



March 29, 2013

**ENGROSSED
HOUSE BILL No. 1333**

DIGEST OF HB 1333 (Updated March 28, 2013 10:49 am - DI 87)

Citations Affected: IC 5-11; IC 33-32; IC 36-2.

Synopsis: County officials' training. Provides that county treasurers, county auditors, county recorders, circuit court clerks, and county surveyors (county offices) may attend the required county officer training courses after being elected to office (currently they are required to take the training after taking office). Provides that the county elected officials training fund (fund) supplements appropriations from the county general fund for payment of the expenses of the training courses. Adds circuit court clerks to the county officials whose training may be paid for by money in the fund. Provides that a training course that an individual completes after being elected to a county office and before the individual begins serving in office, applies toward the training requirements. Provides that an individual that holds a county office must fulfill the training requirements for each term to which the individual was elected to the office. Requires an individual elected to the office of county surveyor on or after June 30, 2013, to complete at least: (1) 15 hours of training courses within one year; and (2) 40 hours of training courses within three years; after the individual is elected or appointed to that office. (Current law: (1) (Continued next page)

Effective: July 1, 2013.

Mayfield, Lucas

(SENATE SPONSOR — BRAY)

January 17, 2013, read first time and referred to Committee on Local Government.
February 4, 2013, amended, reported — Do Pass.
February 7, 2013, read second time, ordered engrossed. Engrossed.
February 11, 2013, read third time, passed. Yeas 71, nays 25.

SENATE ACTION

February 25, 2013, read first time and referred to Committee on Local Government.
March 28, 2013, amended, reported favorably — Do Pass.

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exempts an actively registered land surveyor, a graduate of an accredited land surveying curriculum, or a land surveyor-in-training elected to the office of county surveyor from the training requirements; and (2) requires an individual elected to the office of county surveyor who is not exempted to complete 24 hours of training within two years after beginning the surveyor's term). Provides that educational courses regarding land surveying that are taken by a county surveyor who is an actively registered land surveyor count toward the training requirement. Provides that an individual who is appointed to fill a vacancy in one of these county offices may take the training courses but is not required to do so. Provides that if an individual appointed to fill a vacancy in one of these county offices takes a training course, the county is required to pay for the expenses of the training course as if that individual had been elected to the office. Specifies that the state board of accounts has authority to set standards and procedures for internal control systems for any local government entity that is required to submit financial reports to the state board of accounts. (Current law establishes this authority for internal control systems of counties, cities, towns, and townships.) Resolves a technical conflict with SEA 85 (the technical corrections bill).

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March 29, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1333

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 5-11-1-27, AS ADDED BY P.L.117-2011,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 27. (a) As used in this section, "local government"
4 means **the following**:
- 5 (1) A county.
 - 6 (2) A city.
 - 7 (3) A town. ~~or~~
 - 8 (4) A township.
 - 9 (5) A municipality not described in subdivisions (1) through
 - 10 (4).
 - 11 (6) Any other local governmental unit, entity, or
 - 12 instrumentality that is required to submit a financial report
 - 13 under section 4 of this chapter.
- 14 (b) In the compliance guidelines authorized under section 24 of this
15 chapter, the state board of accounts shall define the acceptable
16 minimum level of:
- 17 (1) internal control standards; and

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1 (2) internal control procedures;
 2 for internal control systems of local governments. The internal control
 3 standards and procedures shall be developed to promote government
 4 accountability and transparency.

5 (c) All erroneous or irregular variances, losses, shortages, or thefts
 6 of local government funds or property shall be reported immediately to
 7 the state board of accounts. The state board of accounts shall:

8 (1) determine the amount of funds involved and report the amount
 9 to the appropriate government and law enforcement officials;

10 (2) determine the internal control weakness that contributed to or
 11 caused the condition; and

12 (3) make written recommendations to the appropriate legislative
 13 body or appropriate official overseeing the internal control system
 14 addressing:

15 (A) the method of correcting the condition; and

16 (B) the necessary internal control policies and internal control
 17 procedures that must be modified to prevent a recurrence of
 18 the condition.

19 (d) The legislative body or the appropriate official overseeing the
 20 internal control system shall immediately implement the policies and
 21 procedures recommended by the state board of accounts under
 22 subsection (c)(3)(B).

23 SECTION 2. IC 33-32-2-9, AS ADDED BY P.L.45-2010,
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2013]: Sec. 9. (a) As used in this section, "training courses"
 26 refers to training courses related to the office of circuit court clerk that
 27 are **compiled or** developed by the Association of Indiana Counties and
 28 approved by the state board of accounts.

29 (b) An individual elected to the office of circuit court clerk after
 30 November 2, 2010, shall complete at least:

31 (1) fifteen (15) hours of training courses within one (1) year; and

32 (2) forty (40) hours of training courses within three (3) years;

33 after ~~beginning the individual's term as circuit court clerk:~~ **the**
 34 **individual is elected to the office of circuit court clerk.**

35 (c) **A training course that an individual completes:**

36 (1) **after being elected to the office of circuit court clerk; and**

37 (2) **before the individual begins serving in the office of circuit**
 38 **court clerk;**

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

40 (d) **An individual shall fulfill the training requirements**
 41 **established by subsection (b) for each term to which the individual**
 42 **is elected as circuit court clerk.**



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1 (e) **This subsection applies only to an individual appointed to fill**
 2 **a vacancy in the office of circuit court clerk. An individual**
 3 **described in this subsection may, but is not required to, take**
 4 **training courses required by subsection (b). If an individual**
 5 **described in this subsection takes a training course required by**
 6 **subsection (b) for an elected circuit court clerk, the county shall**
 7 **pay for the training course as if the individual had been an elected**
 8 **circuit court clerk.**

9 SECTION 3. IC 36-2-7-19, AS AMENDED BY SEA 85-2013,
 10 SECTION 152, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2013]: Sec. 19. (a) As used in this section,
 12 "fund" refers to a county elected officials training fund established
 13 under subsection (b).

14 (b) Each county legislative body shall before July 1, 2011, establish
 15 a county elected officials training fund **to supplement appropriations**
 16 **that may come from the county general fund to provide training of**
 17 **elected officials.** The county fiscal body shall appropriate money from
 18 the fund.

19 (c) The fund consists of money deposited under IC 36-2-7.5-6(b)(3)
 20 and any other sources required or permitted by law. Money in the fund
 21 does not revert to the county general fund.

22 (d) Money in the fund shall be used solely to provide training of
 23 county elected officials required by **IC 33-32-2-9**, IC 36-2-9-2.5,
 24 IC 36-2-9.5-2.5, IC 36-2-10-2.5, IC 36-2-11-2.5, **and IC 36-2-12-2.5.**
 25 **and other similar laws.**

26 SECTION 4. IC 36-2-9-2.5, AS ADDED BY P.L.120-2012,
 27 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2013]: Sec. 2.5. (a) As used in this section, "training courses"
 29 refers to training courses related to the office of county auditor that are
 30 **compiled or** developed by the Association of Indiana Counties and
 31 approved by the state board of accounts.

32 (b) An individual elected to the office of county auditor **on or** after
 33 November 6, 2012, shall complete at least:

34 (1) fifteen (15) hours of training courses within one (1) year; and
 35 (2) forty (40) hours of training courses within three (3) years;
 36 after ~~beginning the county auditor's term.~~ **the individual is elected to**
 37 **the office of county auditor.**

38 (c) **A training course that an individual completes:**

39 (1) **after being elected to the office of county auditor; and**
 40 (2) **before the individual begins serving in the office of county**
 41 **auditor;**
 42 **shall be counted toward the requirements under subsection (b).**



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1 (d) An individual shall fulfill the training requirements
 2 established by subsection (b) for each term to which the individual
 3 is elected as county auditor.

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

11 SECTION 5. IC 36-2-9.5-2.5, AS ADDED BY P.L.120-2012,
 12 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2013]: Sec. 2.5. (a) As used in this section, "training courses"
 14 refers to training courses related to the office of county auditor that are
 15 **compiled or** developed by the Association of Indiana Counties and
 16 approved by the state board of accounts.

17 (b) An individual elected to the office of county auditor **on or** after
 18 November 6, 2012, shall complete at least:

19 (1) fifteen (15) hours of training courses within one (1) year; and
 20 (2) forty (40) hours of training courses within three (3) years;
 21 after ~~beginning the county auditor's term.~~ **the individual is elected to**
 22 **the office of county auditor.**

23 (c) A training course that an individual completes:

24 (1) after being elected to the office of county auditor; and
 25 (2) before the individual begins serving in the office of county
 26 auditor;

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

28 (d) An individual shall fulfill the training requirements
 29 established by subsection (b) for each term to which the individual
 30 is elected as county auditor.

31 (e) This subsection applies only to an individual appointed to fill
 32 a vacancy in the office of county auditor. An individual described
 33 in this subsection may, but is not required to, take training courses
 34 required by subsection (b). If an individual described in this
 35 subsection takes a training course required by subsection (b) for an
 36 elected county auditor, the county shall pay for the training course
 37 as if the individual had been an elected county auditor.

38 SECTION 6. IC 36-2-10-2.5, AS ADDED BY P.L.120-2012,
 39 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2013]: Sec. 2.5. (a) As used in this section, "training courses"
 41 refers to training courses related to the office of county treasurer that
 42 are **compiled or** developed by the Association of Indiana Counties and

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1 approved by the state board of accounts.

2 (b) An individual elected to the office of county treasurer **on or** after
3 November 6, 2012, shall complete at least:

4 (1) fifteen (15) hours of training courses within one (1) year; and

5 (2) forty (40) hours of training courses within three (3) years;

6 after ~~beginning the county treasurer's term.~~ **the individual is elected to**
7 **the office of county treasurer.**

8 (c) A training course that the individual completes:

9 (1) after being elected to the office of county treasurer; and

10 (2) before the individual begins serving in the office of county
11 treasurer;

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

13 (d) An individual shall fulfill the training requirements
14 established by subsection (b) for each term to which the individual
15 is elected as county treasurer.

16 (e) This subsection applies only to an individual appointed to fill
17 a vacancy in the office of county treasurer. An individual described
18 in this subsection may, but is not required to, take any training
19 courses required by subsection (b). If an individual described in
20 this subsection takes a training course required by subsection (b)
21 for an elected county treasurer, the county shall pay for the
22 training course as if the individual had been an elected county
23 treasurer.

24 SECTION 7. IC 36-2-11-2.5, AS ADDED BY P.L.171-2009,
25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2013]: Sec. 2.5. (a) As used in this section, "training courses"
27 refers to training courses related to the office of county recorder that
28 are **compiled or** developed by the Association of Indiana Counties and
29 approved by the state board of accounts.

30 (b) An individual elected to the office of county recorder after
31 November 4, 2008, shall complete at least:

32 (1) fifteen (15) hours of training courses within one (1) year; and

33 (2) forty (40) hours of training courses within three (3) years;

34 after ~~beginning the county recorder's term.~~ **the individual is elected to**
35 **the office of county recorder.**

36 (c) A training course that the individual completes:

37 (1) after being elected to the office of county recorder; and

38 (2) before the individual begins serving in the office of county
39 recorder;

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

41 (d) An individual shall fulfill the training requirements
42 established by subsection (b) for each term to which the individual

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1 is elected as county recorder.

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

9 SECTION 8. IC 36-2-12-2.5, AS ADDED BY P.L.171-2009,
10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2013]: Sec. 2.5. (a) This section does not apply to an
12 individual who is:

- 13 (1) an actively registered land surveyor;
14 (2) a graduate of an accredited land surveying curriculum; or
15 (3) a land-surveyor-in-training (as defined in IC 25-21.5-1-5).

16 (a) As used in this section, "training course" refers to:

- 17 (1) a training course related to the office of county surveyor
18 that is compiled or developed by the Association of Indiana
19 Counties and approved by the state board of accounts; or
20 (2) an educational course regarding land surveying that is
21 taken by an individual who is:

22 (A) serving in the office of county surveyor; and

23 (B) an actively registered land surveyor.

24 (b) An individual elected to the office of county surveyor after June
25 30, 2009, but before July 1, 2013, shall, within two (2) years after
26 beginning the county surveyor's term, complete at least twenty-four
27 (24) hours of training courses. related to land surveying that are
28 developed by the Association of Indiana Counties and approved by the
29 state board of aecounts.

30 (c) An individual elected to the office of county surveyor after
31 June 30, 2013, shall complete at least:

32 (1) fifteen (15) hours of training courses within one (1) year;
33 and

34 (2) forty (40) hours of training courses within three (3) years;
35 after the individual is elected to the office of county surveyor.

36 (d) A training course that an individual completes:

- 37 (1) after being elected to the office of county surveyor; and
38 (2) before that individual begins serving in the office of county
39 surveyor;

40 shall be counted toward the requirements under subsection (c).

41 (e) (e) An individual shall fulfill the training requirement
42 established by subsection (b) (c) for each term the individual serves.

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1 **(f) This subsection applies only to an individual appointed to fill**
2 **a vacancy in the office of county surveyor. An individual described**
3 **in this subsection may, but is not required to, take any training**
4 **courses required by subsection (c). If an individual described in**
5 **this subsection takes a training course required by subsection (c)**
6 **for an elected county surveyor, the county shall pay for the**
7 **training course as if the individual had been an elected county**
8 **surveyor.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1333, 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, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 2. IC 36-2-9-2.5, AS ADDED BY P.L.120-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2.5. (a) As used in this section, "training courses" refers to training courses related to the office of county auditor that are developed by the Association of Indiana Counties and approved by the state board of accounts.

(b) An individual elected to the office of county auditor **on or** after November 6, 2012, shall complete at least:

(1) fifteen (15) hours of training courses within one (1) year; and

(2) forty (40) hours of training courses within three (3) years;

after ~~beginning the county auditor's term.~~ **the individual is elected to the office of county auditor.**

(c) A training course that an individual completes:

(1) after being elected to the office of county auditor; and

(2) before the individual begins serving in the office of county auditor;

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 as county auditor.

(e) **This subsection applies only to an individual appointed to fill a vacancy in the office of county auditor. 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 elected county auditor, the county shall pay for the training course as if the individual had been an elected county auditor."**

Page 2, line 6, delete "or appointed".

Page 2, line 10, delete "or".

Page 2, line 11, delete "appointed".

Page 2, line 13, delete "or appointed".

Page 2, line 19, after "term" insert "**to which**".

Page 2, line 19, delete "serves" and insert "**is elected**".

Page 2, between lines 20 and 21, begin a new paragraph and insert:

"(e) This subsection applies only to an individual appointed to fill a vacancy in the office of county auditor. An individual

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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 elected county auditor, the county shall pay for the training course as if the individual had been an elected county auditor."

Page 2, line 27, delete "or appointed".

Page 2, line 31, delete "or".

Page 2, line 32, delete "appointed".

Page 2, line 34, delete "or appointed".

Page 2, line 40, after "term" insert "to which".

Page 2, line 40, delete "serves" and insert "is elected".

Page 2, between lines 41 and 42, begin a new paragraph and insert:

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

Page 3, line 7, delete "or appointed to the office of county recorder".

Page 3, line 8, delete "after November 6, 2012,".

Page 3, line 11, delete "or".

Page 3, line 12, delete "appointed".

Page 3, line 14, delete "or appointed".

Page 3, line 20, after "term" insert "to which".

Page 3, line 20, delete "serves" and insert "is elected".

Page 3, between lines 21 and 22, begin a new paragraph and insert:

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

Page 3, line 38, delete "2011," and insert "2013,".

Page 4, line 1, delete "or appointed".

Page 4, line 2, delete "on or".

Page 4, line 6, delete "or appointed".

Page 4, line 9, delete "or appointed".

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Page 4, after line 15, begin a new paragraph and insert:

"(f) This subsection applies only to an individual appointed to fill a vacancy in the office of county surveyor. An individual described in this subsection may, but is not required to, take any training courses required by subsection (c). If an individual described in this subsection takes a training course required by subsection (c) for an elected county surveyor, the county shall pay for the training course as if the individual had been an elected county surveyor."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1333 as introduced.)

NEESE, Chair

Committee Vote: yeas 7, nays 3.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill No. 1333, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-11-1-27, AS ADDED BY P.L.117-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 27. (a) As used in this section, "local government" means **the following:**

- (1) A county.
- (2) A city.
- (3) A town. or
- (4) A township.
- (5) A municipality not described in subdivisions (1) through (4).
- (6) Any other local governmental unit, entity, or instrumentality that is required to submit a financial report under section 4 of this chapter.

(b) In the compliance guidelines authorized under section 24 of this chapter, the state board of accounts shall define the acceptable minimum level of:

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(1) internal control standards; and
 (2) internal control procedures;
 for internal control systems of local governments. The internal control standards and procedures shall be developed to promote government accountability and transparency.

(c) All erroneous or irregular variances, losses, shortages, or thefts of local government funds or property shall be reported immediately to the state board of accounts. The state board of accounts shall:

- (1) determine the amount of funds involved and report the amount to the appropriate government and law enforcement officials;
- (2) determine the internal control weakness that contributed to or caused the condition; and
- (3) make written recommendations to the appropriate legislative body or appropriate official overseeing the internal control system addressing:
 - (A) the method of correcting the condition; and
 - (B) the necessary internal control policies and internal control procedures that must be modified to prevent a recurrence of the condition.

(d) The legislative body or the appropriate official overseeing the internal control system shall immediately implement the policies and procedures recommended by the state board of accounts under subsection (c)(3)(B).

SECTION 2. IC 33-32-2-9, AS ADDED BY P.L.45-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) As used in this section, "training courses" refers to training courses related to the office of circuit court clerk that are **compiled or** developed by the Association of Indiana Counties and approved by the state board of accounts.

(b) An individual elected to the office of circuit court clerk after November 2, 2010, shall complete at least:

- (1) fifteen (15) hours of training courses within one (1) year; and
 - (2) forty (40) hours of training courses within three (3) years;
- after ~~beginning the individual's term as circuit court clerk:~~ **the individual is elected to the office of circuit court clerk.**

(c) A training course that an individual completes:

- (1) after being elected to the office of circuit court clerk; and**
- (2) before the individual begins serving in the office of circuit court clerk;**

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

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is elected as circuit court clerk.

(e) This subsection applies only to an individual appointed to fill a vacancy in the office of circuit court clerk. 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 elected circuit court clerk, the county shall pay for the training course as if the individual had been an elected circuit court clerk."

Page 1, line 1, delete "AS AMENDED BY P.L.120-2012," and insert "AS AMENDED BY SEA 85-2013, SECTION 152,".

Page 1, line 2, delete "SECTION 6,".

Page 1, line 10, delete "IC 36-2-7.5-6(c)(3)" and insert "IC 36-2-7.5-6(b)(3)".

Page 2, line 3, after "are" insert "**compiled or**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1333 as printed February 5, 2013.)

HEAD, Chairperson

Committee Vote: Yeas 5, Nays 1.

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