

HOUSE BILL No. 1495

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-4-1-18; IC 5-11-1; IC 6-1.1; IC 36-2-2-8.

Synopsis: Various government administration matters. Requires a bond or a crime insurance policy procured to cover the faithful performance of government officers and employees to provide for the recovery of reasonable audit and investigative expenses, if any, incurred by the state board of accounts (board). Requires a financial institution to give notice to the board whenever a new account is opened in the name of a municipality or of the state. Requires a person who provides, or proposes to provide, electronic goods, software, or technological services to a municipality to allow the board certain access to all financial, record keeping, and data software, including stored information, that is provided to the municipality by the person. Provides that a permit to move a mobile home expires on the thirtieth day after the permit is issued. Requires the county auditor, rather than the county treasurer, to give notice of tax rates in the county. Provides that 48 hours notice of a special meeting of the county executive must be given. (Under current law, six days notice must be given of a special meeting of the county executive.) Makes other technical changes.

Effective: July 1, 2015.

Beumer

January 14, 2015, read first time and referred to Committee on Local Government.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1495



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-4-1-18, AS AMENDED BY P.L.117-2011,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 18. (a) Except as provided in subsection (b), the
4 following city, town, county, or township officers and employees shall
5 file an individual surety bond:
6 (1) City judges, controllers, clerks, and clerk-treasurers.
7 (2) Town judges and clerk-treasurers.
8 (3) Auditors, treasurers, recorders, surveyors, sheriffs, coroners,
9 assessors, and clerks.
10 (4) Township trustees.
11 (5) Those employees directed to file an individual bond by the
12 fiscal body of a city, town, or county.
13 (6) Township assessors (if any).
14 (b) The fiscal body of a city, town, county, or township may by
15 ordinance authorize the purchase of a blanket bond or a crime



1 insurance policy endorsed to include faithful performance to cover the
2 faithful performance of all employees, commission members, and
3 persons acting on behalf of the local government unit, including those
4 officers described in subsection (a).

5 (c) Except as provided in subsections (h) and (i), the fiscal bodies
6 of the respective units shall fix the amount of the bond of city
7 controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law
8 fund custodians, county treasurers, county sheriffs, circuit court clerks,
9 township trustees, and conservancy district financial clerks as follows:

10 (1) The amount must equal thirty thousand dollars (\$30,000) for
11 each one million dollars (\$1,000,000) of receipts of the officer's
12 office during the last complete fiscal year before the purchase of
13 the bond, subject to subdivision (2).

14 (2) The amount may not be less than thirty thousand dollars
15 (\$30,000) nor more than three hundred thousand dollars
16 (\$300,000) unless the fiscal body approves a greater amount for
17 the officer or employee.

18 County auditors shall file bonds in amounts of not less than thirty
19 thousand dollars (\$30,000), as fixed by the fiscal body of the county.
20 The amount of the bond of any other person required to file an
21 individual bond shall be fixed by the fiscal body of the unit at not less
22 than fifteen thousand dollars (\$15,000).

23 (d) Except as provided in subsection (j), a controller of a solid waste
24 management district established under IC 13-21 or IC 13-9.5 (before
25 its repeal) shall file an individual surety bond in an amount:

26 (1) fixed by the board of directors of the solid waste management
27 district; and

28 (2) that is at least thirty thousand dollars (\$30,000).

29 (e) Except as provided under subsection (d), a person who is
30 required to file an individual surety bond by the board of directors of
31 a solid waste management district established under IC 13-21 or
32 IC 13-9.5 (before its repeal) shall file a bond in an amount fixed by the
33 board of directors.

34 (f) In 1982 and every four (4) years after that, the state examiner
35 shall review the bond amounts fixed under this section and report in an
36 electronic format under IC 5-14-6 to the general assembly whether
37 changes are necessary to ensure adequate and economical coverage.

38 (g) The commissioner of insurance shall prescribe the form of the
39 bonds or crime policies required by this section, in consultation with
40 the commission on public records under IC 5-15-5.1-6.

41 (h) Notwithstanding subsection (c), the state board of accounts may
42 fix the amount of the bond for a city controller, city clerk-treasurer,



1 town clerk-treasurer, Barrett Law fund custodian, county treasurer,
 2 county sheriff, circuit court clerk, township trustee, or conservancy
 3 district financial clerk at an amount that exceeds thirty thousand dollars
 4 (\$30,000) for each one million dollars (\$1,000,000) of receipts of the
 5 officer's office during the last complete fiscal year before the purchase
 6 of the bond. However, the bond amount may not exceed three hundred
 7 thousand dollars (\$300,000). An increased bond amount may be
 8 established under this subsection only if the state examiner issues a
 9 report under IC 5-11-5-1 that includes a finding that the officer
 10 engaged in malfeasance, misfeasance, or nonfeasance that resulted in
 11 the misappropriation of, diversion of, or inability to account for public
 12 funds.

13 (i) Notwithstanding subsection (c), the state board of accounts may
 14 fix the amount of the bond for any person who is not described in
 15 subsection (h) and is required to file an individual bond at an amount
 16 that exceeds fifteen thousand dollars (\$15,000). An increased bond
 17 amount may be established under this subsection only if the state
 18 examiner issues a report under IC 5-11-5-1 that includes a finding that
 19 the person engaged in malfeasance, misfeasance, or nonfeasance that
 20 resulted in the misappropriation of, diversion of, or inability to account
 21 for public funds.

22 (j) Notwithstanding subsection (d), the state board of accounts may
 23 fix the amount of the bond for a controller of a solid waste management
 24 district established under IC 13-21 or IC 13-9.5 (before its repeal) at an
 25 amount that exceeds thirty thousand dollars (\$30,000). An increased
 26 bond amount may be established under this subsection only if the state
 27 examiner issues a report under IC 5-11-5-1 that includes a finding that
 28 the controller engaged in malfeasance, misfeasance, or nonfeasance
 29 that resulted in the misappropriation of, diversion of, or inability to
 30 account for public funds.

31 (k) ~~Both of~~ The following apply to a bond or crime insurance policy
 32 that is filed to comply with this section:

33 (1) Unless the bond or policy is canceled, the bond or policy must
 34 continue in force for the term of office of the individual who files
 35 the bond or policy.

36 (2) The aggregate liability of the surety or insurer is the amount
 37 specified in the bond or policy.

38 **(3) The bond or policy must provide for the recovery of**
 39 **reasonable audit and investigative expenses, if any, incurred**
 40 **by the state board of accounts.**

41 SECTION 2. IC 5-11-1-28 IS ADDED TO THE INDIANA CODE
 42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1 2015]: Sec. 28. (a) As used in this section, "financial institution"
 2 refers to any bank, trust company, corporate fiduciary, savings
 3 association, credit union, savings bank, bank of discount and
 4 deposit, or industrial loan and investment company organized or
 5 reorganized under Indiana law.

6 (b) A financial institution shall give notice to the state board of
 7 accounts whenever a new account is opened in the name of a
 8 municipality or of the state.

9 (c) The notice required by this section must be given:

10 (1) not later than thirty (30) days of opening the new account;

11 and

12 (2) on a form prescribed by the state board of accounts.

13 SECTION 3. IC 5-11-1-29 IS ADDED TO THE INDIANA CODE
 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 15 1, 2015]: Sec. 29. (a) As used in this section, "vendor" refers to a
 16 person who provides, or proposes to provide, electronic goods,
 17 software, or technological services to a municipality.

18 (b) A vendor shall allow the state board of accounts access to all
 19 financial, record keeping, and data software, including stored
 20 information, that is provided to the municipality by the vendor.
 21 Such access:

22 (1) is limited to read only capability; and

23 (2) must be provided:

24 (A) remotely; and

25 (B) at any time requested by the state board of accounts
 26 without prior notice to, or approval of, the municipality.

27 SECTION 4. IC 6-1.1-7-10, AS AMENDED BY P.L.203-2013,
 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2015]: Sec. 10. (a) A mobile home may not be moved from
 30 one (1) location to another unless the owner obtains a permit to move
 31 the mobile home from the county treasurer.

32 (b) The bureau of motor vehicles may not transfer the title to a
 33 mobile home unless the owner obtains a permit to transfer the title from
 34 the county treasurer.

35 (c) A county treasurer shall issue a permit which is required to
 36 either move, or transfer the title to, a mobile home if the taxes due on
 37 the mobile home have been paid. The permit shall state the date it is
 38 issued.

39 (d) After issuing a permit to move a mobile home under subsection
 40 (c), a county treasurer shall notify the township assessor of the
 41 township to which the mobile home will be moved, or the county
 42 assessor if there is no township assessor for the township, that the



1 permit to move the mobile home has been issued.

2 **(e) A permit issued under this section expires on the thirtieth**
 3 **day after the permit is issued. A new permit must be obtained if:**

4 **(1) movement of the mobile home; or**

5 **(2) the transfer of title;**

6 **does not occur before the thirtieth day after the permit is issued.**

7 SECTION 5. IC 6-1.1-22-4, AS AMENDED BY P.L.42-2011,
 8 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2015]: Sec. 4. (a) Immediately upon the receipt of the tax
 10 duplicate, the county ~~treasurer auditor~~ shall give notice of the rate of
 11 tax per one hundred dollars (\$100) of assessed valuation to be collected
 12 in the county for each purpose and the total of the rates in each taxing
 13 district. This notice shall be published in the form prescribed by the
 14 department of local government finance three (3) times with each
 15 publication one (1) week apart.

16 (b) The notice required by this section shall be printed in two (2)
 17 newspapers which represent different political parties and which are
 18 published in the county. However, if two (2) newspapers which
 19 represent different political parties are not published in the county, the
 20 notice shall be printed in one (1) newspaper.

21 SECTION 6. IC 6-1.1-24-1, AS AMENDED BY THE TECHNICAL
 22 CORRECTIONS BILL OF THE 2015 GENERAL ASSEMBLY, IS
 23 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:
 24 Sec. 1. (a) On or after January 1 of each calendar year in which a tax
 25 sale will be held in a county and not later than fifty-one (51) days after
 26 the first tax payment due date in that calendar year, the county treasurer
 27 ~~(or county executive, in the case of property described in subdivision~~
 28 ~~(2))~~ shall certify to the county auditor a list of real property on which
 29 any of the following exist:

30 (1) ~~In the case of real property other than real property described~~
 31 ~~in subdivision (2),~~ Any property taxes or special assessments
 32 certified to the county auditor for collection by the county
 33 treasurer ~~from the prior year's spring installment or before~~ are
 34 delinquent as determined under IC 6-1.1-37-10 and the **prior**
 35 **year's spring installment or before** delinquent property ~~tax or~~
 36 ~~taxes,~~ special assessments, ~~penalties, fees, or interest~~ due exceed
 37 twenty-five dollars (\$25).

38 ~~(2) In the case of real property for which a county executive has~~
 39 ~~certified to the county auditor that the real property is:~~

40 ~~(A) vacant; or~~

41 ~~(B) abandoned;~~

42 ~~any property taxes or special assessments from the prior year's~~



1 *fall installment or before that are delinquent as determined under*
 2 *IC 6-1.1-37-10. The county executive must make a certification*
 3 *under this subdivision not later than sixty-one (61) days before*
 4 *the earliest date on which application for judgment and order for*
 5 *sale may be made. The executive of a city or town may provide to*
 6 *the county executive of the county in which the city or town is*
 7 *located a list of real property that the city or town has determined*
 8 *to be vacant or abandoned. The county executive shall include*
 9 *real property included on the list provided by a city or town*
 10 *executive on the list certified by the county executive to the*
 11 *county auditor under this subsection.*

12 ~~(3)~~ (2) Any unpaid costs are due under section 2(b) of this chapter
 13 from a prior tax sale.

14 (b) The county auditor shall maintain a list of all real property
 15 eligible for sale. Except as provided in section 1.2 or another provision
 16 of this chapter, the taxpayer's property shall remain on the list. The list
 17 must:

- 18 (1) describe the real property by parcel number and common
 19 address, if any;
 20 (2) for a tract or item of real property with a single owner,
 21 indicate the name of the owner; and
 22 (3) for a tract or item with multiple owners, indicate the name of
 23 at least one (1) of the owners.

24 (c) Except as otherwise provided in this chapter, the real property
 25 so listed is eligible for sale in the manner prescribed in this chapter.

26 (d) Not later than fifteen (15) days after the date of the county
 27 treasurer's certification under subsection (a), the county auditor shall
 28 mail by certified mail a copy of the list described in subsection (b) to
 29 each mortgagee who requests from the county auditor by certified mail
 30 a copy of the list. Failure of the county auditor to mail the list under
 31 this subsection does not invalidate an otherwise valid sale.

32 SECTION 7. IC 36-2-2-8 IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) If the public interest requires
 34 a special meeting of the executive, such a meeting may be called by a
 35 member of the executive or by:

- 36 (1) the county auditor;
 37 (2) the county clerk, if the office of county auditor is vacant; or
 38 (3) the county recorder, if the offices of county auditor and county
 39 clerk are both vacant.

40 (b) An officer calling a special meeting of the executive shall give
 41 at least ~~six (6) days~~ **forty-eight (48) hours** notice of the meeting unless
 42 the meeting is called to deal with an emergency under IC 5-14-1.5-5.



- 1 The notice must include a specific statement of the purpose of the
- 2 meeting, and the executive may not conduct any unrelated business at
- 3 the meeting.

