissioners **(before January 1, 2013) or the county council (after**
 7 **December 31, 2012)** may invest tax collections under this chapter
 8 pending distribution of the collections to political subdivisions. These
 9 investments may not:
 10 (1) exceed the amount available after giving consideration to
 11 taxes which may need to be advanced to any political subdivision;
 12 or
 13 (2) be made in deposit accounts or repurchase agreements, the
 14 maturity dates of which are later than the time when the tax
 15 collections are required by law to be distributed to political
 16 subdivisions.
 17 (d) The interest received on the investments made under subsection
 18 (c) shall be receipted to the county general fund or any other fund from
 19 which expenses incurred in the maintenance of county highways may
 20 be paid. The county fiscal body (as defined in IC 36-1-2-6) shall
 21 determine the allocation of this interest among the general fund and the
 22 various highway funds into which the interest may be deposited.
 23 (e) Any political subdivision may apply the interest derived from the
 24 investment of the proceeds from bonded indebtedness or local tax
 25 levies to the appropriate redemption bond interest or sinking fund for
 26 the bonded indebtedness.
 27 (f) If meter deposits of a municipally owned utility are invested, the
 28 interest earned on the investment may be applied to and used in the
 29 operation or depreciation fund of the municipally owned utility as
 30 determined by its governing body.
 31 (g) Interest from the investment of the public funds of a political
 32 subdivision may not be paid personally or for the benefit of any public
 33 officer.
 34 SECTION 4. IC 6-1.1-4-31, AS AMENDED BY P.L.113-2010,
 35 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2011]: Sec. 31. (a) The department of local government
 37 finance shall periodically check the conduct of:
 38 (1) a general reassessment of property;
 39 (2) work required to be performed by local officials under 50
 40 IAC 21; and
 41 (3) other property assessment activities in the county, as
 42 determined by the department.

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1 The department of local government finance may inform township
2 assessors (if any), county assessors, and the presidents of county
3 councils in writing if its check reveals that the general reassessment or
4 other property assessment activities are not being properly conducted,
5 work required to be performed by local officials under 50 IAC 21 is not
6 being properly conducted, or property assessments are not being
7 properly made.

8 (b) The failure of the department of local government finance to
9 inform local officials under subsection (a) shall not be construed as an
10 indication by the department that:

11 (1) the general reassessment or other property assessment
12 activities are being properly conducted;

13 (2) work required to be performed by local officials under 50
14 IAC 21 is being properly conducted; or

15 (3) property assessments are being properly made.

16 (c) If the department of local government finance:

17 (1) determines under subsection (a) that a general reassessment
18 or other assessment activities for a general reassessment year or
19 any other year are not being properly conducted; and

20 (2) informs:

21 (A) the township assessor (if any) of each affected township;

22 (B) the county assessor; and

23 (C) the president of the county council;

24 in writing under subsection (a);

25 the department may order a state conducted assessment or reassessment
26 under section 31.5 of this chapter to begin not less than sixty (60) days
27 after the date of the notice under subdivision (2).

28 (d) If the department of local government finance:

29 (1) determines under subsection (a) that work required to be
30 performed by local officials under 50 IAC 21 is not being
31 properly conducted; and

32 (2) informs:

33 (A) the township assessor of each affected township (if any);

34 (B) the county assessor; and

35 (C) the president of the county council;

36 in writing under subsection (a);

37 the department may conduct the work or contract to have the work
38 conducted to begin not less than sixty (60) days after the date of the
39 notice under subdivision (2). If the department determines during the
40 period between the date of the notice under subdivision (2) and the
41 proposed date for beginning the work or having the work conducted
42 that work required to be performed by local officials under 50 IAC 21

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1 is being properly conducted, the department may rescind the order.

2 (e) If the department of local government finance contracts to have
3 work conducted under subsection (d), the department shall forward the
4 bill for the services to the county and the county shall pay the bill under
5 the same procedures that apply to county payments of bills for
6 assessment or reassessment services under section 31.5 of this chapter.

7 (f) A county council president who is informed by the department
8 of local government finance under subsection (a) shall provide the
9 information to the board of county commissioners **(before January 1,
10 2013) or to the county council (after December 31, 2012)**. A board
11 of county commissioners **or county council** that receives information
12 under this subsection may adopt an ordinance **(before January 1,
13 2013, in the case of a board of county commissioners, or after
14 December 31, 2012, in the case of a county council)** to do either or
15 both of the following:

16 (1) Determine that:

17 (A) the information indicates that the county assessor has
18 failed to perform adequately the duties of county assessor; and
19 (B) by that failure the county assessor forfeits the office of
20 county assessor and is subject to removal from office by an
21 information filed under IC 34-17-2-1(b).

22 (2) Determine that:

23 (A) the information indicates that one (1) or more township
24 assessors in the county have failed to perform adequately the
25 duties of township assessor; and
26 (B) by that failure the township assessor or township assessors
27 forfeit the office of township assessor and are subject to
28 removal from office by an information filed under
29 IC 34-17-2-1(b).

30 (g) A city-county council that is informed by the department of local
31 government finance under subsection (a) may adopt an ordinance
32 making the determination or determinations referred to in subsection
33 (f).

34 SECTION 5. IC 8-5-15-8 IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) The board of commissioners
36 **(before January 1, 2013) or the county council (after December 31,
37 2012)** of any county may authorize the grant of funds to any commuter
38 transportation system serving or passing through the county for the
39 purchase of equipment or other capital improvements. The grants shall
40 be made to a district for distribution to the commuter transportation
41 systems or for purchases of equipment or capital improvements to be
42 used on or by the systems in connection with its public transportation

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1 operation.

2 (b) In the event the county is not a member of a district, a grant
3 authorized by this section may be distributed directly to a commuter
4 transportation system.

5 SECTION 6. IC 8-10-5-2, AS AMENDED BY P.L.49-2010,
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2011]: Sec. 2. (a) Any municipal corporation, county, or any
8 combination of a municipal corporation, municipal corporations,
9 county, or counties may create a port authority and there may be
10 created a port authority in a county having a population of more than
11 four hundred thousand (400,000) but less than seven hundred thousand
12 (700,000). Such authority may operate in addition to any municipal
13 authority that may be created under this chapter. A municipal
14 corporation shall act by ordinance, and a county shall act by resolution
15 of the county commissioners (**for port authorities created before**
16 **January 1, 2013) or the county council (for port authorities created**
17 **after December 31, 2012)** in authorizing the creation of a port
18 authority. A port authority created hereunder shall be a body corporate
19 and politic which may sue and be sued, plead and be impleaded, and
20 shall have the powers and jurisdiction enumerated in this chapter. The
21 exercise by such port authority of the powers conferred upon it shall be
22 deemed to be essential governmental functions of the state of Indiana,
23 but no port authority shall be immune from liability by reason thereof.

24 (b) In the exercise of the powers and authorities herein granted said
25 port authority shall have power to make and enter into any and all
26 contracts that may be necessary to effectuate the purposes of this
27 chapter. Except as otherwise expressly provided by this chapter, a
28 contract made by a port authority is not subject to ratification by any
29 other board, body, or officer.

30 SECTION 7. IC 10-17-9-3 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The board of county
32 commissioners (**before January 1, 2013) or the county council (after**
33 **December 31, 2012)** in each county may appropriate money out of the
34 general fund of the county to erect cottages or any other needed
35 building on the grounds of the home.

36 SECTION 8. IC 12-20-20-2, AS AMENDED BY P.L.73-2005,
37 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2011]: Sec. 2. (a) If money is not available for the payment of
39 township assistance claims under section 1 of this chapter, the
40 township board shall appeal to borrow money under IC 12-20-24.

41 (b) This subsection does not apply to a county having a consolidated
42 city. If the township board does not appeal to borrow money under

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1 IC 12-20-24 or if an appeal fails, the board of commissioners may
 2 borrow money or otherwise provide the money. **After December 31,**
 3 **2012, an action taken by the board of commissioners under this**
 4 **subsection is subject to the approval of the county fiscal body.**

5 (c) If the county commissioners determine to borrow ~~the~~ money or
 6 otherwise provide ~~the~~ money **under subsection (b) and, for actions**
 7 **taken under subsection (b) after December 31, 2012, this action is**
 8 **approved by the county fiscal body,** the county fiscal body shall
 9 promptly pass necessary ordinances and make the necessary
 10 appropriations to enable this to be done, after determining whether to
 11 borrow money by any of the following:

12 (1) A temporary loan against taxes levied and in the process of
 13 collection.

14 (2) The sale of county township assistance bonds or other county
 15 obligations.

16 (3) Any other lawful method of obtaining money for the payment
 17 of township assistance claims.

18 ~~(c)~~ (d) This subsection applies only to a county having a
 19 consolidated city. If a township board does not appeal to borrow money
 20 under IC 12-20-24 or if an appeal fails, the board of commissioners
 21 shall borrow money or otherwise provide the money. The county fiscal
 22 body shall promptly pass necessary ordinances and make the necessary
 23 appropriations to enable this to be done, after determining whether to
 24 borrow money by any of the following methods:

25 (1) A temporary loan against taxes levied and in the process of
 26 collection.

27 (2) The sale of county township assistance bonds or other county
 28 obligations.

29 (3) Any other lawful method of obtaining money for the payment
 30 of township assistance claims.

31 SECTION 9. IC 12-30-1-1 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) **Subject to**
 33 **subsection (b),** the board of commissioners of a county may do the
 34 following:

35 (1) Purchase a tract of real property in the name of the county.

36 (2) Build, establish, and organize a county home for the indigent
 37 on the tract of real property.

38 (3) Employ a humane and responsible individual who resides in
 39 the county, upon the terms and under the restrictions the board of
 40 commissioners considers most advantageous to the interests of the
 41 county, to take charge of the county home as superintendent.

42 (b) **After December 31, 2012, the board of commissioners may**

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1 **take an action under subsection (a) only if that action is approved**
 2 **by the county council.**
 3 SECTION 10. IC 12-30-1-4 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. To raise the amount
 5 necessary for the purchase of real property and the erection and
 6 furnishing of the buildings for county homes under this chapter, the
 7 board of commissioners **(before January 1, 2013) or the county**
 8 **council (after December 31, 2012)** of a county may assess a tax on
 9 property liable to be assessed for raising a county revenue. The
 10 assessment may not increase the rates at which the property is assessed
 11 by the laws existing when the tax is assessed by more than twenty-five
 12 percent (25%).
 13 SECTION 11. IC 14-29-7-1 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This chapter applies
 15 only to land in a county whose board of county commissioners **(before**
 16 **January 1, 2013) or county council (after December 31, 2012)** has
 17 elected to participate in a river commission.
 18 SECTION 12. IC 14-29-7-4 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. The board of county
 20 commissioners **(before January 1, 2013) or the county council (after**
 21 **December 31, 2012)** of each county containing a river for which a
 22 river commission has been established may elect that the county
 23 participate in the river commission.
 24 SECTION 13. IC 20-45-8-12, AS ADDED BY P.L.2-2006,
 25 SECTION 168, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2011]: Sec. 12. As used in this chapter, "tax"
 27 means the county supplemental school financing property tax to be
 28 levied by the board of county commissioners **(before January 1, 2013)**
 29 **or the county council (after December 31, 2012)** of a qualifying
 30 county under this chapter.
 31 SECTION 14. IC 20-45-8-16, AS ADDED BY P.L.2-2006,
 32 SECTION 168, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) The board of county
 34 commissioners **(before January 1, 2013) or the county council (after**
 35 **December 31, 2012)** shall levy a county supplemental school financing
 36 tax at a rate that is sufficient to annually provide adequate funds to
 37 carry out the purposes of this chapter. The various officials and
 38 employees of the qualified county and the qualified school corporations
 39 charged with the duty of levying, collecting, and receiving other
 40 property tax funds for county or school purposes, or both, shall take the
 41 appropriate and respective steps as otherwise required by law for the
 42 levying, collecting, and receiving of property taxes in order to levy,

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collect, and receive the tax.

(b) The receipts from the tax shall be credited into the fund and paid from the fund by the county auditor to the qualified school corporations.

SECTION 15. IC 20-45-8-17, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. If the area of a qualified school corporation extends into an adjoining county, the tax rate fixed by the board of county commissioners **(before January 1, 2013) or the county council (after December 31, 2012)** shall control for the levying and assessment of the tax in the area extending into the adjoining county. The board of county commissioners **(before January 1, 2013) or the county council (after December 31, 2012)** and other county officials of the adjoining county shall take all appropriate and necessary action as otherwise required by law for:

- (1) the levying, collecting, and receiving of the county supplemental school financing taxes; and
- (2) the payment of the taxes into the fund;

for distribution under this chapter.

SECTION 16. IC 20-45-8-22, AS ADDED BY P.L.2-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 22. (a) The amount to be raised by the tax shall be determined in any calendar year by the county auditor and certified to by the board of county commissioners **(before January 1, 2013) or the county council (after December 31, 2012)** before the time for making the county budgets in the year.

(b) The amount is the total of the entitlements of all qualified school corporations.

(c) The entitlement of each qualified school corporation calculated in a calendar year is an amount equal to the result determined under STEP TWO of the following formula:

STEP ONE: Calculate the quotient of:

- (A) the total amount deposited in the fund in calendar year 1979 or the first year in which a deposit was made, whichever is later; divided by
- (B) the total ADM of the immediately preceding school year of qualified school corporations that received money from the fund in 1979.

STEP TWO: Calculate the product of:

- (A) the STEP ONE result; multiplied by
- (B) the ADM of the immediately preceding school year of the qualified school corporation that received money from the

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1 fund in 1979.

2 SECTION 17. IC 20-45-8-24, AS ADDED BY P.L.2-2006,
3 SECTION 168, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2011]: Sec. 24. (a) The board of county
5 commissioners **(before January 1, 2013) or the county council (after**
6 **December 31, 2012)** shall levy a tax rate on all the real and taxable
7 personal property in the county that is sufficient to raise the total of the
8 entitlements in the same manner as other county property tax rates are
9 levied.

10 (b) If the board of county commissioners **(before January 1, 2013)**
11 **or the county council (after December 31, 2012)** fails in any calendar
12 year to levy the tax rate required by this chapter, the department of
13 local government finance shall certify the amount of the tax levy to the
14 county auditor. The certified rate shall be the tax for the calendar year.
15 The tax shall be collected and received by the county treasurer in the
16 same manner as other county property taxes are collected.

17 SECTION 18. IC 22-9-1-12.1, AS AMENDED BY P.L.2-2007,
18 SECTION 307, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2011]: Sec. 12.1. (a) As used in this section, the
20 term "state agency" means:

- 21 (1) every office, officer, board, commission, department, division,
- 22 bureau, committee, fund, agency; and
- 23 (2) without limitation by reason of any enumeration in this
- 24 section:
 - 25 (A) every other instrumentality of the state, every hospital,
 - 26 every penal institution, and every other institutional enterprise
 - 27 and activity of the state, wherever located;
 - 28 (B) the state educational institutions; and
 - 29 (C) the judicial department of the state.

30 "State agency" does not mean counties, county offices of family and
31 children, cities, towns, townships, school corporations (as defined in
32 IC 20-18-2-16), or other municipal corporations, political subdivisions,
33 or units of local government.

34 (b) Any city, town, or county is hereby authorized to adopt an
35 ordinance or ordinances, which may include establishment or
36 designation of an appropriate local commission, office, or agency to
37 effectuate within its territorial jurisdiction the public policy of the state
38 as declared in section 2 of this chapter without conflict with any of the
39 provisions of this chapter. Any city or town may adopt such an
40 ordinance or ordinances jointly with any other city or town located in
41 the same county or jointly with that county. A city ordinance that
42 establishes a local commission may provide that the members of the

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1 commission are to be appointed solely by the city executive or solely
2 by the city legislative body or may provide for a combination of
3 appointments by the city executive and the city legislative body. The
4 board of commissioners **(before January 1, 2013) or the county**
5 **council (after December 31, 2012)** of each county is also authorized
6 to adopt ordinances in accordance with this section. An agency
7 established or designated under this section has no jurisdiction over the
8 state or any of its agencies.

9 (c) An ordinance adopted under this section may grant to the local
10 agency the power to:

- 11 (1) investigate, conciliate, and hear complaints;
- 12 (2) subpoena and compel the attendance of witnesses or
- 13 production of pertinent documents and records;
- 14 (3) administer oaths;
- 15 (4) examine witnesses;
- 16 (5) appoint hearing examiners or panels;
- 17 (6) make findings and recommendations;
- 18 (7) issue cease and desist orders or orders requiring remedial
- 19 action;
- 20 (8) order payment of actual damages, except that damages to be
- 21 paid as a result of discriminatory practices relating to employment
- 22 shall be limited to lost wages, salaries, commissions, or fringe
- 23 benefits;
- 24 (9) institute actions for appropriate legal or equitable relief in a
- 25 circuit or superior court;
- 26 (10) employ an executive director and other staff personnel;
- 27 (11) adopt rules and regulations;
- 28 (12) initiate complaints, except that no person who initiates a
- 29 complaint may participate as a member of the agency in the
- 30 hearing or disposition of the complaint; and
- 31 (13) conduct programs and activities to carry out the public policy
- 32 of the state, as provided in section 2 of this chapter, within the
- 33 territorial boundaries of a local agency.

34 (d) Any person who files a complaint with any local agency may not
35 also file a complaint with the civil rights commission concerning any
36 of the matters alleged in such complaint, and any person who files a
37 complaint with the civil rights commission may not also file a
38 complaint with any local agency concerning any of the matters alleged
39 in such complaint. Any complaint filed with the commission may be
40 transferred by the commission to any local agency having jurisdiction.
41 The local agency shall proceed to act on the complaint as if it had been
42 originally filed with the local agency as of the date that the complaint

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1 was filed with the commission. Any complaint filed with a local agency
2 may be transferred by the local agency to the commission if the
3 commission has jurisdiction. The commission shall proceed to act on
4 the complaint as if it had been originally filed with the commission as
5 of the date that the complaint was filed with the local agency. Nothing
6 in this subsection shall affect such person's right to pursue any and all
7 other rights and remedies available in any other state or federal forum.

8 (e) A decision of the local agency may be appealed under the terms
9 of IC 4-21.5 the same as if it was a decision of a state agency.

10 SECTION 19. IC 23-14-62-2 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The persons
12 referred to in section 1 of this chapter may file with the board of
13 commissioners of the county in which the cemetery is located a petition
14 asking for the conveyance of the cemetery to the corporation.

15 **(b) In the case of a petition filed after December 31, 2012, the**
16 **board of commissioners shall forward the petition and a**
17 **recommendation concerning the petition to the county council.**

18 SECTION 20. IC 23-14-62-4 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) **This subsection**
20 **applies before January 1, 2013.** The board of commissioners
21 presented with a petition under section 2 of this chapter, if satisfied:

- 22 (1) as to the propriety of granting the request;
- 23 (2) as to the sufficiency of the surety;
- 24 (3) as to the good faith of the petitioners; and
- 25 (4) that a majority of the heads of families of the county are taking
26 part;

27 may convey the cemetery to the cemetery corporation.

28 **(b) This subsection applies after December 31, 2012. After**
29 **considering the recommendation of the board of commissioners,**
30 **the county council, if satisfied:**

- 31 **(1) as to the propriety of granting the request;**
- 32 **(2) as to the sufficiency of the surety;**
- 33 **(3) as to the good faith of the petitioners; and**
- 34 **(4) that a majority of the heads of families of the county are**
35 **taking part;**

36 **may adopt a resolution requiring the board of commissioners to**
37 **convey the cemetery to the cemetery corporation. If the county**
38 **council adopts a resolution under this subsection, the board of**
39 **commissioners shall convey the cemetery to the cemetery**
40 **corporation as specified in the resolution.**

41 SECTION 21. IC 32-26-2-2 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) This subsection

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1 applies in a township for which ~~the board of county commissioners an~~
2 **ordinance** has **been** adopted **an ordinance by the county legislative**
3 **body** that allows domestic animals to run at large in unenclosed public
4 areas. If a domestic animal breaks into an enclosure or enters upon the
5 property of another person that is enclosed by a lawful fence, the
6 person injured by the actions of the domestic animal may recover the
7 amount of damage done.

8 (b) This subsection applies in a township for which ~~the board of~~
9 ~~county commissioners an ordinance~~ has not **been** adopted **an**
10 **ordinance by the county legislative body** that allows domestic animals
11 to run at large in unenclosed public areas. If a domestic animal breaks
12 into an enclosure or enters upon the property of another person, it is not
13 necessary for the person injured by the actions of the domestic animal
14 to allege or prove the existence of a lawful fence to recover for the
15 damage done.

16 SECTION 22. IC 34-17-2-1, AS AMENDED BY P.L.146-2008,
17 SECTION 678, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) An information described in
19 IC 34-17-1-1 may be filed:

20 (1) by the prosecuting attorney in the circuit court of the proper
21 county, upon the prosecuting attorney's own relation, whenever
22 the prosecuting attorney:

23 (A) determines it to be the prosecuting attorney's duty to do so;
24 or

25 (B) is directed by the court or other competent authority; or
26 (2) by any other person on the person's own relation, whenever
27 the person claims an interest in the office, franchise, or
28 corporation that is the subject of the information.

29 (b) The prosecuting attorney shall file an information in the circuit
30 court of the county against the county assessor or a township assessor
31 under IC 34-17-1-1(2) if:

32 (1) the board of county commissioners **(before January 1, 2013)**
33 **or the county council (after December 31, 2012)** adopts an
34 ordinance under IC 6-1.1-4-31(f); or

35 (2) the city-county council adopts an ordinance under
36 IC 6-1.1-4-31(g).

37 SECTION 23. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,
38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2011]: Sec. 9. "Legislative body" means: ~~the:~~

40 (1) **before January 1, 2013, the** board of county commissioners,
41 for a county not subject to IC 36-2-3.5 or IC 36-3-1;

42 (2) **the** county council, for a county subject to IC 36-2-3.5;

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- 1 (3) **the** city-county council, for a consolidated city or county
- 2 having a consolidated city;
- 3 (4) **the** common council, for a city other than a consolidated city;
- 4 (5) **the** town council, for a town;
- 5 (6) **the** township board, for a township;
- 6 (7) **the** governing body of any other political subdivision that has
- 7 a governing body; or
- 8 (8) **the** chief executive officer of any other political subdivision
- 9 that does not have a governing body.

10 SECTION 24. IC 36-1-3-6 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) If there is a
 12 constitutional or statutory provision requiring a specific manner for
 13 exercising a power, a unit wanting to exercise the power must do so in
 14 that manner.

15 (b) If there is no constitutional or statutory provision requiring a
 16 specific manner for exercising a power, a unit wanting to exercise the
 17 power must either:

- 18 (1) if the unit is a county or municipality, adopt an ordinance
- 19 prescribing a specific manner for exercising the power;
- 20 (2) if the unit is a township, adopt a resolution prescribing a
- 21 specific manner for exercising the power; or
- 22 (3) comply with a statutory provision permitting a specific manner
- 23 for exercising the power.

24 (c) An ordinance under subsection (b)(1) must be adopted as
 25 follows:

- 26 (1) In a municipality, by the legislative body of the municipality.
- 27 (2) In a county subject to IC 36-2-3.5 or IC 36-3-1, by the
- 28 legislative body of the county.
- 29 (3) **Before January 1, 2013**, in any other county, by the executive
- 30 of the county.

31 (d) A resolution under subsection (b)(2) must be adopted by the
 32 legislative body of the township.

33 SECTION 25. IC 36-2-2-1.5 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2011]: **Sec. 1.5. After December 31, 2012:**

- 36 (1) **a board of commissioners elected under this chapter for a**
- 37 **county is the county executive; and**
- 38 (2) **the county council elected under IC 36-2-3 for the county**
- 39 **is the county legislative body as well as the county fiscal body;**
- 40 **as provided in IC 36-2-3.5.**

41 SECTION 26. IC 36-2-3-2.5 IS ADDED TO THE INDIANA CODE
 42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1 1, 2011]: **Sec. 2.5. (a) After December 31, 2012, a county council**
2 **elected under this chapter for a county is the county legislative**
3 **body as well as the county fiscal body, as provided in IC 36-2-3.5.**

4 **(b) The provisions of the Indiana Code specifying that after**
5 **December 31, 2012, the county council is the county legislative**
6 **body as well as the county fiscal body do not affect the validity or**
7 **effect of:**

8 **(1) any ordinance or resolution adopted before January 1,**
9 **2013, by a board of commissioners under its authority as the**
10 **county legislative body; or**

11 **(2) any other action taken before January 1, 2013, by a board**
12 **of commissioners under its authority as the county legislative**
13 **body.**

14 SECTION 27. IC 36-2-3.5-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 1. (a) Before January**
16 **1, 2013,** this chapter applies to:

- 17 (1) a county having a population of:
18 (A) more than four hundred thousand (400,000) but less than
19 seven hundred thousand (700,000); or
20 (B) more than two hundred thousand (200,000) but less than
21 three hundred thousand (300,000); and

22 (2) any other county not having a consolidated city, if both the
23 county executive and the county fiscal body adopt identical
24 ordinances providing for the county to be governed by this
25 chapter beginning on a specified effective date.

26 **(b) After December 31, 2012, this chapter applies to each county**
27 **not having a consolidated city.**

28 SECTION 28. IC 36-2-5-5, AS AMENDED BY P.L.146-2008,
29 SECTION 687, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JANUARY 1, 2012]: **Sec. 5. (a) Before ~~the Thursday~~**
31 **~~after the first Monday~~ in August 1 of each year, each county officer and**
32 **township assessor (if any) shall prepare an itemized estimate of the**
33 **amount of money required for the officer's or assessor's office for the**
34 **next calendar year. Each budget estimate under this section must**
35 **include:**

- 36 (1) the compensation of the officer;
37 (2) the expense of employing deputies;
38 (3) the expense of office supplies, itemized by the quantity and
39 probable cost of each kind of supplies;
40 (4) the expense of litigation for the office; and
41 (5) other expenses of the office, specifically itemized;
42 that are payable out of the county treasury.

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1 (b) If all or part of the expenses of a county office may be paid out
 2 of the county treasury, but only under an order of the county executive
 3 to that effect, the expenses of the office shall be included in the
 4 officer's budget estimate and may not be included in the county
 5 executive's budget estimate.

6 SECTION 29. IC 36-2-5-6 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 6. (a) Before ~~the~~
 8 ~~Thursday after the first Monday in~~ August 1 of each year, each clerk of
 9 a court in the county shall prepare a separate estimate of the amount of
 10 money required for each court of which he is clerk for the next calendar
 11 year. If a court has two (2) or more judges who preside in separate
 12 rooms or over separate divisions, the clerk shall prepare a separate
 13 itemized estimate for court expenses in each room or division. Each
 14 clerk's budget estimate must include:

- 15 (1) the part of the judge's compensation that is, by statute, payable
 16 out of the county treasury;
- 17 (2) the compensation of the probate commissioner;
- 18 (3) the expense of employing bailiffs;
- 19 (4) the amount of jury fees;
- 20 (5) the amount of witness fees that are, by law, payable out of the
 21 county treasury;
- 22 (6) the expense of employing special judges; and
- 23 (7) other expenses of the court, specifically itemized.

24 (b) In addition to the estimates required by subsection (a), the clerk
 25 of the circuit court shall prepare an estimate of the amount of money
 26 that is, under law, taxable against the county for the expenses of cases
 27 tried in other counties on changes of venue.

28 (c) The estimate of the amount of money required for a court or
 29 division of a court is subject to modification and approval by the judge
 30 of the court or division and shall be submitted to him for that purpose
 31 before being presented to the county ~~auditor:~~ **executive.**

32 SECTION 30. IC 36-2-5-7 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 7. Before ~~the~~
 34 ~~Thursday after the first Monday in~~ August 1 of each year, the county
 35 executive shall prepare an itemized estimate of all money to be drawn
 36 by the members of the executive and all expenditures to be made by the
 37 executive or under its orders during the next calendar year. Each
 38 executive's budget estimate must include:

- 39 (1) the expense of construction, repairs, supplies, employees, and
 40 agents, and other expenses at each building or institution
 41 maintained in whole or in part by money paid out of the county
 42 treasury;

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- 1 (2) the expense of constructing and repairing bridges, itemized by
- 2 the location of and amount for each bridge;
- 3 (3) the compensation of the attorney representing the county;
- 4 (4) the compensation of attorneys for indigents;
- 5 (5) the expenses of the county board of health;
- 6 (6) the expense of repairing county roads, itemized by the location
- 7 of and amount for each repair project;
- 8 (7) the estimated number of precincts in the county and the
- 9 amount required for election expenses, including compensation
- 10 of election commissioners, inspectors, judges, clerks, and sheriffs,
- 11 rent, meals, hauling and repair of voting booths and machines,
- 12 advertising, printing, stationery, furniture, and supplies;
- 13 (8) the amount of principal and interest due on bonds and loans,
- 14 itemized for each loan and bond issue;
- 15 (9) the amount required to pay judgments, settlements, and court
- 16 costs;
- 17 (10) the expense of supporting inmates of benevolent or penal
- 18 institutions;
- 19 (11) the expense of publishing delinquent tax lists;
- 20 (12) the amount of compensation of county employees that is
- 21 payable out of the county treasury;
- 22 (13) the expenses of the county property tax assessment board of
- 23 appeals; and
- 24 (14) other expenditures to be made by the executive or under its
- 25 orders, specifically itemized.

26 SECTION 31. IC 36-2-5-9 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 9. Before ~~the~~
 28 ~~Thursday after the first Monday in~~ August 1 of each year, persons
 29 preparing budget estimates under this chapter shall present ~~them~~ to the
 30 **budget estimates to the county executive. The county executive**
 31 **shall, not later than August 20 of each year:**

- 32 **(1) review the budget estimates submitted under this chapter;**
- 33 **(2) revise the budget estimates submitted under this chapter**
- 34 **as the county executive considers appropriate;**
- 35 **(3) prepare a consolidated budget estimate for the county that**
- 36 **includes individual budget estimates for all county officers,**
- 37 **departments, and agencies; and**
- 38 **(4) submit the consolidated budget estimate for the county to**
- 39 **the county auditor, who shall file ~~them~~ the consolidated budget**
- 40 **estimate in ~~his~~ the county auditor's office and make ~~them~~ the**
- 41 **consolidated budget estimate** available for inspection by county
- 42 taxpayers. The auditor shall also comply with the notice

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1 requirements of IC 6-1.1-17-3.
 2 SECTION 32. IC 36-2-5-11 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JANUARY 1, 2012]: Sec. 11. (a) At the
 4 county fiscal body's annual meeting under IC 36-2-3-7(b)(2), the
 5 county auditor shall present the **consolidated budget estimates**
 6 **estimate prepared by the county executive and** filed with ~~him~~ **the**
 7 **county auditor** under section 9 of this chapter and the ordinances
 8 prepared by ~~him~~ **the county auditor** under section 10 of this chapter.
 9 ~~He~~ **The county auditor** may also present his recommendations
 10 concerning the ~~estimates~~ **consolidated budget estimate**.

11 (b) At its annual meeting under IC 36-2-3-7(b)(2), the county fiscal
 12 body shall fix the county tax rate and make appropriations for the next
 13 calendar year by:

- 14 (1) adopting the ordinances presented by the county auditor;
- 15 (2) amending the ordinances presented by the county auditor; or
- 16 (3) substituting other ordinances for those presented by the county
 17 auditor.

18 Each ordinance must be read on at least two (2) separate days before
 19 its final adoption. The fiscal body may require the preparer of an
 20 estimate that is not sufficiently itemized to itemize it in more detail. At
 21 least a three-fourths (3/4) vote (as described in IC 36-1-8-14) of the
 22 fiscal body is required to make an appropriation for an item not
 23 contained in an estimate or for a greater amount than that named in an
 24 item of an estimate.

25 (c) At its annual meeting under IC 36-2-3-7(b)(2), the county fiscal
 26 body shall consider the statements and recommendations submitted by
 27 the county executive under section 4(b) of this chapter and shall then
 28 adopt an ordinance, separate from those adopted under subsection (b),
 29 fixing:

- 30 (1) the compensation of all officers, deputies and other employees
 31 subject to this chapter; and
- 32 (2) the number of deputies and other employees for each office,
 33 department, commission, or agency, except part-time and hourly
 34 rated employees, whose employment shall be limited only by the
 35 amount of funds appropriated to pay their compensation.

36 SECTION 33. IC 36-2-8-7 IS ADDED TO THE INDIANA CODE
 37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 38 1, 2011]: **Sec. 7. (a) This section applies to all counties except**
 39 **Marion County.**

40 (b) **The executive of each county subject to this section shall**
 41 **before January 1, 2013, adopt a policy and procedures manual that**
 42 **applies to all county officers, officials, and employees other than**

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1 judges. Subject to subsection (c), the county executive shall include
2 in the manual those policy and procedures that the county
3 executive believes are appropriate to guide the actions of county
4 officers, officials, and employees in conducting the business of
5 county government.

6 (c) The policy and procedures manual must include a county
7 ethics policy that applies to all county officers, officials, and
8 employees other than judges. The county ethics policy must
9 address:

- 10 (1) conflicts of interest;
- 11 (2) use of governmental property, equipment, and personnel;
- 12 (3) misuse of confidential information;
- 13 (4) compliance with applicable laws governing open meetings
14 and public records; and
- 15 (5) any other ethics issue that the county executive considers
16 appropriate to include.

17 (d) Not later than July 1, 2012, the office of the attorney general
18 shall develop a model ethics policy to assist county executives in
19 adopting a county ethics policy under subsection (c).

20 SECTION 34. IC 36-3-3-10 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The board of
22 commissioners of the county is composed of the county treasurer, the
23 county auditor, and the county assessor. These officers shall serve ex
24 officio as commissioners without additional compensation for
25 performing the duties of the board.

- 26 (b) The board of commissioners:
 - 27 (1) shall make the appointments required by statute to be made by
28 the board of commissioners of a county;
 - 29 (2) shall perform the duties and exercise the powers prescribed by
30 statutes pertaining to the issuance and payment of bonds of the
31 county and the expenditure of the unexpended proceeds of those
32 bonds; and
 - 33 (3) may exercise the powers granted it by Article 9, Section 3 of
34 the Constitution of the State of Indiana and by IC 12-30-3.

35 (c) Notwithstanding any other provision, an act enacted by the
36 general assembly during the first regular session of the one
37 hundred seventeenth general assembly to provide that the county
38 council is both the county fiscal body and the county legislative
39 body after December 31, 2012, does not affect the rights, powers,
40 and duties of the board of commissioners in a county containing a
41 consolidated city.

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