
HOUSE BILL No. 1371

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-17; IC 36-2.

Synopsis: County officer presence in office. Requires the county auditor, treasurer, recorder, surveyor, coroner, and assessor ("county officers") to be physically present in their respective offices at least 20 hours each week. Authorizes the county executive to increase the minimum physical presence requirement for all county officers or specified county officers. Provides that the county executive may reduce or waive the requirement for the county surveyor or the county coroner. Modifies the requirement to accommodate for vacation, sick, personal, and other leave to which a county officer is entitled under Indiana or federal law or county personnel policy. Provides that a county officer who habitually violates the physical presence requirement may be removed from office through an information filed by any voter of the county.

Effective: July 1, 2012.

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January 12, 2012, read first time and referred to Committee on Local Government.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1371



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 34-17-1-4 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2012]: **Sec. 4. A county officer (as defined in IC 36-2-8.7-1) may**
- 4 **be removed from office for violating IC 36-2-8.7-2 by an**
- 5 **information filed under IC 34-17-2-1.5.**
- 6 SECTION 2. IC 34-17-2-1.5 IS ADDED TO THE INDIANA CODE
- 7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 8 1, 2012]: **Sec. 1.5. (a) As used in this section, "county officer" has**
- 9 **the meaning set forth in IC 36-2-8.7-1.**
- 10 **(b) An information described in IC 34-17-1-4 may be filed by**
- 11 **any voter of the county of a county officer who is alleged to have**
- 12 **violated IC 36-2-8.7-2. The information must be on the relation of**
- 13 **the voter with the county officer as the defendant.**
- 14 SECTION 3. IC 34-17-3-8 IS ADDED TO THE INDIANA CODE
- 15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 16 1, 2012]: **Sec. 8. (a) This section applies to an information filed**
- 17 **under IC 34-17-2-1.5.**



1 (b) If the court finds that the defendant has habitually violated
2 IC 36-2-8.7-2, the court shall do the following:

3 (1) Give judgment of ouster against the defendant and exclude
4 the defendant from the county office.

5 (2) Order costs in favor of the plaintiff.

6 The court may make other orders the court considers necessary.

7 (c) The county office of the defendant is considered vacant as of
8 the date of the court's judgment. The circuit court clerk shall give
9 notice of the vacancy as provided in IC 5-8-3.5-1.

10 SECTION 4. IC 36-2-8.7 IS ADDED TO THE INDIANA CODE
11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2012]:

13 **Chapter 8.7. Office Hours of Certain County Officers**

14 **Sec. 1. As used in this chapter, "county officer" refers only to
15 any of the following:**

- 16 (1) A county auditor.
- 17 (2) A county treasurer.
- 18 (3) A county recorder.
- 19 (4) A county surveyor.
- 20 (5) A county coroner.
- 21 (6) A county assessor.

22 **Sec. 2. (a) Subject to subsection (b) and any modifications made
23 by the county executive under section 3(b) of this chapter, a county
24 officer must be physically present in the county officer's office at
25 least twenty (20) hours each week.**

26 (b) This section does not impair the right of a county officer to
27 take vacation time, sick time, personal time, or other leave time to
28 which the county officer is entitled under Indiana or federal law or
29 county personnel policies. Days on which a county officer may
30 close the county officer's office specified by the county executive
31 according to the custom and practice of the county are considered
32 leave time to which a county officer is entitled under the county's
33 personnel policies.

34 (c) If a county officer takes leave to which the county officer is
35 entitled, the county officer satisfies this section if the county officer
36 is physically present in the county officer's office at least four (4)
37 hours each day during a week when the county officer is not on
38 leave.

39 **Sec. 3. (a) The county executive may, by resolution, increase the
40 time that a county officer is required to be physically present in the
41 county officer's office under section 2(a) of this chapter. A
42 resolution adopted under this subsection may apply to all county**

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1 officers or may apply only to certain county officers identified in
2 the resolution.

3 (b) The county executive may, by resolution, decrease or waive
4 the requirement under section 2(a) of this chapter for either or
5 both of the following:

6 (1) The county surveyor.

7 (2) The county coroner.

8 Sec. 4. A county officer who habitually violates section 2 of this
9 chapter, as modified under section 3 of this chapter, may be
10 removed from office under IC 34-17.

11 SECTION 5. IC 36-2-9-3 IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The auditor shall keep ~~his~~ **the**
13 auditor's office:

14 (1) in a building provided at the county seat by the county
15 executive; ~~He shall keep his office and~~

16 (2) open for business during regular business hours on every day
17 of the year except Sundays and legal holidays.

18 However, ~~he~~ **the auditor** may close ~~his~~ **the auditor's** office on days
19 specified by the county executive according to the custom and practice
20 of the county.

21 (b) **The auditor must be physically present in the auditor's office**
22 **as provided under IC 36-2-8.7.**

23 SECTION 6. IC 36-2-10-4 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The treasurer
25 shall keep ~~his~~ **the treasurer's** office:

26 (1) in a building provided at the county seat by the county
27 executive; ~~He shall keep his office and~~

28 (2) open for business during regular business hours on every day
29 of the year except Sundays and legal holidays.

30 However, ~~he~~ **the treasurer** may close ~~his~~ **the treasurer's** office on days
31 specified by the county executive according to the custom and
32 practice of the county.

33 (b) **The treasurer must be physically present in the treasurer's**
34 **office as provided under IC 36-2-8.7.**

35 SECTION 7. IC 36-2-11-3 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The recorder
37 shall keep ~~his~~ **the recorder's** office:

38 (1) in a building provided at the county seat by the county
39 executive; ~~He shall keep his office and~~

40 (2) open for business during regular business hours on every day
41 of the year except Sundays and legal holidays.

42 However, ~~he~~ **the recorder** may close ~~his~~ **the recorder's** office on days

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1 specified by the county executive according to the custom and practice
2 of the county.

3 **(b) The recorder must be physically present in the recorder's**
4 **office as provided under IC 36-2-8.7.**

5 SECTION 8. IC 36-2-12-3 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The surveyor
7 shall keep ~~his~~ **the surveyor's** office:

8 **(1)** in a building provided at the county seat by the county
9 executive; ~~He shall keep his office and~~

10 **(2)** open for business during regular business hours on every day
11 of the year except Sundays and legal holidays.

12 However, ~~he~~ **the surveyor** may close ~~his~~ **the surveyor's** office on days
13 specified by the county executive according to the custom and practice
14 of the county.

15 **(b) The surveyor must be physically present in the surveyor's**
16 **office as provided under IC 36-2-8.7.**

17 ~~(b)~~ **(c)** The county executive shall provide the surveyor with all
18 necessary supplies and equipment, including:

19 (1) ordinary office supplies, equipment, and accessories of the
20 type furnished to other county offices; and

21 (2) surveying instruments and materials necessary for the
22 discharge of ~~his~~ **the surveyor's** duties.

23 Supplies and equipment furnished under this subsection are property
24 of the county.

25 SECTION 9. IC 36-2-14-2.5 IS ADDED TO THE INDIANA CODE
26 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
27 1, 2012]: **Sec. 2.5. The coroner must be physically present in the**
28 **coroner's office as provided under IC 36-2-8.7.**

29 SECTION 10. IC 36-2-15-3, AS AMENDED BY P.L.146-2008,
30 SECTION 692, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Subject to subsection (b), the
32 assessor shall keep the assessor's office:

33 **(1)** in a building provided at the county seat by the county
34 executive; ~~The assessor shall keep the office and~~

35 **(2)** open for business during regular business hours on every day
36 of the year except Sundays and legal holidays.

37 However, the assessor may close the office on days specified by the
38 county executive according to custom and practice of the county.

39 (b) After June 30, 2008, the county assessor may establish one (1)
40 or more satellite offices in the county.

41 **(c) The assessor must be physically present in the assessor's**
42 **office or a satellite office established under subsection (b) as**

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1 provided under IC 36-2-8.7.

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