IC 36-2

ARTICLE 2. GOVERNMENT OF COUNTIES GENERALLY

IC 36-2-1

Chapter 1. Division of State Into Counties

IC 36-2-1-1

Names of counties

Sec. 1. Indiana is divided into the ninety-two (92) counties named in this section. The boundaries of these counties existing on August 31, 1981, remain in effect until changed in the manner prescribed by section 2 of this chapter. The counties are:

(1) Adams County.
(2) Allen County.
(3) Bartholomew County.
(4) Benton County.
(5) Blackford County.
(6) Boone County.
(7) Brown County.
(8) Carroll County.
(9) Cass County.
(10) Clark County.
(11) Clay County.
(12) Clinton County.
(13) Crawford County.
(14) Daviess County.
(15) Dearborn County.
(16) Decatur County.
(17) Dekalb County.
(18) Delaware County.
(19) Dubois County.
(20) Elkhart County.
(21) Fayette County.
(22) Floyd County.
(23) Fountain County.
(24) Franklin County.
(25) Fulton County.
(26) Gibson County.
(27) Grant County.
(28) Greene County.
(29) Hamilton County.
(30) Hancock County.
(31) Harrison County.
(32) Hendricks County.
(33) Henry County.
(34) Howard County.
(35) Huntington County.
(36) Jackson County.

(37) Jasper County.
(38) Jay County.
(39) Jefferson County.
(40) Jennings County.
(41) Johnson County.
(42) Knox County.
(43) Kosciusko County.
(44) LaGrange County.
(45) Lake County.
(46) LaPorte County.
(47) Lawrence County.
(48) Madison County.
(49) Marion County.
(50) Marshall County.
(51) Martin County.
(52) Miami County.
(53) Monroe County.
(54) Montgomery County.
(55) Morgan County.
(56) Newton County.
(57) Noble County.
(58) Ohio County.
(59) Orange County.
(60) Owen County.
(61) Parke County.
(62) Perry County.
(63) Pike County.
(64) Porter County.
(65) Posey County.
(66) Pulaski County.
(67) Putnam County.
(68) Randolph County.
(69) Ripley County.
(70) Rush County.
(71) St. Joseph County.
(72) Scott County.
(73) Shelby County.
(74) Spencer County.
(75) Starke County.
(76) Steuben County.
(77) Sullivan County.
(78) Switzerland County.
(79) Tippecanoe County.
(80) Tipton County.
(81) Union County.
(82) Vanderburgh County.
(83) Vermillion County.
(84) Vigo County.
(85) Wabash County.
(86) Warren County.

(87) Warrick County.
(88) Washington County.
(89) Wayne County.
(90) Wells County.
(91) White County.
(92) Whitley County.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-1-2

Changing boundaries; transfer of territory; petition; signatures; election; order

Sec. 2. (a) If the resident voters in a specified territory in two (2) or more contiguous counties desire to change the boundaries of their respective counties, they may file a petition with the executives of their respective counties requesting that the territory be transferred. The petition must:

(1) be signed by at least the number of voters resident in the territory requested to be transferred required to place a candidate on the ballot under IC 3-8-6-3;

(2) contain a clear, distinct description of the requested boundary change; and

(3) not propose to decrease the area of any county below four hundred (400) square miles in compliance with Article 15, Section 7 of the Constitution of the State of Indiana.

(b) Whenever a petition under subsection (a) is filed with a county executive, the executive shall determine, at its first meeting after the petition is filed:

(1) whether the signatures on the petition are genuine; and

(2) whether the petition complies with subsection (a).

(c) If the determinations under subsection (b) are affirmative, the executive shall certify the question to the county election board of each affected county. The county election boards shall jointly order a special election to be held, scheduling the election so that the election is held on the same date in each county interested in the change, but not later than thirty (30) days and not on the same date as a general election. The election shall be conducted under IC 3-10-8-6. All voters of each interested county are entitled to vote on the question. The question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the boundaries of _____ County and _____ County change?".

(d) After an election under subsection (c), the clerk of each county shall make a certified copy of the election returns and not later than five (5) days after the election file the copy with the auditor of the county. The auditor shall, not later than five (5) days after the filing of the returns in the auditor's office, make a true and complete copy of the returns, certified under the auditor's hand and seal, and deposit the copy with the auditor of every other county interested in the change.

(e) After copies have been filed under subsection (d), the auditor of each county shall call a meeting of the executive of the county,

which shall examine the returns. If a majority of the voters of each interested county voted in favor of change, the executive shall:

(1) enter an order declaring their boundaries to be changed as described in the petition; and

(2) if the county has received territory from the transfer, adopt revised descriptions of:

(A) county commissioner districts under IC 36-2-2-4; and

(B) county council districts under IC 36-2-3-4;

so that the transferred territory is assigned to at least one (1) county commissioner district and at least one (1) county council district.

(f) The executive of each county shall file a copy of the order described in subsection (e)(1) with:

(1) the office of the secretary of state; and

(2) the circuit court clerk of the county.

Except as provided in subsection (g), the transfer of territory becomes effective when the last county order is filed under this subsection.

(g) An order declaring county boundaries to be changed may not take effect during the year preceding a year in which a federal decennial census is conducted. An order that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

(h) An election under this section may be held only once every three (3) years.

(i) Notwithstanding subsection (g) as that subsection existed on December 31, 2009, a boundary change that took effect January 2, 2010, because of the application of subsection (g), as that subsection existed on December 31, 2009, is instead considered to take effect January 1, 2010, without an amended order or any other additional action being required.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.5-1986, SEC.32; P.L.3-1987, SEC.541; P.L.5-1989, SEC.85; P.L.12-1995, SEC.126; P.L.3-1997, SEC.450; P.L.2-1998, SEC.82; P.L.123-2000, SEC.1; P.L.113-2010, SEC.113.

IC 36-2-1-3

Order declaring boundaries to be changed; effect

Sec. 3. An order made under section 2(e) of this chapter operates to transfer the detached territory, and all persons and property in that territory, to the jurisdiction of the county to which it is attached for all judicial purposes, either civil or criminal.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-1-4

Taxation; indebtedness existing in interested counties

Sec. 4. If any indebtedness exists in either, both, or all of the interested counties, the fiscal body of the county shall levy, from year to year, a tax upon the detached territory, by such a rate on all the taxable property in the detached district as is necessary to

liquidate and pay the indebtedness of the county from which the territory was detached until the indebtedness is fully paid. The rate may not exceed that levied on the county so indebted. The auditor of each of the affected counties shall certify the rate so levied to the auditor of the county to which the territory was attached, which auditor shall place that rate on the tax duplicate of his county, and the treasurer of that county shall collect the tax, and, on demand of the treasurer of the proper county, shall pay over the revenue as other monies are paid out.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-1-5
Tax list; detached territory

Sec. 5. The executives of the affected counties shall order the auditors of their respective counties to make out a true and complete copy of all the property listed for taxation, either real, personal, or mixed, and all the names that appear upon the tax duplicates of their respective counties embraced within the detached territory, and to transmit the copy to the auditor of the county to which the territory is attached, for the purpose of taxation.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-1-6
Deeds and mortgages of real property in detached territory; copies; filing; evidence

Sec. 6. (a) The executive of a county from which territory is detached shall procure a suitable book and order the recorder of the county to copy in it, from the records in his office, all deeds and mortgages of real property in the detached territory that have been recorded.

(b) The copies made under subsection (a) shall be filed with the recorder of the county to which the territory is attached. If a copy made under subsection (a) is certified by the recorder who copied it as a true and complete copy of the instrument recorded in his office, it shall be admitted as evidence with the same force as the original record.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-1-7
Effect of change in boundaries; officers in office; pending actions in court; taxes due; court orders

Sec. 7. (a) All officers within the detached territory continue in office until replaced by qualified successors.

(b) A change in county boundaries does not affect any action pending in any court. All taxes due the state or county at the time of a boundary change shall be collected in the same manner as if the affected territory had not been detached.

(c) All court orders and judgments entered before a change in county boundaries remain in force until finally satisfied or settled.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-1-8

Revised descriptions of changed boundaries; filing

Sec. 8. (a) Whenever the boundaries of a county are changed, the surveyor shall file a revised description of the boundaries of the county with the office of the secretary of state not later than thirty (30) days after the change takes effect.

(b) The office of the secretary of state shall maintain an accurate file of the boundary descriptions filed under this section.

As added by Acts 1980, P.L.125, SEC.12. Amended by P.L.5-1989, SEC.86; P.L.3-1997, SEC.451; P.L.123-2000, SEC.2.

IC 36-2-1-9

Territory not included in any county

Sec. 9. If any territory in Indiana is not included in one (1) of the counties established under this chapter, the territory is included in the county that:

(1) is contiguous to that territory; and

(2) contains the least population of all counties contiguous to that territory.

As added by P.L.3-1993, SEC.254.

IC 36-2-1-10

Territory included in more than one county

Sec. 10. If any territory in Indiana is included in more than one (1) of the counties established under this chapter, the territory is included in the county that:

(1) is one (1) of the counties in which the territory is described under section 1 of this chapter;

(2) is contiguous to that territory; and

(3) contains the least population of all counties contiguous to that territory.

As added by P.L.3-1993, SEC.255.

IC 36-2-2

Chapter 2. County Executive

IC 36-2-2-1

Application of chapter

Sec. 1. This chapter applies to all counties not having a consolidated city.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.135.

IC 36-2-2-2

Board of commissioners to be county executive

Sec. 2. The three (3) member board of commissioners of a county elected under this chapter is the county executive. In the name of "The Board of Commissioners of the County of _____" the executive shall transact the business of the county.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-2-3

Election of executive; terms

Sec. 3. (a) The executive shall be elected under IC 3-10-2-13 by the voters of the county. The number of members to be elected to the executive alternates between one (1) and two (2) at succeeding general elections.

(b) The term of office of a member of the executive is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.5-1986, SEC.33.

IC 36-2-2-4

Division of county into districts; membership, duties, and compensation of county redistricting commission; single-member district criteria

Sec. 4. (a) This subsection does not apply to a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

The executive shall divide the county into three (3) districts that are composed of contiguous territory and are reasonably compact. The district boundaries drawn by the executive must not cross precinct boundary lines and must divide townships only when a division is clearly necessary to accomplish redistricting under this section. If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). A county redistricting commission shall

divide the county into three (3) single-member districts that comply with subsection (d). The commission is composed of:

(1) the members of the Indiana election commission;

(2) two (2) members of the senate selected by the president pro tempore, one (1) from each political party; and

(3) two (2) members of the house of representatives selected by the speaker, one (1) from each political party.

The legislative members of the commission have no vote and may act only in an advisory capacity. A majority vote of the voting members is required for the commission to take action. The commission may meet as frequently as necessary to perform its duty under this subsection. The commission's members serve without additional compensation above that provided for them as members of the Indiana election commission, the senate, or the house of representatives.

(c) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The executive shall divide the county into three (3) single-member districts that comply with subsection (d).

(d) Single-member districts established under subsection (b) or (c) must:

(1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);

(2) contain, as nearly as is possible, equal population; and

(3) not cross precinct lines.

(e) A division under subsection (a), (b), or (c) shall be made:

(1) during the first year after a year in which a federal decennial census is conducted; and

(2) when the county adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1980, P.L.125, SEC.13; Acts 1981, P.L.11, SEC.136; Acts 1981, P.L.17, SEC.6; P.L.10-1988, SEC.236; P.L.13-1988, SEC.13; P.L.5-1989, SEC.87; P.L.12-1992, SEC.150; P.L.2-1996, SEC.287; P.L.122-2000, SEC.20; P.L.230-2005, SEC.82.

IC 36-2-2-4.5

Territory not included in any district

Sec. 4.5. (a) If any territory in a county is not included in one (1) of the districts established under section 4 of this chapter, the territory is included in the district that:

(1) is contiguous to that territory; and

(2) contains the least population of all districts contiguous to that territory.

(b) If any territory in any county is included in more than one (1) of the districts established under section 4 of this chapter, the

territory is included in the district that:

(1) is one (1) of the districts in which the territory is described in the ordinance adopted under section 4 of this chapter;

(2) is contiguous to that territory; and

(3) contains the least population of all districts contiguous to that territory.

As added by P.L.3-1993, SEC.256.

IC 36-2-2-4.7

Ordinance to divide county into districts

Sec. 4.7. (a) Whenever the executive divides the county into districts under section 4 of this chapter, the executive shall adopt an ordinance.

(b) The executive shall file a copy of an ordinance adopted under subsection (a) with the circuit court clerk.

As added by P.L.3-1993, SEC.257.

IC 36-2-2-5

Eligibility; forfeiture of office; number of members elected

Sec. 5. (a) To be eligible for election to the executive, a person must meet the qualifications prescribed by IC 3-8-1-21.

(b) A member of the executive must reside within:

(1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and

(2) the district from which the member was elected.

(c) If the person does not remain a resident of the county and district after taking office, the person forfeits the office. The county fiscal body shall declare the office vacant whenever a member of the executive forfeits office under this subsection.

(d) In a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000);

one (1) member of the executive shall be elected by the voters of each of the three (3) single-member districts established under section 4(b) or 4(c) of this chapter. In other counties, all three (3) members of the executive shall be elected by the voters of the whole county.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.137; Acts 1981, P.L.17, SEC.7; P.L.5-1986, SEC.34; P.L.3-1987, SEC.542; P.L.12-1992, SEC.151; P.L.14-2004, SEC.192.

IC 36-2-2-6

Meetings

Sec. 6. The executive shall hold a regular meeting at least once each month and at other times as needed to conduct all necessary business. Dates of regular meetings shall be established by resolution at the first meeting in January of each year.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.138; Acts 1981, P.L.17, SEC.8; P.L.341-1983, SEC.1.

IC 36-2-2-7
Disqualification of executive in quasi-judicial proceeding; appointment of special members

Sec. 7. (a) If the executive finds that two (2) or more of its members are disqualified from acting in a quasi-judicial proceeding, the disqualified members shall cease to act in that proceeding. Within ten (10) days after the finding, the county auditor shall send a certified copy of the record of the proceeding to the judge of the circuit court for the county. If the judge affirms the disqualification of the members of the executive, he shall appoint disinterested and competent persons to serve as special members of the executive in the proceeding.

(b) A person who consents to serve as a special member of the executive must have the same qualifications as an elected member of the executive. His appointment and oath shall be filed with the county auditor and entered on the records of the executive, and he may act with the other members of the executive conducting the proceeding until a final determination is reached.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-2-8
Special meeting; notice

Sec. 8. (a) If the public interest requires a special meeting of the executive, such a meeting may be called by a member of the executive or by:

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

(b) An officer calling a special meeting of the executive shall give at least six (6) days notice of the meeting unless the meeting is called to deal with an emergency under IC 5-14-1.5-5. The notice must include a specific statement of the purpose of the meeting, and the executive may not conduct any unrelated business at the meeting.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1980, P.L.125, SEC.14; Acts 1981, P.L.17, SEC.9.

IC 36-2-2-9
Location of meetings

Sec. 9. The executive may select a location other than the county courthouse for its meetings only if the courthouse is not suitable, is inconvenient, or has been replaced or supplemented by other buildings to house county government offices.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-2-10
Business day

Sec. 10. The executive shall keep its office open on each business day.
As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.139; P.L.255-1993, SEC.1.

IC 36-2-2-11
Records of official proceedings
Sec. 11. (a) The county auditor shall attend all meetings of, and record in writing the official proceedings of, the executive.
(b) If a copy of the executive's proceedings has been signed and sealed by the auditor and introduced into evidence in court, that copy is presumed to be an accurate record of the executive's proceedings.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-2-12
Appointments made by executive
Sec. 12. Appointments made by the executive shall be certified by the county auditor, under the seal of the executive.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-2-13
County officer; employment; requisites; violation; offense; penalty
Sec. 13. (a) The executive may employ a person:
(1) to perform a duty required of a county officer by statute; or
(2) on a commission or percentage basis;
only if the employment is expressly authorized by statute or is found by the executive to be necessary to the public interest.
(b) If a person's employment under subsection (a) is not expressly authorized by statute, the contract for his employment must be filed with the circuit court for the county, and he must file his claims for compensation with that court. Any taxpayer may contest a claim under this section.
(c) A member of the executive who recklessly violates this section commits a Class C misdemeanor and forfeits his office.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-2-14
County administrator; appointment; power and duties; vacancy
Sec. 14. (a) The executive may appoint a county administrator to be the administrative head of the county under the supervision of the executive and to hold office at the pleasure of the executive. The executive may assign any office, position, or duties under its control to the administrator, and may by resolution withdraw any of the powers and duties assigned.
(b) Under the supervision of the executive and with its express authorization by resolution, the administrator may:
(1) assist in the administration and enforcement of policies and resolutions of the executive;
(2) supervise activities of county government subject to the control of the executive;

(3) attend meetings of the executive;
(4) recommend measures for adoption to the executive;
(5) prepare and submit reports that he considers advisable or that the executive requires;
(6) keep the executive fully advised on the financial condition of the county;
(7) prepare and submit a budget for each fiscal year; and
(8) perform other duties that the executive requests by resolution.

(c) If the administrator is absent from his office due to illness, death, vacation, resignation, or removal, the president of the executive, if any, or a qualified person appointed by the executive shall act as administrator until the administrator returns to his duties or the executive appoints a new administrator.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.140.

IC 36-2-2-15

Administration of oaths; enforcement powers of executive; execution of executive orders by county sheriff

Sec. 15. (a) The county auditor or a member of the executive may administer all oaths required by this chapter.

(b) The executive may:
(1) punish contempt by a fine of not more than three dollars ($3) or by imprisonment for not more than twenty-four (24) hours; and
(2) enforce its orders by attachment or other compulsory process.

(c) Fines assessed by the executive shall be executed, collected, and paid over in the same manner as other fines.

(d) The county sheriff or a county police officer shall attend the meetings of the executive, if requested by the executive, and shall execute its orders.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1980, P.L.125, SEC.15; P.L.131-1983, SEC.11.

IC 36-2-2-16

Accounts chargeable against county; sums for expenses

Sec. 16. The executive may:
(1) approve accounts chargeable against the county; and
(2) direct the raising of sums necessary for county expenses.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-2-17

Audit of accounts

Sec. 17. The executive may audit the accounts of officers who deal with money belonging to or appropriated for the benefit of the county.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1980, P.L.125, SEC.16.

IC 36-2-2-18

Annual settlement by executive and county treasurer

Sec. 18. At the regular meeting of the executive in January of each year, the executive and the county treasurer shall make a settlement for the preceding calendar year. A copy of the settlement sheet shall be copied in the order book of the executive.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-2-19

Annual statement of county's receipts and expenditures; posting and publication

Sec. 19. At its second regular meeting each year, the executive shall make an accurate statement of the county's receipts and expenditures during the preceding calendar year. The statement must include the name of and total compensation paid to each county officer, deputy, and employee. The executive shall post this statement at the courthouse door and two (2) other places in the county and shall publish it in the manner prescribed by IC 5-3-1.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1980, P.L.125, SEC.17; P.L.64-1995, SEC.11; P.L.98-2000, SEC.19.

IC 36-2-2-20

County property; sale; acquisition; orders; ordinance

Sec. 20. The county executive may make orders concerning county property, including orders for:

(1) the sale of the county's public buildings and the acquisition of land in the county seat on which to build new public buildings; and

(2) the acquisition of land for a public square and the maintenance of that square.

However, a conveyance or purchase by a county of land having a value of one thousand dollars ($1,000) or more must be authorized by an ordinance of the county fiscal body fixing the terms and conditions of the transaction.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-2-21

Repealed

(*Repealed by Acts 1981, P.L.57, SEC.45.)*

IC 36-2-2-22

Repealed

(*Repealed by Acts 1981, P.L.57, SEC.45.)*

IC 36-2-2-23

County property; licenses, permits, or franchises for use; utilities; state consent

Sec. 23. (a) The executive may grant licenses, permits, or franchises for the use of county property if they:

(1) are not exclusive;

(2) are of a definite duration; and
(3) are assignable only with the consent of the executive.

(b) If a public utility or municipally owned or operated utility that carries on business outside the corporate boundaries of municipalities in the county is engaged in an activity substantially similar to that for which a license, permit, or franchise for the use of county property is sought, the executive may grant the license, permit, or franchise only with the consent of the utility regulatory commission. The commission may give its consent only if it determines, after a public hearing of all interested parties, that public necessity and convenience require the substantially similar activity.

(c) The provisions of this section that concern securing the consent of the utility regulatory commission do not apply to municipally owned or operated utilities.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.23-1988, SEC.117.

IC 36-2-2-24

County courthouse, jail, and public offices

Sec. 24. (a) The executive shall establish and maintain a county courthouse, county jail, and public offices for the county clerk, the county auditor, the county recorder, the county treasurer, the county sheriff, the county surveyor, and the county superintendent of schools.

(b) Offices for the surveyor and superintendent of schools must be in the courthouse or at the county seat.

(c) Offices for the sheriff may be located:
(1) in the courthouse;
(2) inside the corporate limits of the county seat; or
(3) outside the corporate limits of the county seat but within the limits of the county.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.65-1994, SEC.2.

IC 36-2-2-25

Notice, report, or statement; cost of publication; violation; offense

Sec. 25. Whenever publication of a notice, report, or statement of any kind is required and a county is liable for the cost of that publication, the executive may not make or pay for publication in more than one (1) newspaper unless publication in two (2) newspapers is required. A person who violates this section commits a Class C infraction.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-2-26

Repealed

(*Repealed by Acts 1981, P.L.11, SEC.63.)*

IC 36-2-2-27

Appeal of decision of executive; aggrieved party; person not party

to proceeding; time limitation

Sec. 27. (a) A party to a proceeding before the executive who is aggrieved by a decision of the executive may appeal that decision to the circuit court for the county.

(b) A person who is not a party to a proceeding before the executive may appeal a decision of the executive only if he files with the county auditor an affidavit:

(1) specifically setting forth his interest in the matter decided; and

(2) alleging that he is aggrieved by the decision of the executive.

(c) An appeal under this section must be taken within thirty (30) days after the executive makes the decision by which the appellant is aggrieved.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-2-28

Appeal of decision of executive; appellant's bond; transcript of proceedings

Sec. 28. (a) An appellant under section 27 of this chapter must file with the county auditor a bond conditioned on due prosecution of the appeal. The bond is subject to approval by the auditor, and it must be in an amount sufficient to provide security for court costs.

(b) Within twenty (20) days after he receives the appeal bond, the auditor shall prepare a complete transcript of the proceedings of the executive related to the decision appealed from and shall deliver the transcript, all documents filed during the proceedings, and the appeal bond to the clerk of the circuit court.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-2-29

Appeal of decision of executive; docket; court decision

Sec. 29. (a) An appeal under section 27 of this chapter shall be docketed among the other causes pending in the circuit court and shall be tried as an original cause.

(b) A court may decide an appeal under section 27 of this chapter by:

(1) affirming the decision of the executive; or

(2) remanding the cause to the executive with directions as to how to proceed;

and may require the executive to comply with this decision.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-2-30

Employment of attorney to represent and advise executive

Sec. 30. (a) The executive may employ and fix the compensation of an attorney to represent and advise the executive.

(b) For the purposes of Section 9, Article 2 of the Constitution of the State of Indiana, employment by a county executive as an attorney does not constitute a lucrative office.

As added by P.L.137-1989, SEC.12.

IC 36-2-3

Chapter 3. County Fiscal Body

IC 36-2-3-1

Application of chapter

Sec. 1. This chapter applies to all counties not having a consolidated city.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.141.

IC 36-2-3-2

County council to be county fiscal body

Sec. 2. (a) The seven (7) member county council elected under this chapter is the county fiscal body. The fiscal body shall act in the name of "The _____ County Council".

(b) Notwithstanding subsection (a), in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the county council has nine (9) members.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.142; P.L.12-1992, SEC.152.

IC 36-2-3-3

Election of fiscal body; terms

Sec. 3. (a) The fiscal body shall be elected under IC 3-10-2-13. Except in a county having only single-member districts, members elected from districts and at large members, respectively, are to be elected in alternate, succeeding general elections under section 4 of this chapter. In a county having only single-member districts, the terms of the members are staggered as was provided by law before September 1, 1980.

(b) The term of office of a member of the fiscal body is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.143; P.L.5-1986, SEC.35.

IC 36-2-3-4

Election of fiscal body; division of county into districts; single-member district criteria

Sec. 4. (a) This subsection does not apply to a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

The county executive shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection (d). If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the fiscal

body shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the fiscal body shall be elected by the voters of the whole county.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The county redistricting commission established under IC 36-2-2-4 shall divide the county into seven (7) single-member districts that comply with subsection (d). One (1) member of the fiscal body shall be elected by the voters of each of these seven (7) single-member districts.

(c) This subsection applies to a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). The fiscal body shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the fiscal body shall be elected by the voters of each of these nine (9) single-member districts.

(d) Single-member districts established under subsection (a), (b), or (c) must:

(1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);

(2) not cross precinct boundary lines;

(3) contain, as nearly as possible, equal population; and

(4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.

(e) A division under subsection (a), (b), or (c) shall be made:

(1) during the first year after a year in which a federal decennial census is conducted; and

(2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.

(f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.144; Acts 1981, P.L.17, SEC.10; Acts 1981, P.L.5, SEC.2; P.L.10-1988, SEC.237; P.L.13-1988, SEC.14; P.L.5-1989, SEC.88; P.L.12-1992, SEC.153; P.L.122-2000, SEC.21; P.L.230-2005, SEC.83.

IC 36-2-3-4.5

Territory not included in any district

Sec. 4.5. (a) If any territory in any county is not included in one (1) of the districts established under section 4 of this chapter, the territory is included in the district that:

(1) is contiguous to that territory; and

(2) contains the least population of all districts contiguous to that territory.

(b) If any territory in any county is included in more than one (1) of the districts established under section 4 of this chapter, the

territory is included in the district that:

(1) is one (1) of the districts in which the territory is described in the ordinance adopted under section 4 of this chapter;

(2) is contiguous to that territory; and

(3) contains the least population of all districts contiguous to that territory.

As added by P.L.3-1993, SEC.258.

IC 36-2-3-4.7

Ordinance for division of county into districts

Sec. 4.7. (a) Whenever the county executive or the county fiscal body divides the county into districts under section 4 of this chapter, the county executive or the county fiscal body shall adopt an ordinance.

(b) The county executive or the county fiscal body shall file a copy of an ordinance adopted under subsection (a) with the circuit court clerk.

As added by P.L.3-1993, SEC.259.

IC 36-2-3-5

Election of fiscal body; prerequisites; forfeiture of office for noncompliance with section

Sec. 5. (a) To be eligible to serve as a member of the fiscal body, a person must meet the qualifications prescribed by IC 3-8-1-22.

(b) A member of the fiscal body must reside within:

(1) the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana; and

(2) the district from which the member was elected, if applicable.

(c) A member who fails to comply with subsection (b) forfeits the office.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.145; Acts 1981, P.L.17, SEC.11; P.L.5-1986, SEC.36; P.L.3-1987, SEC.543.

IC 36-2-3-6

Election of president and president pro tempore; county auditor to serve as clerk; execution of orders by sheriff; employment of legal and administrative personnel

Sec. 6. (a) At its regular meeting required by section 7(b)(1) of this chapter, the fiscal body shall elect a president and president pro tempore from its members.

(b) The county auditor is the clerk of the fiscal body and shall:

(1) preserve the fiscal body's records in his office;

(2) keep an accurate record of the fiscal body's proceedings;

(3) record the ayes and nays on each vote appropriating money or fixing the rate of a tax levy; and

(4) record the ayes and nays on other votes when requested to do so by two (2) or more members.

(c) The county sheriff or a county police officer shall attend the

meetings of the fiscal body, if requested by the fiscal body, and shall execute its orders.

(d) The fiscal body may employ legal and administrative personnel necessary to assist and advise it in the performance of its functions and duties.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1980, P.L.125, SEC.18; Acts 1981, P.L.17, SEC.12; P.L.131-1983, SEC.12.

IC 36-2-3-7

Meetings; location; duties; special meetings; notice; emergency meetings

Sec. 7. (a) The fiscal body shall hold its meetings in the county seat, in the county auditor's office, or in another location provided by the county executive and approved by the fiscal body.

(b) The fiscal body:

(1) shall hold a regular meeting in January after its election, for the purpose of organization and other business;

(2) shall hold a regular meeting annually, as prescribed by IC 6-1.1-17, to adopt the county's annual budget and tax rate;

(3) may hold a special meeting under subsection (c) or (d); and

(4) in the case of a county subject to IC 36-2-3.5, shall hold meetings at a regularly scheduled time each month that does not conflict with the meetings of the county executive.

(c) A special meeting of the fiscal body may be called:

(1) by the county auditor or the president of the fiscal body; or

(2) by a majority of the members of the fiscal body.

At least forty-eight (48) hours before the meeting, the auditor, president, or members calling the meeting shall give written notice of the meeting to each member of the fiscal body and publish, at least one (1) day before the meeting, the notice in accordance with IC 5-3-1-4. This subsection does not apply to a meeting called to deal with an emergency under IC 5-14-1.5-5.

(d) If a court orders the county auditor to make an expenditure of county money for a purpose for which an appropriation has not been made, the auditor shall immediately call an emergency meeting of the fiscal body to discuss the matter. Notwithstanding subsection (c), the meeting must be held within three (3) working days of the receipt of the order by the auditor, and notice of the meeting day, time, and places is sufficient if:

(1) given by telephone to the members of the fiscal body; and

(2) given according to IC 5-14-1.5.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1980, P.L.125, SEC.19; Acts 1981, P.L.11, SEC.146; Acts 1981, P.L.17, SEC.13; Acts 1982, P.L.33, SEC.17.

IC 36-2-3-8

Adverse interest; forfeiture

Sec. 8. A member of the fiscal body who purchases a bond, order, claim, or demand against the county for less than its face value shall forfeit it to the county and may not enforce it by legal action.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-3-9

Expulsion of member of fiscal body; declaring seat of member vacant; procedure

Sec. 9. The fiscal body may:

(1) expel any member for violation of an official duty;

(2) declare the seat of any member vacant if he is unable or fails to perform the duties of his office; and

(3) adopt its own rules to govern proceedings under this section, but a two-thirds (2/3) vote is required to expel a member or vacate his seat.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-3-10

Employment of attorney to represent and advise fiscal body

Sec. 10. (a) The fiscal body may employ and fix the compensation of an attorney to represent and advise the fiscal body.

(b) For the purposes of Section 9, Article 2 of the Constitution of the State of Indiana, employment by a county fiscal body as an attorney does not constitute a lucrative office.

As added by P.L.137-1989, SEC.13.

IC 36-2-3.5

Chapter 3.5. Division of Powers of Certain Counties

IC 36-2-3.5-1

Application of chapter

Sec. 1. This chapter applies to:

(1) a county having a population of:

(A) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) more than two hundred thousand (200,000) but less than three hundred thousand (300,000); and

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

As added by Acts 1981, P.L.11, SEC.147. Amended by Acts 1981, P.L.307, SEC.1; P.L.12-1992, SEC.154.

IC 36-2-3.5-2

Executive and legislative branches; separation of powers

Sec. 2. The powers of the county are divided between the executive and legislative branches of its government. A power belonging to one (1) branch of the county's government may not be exercised by the other branch.

As added by Acts 1981, P.L.11, SEC.147.

IC 36-2-3.5-3

Board of commissioners as executive; county council as legislative and fiscal body

Sec. 3. The board of commissioners elected under IC 36-2-2 is the county executive. The county council elected under IC 36-2-3 is the county legislative body as well as the county fiscal body.

As added by Acts 1981, P.L.11, SEC.147.

IC 36-2-3.5-4

Executive powers and duties

Sec. 4. (a) All powers and duties of the county that are executive or administrative in nature shall be exercised or performed by its executive, except to the extent that these powers and duties are expressly assigned to other elected officers.

(b) The executive shall:

(1) report the state of the county annually before March 1 to the county legislative body and to the people of the county;

(2) recommend annually before March 1 to the legislative body whatever action or program it considers necessary for the improvement of the county and the welfare of its residents;

(3) submit to the legislative body an annual budget in accordance with IC 36-2-5;

(4) establish the procedures to be followed by all county departments, offices, and agencies under its jurisdiction to the

extent these procedures are not expressly assigned to other elected officers;

(5) administer all statutes applicable to the county, and its ordinances and regulations, to the extent these matters are not expressly assigned to other elected officers;

(6) supervise the care and custody of all county property;

(7) supervise the collection of revenues and control all disbursements and expenditures, and prepare a complete account of all expenditures, to the extent these matters are not expressly assigned to other elected officers;

(8) review, analyze, and forecast trends for county services and finances, and programs of all county governmental entities, and report and recommend on these to the legislative body by March 15 each year;

(9) negotiate contracts for the county;

(10) make recommendations concerning the nature and location of county improvements, and provide for the execution of those improvements;

(11) supervise county administrative offices except for the offices of elected officers; and

(12) perform other duties and functions that are imposed on it by statute or ordinance.

(c) The executive may:

(1) order any agency under its jurisdiction to undertake any task for any other agency under its jurisdiction on a temporary basis, if necessary for the proper and efficient administration of county government;

(2) approve or veto ordinances passed by the legislative body, in the manner prescribed by IC 36-2-4-8; and

(3) establish and administer centralized budgeting, centralized personnel selection, and centralized purchasing.

As added by Acts 1981, P.L.11, SEC.147.

IC 36-2-3.5-5

Legislative powers and duties

Sec. 5. (a) All powers and duties of the county that are legislative in nature shall be exercised or performed by its legislative body.

(b) The legislative body may:

(1) establish the committees that are necessary to carry out its functions;

(2) employ legal and administrative personnel necessary to carry out its functions;

(3) pass all ordinances, orders, resolutions, and motions for the government of the county, in the manner prescribed by IC 36-2-4;

(4) receive gifts, bequests, and grants from public or private sources;

(5) conduct investigations into the conduct of county business for the purpose of correcting deficiencies and insuring adherence to law and county policies and regulations; and

(6) establish, by ordinance, new county departments, divisions, or agencies whenever necessary to promote efficient county government.

As added by Acts 1981, P.L.11, SEC.147.

IC 36-2-3.5-6

Elections; stay upon failure to divide county into districts; court orders

Sec. 6. (a) A court may issue an order, before final hearing, to stay an election if there is sufficient evidence to withstand a motion for summary judgment that the county has not been divided into districts that comply with IC 36-2-2-4 or IC 36-2-3-4. A preliminary hearing on the question may be held upon the court's own motion.

(b) Final judgment on the merits in such a case shall be made within thirty (30) days of the stay of election order. If the redistricting is found not to be in compliance with law, the court shall retain jurisdiction and shall order the proper officials to submit within thirty (30) days a redistricting plan complying with law. If the proper officials fail to comply with the order, the court shall order the Indiana election commission to divide the county into districts in compliance with law.

As added by Acts 1981, P.L.11, SEC.147. Amended by P.L.2-1996, SEC.288.

IC 36-2-4

Chapter 4. Legislative Procedures

IC 36-2-4-1

Application of chapter

Sec. 1. This chapter applies to all counties not having a consolidated city.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-4-2

Adoption of ordinance, order, resolution, or motion

Sec. 2. A county executive or county fiscal body adopting an ordinance, order, resolution, or motion for the government of the county or the transaction of county business must comply with this chapter.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.148.

IC 36-2-4-3

Quorum

Sec. 3. (a) A majority of all the elected members constitutes a quorum, except as provided by subsection (b).

(b) A county fiscal body may, by a two-thirds (2/3) vote, adopt a rule specifying that a certain number of members greater than a majority constitutes a quorum.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.149; Acts 1981, P.L.17, SEC.14.

IC 36-2-4-4

Majority vote; two-thirds vote

Sec. 4. (a) A requirement that an ordinance, resolution, or other action be passed by a majority vote means at least a majority vote of all the elected members.

(b) A requirement that an ordinance, resolution, or other action be passed by a two-thirds (2/3) vote means at least a two-thirds (2/3) vote of all the elected members.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-4-5

Majority vote required to pass ordinance

Sec. 5. A majority vote is required to pass an ordinance, unless a greater vote is required by statute.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-4-6

Disagreements on question; continuance

Sec. 6. If only two (2) members of a county executive are present at a meeting of the executive, and they disagree on a question that is before the executive, the question shall be continued until the next meeting.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-4-7

Consent to pass ordinance; inapplicability to additional appropriations and zoning ordinances

Sec. 7. (a) This section does not apply to:

(1) an ordinance of a county fiscal body for additional appropriations; or

(2) a zoning ordinance or amendment to a zoning ordinance that is adopted under IC 36-7.

(b) Unanimous consent of the members present is required to pass an ordinance on the same day or at the same meeting at which it is introduced.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.335-1985, SEC.31.

IC 36-2-4-8

Adoption and effective date of ordinance, order, or resolution; requirements

Sec. 8. (a) An ordinance, order, or resolution is considered adopted when it is signed by the presiding officer. If required, an adopted ordinance, order, or resolution must be promulgated or published according to statute before it takes effect.

(b) An ordinance prescribing a penalty or forfeiture for a violation must, before it takes effect, be published once each week for two (2) consecutive weeks, according to IC 5-3-1. However, if such an ordinance is adopted by the legislative body of a county subject to IC 36-2-3.5 and there is an urgent necessity requiring its immediate effectiveness, it need not be published if:

(1) the county executive proclaims the urgent necessity; and

(2) copies of the ordinance are posted in three (3) public places in each of the districts of the county before it takes effect.

(c) The following apply in addition to the other requirements of this section:

(1) An ordinance or resolution passed by the legislative body of a county subject to IC 36-2-3.5 is considered adopted only if it is:

(A) approved by signature of a majority of the county executive;

(B) neither approved nor vetoed by a majority of the executive, within ten (10) days after passage by the legislative body; or

(C) passed over the veto of the executive by a two-thirds (2/3) vote of the legislative body, within sixty (60) days after presentation of the ordinance or resolution to the executive.

(2) The legislative body of a county shall:

(A) subject to subdivision (3), give written notice to the department of environmental management not later than sixty (60) days before amendment or repeal of an environmental restrictive ordinance; and

(B) give written notice to the department of environmental management not later than thirty (30) days after passage, amendment, or repeal of an environmental restrictive ordinance.

(3) Upon written request by the legislative body, the department of environmental management may waive the notice requirement of subdivision (2)(A).

(4) An environmental restrictive ordinance passed or amended after 2009 by the legislative body must state the notice requirements of subdivision (2).

(5) The failure of an environmental restrictive ordinance to comply with subdivision (4) does not void the ordinance.

(d) After an ordinance or resolution passed by the legislative body of a county subject to IC 36-2-3.5 has been signed by the presiding officer, the county auditor shall present it to the county executive, and record the time of the presentation. Within ten (10) days after an ordinance or resolution is presented to it, the executive shall:

(1) approve the ordinance or resolution, by signature of a majority of the executive, and send the legislative body a message announcing its approval; or

(2) veto the ordinance or resolution, by returning it to the legislative body with a message announcing its veto and stating its reasons for the veto.

(e) This section does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

(f) An ordinance increasing a building permit fee on new development must:

(1) be published:

(A) one (1) time in accordance with IC 5-3-1; and

(B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and

(2) delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published under subdivision (1).

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.150; P.L.192-1984, SEC.1; P.L.335-1985, SEC.32; P.L.100-2003, SEC.1; P.L.78-2009, SEC.23.

IC 36-2-4-9

Recording of ordinance; effect

Sec. 9. Within a reasonable time after an ordinance is adopted, the county auditor shall record it in a book kept for that purpose. The record must include the signature of the presiding officer and the attestation of the auditor. The record, or a certified copy of the record, is presumptive evidence that the ordinance was adopted and took effect.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-4-10
Meetings; rules

Sec. 10. A county executive or county fiscal body may adopt rules for the transaction of business at its meetings.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-4-11
Seal

Sec. 11. A county executive shall use a common seal.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-5

Chapter 5. Budget Procedures

IC 36-2-5-1

Application of chapter

Sec. 1. This chapter applies to all counties not having a consolidated city.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-5-2

Taxation; appropriations

Sec. 2. (a) The county fiscal body shall fix:

(1) the rate of taxation for county purposes; and

(2) the rate of taxation for other purposes whenever the rate is not fixed by statute and is required to be uniform throughout the county.

(b) The county fiscal body shall appropriate money to be paid out of the county treasury, and money may be paid out of the treasury only under an appropriation made by the fiscal body, except as otherwise provided by law.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.151.

IC 36-2-5-3

Compensation of officers and employees; other payments; local health department; not applicable to community corrections programs

Sec. 3. (a) The county fiscal body shall fix the compensation of officers, deputies, and other employees whose compensation is payable from the county general fund, county highway fund, county health fund, county park and recreation fund, aviation fund, or any other fund from which the county auditor issues warrants for compensation. This includes the power to:

(1) fix the number of officers, deputies, and other employees;

(2) describe and classify positions and services;

(3) adopt schedules of compensation; and

(4) hire or contract with persons to assist in the development of schedules of compensation.

(b) Subject to subsection (e), the county fiscal body shall provide for a county assessor or elected township assessor who has attained a level two or level three certification under IC 6-1.1-35.5 to receive annually one thousand dollars ($1,000), which is in addition to and not part of the annual compensation of the assessor. Subject to subsection (e), the county fiscal body shall provide for a county or township deputy assessor who has attained a level two or level three certification under IC 6-1.1-35.5 to receive annually five hundred dollars ($500), which is in addition to and not part of the annual compensation of the county or township deputy assessor.

(c) Notwithstanding subsection (a), the board of each local health department shall prescribe the duties of all its officers and

employees, recommend the number of positions, describe and classify positions and services, adopt schedules of compensation, and hire and contract with persons to assist in the development of schedules of compensation.

(d) This section does not apply to community corrections programs (as defined in IC 11-12-1-1 and IC 35-38-2.6-2).

(e) Subsection (b) applies regardless of whether the assessor or deputy assessor attained the level two certification:

(1) while in office; or

(2) before assuming office.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.152; P.L.16-1986, SEC.77; P.L.2-1993, SEC.200; P.L.135-1993, SEC.10; P.L.198-2001, SEC.104; P.L.178-2002, SEC.113; P.L.219-2007, SEC.106.

IC 36-2-5-4

Statements and recommendations on positions and compensation; budget requests

Sec. 4. (a) Before July 2 of each year, each officer, board, commission, and agency subject to this chapter shall file with the county auditor a statement that shows in detail the positions for which compensation will be requested in the annual budget for the next year and the amount or rate of compensation proposed for each full-time or part-time position. The statement must be on a form prescribed by the state board of accounts.

(b) The county auditor shall present the statements submitted under subsection (a) to the county executive at its July meeting. The county executive shall review the statements and make its recommendations on them. Before August 20 the county executive shall present the statements and recommendations to the county fiscal body.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-5-5

Itemized estimate of money required by county officer and township assessor

Sec. 5. (a) Before the Thursday after the first Monday in August of each year, each county officer and township assessor (if any) shall prepare an itemized estimate of the amount of money required for the officer's or assessor's office for the next calendar year. Each budget estimate under this section must include:

(1) the compensation of the officer;

(2) the expense of employing deputies;

(3) the expense of office supplies, itemized by the quantity and probable cost of each kind of supplies;

(4) the expense of litigation for the office; and

(5) other expenses of the office, specifically itemized;

that are payable out of the county treasury.

(b) If all or part of the expenses of a county office may be paid out of the county treasury, but only under an order of the county

executive to that effect, the expenses of the office shall be included in the officer's budget estimate and may not be included in the county executive's budget estimate.
As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.222-1997, SEC.1; P.L.146-2008, SEC.687.

IC 36-2-5-6
Itemized estimate of money required by clerks of court

Sec. 6. (a) Before the Thursday after the first Monday in August of each year, each clerk of a court in the county shall prepare a separate estimate of the amount of money required for each court of which he is clerk for the next calendar year. If a court has two (2) or more judges who preside in separate rooms or over separate divisions, the clerk shall prepare a separate itemized estimate for court expenses in each room or division. Each clerk's budget estimate must include:

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

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

(c) The estimate of the amount of money required for a court or division of a court is subject to modification and approval by the judge of the court or division and shall be submitted to him for that purpose before being presented to the county auditor.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-5-7
County executive's budget estimate

Sec. 7. Before the Thursday after the first Monday in August of each year, the county executive shall prepare an itemized estimate of all money to be drawn by the members of the executive and all expenditures to be made by the executive or under its orders during the next calendar year. Each executive's budget estimate must include:

(1) the expense of construction, repairs, supplies, employees, and agents, and other expenses at each building or institution maintained in whole or in part by money paid out of the county treasury;
(2) the expense of constructing and repairing bridges, itemized by the location of and amount for each bridge;
(3) the compensation of the attorney representing the county;

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

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.137-1989, SEC.14; P.L.6-1997, SEC.204.

IC 36-2-5-8

Verified certificate and opinion of requirements

Sec. 8. A certificate, verified by the officer preparing it and stating that in his opinion the amount fixed in each item will be required for the purpose indicated, must be attached to each budget estimate prepared under this chapter.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-5-9

Presentation of budget estimates; public inspection; notice

Sec. 9. Before the Thursday after the first Monday in August of each year, persons preparing budget estimates under this chapter shall present them to the county auditor, who shall file them in his office and make them available for inspection by county taxpayers. The auditor shall also comply with the notice requirements of IC 6-1.1-17-3.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.45, SEC.9.

IC 36-2-5-10

Preparation of ordinances fixing rate of taxation and making appropriations by items

Sec. 10. Before the county fiscal body's annual meeting under IC 36-2-3-7(b)(2), the county auditor shall prepare:

(1) an ordinance fixing the rate of taxation for taxes to be collected in the next calendar year; and

(2) an ordinance making appropriations by items for the next calendar year for the various purposes for which budget estimates are required.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-5-11

Annual county fiscal body meeting; presentation of budget estimates and recommendations by county auditor; tax rate and appropriations; consideration of statements and recommendations

Sec. 11. (a) At the county fiscal body's annual meeting under IC 36-2-3-7(b)(2), the county auditor shall present the budget estimates filed with him under section 9 of this chapter and the ordinances prepared by him under section 10 of this chapter. He may also present his recommendations concerning the estimates.

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

(1) adopting the ordinances presented by the county auditor;

(2) amending the ordinances presented by the county auditor; or

(3) substituting other ordinances for those presented by the county auditor.

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

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

(1) the compensation of all officers, deputies and other employees subject to this chapter; and

(2) the number of deputies and other employees for each office, department, commission, or agency, except part-time and hourly rated employees, whose employment shall be limited only by the amount of funds appropriated to pay their compensation.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.125-2001, SEC.2.

IC 36-2-5-12

Additional appropriations

Sec. 12. (a) If, after the adjournment of its annual meeting under IC 36-2-3-7(b)(2), the county fiscal body finds that an emergency requiring additional appropriations exists, it may make additional appropriations at a special meeting. Estimates of the necessary

amount of additional appropriations must be prepared and presented in an ordinance as prescribed by this chapter.

(b) Except as provided in subsection (c), an additional appropriation under this section must be passed by at least a majority vote of all elected members of the county fiscal body.

(c) Notwithstanding IC 36-2-4-5, a county fiscal body may adopt an ordinance that requires an additional appropriation under this section to be passed by an affirmative vote of a certain number of members greater than a majority of all elected members of the county fiscal body.

(d) An ordinance adopted under subsection (c) requiring an affirmative vote of a certain number of members greater than a majority of all elected members of the fiscal body to pass an additional appropriation must be adopted or repealed by a majority vote of all elected members of the county fiscal body.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1980, P.L.125, SEC.20; P.L.125-2001, SEC.3.

IC 36-2-5-13

Change of compensation of county officers and employees

Sec. 13. (a) Except as provided in subsection (b), the compensation of an elected county officer may not be changed in the year for which it is fixed. The compensation of other county officers, deputies, and employees or the number of each may be changed at any time on:

(1) the application of the county fiscal body or the affected officer, department, commission, or agency; and

(2) a majority vote of the county fiscal body.

(b) In the year in which a newly elected county officer takes office, the county fiscal body may at any time change the compensation for holding the county office for that year if:

(1) the county officer requests the compensation change or, in the case of the county executive body, a majority of the county executive body requests the change; and

(2) the county fiscal body votes to approve the change.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.178-2002, SEC.114; P.L.240-2005, SEC.2.

IC 36-2-5-14

Nonapplicability of chapter to certain salaries; limitations on appropriations

Sec. 14. (a) This chapter does not affect the salaries of judges, officers of courts, prosecuting attorneys, and deputy prosecuting attorneys whose minimum salaries are fixed by statute, but the county fiscal body may make appropriations to pay them more than the minimums fixed by statute subject to subsection (b).

(b) Beginning July 1, 1995, an appropriation made under this section may not exceed five thousand dollars ($5,000) for each judge or full-time prosecuting attorney in any calendar year.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.279-1995,

SEC.21; P.L.280-1995, SEC.23; P.L.2-1996, SEC.289.

IC 36-2-6

Chapter 6. Fiscal Administration

IC 36-2-6-1

Application of chapter

Sec. 1. This chapter applies to all counties.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-6-2

Claims against county; procedure

Sec. 2. A person who has a claim against a county shall file an invoice or a bill with the county auditor. The auditor shall present the invoice or bill to the executive, which shall examine the merits of the claim. The executive may allow any part of the claim that it finds to be valid.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.39-1996, SEC.9.

IC 36-2-6-3

Inapplicability of section to certain claims; publication of court allowances; payments in violation; offense

Sec. 3. (a) This section does not apply to claims for salaries fixed in a definite amount by ordinance or statute, per diem of jurors, and salaries of officers of a court.

(b) The county auditor shall publish all allowances made by courts of the county. Court allowances shall be published at least three (3) days before the issuance of warrants in payment of those allowances. Allowances subject to this section shall be published as prescribed by IC 5-3-1 except that only one (1) publication in two (2) newspapers is required.

(c) A county auditor who issues warrants in payment of allowances made by a court of the county, before compliance with subsection (b), commits a Class C infraction.

(d) A county auditor shall publish one (1) time in accordance with IC 5-3-1 a notice of all allowances made by a circuit or superior court. The notice must be published within sixty (60) days after the allowances are made and must state their amount, to whom they are made, and for what purpose they are made.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1980, P.L.127, SEC.2; P.L.52-1987, SEC.2; P.L.64-1995, SEC.12; P.L.141-2009, SEC.7.

IC 36-2-6-4

Allowance and payment of claims; requirements; violation; offense; action to recover illegal allowance

Sec. 4. (a) This section does not apply to a county having a consolidated city.

(b) Except as provided in section 4.5 of this chapter, the county executive may allow a claim or order the issuance of a county warrant for payment of a claim only at a regular or special meeting

of the executive. The county auditor may issue a county warrant for payment of a claim against the county only if the executive or a court orders him to do so. However, this subsection does not apply to the issuance of warrants related to management of the common or congressional school fund.

(c) The county executive may allow a claim if the claim:

(1) complies with IC 5-11-10-1.6; and

(2) is placed on the claim docket by the auditor at least five (5) days before the meeting at which the executive is to consider the claim.

(d) A county auditor or member of a county executive who violates this section commits a Class C infraction.

(e) A county auditor who violates this section is liable on his official bond for twice the amount of the illegally drawn warrant, which may be recovered for the benefit of the county by a taxpayer of the county. A person who brings an action under this subsection shall give security for costs, and the court shall allow him a reasonable sum, including attorney's fees, out of the money recovered as compensation for his trouble and expense in bringing the action. This compensation shall be specified in the court's order.

(f) If, within sixty (60) days after the county executive allows a claim, a taxpayer of the county demands that the executive refund that allowance to the county, and the executive refuses to do so, the taxpayer may bring an action to recover an illegal, unwarranted, or unauthorized allowance for the benefit of the county. A person who brings an action under this subsection shall give security for costs, and the court shall allow him a reasonable sum, including attorney's fees, out of the money recovered as compensation for his trouble and expense in bringing the action. This compensation shall be specified in the court's order.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.39-1996, SEC.10; P.L.89-2001, SEC.5.

IC 36-2-6-4.5

Claim payments in advance of board allowance

Sec. 4.5. (a) A county executive may adopt an ordinance allowing money to be disbursed for lawful county purposes under this section.

(b) Notwithstanding IC 5-11-10, with the prior written approval of the board having jurisdiction over the allowance of claims, the county auditor may make claim payments in advance of board allowance for the following kinds of expenses if the county executive has adopted an ordinance under subsection (a):

(1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions.

(2) License or permit fees.

(3) Insurance premiums.

(4) Utility payments or utility connection charges.

(5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.

(6) Grants of state funds authorized by statute.
(7) Maintenance or service agreements.
(8) Leases or rental agreements.
(9) Bond or coupon payments.
(10) Payroll.
(11) State or federal taxes.
(12) Expenses that must be paid because of emergency circumstances.
(13) Expenses described in an ordinance.

(c) Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the county auditor.

(d) The county executive or the county board having jurisdiction over the allowance of the claim shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense.

As added by P.L.89-2001, SEC.6. Amended by P.L.234-2005, SEC.191; P.L.145-2006, SEC.373; P.L.146-2008, SEC.688; P.L.141-2009, SEC.8.

IC 36-2-6-5

Supplies; review of invoice and certification; approval of claim on contract; allowance

Sec. 5. (a) A county officer or employee authorized to receive supplies contracted for by the county shall review the invoice or bill for the supplies item by item and certify in writing on the invoice or bill:

(1) the fact that the supplies listed on the invoice or bill have been delivered to him in compliance with the contract; or
(2) the facts showing a breach of contract.

If the officer or employee discovers a breach of contract on receipt of the supplies, he shall deduct a just amount from the invoice or bill. The officer or employee shall immediately file his certificate and the bill or invoice with the county auditor.

(b) The county executive may approve a claim on a contract for supplies only if:

(1) it finds that the claimant has complied with the contract; and
(2) the county auditor certifies in writing that the invoice or bill for the supplies corresponds with the contract as to quality and prices.

The executive may not use a county auditor's certificate as the sole basis for this finding.

(c) The county executive may make an allowance for printed blanks or stationery for a county officer only if they are to be used for the benefit of the county.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-6-6

Claim for work on contract; certification of supervisor; allowance

Sec. 6. (a) The county executive may allow a contract claim for

work that was to be conducted under the supervision of the county surveyor, or an architect, engineer, superintendent, or inspector appointed by the executive, only if that supervisor certifies in writing on the claim that the work listed in the claim has been performed according to the contract and that the claim is due and owing under the contract. The supervisor's certificate must be filed with the claim.

(b) A county executive may not allow a claim on a contract covered by this section solely on the basis of the supervisor's certificate.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-6-7

Payment of claims; warrants; requirements

Sec. 7. (a) The county auditor may issue a warrant for money to be paid out of the county treasury in payment of a claim only if the claim:

(1) complies with IC 5-11-10-1.6; and

(2) is filed with the auditor more than five (5) days before the first day of the meeting of the county executive at which it is allowed.

(b) The county auditor may issue a warrant for money to be paid out of the county treasury in payment of a claim:

(1) for supplies; or

(2) on a contract with the county executive for the execution of a public work;

only if the supplies were purchased or the contract was made in compliance with this article.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.39-1996, SEC.11.

IC 36-2-6-8

Prohibited allowances; allowances to certain officers; violation; offense

Sec. 8. (a) The county executive or a court may not make an allowance to a county officer for:

(1) services rendered in a criminal action;

(2) services rendered in a civil action; or

(3) extra services rendered in the county officer's capacity as a county officer.

(b) The county executive may make an allowance to the clerk of the circuit court, county auditor, county treasurer, county sheriff, township assessor (if any), or county assessor, or to any of those officers' employees, only if:

(1) the allowance is specifically required by law; or

(2) the county executive finds, on the record, that the allowance is necessary in the public interest.

(c) A member of the county executive who recklessly violates subsection (b) commits a Class C misdemeanor and forfeits the member's office.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.222-1997,

SEC.2; P.L.146-2008, SEC.689.

IC 36-2-6-9

Appeal of decision by county executive by aggrieved person; procedure

Sec. 9. A person aggrieved by a decision of the county executive made under section 2 of this chapter may appeal that decision to the circuit or superior court of the county or bring an action against the county. An appeal must be taken within thirty (30) days of the executive's action and must be accompanied by a bond covering court costs and payable to the executive. If the appeal does not result in an increase of the executive's original allowance, the appellant shall pay the costs of the appeal.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-6-10

Judgments obligating county to exceed its appropriation

Sec. 10. A court may obligate the county to exceed its appropriation for that court only by judgment rendered in a cause in which the court has jurisdiction of the parties and subject matter of the action. An obligation imposed on a county in violation of this section is void.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-6-11

Charge of claim against appropriation; apportionment

Sec. 11. Whenever the county auditor draws a warrant for a claim under this chapter he shall charge the claim against the appropriation made for that purpose. If the claim is for materials, supplies, or labor for more than one (1) officer or institution, the auditor shall apportion the claim and charge the proper amount against the appropriation for each officer or institution. Similar apportionments shall be made in other cases in which a claim should be charged to more than one (1) appropriation.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-6-12

Drawing of warrant on county treasury; notification of depletion of treasury; liability of county treasurer or county officer; void agreements

Sec. 12. (a) A warrant for the payment of money may be drawn on the county treasury only if there is money in the county treasury.

(b) The county treasurer shall notify county officers authorized to draw warrants on the county treasury when there is no money in the county treasury. A county treasurer is liable on his official bond to persons holding county warrants if those warrants were issued:

(1) when there was no money in the county treasury; and

(2) before the county treasurer gave the notice required by this subsection.

The treasurer is liable for the amount of those warrants, plus interest.

(c) A county officer or member of the county executive who:

(1) recklessly issues a bond, certificate, or warrant for the payment of money that would require the county to exceed its appropriation for the bond, certificate, or warrant; or

(2) enters into an agreement of any type that would require the county to exceed its appropriation for a particular purpose;

commits a Class B misdemeanor and is liable on his official bond to any person injured by his offense.

(d) An agreement of any type that:

(1) is entered into by the county executive or a county officer, agent, or employee; and

(2) would require the county to exceed its appropriation for a particular purpose;

is void.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-6-13

Recovery of payments in violation of article

Sec. 13. (a) Money paid out of the county treasury in violation of this article may be recovered by the county executive in an action in the name of the state against the officer who paid the money or assisted in the payment, the person who received the money, or both. If the county executive fails to bring the action within thirty (30) days after the illegal payment, a citizen or taxpayer may make a written demand on the county executive to bring the action and may then bring the action in the name of the state for the benefit of the county if the executive fails to comply with his demand.

(b) If an action brought under this section is successful, the court shall award the amount of money paid out of the treasury illegally, plus interest at the rate of six percent (6%) per year, to the county and shall award reasonable attorney's fees and expenses to the plaintiff.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-6-14

Money received for taxes; record; certification of gross amount received

Sec. 14. The county treasurer shall keep a record of all money he receives for taxes imposed by the county fiscal body, and, on the first day of each month, shall certify the gross amount of taxes received during the preceding month to the county auditor. The part of that amount that belongs to the county may be used by the county to pay any item of appropriation for that year.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-6-14.5

Special assessment required to be certified to county auditor

Sec. 14.5. Notwithstanding any other provision of law, a special assessment required to be certified to the county auditor and added to the tax duplicate by law shall be certified within each county on

or before a uniform date or dates established by the legislative body of that county. If the legislative body of a county does not establish a date for the certification required by this section, a special assessment required to be certified to the county auditor and added to the tax duplicate by law shall be certified on or before March 1.
As added by P.L.154-1999, SEC.3.

IC 36-2-6-15
Settlement made by county executive with county, township, or school officer; overpayment

Sec. 15. (a) A settlement made by the county executive with a county, township, or school officer is binding on the state or county only if the officer has accounted for all money he has collected by virtue of his office and has performed every duty required of him by law. If the settlement is not binding, the officer and his sureties are liable as if no settlement had been made.

(b) If the county executive finds that through mistake or any other cause a county, township, or school officer has paid over to the county, or reported, settled, or accounted to the county executive for more money than he owed, the executive may:

(1) order that the officer be repaid out of the proper fund and be given the proper credit by the county auditor; or

(2) if the money has not yet been paid by the officer, release so much of his debt as it finds to be mistaken.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-6-16
Repealed

(*Repealed by P.L.252-1993, SEC.6.)*

IC 36-2-6-17
Purchase of supplies for county institutions

Sec. 17. (a) This section applies to purchases of supplies used for the maintenance and subsistence of persons confined to, living in, or treated at county institutions.

(b) Supplies shall be contracted for and shall be purchased by the business manager or purchasing agent of each county institution.

(c) The executive shall make contracts for:

(1) meats;

(2) groceries;

(3) dry goods;

(4) fuel; and

(5) furniture and equipment;

at stated prices, leaving the quantity to vary with the needs of the county.
As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1980, P.L.125, SEC.21; P.L.252-1993, SEC.4.

IC 36-2-6-18
Loans; bonds; tax anticipation warrants; deficits

Sec. 18. (a) The county fiscal body may, by ordinance:

(1) make loans for the purpose of procuring money to be used in the exercise of county powers and for the payment of county debts other than current running expenses, and issue bonds or other county obligations to refund those loans;

(2) make temporary loans to meet current running expenses, in anticipation of and not in excess of county revenues for the current fiscal year, which shall be evidenced by tax anticipation warrants of the county; and

(3) make loans and issue notes under subsection (d).

(b) An ordinance authorizing the issuance of bonds under this section must state the purpose for which the bonds are issued and may provide that the bonds:

(1) are or are not negotiable;

(2) bear interest at any rate;

(3) run not longer than twenty (20) years; and

(4) mature by installments payable annually or otherwise.

(c) An ordinance authorizing the issuance of tax anticipation warrants under this section must:

(1) state the total amount of the issue;

(2) state the denomination of the warrants;

(3) state the time and place payable;

(4) state the rate of interest;

(5) state the funds and revenues in anticipation of which the warrants are issued and out of which they are payable; and

(6) appropriate and pledge a sufficient amount of those revenues to the punctual payment of the warrants.

The warrants are exempt from taxation for all purposes.

(d) The county fiscal body may, by ordinance, make loans of money for not more than five (5) years and issue notes for the purpose of refunding those loans. The loans may be made only for the purpose of procuring money to be used in the exercise of the powers of the county, and the total amount of outstanding loans under this subsection may not exceed five percent (5%) of the county's total tax levy in the current year (excluding amounts levied to pay debt service and lease rentals). Loans under this subsection shall be made in the same manner as loans made under subsection (a)(1), except that:

(1) the ordinance authorizing the loans must pledge to their payment a sufficient amount of tax revenues over the ensuing five (5) years to provide for refunding the loans;

(2) the loans must be evidenced by notes of the county in terms designating the nature of the consideration, the time and place payable, and the revenues out of which they will be payable; and

(3) the interest accruing on the notes to the date of maturity may be added to and included in their face value or be made payable periodically, as provided in the ordinance.

Notes issued under this subsection are not bonded indebtedness for purposes of IC 6-1.1-18.5.

(e) If a deficit is incurred for the current running expenses of the county because the total of county revenues for the fiscal year is less than the anticipated total, the county fiscal body shall provide for the deficit in the next county tax levy.
As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.37-1988, SEC.21.

IC 36-2-6-19
Bonds or tax anticipation warrants; sale; bidding; notice; disclosures

Sec. 19. (a) Whenever bonds authorized under section 18 of this chapter are to be sold, the county auditor shall prepare and place on file copies of:

(1) the ordinance authorizing the sale;
(2) specifications describing the bonds to be sold;
(3) a list of the outstanding debts of the county;
(4) a statement of the assessed valuation of property in the county, according to the most recent assessment for property tax purposes; and
(5) any other information that may help bidders and other interested persons to understand the financial condition of the county and to determine the market value of the bonds.

The auditor shall present these items to persons requesting them and to financial institutions that are in the market for the purchase of county bonds.

(b) After filing the items required by subsection (a), the county auditor must, in the manner prescribed by IC 5-3-1 and IC 5-1-11-2, publish a notice calling for sealed bids on the bonds and stating:

(1) the amount and type of bonds to be sold;
(2) the rate of interest the bonds are to bear;
(3) the time the bonds are to run; and
(4) that specifications and information concerning the bonds are on file in the office of the county auditor and available on request.

(c) Whenever tax anticipation warrants issued under section 18 of this chapter are to be sold, the county auditor must publish a notice of sale in accordance with IC 5-3-1. No other publication or statement is necessary.

(d) The county auditor shall sell bonds or tax anticipation warrants to the highest responsible bidder, if a satisfactory bid is received. However, they may not be sold for less than their par value plus the interest:

(1) accrued at the date of sale, in the case of bonds; or
(2) accrued at the date of delivery, in the case of tax anticipation warrants.

(e) Notwithstanding subsection (d), if on the date of a sale of tax anticipation warrants no bids at par value plus the interest accrued at the date of delivery are received, the county auditor may:

(1) sell all or part of the warrants at a private sale or sales; or
(2) issue and deliver all or part of the warrants in payment of

claims against the county that have been approved by the county executive;

at not less than par value plus the interest accrued at the date of delivery.

(f) Whenever a loan authorized by the county fiscal body is to be refunded by some manner other than the sale of bonds or tax anticipation warrants, the county auditor must give notice, receive bids, and let the loans in the manner prescribed by this section.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.45, SEC.10.

IC 36-2-6-20

Issuance of bonds, notes, or warrants; requirements; disposition of proceeds and delivery of instruments

Sec. 20. (a) Whenever any county bonds, notes, or warrants are to be issued, the county auditor must:

(1) supervise the preparation and engraving or printing of the bonds, with the advice of an attorney representing the county; and

(2) deliver the bonds to the county treasurer, who shall be charged with them.

(b) Each county bond, note, or warrant must contain a reference to the ordinance authorizing it, including the date of adoption of that ordinance.

(c) All bonds, notes, or warrants of the county must be executed by the board of commissioners of the county and attested by the county auditor. Money received for the bonds, notes, or warrants shall be paid to the county treasurer, who shall then deliver the bonds, notes, or warrants to the persons entitled to receive them.

(d) Tax anticipation warrants are payable at the office of the county treasurer or at one (1) of the authorized depositories of the county, as checks or other warrants of the county are payable, upon presentation on or after their maturity date. All interest on tax anticipation warrants ceases upon their maturity.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.137-1989, SEC.15.

IC 36-2-6-21

Repealed

(*Repealed by Acts 1981, P.L.57, SEC.45.)*

IC 36-2-6-22

Payments in lieu of taxes

Sec. 22. (a) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

(1) Assessed value.

(2) Exemption.

(3) Owner.

(4) Person.

(5) Property taxation.

(6) Real property.

(7) Township assessor.

(b) As used in this section, "PILOTS" means payments in lieu of taxes.

(c) As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7 that is not located in a county containing a consolidated city.

(d) Subject to the approval of a property owner, the fiscal body of a county may adopt an ordinance to require the property owner to pay PILOTS at times set forth in the ordinance with respect to real property that is subject to an exemption under IC 6-1.1-10-16.7. The ordinance remains in full force and effect until repealed or modified by the legislative body, subject to the approval of the property owner.

(e) The PILOTS must be calculated so that the PILOTS are in an amount equal to the amount of property taxes that would have been levied upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation.

(f) PILOTS shall be imposed in the same manner as property taxes and shall be based on the assessed value of the real property described in subsection (d). Except as provided in subsection (i), the township assessor, or the county assessor if there is no township assessor for the township, shall assess the real property described in subsection (d) as though the property were not subject to an exemption.

(g) PILOTS collected under this section shall be distributed in the same manner as if they were property taxes being distributed to taxing units in the county.

(h) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

(i) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.

As added by P.L.185-2001, SEC.5 and P.L.291-2001, SEC.196. Amended by P.L.1-2002, SEC.155; P.L.219-2007, SEC.107; P.L.146-2008, SEC.690.

IC 36-2-7

Chapter 7. Mileage and Fees of County Officers

IC 36-2-7-1

Application of chapter

Sec. 1. This chapter applies to all counties.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-7-2

Compensation of county officers and employees

Sec. 2. Except as otherwise provided by sections 6, 9, and 13 of this chapter, the compensation fixed for county officers and employees under this title is in full for all governmental services and in lieu of all:

(1) fees;
(2) per diems;
(3) penalties;
(4) costs;
(5) interest;
(6) forfeitures;
(7) percentages;
(8) commissions;
(9) allowances;
(10) mileage; and
(11) other remuneration;

which shall be paid into the county general fund.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-7-3

County officers; mileage allowance

Sec. 3. County officers, except for officers subject to sections 4 and 5 of this chapter, are entitled to a sum for mileage in the performance of their official duties in an amount determined by the county fiscal body.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.10-1997, SEC.26.

IC 36-2-7-4

County sheriff; mileage allowance

Sec. 4. (a) This chapter does not apply to travel required of a county sheriff under the Uniform Criminal Extradition Act (IC 35-33-10).

(b) If the county sheriff uses a personal automobile for travel within Indiana for use in an emergency, the county sheriff is entitled to a sum for mileage at a rate determined by the county fiscal body.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.3-1989, SEC.226; P.L.10-1997, SEC.27.

IC 36-2-7-5

Persons entitled to mileage allowance; itemized claims

Sec. 5. (a) The following persons may use their own conveyances when necessary for the performance of their official duties, and are entitled to a sum for mileage at a rate determined by the county fiscal body:

(1) The county surveyor, if authorized by the county executive to use his own conveyance.

(2) The county coroner, if authorized by the county executive to use his own conveyance.

(3) A deputy or other employee of the county surveyor or county coroner, if authorized by the county executive to use his own conveyance.

(4) A deputy or other employee of the county assessor, if engaged in field work and authorized by the assessor to use his own conveyance.

An assessing team is entitled to only one (1) sum for mileage under subdivision (4).

(b) The county executive may not make a mileage allowance under subsection (a)(1), (a)(2), or (a)(3) if the executive furnishes and maintains a vehicle for the officer or deputy in question.

(c) A person seeking compensation under this section must file an itemized claim with the county executive each month under IC 36-2-6.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.10-1997, SEC.28.

IC 36-2-7-6

Mileage allowance in addition to other compensation

Sec. 6. Sums for mileage prescribed by this chapter are in addition to other compensation prescribed by statute, and the persons receiving such sums are not required to pay them into the county general fund.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-7-7

Changes in sum allowed per mile

Sec. 7. Any changes in the sum per mile that the state establishes by July 1 of any year shall be included in the compensation that the county fiscal body fixes in that same year to take effect January 1 of the next year. However, the fiscal body may, by ordinance, provide for the change in the sum per mile to take effect before January 1 of the next year.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1980, P.L.125, SEC.22.

IC 36-2-7-8

Effect of chapter

Sec. 8. This chapter does not affect statutes permitting counties to furnish motor vehicles for use of a county officer.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-7-9

Sums county sheriff not required to pay into county general fund

Sec. 9. This chapter does not require the county sheriff to pay the following into the county general fund:

(1) Any damages set forth in a warrant that is issued by the department of state revenue and on which collection is made by the sheriff, including damages prescribed by IC 6-8.1-8.

(2) Sums, other than court fees, retained by the circuit court clerk for the sheriff from the collections obtained by warrants of the department of workforce development.

(3) Sums allowed by IC 36-8 to sheriffs for the feeding of prisoners.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1982, P.L.33, SEC.18; P.L.18-1987, SEC.109; P.L.21-1995, SEC.148; P.L.173-2003, SEC.21.

IC 36-2-7-10

County recorder's fee

Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(b) The county recorder shall charge the following:

(1) Six dollars ($6) for the first page and two dollars ($2) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(2) Fifteen dollars ($15) for the first page and five dollars ($5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar ($1) for marginal mortgage assignments or marginal mortgage releases.

(4) One dollar ($1) for each cross-reference of a recorded document.

(5) One dollar ($1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records and two dollars ($2) per page that is larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(6) Five dollars ($5) for acknowledging or certifying to a document.

(7) Five dollars ($5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner

perpetuation fund for use as provided in IC 21-47-3-3 or IC 36-2-12-11(e).

(8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of three dollars ($3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(11) Three dollars ($3) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

(A) Fifty cents ($0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents ($2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(12) This subdivision applies in a county only if at least one (1) unit in the county has established an affordable housing fund under IC 5-20-5-15.5 and the county fiscal body adopts an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

(A) two dollars and fifty cents ($2.50) for the first page; and

(B) one dollar ($1) for each additional page;

of each document the recorder records.

(13) This subdivision applies in a county containing a consolidated city that has established a housing trust fund under IC 36-7-15.1-35.5(e). The county fiscal body may adopt an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

(A) two dollars and fifty cents ($2.50) for the first page; and

(B) one dollar ($1) for each additional page;

of each document the recorder records.

(c) The county recorder shall charge a two dollar ($2) county identification security protection fee for recording or filing a document. This fee shall be deposited under IC 36-2-7.5-6.

(d) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under section 10.1 of this chapter, subsection (b)(5), (b)(8), (b)(9), and (b)(10), and IC 36-2-7.5-6(c)(1) (after June 30, 2011), and fifty cents ($0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment. Money from

the fund may not be deposited or transferred into the county general fund and does not revert to the county general fund at the end of a fiscal year.

(e) As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

(f) The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(g) The county recorder may not tax or collect any fee for:

(1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or

(2) performing any service under any of the following:

(A) IC 6-1.1-22-2(c).

(B) IC 8-23-7.

(C) IC 8-23-23.

(D) IC 10-17-2-3.

(E) IC 10-17-3-2.

(F) IC 12-14-13.

(G) IC 12-14-16.

(h) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes.

(i) This subsection applies to a county other than a county containing a consolidated city. The county treasurer shall distribute money collected by the county recorder under subsection (b)(12) as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under subsection (b)(12) shall be distributed to the units in the county that have established an affordable housing fund under IC 5-20-5-15.5 for deposit in the fund. The amount to be distributed to a unit is the amount available for distribution multiplied by a fraction. The numerator of the fraction is the population of the unit. The denominator of the fraction is the population of all units in the county that have established an affordable housing fund. The population to be used for a county that establishes an affordable housing fund is the population of the county outside any city or town that has established an affordable housing fund.

(2) Forty percent (40%) of the money collected by the county recorder under subsection (b)(12) shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

Money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

(j) This subsection applies to a county described in subsection (b)(13). The county treasurer shall distribute money collected by the county recorder under subsection (b)(13) as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under subsection (b)(13) shall be deposited in the

housing trust fund established under IC 36-7-15.1-35.5(e) for the purposes of the fund.

(2) Forty percent (40%) of the money collected by the county recorder under subsection (b)(13) shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

Money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.269, SEC.2; P.L.342-1983, SEC.1; P.L.290-1985, SEC.8; P.L.98-1986, SEC.10; P.L.167-1987, SEC.11; P.L.5-1988, SEC.211; P.L.231-1989, SEC.11; P.L.18-1990, SEC.290; P.L.45-1990, SEC.6; P.L.190-1991, SEC.6; P.L.2-1992, SEC.887; P.L.58-1993, SEC.19; P.L.31-1994, SEC.10; P.L.314-1995, SEC.1; P.L.273-1995, SEC.2; P.L.211-1996, SEC.4; P.L.151-1999, SEC.2; P.L.241-1999, SEC.2; P.L.2-2002, SEC.107; P.L.2-2003, SEC.101; P.L.73-2004, SEC.47; P.L.171-2006, SEC.9; P.L.169-2006, SEC.50; P.L.2-2007, SEC.384; P.L.211-2007, SEC.47; P.L.215-2007, SEC.4; P.L.3-2008, SEC.256; P.L.45-2010, SEC.2.

IC 36-2-7-10.1

Sale of documents in bulk form to bulk users

Sec. 10.1. (a) As used in this section, "bulk form" means:

(1) a copy of all recorded documents received by the county recorder for recording in a calendar day, week, month, or year;

(2) the indices for finding, retrieving, and viewing all recorded documents received by the county recorder for recording in a calendar day, week, month, or year; or

(3) both subdivisions (1) and (2).

(b) As used in this section, "bulk user" means an individual, a corporation, a partnership, a limited liability company, or an unincorporated association that purchases bulk form copies. However, "bulk user" does not include an individual, a corporation, a partnership, a limited liability company, or an unincorporated association whose primary purpose is to resell public records.

(c) As used in this section, "copy" means:

(1) duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage; or

(2) reproducing on microfilm.

(d) As used in this section, "indices" means all of the indexing information used by the county recorder for finding, retrieving, and viewing a recorded document.

(e) As used in this section, "recorded document" means a writing, a paper, a document, a plat, a map, a survey, or anything else received at any time for recording or filing in the public records maintained by the county recorder.

(f) The county recorder shall collect the fees prescribed by this section for the sale of recorded documents in bulk form copies to

bulk users of public records. The county recorder shall pay the fees into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other fees for bulk form copies required by law to be charged for services rendered by the county recorder to bulk users.

(g) Except as provided by subsection (h), the county recorder shall charge bulk users the following for bulk form copies:

(1) Seven cents ($0.07) per page for a recorded document, including the index of the instrument number or book and page, or both, for retrieving the recorded document.

(2) Seven cents ($0.07) per recorded document for a copy of the other indices used by the county recorder for finding, retrieving, and viewing a recorded document.

(h) As used in this subsection, "actual cost" does not include labor costs or overhead costs. The county recorder may charge a fee that exceeds the amount established by subsection (g) if the actual cost of providing the bulk form copies exceeds the amount established by subsection (g). However, the total amount charged for the bulk form copies may not exceed the actual cost plus one cent ($0.01) of providing the bulk form copies.

(i) The county recorder shall provide bulk users with bulk form copies in the format or medium in which the county recorder maintains the recorded documents and indices. If the county recorder maintains the recorded documents and indices in more than one (1) format or medium, the bulk user may select the format or medium in which the bulk user shall receive the bulk form copies. If the county recorder maintains the recorded documents and indices for finding, retrieving, and viewing the recorded documents in an electronic or a digitized format, a reasonable effort shall be made to provide the bulk user with bulk form copies in a standard, generally acceptable, readable format. Upon request of the bulk user, the county recorder shall provide the bulk form copies to the bulk user within a reasonable time after the recorder's archival process is completed and bulk form copies become available in the office of the county recorder.

(j) Bulk form copies under this section may be used:

(1) in the ordinary course of the business of the bulk user; and

(2) by customers of the bulk user.

(k) The bulk user may charge its customers a fee for using the bulk form copies obtained by the bulk user. However, bulk form copies obtained by a bulk user under this section may not be resold.

(l) All revenue generated by the county recorder under this section shall be deposited in the recorder's record perpetuation fund and used by the recorder in accordance with section 10(d) of this chapter.

(m) This section does not apply to enhanced access under IC 5-14-3-3.

As added by P.L.151-1999, SEC.3. Amended by P.L.171-2006, SEC.10; P.L.160-2007, SEC.3; P.L.215-2007, SEC.5.

IC 36-2-7-11

Repealed

(*Repealed by P.L.58-1993, SEC.20.)*

IC 36-2-7-12

Repealed

(*Repealed by P.L.58-1993, SEC.20.)*

IC 36-2-7-13

County assessor reassessment activities; per diem

Sec. 13. The county fiscal body may grant to the county assessor, in addition to the compensation fixed under IC 36-2-5, a per diem for each day that the assessor is engaged in general reassessment activities. This section applies regardless of whether professional assessing services are provided under a contract to one (1) or more townships in the county.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.74-1987, SEC.22; P.L.6-1997, SEC.205; P.L.223-1997, SEC.1; P.L.253-1997(ss), SEC.30; P.L.198-2001, SEC.105; P.L.146-2008, SEC.691.

IC 36-2-7-14

Repealed

(*Repealed by P.L.58-1993, SEC.20.)*

IC 36-2-7-15

Fee books and cash books

Sec. 15. The clerk of the circuit court, county auditor, county treasurer, county recorder, and county sheriff shall keep, in proper fee books, an accurate account of all fees and charges required by this statute for services performed by them or their employees. Each of these officers shall also keep a cashbook, in which he shall enter:

(1) each sum of money received, in the order received;

(2) the date of receipt;

(3) the name of the person from whom the sum was received; and

(4) the reason the sum was received.

He shall keep his fee books and cashbooks open for inspection and deliver them to his successor in office as a part of the records of his office.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-7-16

Fee books; inspection; failure to deliver; penalty

Sec. 16. (a) At each of its meetings, the county executive and its attorney shall inspect the records of county officers who collect fees and compare them with the accounts submitted by those officers.

(b) A county officer who fails to deliver a fee book for inspection under this section shall forfeit one hundred dollars ($100), to be collected by the prosecuting attorney of the county and paid into the common school fund of the county.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-7-17

Failure to pay over fees collected; forfeiture

Sec. 17. An officer who fails to pay the amount due from him into the county treasury shall forfeit to the state a sum equal to the amount of fees actually collected during that quarter, to be collected by the prosecuting attorney of the county and paid into the common school fund of the county.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-7-18

Prohibited acts; violation; offense; liability

Sec. 18. An officer named in this chapter who knowingly:

(1) taxes any fees or makes any charges for services he does not actually perform;

(2) charges for any services any rate or fee other than that allowed by statute; or

(3) fails to enter, tax, or charge at the proper time the proper fees for services;

commits a Class A misdemeanor and is liable personally upon his bond for any damage or loss sustained by the county.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-7-19

County elected officials training fund

Sec. 19. (a) As used in this section, "fund" refers to a county elected officials training fund established under subsection (b).

(b) Each county legislative body shall before July 1, 2011, establish a county elected officials training fund. The county fiscal body shall appropriate money from the fund.

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

(d) Money in the fund shall be used solely to provide training of county elected officials required by IC 36-2-11-2.5, IC 36-2-12-2.5, and other similar laws.

As added by P.L.45-2010, SEC.3.

IC 36-2-7.5

Chapter 7.5. Recording Documents Containing Social Security Numbers

IC 36-2-7.5-1

Applicability

Sec. 1. This chapter applies after December 31, 2005.

As added by P.L.91-2005, SEC.3.

IC 36-2-7.5-1.5

Federal liens on real property and federal tax liens on personal property exempted

Sec. 1.5. This chapter does not apply to a federal lien on real property or federal tax lien on personal property as described in IC 36-2-11-25.

As added by P.L.171-2006, SEC.11.

IC 36-2-7.5-2

"Redacting technology"

Sec. 2. As used in this chapter, "redacting technology" refers to technology that has the ability to:

(1) search recorded and filed documents; and

(2) redact Social Security numbers from recorded and filed documents.

As added by P.L.91-2005, SEC.3. Amended by P.L.171-2006, SEC.12.

IC 36-2-7.5-3

Disclosure of last four digits of Social Security number

Sec. 3. For purposes of this chapter, disclosure of the last four (4) digits of an individual's Social Security number is not a disclosure of the individual's Social Security number.

As added by P.L.91-2005, SEC.3.

IC 36-2-7.5-4

Document containing Social Security number may not be submitted to county recorder; exception

Sec. 4. A document may not be submitted to the county recorder for recording or filing if the document contains the Social Security number of an individual, unless required by law.

As added by P.L.91-2005, SEC.3. Amended by P.L.171-2006, SEC.13.

IC 36-2-7.5-5

Affirmation of individual preparing document for recording or filing

Sec. 5. (a) An individual preparing a document for recording or filing shall make the affirmation and statement required by IC 36-2-11-15(c) and IC 36-2-11-15(d).

As added by P.L.91-2005, SEC.3. Amended by P.L.171-2006,

SEC.14.

IC 36-2-7.5-6

County identification security protection fee

Sec. 6. (a) The county recorder shall charge a two dollar ($2) county identification security protection fee for recording or filing a document in addition to the fees required by IC 36-2-7-10(b)(1) through IC 36-2-7-10(b)(11).

(b) The county recorder shall deposit two dollars ($2) of the fee charged under subsection (a) in the county identification security protection fund established by section 11 of this chapter. This subsection expires July 1, 2011.

(c) Beginning July 1, 2011, the county recorder shall deposit the fee charged under subsection (a) in the following manner:

(1) One dollar ($1) shall be deposited in the county recorder's records perpetuation fund established under IC 36-2-7-10(d).

(2) Fifty cents ($0.50) shall be deposited in the county identification security protection fund established under section 11 of this chapter.

(3) Fifty cents ($0.50) shall be deposited in the county elected officials training fund established under IC 36-2-7-19.

As added by P.L.91-2005, SEC.3. Amended by P.L.171-2006, SEC.15; P.L.45-2010, SEC.4.

IC 36-2-7.5-7

State board of accounts to establish procedures

Sec. 7. The state board of accounts shall establish reasonable procedures for a county recorder to follow:

(1) when receiving and reviewing a document submitted for recording or filing; and

(2) in order to comply with this chapter.

As added by P.L.91-2005, SEC.3. Amended by P.L.171-2006, SEC.16.

IC 36-2-7.5-8

Recorder to search documents for Social Security number; redaction; applicability

Sec. 8. (a) This section applies after December 31, 2007.

(b) To the extent practicable and as permitted by law, a county recorder may not disclose a recorded or filed document for public inspection under IC 5-14-3 until the county recorder has:

(1) searched the document for a Social Security number; and

(2) to the extent practicable, redacted any Social Security numbers contained in the document;

using redacting technology.

As added by P.L.91-2005, SEC.3. Amended by P.L.171-2006, SEC.17.

IC 36-2-7.5-9

Notice posted by county recorder

Sec. 9. A county recorder shall post a notice in the county recorder's office that states the:

(1) duties of:

(A) an individual preparing or reviewing a document for recording or filing; and

(B) the county recorder;

under this chapter; and

(2) penalties under section 12 of this chapter.

As added by P.L.91-2005, SEC.3. Amended by P.L.171-2006, SEC.18.

IC 36-2-7.5-10

Training county recorder employees

Sec. 10. A county recorder shall conduct training sessions at least two (2) times each year for the county recorder's employees on the:

(1) requirements of this chapter; and

(2) procedures to follow in order to comply with this chapter.

As added by P.L.91-2005, SEC.3.

IC 36-2-7.5-11

County identification security protection fund

Sec. 11. (a) As used in this section, "fund" refers to a county identification security protection fund established under subsection (b).

(b) Each county legislative body shall establish an identification security protection fund to be administered by the county recorder. The county fiscal body shall appropriate money from the fund.

(c) A fund consists of money deposited in the fund under section 6(b) of this chapter (before July 1, 2011) and section 6(c) of this chapter (after June 30, 2011). Money in a fund does not revert to the county general fund.

(d) A county recorder may use money in the fund only to purchase, upgrade, implement, or maintain redacting technology used in the office of the county recorder.

As added by P.L.91-2005, SEC.3. Amended by P.L.171-2006, SEC.19; P.L.45-2010, SEC.5.

IC 36-2-7.5-12

Disclosure of Social Security number by county recorder employee; Class A infraction

Sec. 12. (a) This section applies after June 30, 2008.

(b) A county recorder or an employee of a county recorder who knowingly, intentionally, or recklessly discloses a recorded or filed document that contains a Social Security number without having the document searched, to the extent technologically practicable and as permitted by law, using redacting technology commits a Class A infraction.

As added by P.L.91-2005, SEC.3. Amended by P.L.171-2006, SEC.20.

IC 36-2-8

Chapter 8. Administration of Compensation of Officers and Employees

IC 36-2-8-1

Application of chapter

Sec. 1. This chapter applies to all counties.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-8-2

Salary and wage periods; manner of payment

Sec. 2. (a) The county auditor and county treasurer may pay salaries and wages to county officers and employees monthly, twice each month, every two (2) weeks, or weekly.

(b) The manner of payment of salaries and wages under this section must be authorized by the legislative body of a county having a consolidated city or by the executive of any other county.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.23-1985, SEC.5.

IC 36-2-8-3

Report of fees collected and payment into county treasury

Sec. 3. A county officer and his deputies and other employees are entitled to payment only after the officer has reported all fees collected by his office and paid them into the county treasury.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-8-4

Services rendered

Sec. 4. A county officer or a deputy or employee of a county officer is entitled to payment for services only after he has rendered those services.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-8-5

Itemized, verified, and allowed claims

Sec. 5. Compensation of deputies and employees of county officers shall be paid by warrants that are payable to the respective deputies and employees and issued after:

(1) filing of itemized and verified claims, as prescribed by IC 36-2-6; and

(2) allowance of the claims by the county executive.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-8-6

Division of compensation prohibited; offense

Sec. 6. A:

(1) deputy or employee of a county officer who knowingly divides his compensation with the officer or another person in consideration of employment; or

(2) county officer or other person who knowingly accepts such a division of compensation;

commits a Class B misdemeanor.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-8.5

Chapter 8.5. Election and Terms of Office of Certain County Officers

IC 36-2-8.5-1

"County office"; general assembly findings

Sec. 1. (a) As used in this section, "county office" has the meaning set forth in IC 36-1-8-15.

(b) The general assembly finds the following:

(1) That due to events that occurred at different times in Indiana's history, the beginning of the terms of certain elected county offices varies from a uniform date due to changes in the dates of general elections, vacancies in offices, and other events described by the Indiana supreme court in the following cases:

(A) Howard v. State, 10 Ind. 74 (Ind. 1857).

(B) Greible v. State, 12 N.E. 700 (Ind. 1887).

(C) State v. Menaugh, 51 N.E. 117 (Ind. 1898).

(D) Scott v. State, 52 N.E. 163 (Ind. 1898).

(2) That on many occasions at the beginning of the twentieth century, the general assembly attempted to standardize the beginning of the terms of county offices.

(3) That the voters of Indiana approved an amendment to Article 6, Section 2 of the Constitution of the State of Indiana at the November 2004 general election authorizing the general assembly to provide by law for uniform dates for beginning the terms of county offices.

(4) That the variation in the beginning dates of the terms of county offices is not a general condition but affects only a known and fixed set of county offices.

(5) That a statement of a rule applicable to each county office whose term varies from a uniform date would be clearer in application than a general statement of a rule to make the beginning of the terms of those county offices uniform.

(c) The general assembly enacts this chapter to:

(1) provide a rule applicable to each county office whose term of office deviates from a uniform date as of June 30, 2005; and

(2) implement Article 6, Section 2(b) of the Constitution of the State of Indiana to provide for a uniform date for beginning the terms of county offices described in Article 6, Section 2(a) of the Constitution of the State of Indiana.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-2

Adams County circuit court clerk

Sec. 2. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Adams County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until

January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office on January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office on January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-3

Adams County treasurer

Sec. 3. (a) As used in this section, "treasurer" refers to the treasurer of Adams County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of treasurer at the November 2004 general election is entitled to serve in the office until January 1, 2010.

(2) The individual elected to the office of treasurer at the November 2008 general election is entitled to:

(A) take office on January 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of treasurer at the November 2012 general election is entitled to:

(A) take office on January 1, 2013, if the individual qualifies; and

(B) serve in the office until January 1, 2017.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-4

Bartholomew County circuit court clerk

Sec. 4. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Bartholomew County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office on January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office on January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-5

Blackford County circuit court clerk

Sec. 5. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Blackford County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2004 general election is entitled to serve in the office until January 1, 2010.

(2) The individual elected to the office of clerk at the November 2008 general election is entitled to:

(A) take office January 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of clerk at the November 2012 general election is entitled to:

(A) take office January 1, 2013, if the individual qualifies; and

(B) serve in the office until January 1, 2017.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-6

Blackford County recorder

Sec. 6. (a) As used in this section, "recorder" refers to the recorder of Blackford County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of recorder at the November 2004 general election is entitled to serve in the office until January 1, 2010.

(2) The individual elected to the office of recorder at the November 2008 general election is entitled to:

(A) take office January 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of recorder at the November 2012 general election is entitled to:

(A) take office January 1, 2013, if the individual qualifies; and

(B) serve in the office until January 1, 2017.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-7

Brown County circuit court clerk

Sec. 7. (a) As used in this section, "clerk" refers to the clerk of the

circuit court of Brown County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-8

Cass County recorder

Sec. 8. (a) As used in this section, "recorder" refers to the recorder of Cass County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of recorder at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of recorder at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of recorder at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-9

Clark County auditor

Sec. 9. (a) As used in this section, "auditor" refers to the auditor of Clark County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of auditor at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of auditor at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of auditor at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-10

Clark County circuit court clerk

Sec. 10. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Clark County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-11

Clay County treasurer

Sec. 11. (a) As used in this section, "treasurer" refers to the treasurer of Clay County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of treasurer at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of treasurer at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of treasurer at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-12

Clinton County circuit court clerk

Sec. 12. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Clinton County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-13

Clinton County recorder

Sec. 13. (a) As used in this section, "recorder" refers to the recorder of Clinton County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of recorder at the November 2004 general election is entitled to serve in the office until January 1, 2010.

(2) The individual elected to the office of recorder at the November 2008 general election is entitled to:

(A) take office January 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of recorder at the November 2012 general election is entitled to:

(A) take office January 1, 2013, if the individual qualifies; and

(B) serve in the office until January 1, 2017.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-14

Daviess County circuit court clerk

Sec. 14. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Daviess County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until March 13, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office March 13, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-15

Daviess County coroner

Sec. 15. (a) As used in this section, "coroner" refers to the coroner of Daviess County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of coroner at the November 2004 general election is entitled to serve in the office until January 1, 2010.

(2) The individual elected to the office of coroner at the November 2008 general election is entitled to:

(A) take office January 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of coroner at the November 2012 general election is entitled to:

(A) take office January 1, 2013, if the individual qualifies; and

(B) serve in the office until January 1, 2017.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-16

Dearborn County recorder

Sec. 16. (a) As used in this section, "recorder" refers to the recorder of Dearborn County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of recorder at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of recorder at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of recorder at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-17

Decatur County circuit court clerk

Sec. 17. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Decatur County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-18

Decatur County recorder

Sec. 18. (a) As used in this section, "recorder" refers to the recorder of Decatur County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of recorder at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of recorder at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of recorder at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-19

Delaware County circuit court clerk

Sec. 19. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Delaware County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-20

Dubois County auditor

Sec. 20. (a) As used in this section, "auditor" refers to the auditor of Dubois County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of auditor at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of auditor at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of auditor at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-21

Elkhart County auditor

Sec. 21. (a) As used in this section, "auditor" refers to the auditor of Elkhart County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of auditor at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of auditor at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of auditor at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-22

Elkhart County recorder

Sec. 22. (a) As used in this section, "recorder" refers to the recorder of Elkhart County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of recorder at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of recorder at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of recorder at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-23

Fayette County auditor

Sec. 23. (a) As used in this section, "auditor" refers to the auditor of Fayette County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of auditor at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of auditor at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of auditor at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies;

and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-24

Franklin County auditor

Sec. 24. (a) As used in this section, "auditor" refers to the auditor of Franklin County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of auditor at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of auditor at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of auditor at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-25

Franklin County circuit court clerk

Sec. 25. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Franklin County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until February 14, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office February 14, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-26

Grant County recorder

Sec. 26. (a) As used in this section, "recorder" refers to the recorder of Grant County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of recorder at the November 2004 general election is entitled to serve in the office until January 1, 2010.

(2) The individual elected to the office of recorder at the November 2008 general election is entitled to:

(A) take office January 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of recorder at the November 2012 general election is entitled to:

(A) take office January 1, 2013, if the individual qualifies; and

(B) serve in the office until January 1, 2017.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-27

Hamilton County circuit court clerk

Sec. 27. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Hamilton County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-28

Hancock County auditor

Sec. 28. (a) As used in this section, "auditor" refers to the auditor of Hancock County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of auditor at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of auditor at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies;

and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of auditor at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-29

Howard County circuit court clerk

Sec. 29. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Howard County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-30

Huntington County auditor

Sec. 30. (a) As used in this section, "auditor" refers to the auditor of Huntington County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of auditor at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of auditor at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of auditor at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-31

Huntington County circuit court clerk

Sec. 31. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Huntington County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-32

Jackson County circuit court clerk

Sec. 32. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Jackson County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until February 25, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office February 25, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-33

Jackson County treasurer

Sec. 33. (a) As used in this section, "treasurer" refers to the treasurer of Jackson County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of treasurer at the November 2004 general election is entitled to serve in the office

until January 1, 2010.

(2) The individual elected to the office of treasurer at the November 2008 general election is entitled to:

(A) take office January 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of treasurer at the November 2012 general election is entitled to:

(A) take office January 1, 2013, if the individual qualifies; and

(B) serve in the office until January 1, 2017.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-34

Jay County auditor

Sec. 34. (a) As used in this section, "auditor" refers to the auditor of Jay County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of auditor at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of auditor at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of auditor at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-35

Jay County recorder

Sec. 35. (a) As used in this section, "recorder" refers to the recorder of Jay County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of recorder at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of recorder at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of recorder at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-36

Johnson County auditor

Sec. 36. (a) As used in this section, "auditor" refers to the auditor of Johnson County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of auditor at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of auditor at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of auditor at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-37

Johnson County circuit court clerk

Sec. 37. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Johnson County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-38

Knox County circuit court clerk

Sec. 38. (a) As used in this section, "clerk" refers to the clerk of

the circuit court of Knox County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until March 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office March 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-39

Knox County recorder

Sec. 39. (a) As used in this section, "recorder" refers to the recorder of Knox County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of recorder at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of recorder at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of recorder at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-40

Kosciusko County auditor

Sec. 40. (a) As used in this section, "auditor" refers to the auditor of Kosciusko County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of auditor at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of auditor at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of auditor at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-41

Lake County circuit court clerk

Sec. 41. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Lake County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-42

LaPorte County circuit court clerk

Sec. 42. (a) As used in this section, "clerk" refers to the clerk of the circuit court of LaPorte County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2004 general election is entitled to serve in the office until January 1, 2010.

(2) The individual elected to the office of clerk at the November 2008 general election is entitled to:

(A) take office January 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of clerk at the November 2012 general election is entitled to:

(A) take office January 1, 2013, if the individual qualifies; and

(B) serve in the office until January 1, 2017.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-43

Marshall County auditor

Sec. 43. (a) As used in this section, "auditor" refers to the auditor of Marshall County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of auditor at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of auditor at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of auditor at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-44

Marshall County circuit court clerk

Sec. 44. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Marshall County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-45

Martin County circuit court clerk

Sec. 45. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Martin County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-46

Miami County circuit court clerk

Sec. 46. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Miami County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-47

Montgomery County auditor

Sec. 47. (a) As used in this section, "auditor" refers to the auditor of Montgomery County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of auditor at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of auditor at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of auditor at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-48

Porter County circuit court clerk

Sec. 48. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Porter County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-49

Porter County recorder

Sec. 49. (a) As used in this section, "recorder" refers to the recorder of Porter County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of recorder at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of recorder at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of recorder at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-50

Porter County treasurer

Sec. 50. (a) As used in this section, "treasurer" refers to the treasurer of Porter County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of treasurer at the November 2004 general election is entitled to serve in the office until January 1, 2010.

(2) The individual elected to the office of treasurer at the November 2008 general election is entitled to:

(A) take office January 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of treasurer at the November 2012 general election is entitled to:

(A) take office January 1, 2013, if the individual qualifies; and

(B) serve in the office until January 1, 2017.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-51

Posey County auditor

Sec. 51. (a) As used in this section, "auditor" refers to the auditor of Posey County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of auditor at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of auditor at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of auditor at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-52

Posey County recorder

Sec. 52. (a) As used in this section, "recorder" refers to the recorder of Posey County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of recorder at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of recorder at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of recorder at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-53

Pulaski County recorder

Sec. 53. (a) As used in this section, "recorder" refers to the recorder of Pulaski County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of recorder at the November 2004 general election is entitled to serve in the office until January 1, 2010.

(2) The individual elected to the office of recorder at the November 2008 general election is entitled to:

(A) take office January 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of recorder at the November 2012 general election is entitled to:

(A) take office January 1, 2013, if the individual qualifies; and

(B) serve in the office until January 1, 2017.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-54

Putnam County treasurer

Sec. 54. (a) As used in this section, "treasurer" refers to the treasurer of Putnam County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of treasurer at the November 2004 general election is entitled to serve in the office until January 1, 2010.

(2) The individual elected to the office of treasurer at the November 2008 general election is entitled to:

(A) take office January 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of treasurer at the November 2012 general election is entitled to:

(A) take office January 1, 2013, if the individual qualifies;

and

(B) serve in the office until January 1, 2017.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-55

Randolph County circuit court clerk

Sec. 55. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Randolph County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2004 general election is entitled to serve in the office until January 1, 2010.

(2) The individual elected to the office of clerk at the November 2008 general election is entitled to:

(A) take office January 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of clerk at the November 2012 general election is entitled to:

(A) take office January 1, 2013, if the individual qualifies; and

(B) serve in the office until January 1, 2017.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-56

Ripley County circuit court clerk

Sec. 56. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Ripley County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2004 general election is entitled to serve in the office until January 1, 2010.

(2) The individual elected to the office of clerk at the November 2008 general election is entitled to:

(A) take office January 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of clerk at the November 2012 general election is entitled to:

(A) take office January 1, 2013, if the individual qualifies; and

(B) serve in the office until January 1, 2017.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-57

Ripley County recorder

Sec. 57. (a) As used in this section, "recorder" refers to the recorder of Ripley County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of recorder at the November 2004 general election is entitled to serve in the office until January 1, 2010.

(2) The individual elected to the office of recorder at the November 2008 general election is entitled to:

(A) take office January 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of recorder at the November 2012 general election is entitled to:

(A) take office January 1, 2013, if the individual qualifies; and

(B) serve in the office until January 1, 2017.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-58

St. Joseph County auditor

Sec. 58. (a) As used in this section, "auditor" refers to the auditor of St. Joseph County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of auditor at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of auditor at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of auditor at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-59

Shelby County recorder

Sec. 59. (a) As used in this section, "recorder" refers to the recorder of Shelby County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of recorder at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of recorder at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies;

and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of recorder at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-60

Spencer County auditor

Sec. 60. (a) As used in this section, "auditor" refers to the auditor of Spencer County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of auditor at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of auditor at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of auditor at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-61

Spencer County circuit court clerk

Sec. 61. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Spencer County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2004 general election is entitled to serve in the office until March 1, 2010.

(2) The individual elected to the office of clerk at the November 2008 general election is entitled to:

(A) take office March 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of clerk at the November 2012 general election is entitled to:

(A) take office January 1, 2013, if the individual qualifies; and

(B) serve in the office until January 1, 2017.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-62

Starke County recorder

Sec. 62. (a) As used in this section, "recorder" refers to the recorder of Starke County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of recorder at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of recorder at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of recorder at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-63

Steuben County circuit court clerk

Sec. 63. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Steuben County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-64

Sullivan County auditor

Sec. 64. (a) As used in this section, "auditor" refers to the auditor of Sullivan County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of auditor at the November 2002 general election is entitled to serve in the office

until March 15, 2008.

(2) The individual elected to the office of auditor at the November 2006 general election is entitled to:

(A) take office March 15, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of auditor at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-65

Sullivan County circuit court clerk

Sec. 65. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Sullivan County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until March 15, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office March 15, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-66

Sullivan County treasurer

Sec. 66. (a) As used in this section, "treasurer" refers to the treasurer of Sullivan County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of treasurer at the November 2004 general election is entitled to serve in the office until January 1, 2010.

(2) The individual elected to the office of treasurer at the November 2008 general election is entitled to:

(A) take office January 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of treasurer at the November 2012 general election is entitled to:

(A) take office January 1, 2013, if the individual qualifies; and

(B) serve in the office until January 1, 2017.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-67

Switzerland County circuit court clerk

Sec. 67. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Switzerland County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-68

Switzerland County treasurer

Sec. 68. (a) As used in this section, "treasurer" refers to the treasurer of Switzerland County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of treasurer at the November 2004 general election is entitled to serve in the office until January 1, 2010.

(2) The individual elected to the office of treasurer at the November 2008 general election is entitled to:

(A) take office January 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of treasurer at the November 2012 general election is entitled to:

(A) take office January 1, 2013, if the individual qualifies; and

(B) serve in the office until January 1, 2017.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-69

Union County auditor

Sec. 69. (a) As used in this section, "auditor" refers to the auditor

of Union County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of auditor at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of auditor at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of auditor at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-70

Union County recorder

Sec. 70. (a) As used in this section, "recorder" refers to the recorder of Union County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of recorder at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of recorder at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of recorder at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-71

Vigo County treasurer

Sec. 71. (a) As used in this section, "treasurer" refers to the treasurer of Vigo County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of treasurer at the November 2004 general election is entitled to serve in the office until January 1, 2010.

(2) The individual elected to the office of treasurer at the November 2008 general election is entitled to:

(A) take office January 1, 2010, if the individual qualifies; and

(B) serve in the office until January 1, 2013.

(3) The individual elected to the office of treasurer at the November 2012 general election is entitled to:

(A) take office January 1, 2013, if the individual qualifies; and

(B) serve in the office until January 1, 2017.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-72

Wabash County circuit court clerk

Sec. 72. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Wabash County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-73

Warren County circuit court clerk

Sec. 73. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Warren County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-74

Whitley County circuit court clerk

Sec. 74. (a) As used in this section, "clerk" refers to the clerk of the circuit court of Whitley County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of clerk at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of clerk at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of clerk at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-75

Whitley County recorder

Sec. 75. (a) As used in this section, "recorder" refers to the recorder of Whitley County.

(b) Notwithstanding any other law concerning terms of office, the following apply:

(1) The individual elected to the office of recorder at the November 2002 general election is entitled to serve in the office until January 1, 2008.

(2) The individual elected to the office of recorder at the November 2006 general election is entitled to:

(A) take office January 1, 2008, if the individual qualifies; and

(B) serve in the office until January 1, 2011.

(3) The individual elected to the office of recorder at the November 2010 general election is entitled to:

(A) take office January 1, 2011, if the individual qualifies; and

(B) serve in the office until January 1, 2015.

As added by P.L.16-2009, SEC.33.

IC 36-2-8.5-76

Expiration of chapter

Sec. 76. This chapter expires January 1, 2018.

As added by P.L.16-2009, SEC.33.

IC 36-2-9

Chapter 9. County Auditor

IC 36-2-9-1

Application of chapter

Sec. 1. This chapter applies to all counties except a county having a consolidated city.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.227-2005, SEC.13.

IC 36-2-9-2

Residence; term of office

Sec. 2. (a) The county auditor must reside within the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The auditor forfeits office if the auditor ceases to be a resident of the county.

(b) The term of office of the county auditor under Article 6, Section 2 of the Constitution of the State of Indiana is four (4) years and continues until a successor is elected and qualified.

(c) The county auditor is the fiscal officer of the county.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.3-1987, SEC.544.

IC 36-2-9-3

Location of office; business hours and days

Sec. 3. The auditor shall keep his office in a building provided at the county seat by the county executive. He shall keep his office open for business during regular business hours on every day of the year except Sundays and legal holidays. However, he may close his office on days specified by the county executive according to the custom and practice of the county.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-9-4

Legal action on days office is closed

Sec. 4. A legal action required to be taken in the auditor's office on a day when his office is closed under section 3 of this chapter may be taken on the next day his office is open.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-9-5

Replacement of worn maps and plats

Sec. 5. The auditor shall replace worn maps and plats as required in IC 36-2-17-5(c).

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-9-6

Standard forms for use in transaction of business

Sec. 6. The auditor shall furnish standard forms for use in the transaction of business under this article and for use in the

performance of services for which he receives a specific fee.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-9-7
Duties of clerk at county executive meetings

Sec. 7. (a) The auditor shall perform the duties of clerk of the county executive under IC 36-2-2-11.

(b) If the auditor cannot perform the duties of clerk during a meeting of the county executive, and the auditor does not have a deputy or the auditor's deputy cannot attend the meeting, the executive may deputize a person to perform those duties during the meeting.
As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.227-2005, SEC.14.

IC 36-2-9-8
Duties of clerk of fiscal body

Sec. 8. The auditor shall perform the duties of clerk of the county fiscal body under IC 36-2-3-6(b).
As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.227-2005, SEC.15.

IC 36-2-9-9
Administration of oath; acknowledgments of deeds and mortgages securing trust funds

Sec. 9. (a) The auditor may administer the following:

(1) Oaths necessary in the performance of the auditor's duties.

(2) The oath of office to an officer who receives the officer's certificate of appointment or election from the auditor.

(3) Oaths relating to the duty of an officer who receives the officer's certificate of appointment or election from the auditor.

(4) The oath of office to a member of the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

(b) The auditor may take acknowledgments of deeds and mortgages executed for the security of trust funds the auditor is required to lend.
As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.33-1992, SEC.21; P.L.1-1996, SEC.85.

IC 36-2-9-10
Suits against principals or sureties on obligations

Sec. 10. The auditor, in the name of the state and on behalf of a county fund, may sue principals or sureties on any obligation, whether the obligation is in the name of the state or another person.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-9-11
Treasurer's report; filing

Sec. 11. The auditor shall file the original of the county treasurer's

monthly report under IC 36-2-10-16 with the records of the county board of finance, present one (1) copy to the county executive at its next regular meeting, and immediately transmit one (1) copy to the state board of accounts.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-9-12
Money paid into treasury; account; receipts

Sec. 12. The auditor shall keep an accurate account current with the county treasurer. Whenever a receipt given by the treasurer for money paid into the county treasury is deposited with the auditor, the auditor shall:

(1) file the treasurer's receipt;

(2) charge the treasurer with the amount of the treasurer's receipt; and

(3) issue his own receipt to the person presenting the treasurer's receipt.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-9-13
Appropriations by county fiscal body; accounting; warrants; violation; offense

Sec. 13. (a) The auditor shall keep a separate account for each item of appropriation made by the county fiscal body, and in each warrant he draws on the county treasury he shall specifically indicate which item of appropriation the warrant is drawn against.

(b) The auditor may not permit an item of appropriation to be overdrawn or to be drawn on for a purpose other than the specific purpose for which it was made.

(c) An auditor who knowingly violates this section commits a Class A misdemeanor.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-9-14
Drawing of warrants; necessity of appropriation; violation; offense

Sec. 14. (a) This section does not apply to funds received from the state or the federal government for township assistance, unemployment relief, or old age pensions or other funds that are available under the federal Social Security Act or a federal statute providing for civil and public works projects.

(b) Except for monies that by statute are due and payable from a county treasury to the state or to a township or municipality of the county, money may be paid from a county treasury only upon a warrant drawn by the auditor.

(c) A warrant may be drawn on a county treasury only if the county fiscal body has made an appropriation for the money for the calendar year in which the warrant is drawn and that appropriation has not been exhausted.

(d) Notwithstanding subsection (c), appropriations by a county fiscal body are not necessary to authorize the drawing of a warrant

on and payment from a county treasury for:

(1) money that belongs to the state and is required by statute to be paid into the state treasury;

(2) money that belongs to a school fund, whether principal or interest;

(3) money that belongs to a township or municipality of the county and is required by statute to be paid to the township or municipality;

(4) money that:

(A) is due a person;

(B) has been paid into the county treasury under an assessment on persons or property of the county in territory less than that of the whole county; and

(C) has been paid for construction, maintenance, or purchase of a public improvement;

(5) money that is due a person and has been paid into the county treasury to redeem property from a tax sale or other forced sale;

(6) money that is due a person and has been paid to the county under law as a tender or payment to the person;

(7) taxes erroneously paid;

(8) money paid to a cemetery board under IC 23-14-65-22;

(9) money distributed under IC 23-14-70-3; or

(10) payments under a statute that expressly provides for payments from the county treasury without appropriations by the county fiscal body.

(e) An auditor who knowingly violates this section commits a Class A misdemeanor.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.52-1997, SEC.57; P.L.73-2005, SEC.172.

IC 36-2-9-15

Settlement of accounts and demands

Sec. 15. (a) The auditor shall examine and settle all accounts and demands that are chargeable against the county and are not otherwise provided for by statute.

(b) The auditor shall issue warrants on the county treasury for:

(1) sums of money settled and allowed by the auditor;

(2) sums of money settled and allowed by another official; or

(3) settlements and allowances fixed by statute;

and shall make them payable to the person entitled to payment. The warrants shall be numbered progressively, and the auditor shall record the number, date, amount, payee, and purpose of issue of each warrant at the time it is issued.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-9-16

Claim; judgment or order issued by a court; warrant

Sec. 16. Whenever:

(1) a judgment or order is issued by a court in a case in which the county was a party and was served with process for the

payment of a claim;

(2) a certified copy of the judgment or order is filed with the auditor; and

(3) the claim is allowed by the county executive;

the auditor shall issue his warrant for the claim.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-9-17

Calls for redemption of outstanding warrants at semiannual settlement; interest; violation

Sec. 17. (a) At the semiannual settlement under IC 6-1.1-27, the auditor shall issue calls for the redemption of outstanding county warrants if there is any money available in the county treasury for redemption of those warrants.

(b) A warrant included in a call under this section ceases to bear interest upon the date of the call. The county treasurer shall redeem warrants included in the call when they are presented to him.

(c) An auditor who violates this section is liable for the interest on all money used for redemption.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-9-18

Endorsement on deed; tax identification number

Sec. 18. (a) Before the auditor makes the endorsement required by IC 36-2-11-14, the auditor may require that a tax identification number identifying the affected real property be placed on an instrument that conveys, creates, encumbers, assigns, or otherwise disposes of an interest in or a lien on real property. The tax identification number may be established by the auditor with the approval of the state board of accounts. If the tax identification number is affixed to the instrument or if a tax identification number is not required, the auditor shall make the proper endorsement on demand.

(b) On request, a county auditor shall provide assistance in obtaining the proper tax identification number for instruments subject to this section.

(c) The tax administration number established by this section is for use in administering statutes concerning taxation of real property and is not competent evidence of the location or size of the real property affected by the instrument.

(d) The legislative body of a county may adopt an ordinance authorizing the auditor to collect a fee in an amount that does not exceed five dollars ($5) for each:

(1) deed; or

(2) legal description of each parcel contained in the deed;

for which the auditor makes a real property endorsement. This fee is in addition to any other fee provided by law. The auditor shall place revenue received under this subsection in a dedicated fund for use in maintaining plat books.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.274-1989,

SEC.2; P.L.37-1992, SEC.8; P.L.65-2001, SEC.1; P.L.207-2003, SEC.1.

IC 36-2-9-19

Personal liability for penalties and interest assessed by Internal Revenue Service; reimbursement by county treasurer

Sec. 19. If a county auditor is held personally liable for penalties and interest assessed by the Internal Revenue Service, the county treasurer shall reimburse the county auditor in an amount equal to the penalties and interest. However, the county treasurer may not reimburse the county auditor if the county auditor willfully or intentionally failed or refused to file a return or make a required deposit on the date the return or deposit was due.

As added by P.L.56-1997, SEC.3.

IC 36-2-9-20

County auditor maintenance of electronic data file on tax duplicate information; form of file; data transmission

Sec. 20. The county auditor shall:

(1) maintain an electronic data file of the information contained on the tax duplicate for all:

(A) parcels; and

(B) personal property returns;

for each township in the county as of each assessment date;

(2) maintain the electronic data file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:

(A) the legislative services agency; and

(B) the department of local government finance;

(3) transmit the data in the file with respect to the assessment date of each year before March 1 of the next year to:

(A) the legislative services agency in an electronic format under IC 5-14-6; and

(B) the department of local government finance;

in a manner that meets the data export and transmission requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and

(4) resubmit the data in the form and manner required under this subsection, upon request of the legislative services agency or the department of local government finance, if data previously submitted under this subsection does not comply with the requirements of this subsection, as determined by the legislative services agency or the department of local government finance.

An electronic data file maintained for a particular assessment date may not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency.

As added by P.L.178-2002, SEC.115. Amended by P.L.245-2003, SEC.34; P.L.28-2004, SEC.179; P.L.177-2005, SEC.46.

IC 36-2-9-21

Establishment of fund for disposal fees; use of money; administration of fund

Sec. 21. (a) If a disposal fee is charged under IC 13-20-21-6(c), the county treasurer shall:

(1) establish a dedicated fund for the purposes described in subsection (b); and

(2) deposit in the fund all revenue remitted to the county treasurer under IC 13-20-21-14(b).

(b) Money in the fund established under subsection (a) may be used only to pay the costs of constructing, improving, or maintaining infrastructure that supports or is otherwise related to the landfill at which the disposal fees are charged.

(c) The county treasurer shall, in accordance with IC 5-13-9, invest any money accumulated in the fund established under subsection (a). Any interest received from investment of the money shall be paid into the fund.

As added by P.L.131-2006, SEC.12.

IC 36-2-9.5

Chapter 9.5. County Auditor of Marion County

IC 36-2-9.5-1

Applicability

Sec. 1. This chapter applies to a county having a consolidated city.

As added by P.L.227-2005, SEC.16.

IC 36-2-9.5-2

Residence; term of office

Sec. 2. (a) The county auditor must reside within the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The auditor forfeits office if the auditor ceases to be a resident of the county.

(b) The term of office of the county auditor under Article 6, Section 2 of the Constitution of the State of Indiana is four (4) years and continues until a successor is elected and qualified.

As added by P.L.227-2005, SEC.16.

IC 36-2-9.5-3

Office location; business hours and days

Sec. 3. The county auditor shall keep an office in a building provided at the county seat by the county executive. The auditor shall keep the office open for business during regular business hours on every day of the year except:

(1) Sundays;

(2) legal holidays; and

(3) days specified by the county executive according to the custom and practice of the county.

As added by P.L.227-2005, SEC.16.

IC 36-2-9.5-4

Legal action on days office is closed

Sec. 4. A legal action required to be taken in the county auditor's office on a day when the auditor's office is closed under section 3 of this chapter may be taken on the next day the office is open.

As added by P.L.227-2005, SEC.16.

IC 36-2-9.5-5

Standard forms for use in transaction of business

Sec. 5. The county auditor shall furnish standard forms for use in the transaction of business under this article and for use in the performance of services for which the auditor receives a specific fee.

As added by P.L.227-2005, SEC.16.

IC 36-2-9.5-6

Administration of oaths

Sec. 6. The county auditor may administer the following:

(1) An oath necessary in the performance of the auditor's duties.

(2) The oath of office to an officer who receives the officer's certificate of appointment or election from the auditor.
(3) An oath relating to the duty of an officer who receives the officer's certificate of appointment or election from the auditor.
(4) The oath of office to a member of the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

As added by P.L.227-2005, SEC.16.

IC 36-2-9.5-7

Appropriation by county legislative body; accounting; warrants; offense

Sec. 7. (a) The county auditor shall:
(1) keep a separate account for each item of appropriation made by the legislative body of the consolidated city; and
(2) in each warrant the county auditor draws on the county or city treasury, specifically indicate the item of appropriation the warrant is drawn against.

(b) The county auditor may not permit an item of appropriation to be:
(1) overdrawn; or
(2) drawn on for a purpose other than the specific purpose for which the appropriation was made.

(c) A county auditor who knowingly violates this section commits a Class A misdemeanor.

As added by P.L.227-2005, SEC.16.

IC 36-2-9.5-8

Money paid into treasury; account; receipt

Sec. 8. The county auditor shall keep an accurate account current with the county treasurer. When a receipt given by the treasurer for money paid into the county or city treasury is deposited with the county auditor, the county auditor shall:
(1) file the treasurer's receipt;
(2) charge the treasurer with the amount of the treasurer's receipt; and
(3) issue the county auditor's receipt to the person presenting the treasurer's receipt.

As added by P.L.227-2005, SEC.16.

IC 36-2-9.5-9

Drawing of warrants; necessity of appropriations; violation; offense

Sec. 9. (a) This section does not apply to:
(1) funds received from the state or the federal government for:
(A) township assistance;
(B) unemployment relief; or
(C) old age pensions; or
(2) other funds available under:
(A) the federal Social Security Act; or

(B) another federal statute providing for civil and public works projects.

(b) Except for money that by statute is due and payable from the county or city treasury to:

(1) the state; or

(2) a township or municipality in the county;

money may be paid from the county or city treasury only upon a warrant drawn by the county auditor.

(c) A warrant may be drawn on the county or city treasury only if:

(1) the legislative body of the consolidated city made an appropriation of the money for the calendar year in which the warrant is drawn; and

(2) the appropriation is not exhausted.

(d) Notwithstanding subsection (c), an appropriation by the legislative body is not necessary to authorize the drawing of a warrant on and payment from the county or city treasury for:

(1) money that:

(A) belongs to the state; and

(B) is required by statute to be paid into the state treasury;

(2) money that belongs to a school fund, whether principal or interest;

(3) money that:

(A) belongs to a township or municipality in the county; and

(B) is required by statute to be paid to the township or municipality;

(4) money that:

(A) is due a person;

(B) is paid into the county or city treasury under an assessment on persons or property of the county in territory less than that of the whole county; and

(C) is paid for construction, maintenance, or purchase of a public improvement;

(5) money that is due a person and is paid into the county treasury to redeem property from a tax sale or other forced sale;

(6) money that is due a person and is paid to the county or city under law as a tender or payment to the person;

(7) taxes erroneously paid;

(8) money paid to a cemetery board under IC 23-14-65-22;

(9) money distributed under IC 23-14-70-3; or

(10) payments under a statute that expressly provides for payments from the county or city treasury without appropriation by the legislative body.

(e) A county auditor who knowingly violates this section commits a Class A misdemeanor.

As added by P.L.227-2005, SEC.16.

IC 36-2-9.5-10

Settlement of accounts and demands

Sec. 10. (a) The county auditor shall examine and settle all accounts and demands that are:

(1) chargeable against the county or city; and
(2) not otherwise provided for by statute.

(b) The county auditor shall issue warrants on the county or city treasury for:
(1) sums of money settled and allowed by the county auditor;
(2) sums of money settled and allowed by another official; or
(3) settlements and allowances fixed by statute;

and shall make the warrants payable to the person entitled to payment. The warrants shall be numbered progressively, and the controller shall record the number, date, amount, payee, and purpose of issue of each warrant at the time of issuance.
As added by P.L.227-2005, SEC.16.

IC 36-2-9.5-11
Claim; judgment or order issued by court; warrant

Sec. 11. Whenever:
(1) a judgment or an order is issued by a court in a case in which the county was a party and was served with process for the payment of a claim;
(2) a certified copy of the judgment or order is filed with the auditor; and
(3) the claim is allowed by the county executive;
the auditor shall issue his warrant for the claim.
As added by P.L.227-2005, SEC.16.

IC 36-2-9.5-12
Calls for redemption of outstanding warrants at semiannual settlement; interest; violation

Sec. 12. (a) At the semiannual settlement under IC 6-1.1-27, the auditor shall issue calls for the redemption of outstanding county warrants if there is any money available in the county treasury for redemption of those warrants.

(b) A warrant included in a call under this section ceases to bear interest upon the date of the call. The county treasurer shall redeem warrants included in the call when they are presented to the county treasurer.

(c) An auditor who violates this section is liable for the interest on all money used for redemption.
As added by P.L.227-2005, SEC.16.

IC 36-2-9.5-13
Responsibility for warrants, accounting, payroll, revenue and tax distribution, and property records

Sec. 13. (a) The county auditor is responsible for the issuance of warrants for payments from county and city funds.

(b) The county auditor is responsible for:
(1) accounting;
(2) payroll, accounts payable, and accounts receivable;
(3) revenue and tax distributions; and
(4) maintenance of property records;

for all city and county departments, offices, and agencies.
As added by P.L.227-2005, SEC.16.

IC 36-2-9.5-14
Powers and duties under property tax laws; exceptions

Sec. 14. The county auditor has all the powers and duties assigned to county auditors under IC 6-1.1, except for the powers and duties related to the fixing and reviewing of budgets, tax rates, and tax levies.
As added by P.L.227-2005, SEC.16.

IC 36-2-9.5-15
Fixing and reviewing budgets, tax rates, and tax levies

Sec. 15. The county auditor does not have powers and duties concerning the fixing and reviewing of budgets, tax rates, and tax levies.
As added by P.L.227-2005, SEC.16.

IC 36-2-9.5-16
Additional powers and duties

Sec. 16. The county auditor has the powers and duties set forth in IC 36-2-9-18 and IC 36-2-9-20.
As added by P.L.227-2005, SEC.16.

IC 36-2-9.5-17
Personal liability for penalties and interest assessed by Internal Revenue Service; reimbursement

Sec. 17. If a county auditor is held personally liable for penalties and interest assessed by the Internal Revenue Service, the county treasurer shall reimburse the county auditor in an amount equal to the penalties and interest. However, the county treasurer may not reimburse the county auditor if the county auditor willfully or intentionally failed or refused to file a return or make a required deposit on the date the return or deposit was due.
As added by P.L.227-2005, SEC.16.

IC 36-2-10

Chapter 10. County Treasurer

IC 36-2-10-1

Application of chapter

Sec. 1. This chapter applies to all counties.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-10-2

Residence; term of office

Sec. 2. (a) The county treasurer must reside within the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The treasurer forfeits office if the treasurer ceases to be a resident of the county.

(b) The term of office of the county treasurer under Article 6, Section 2 of the Constitution of the State of Indiana is four (4) years and continues until a successor is elected and qualified.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.3-1987, SEC.545.

IC 36-2-10-3

Removal

Sec. 3. The county executive may remove the treasurer from office if he is delinquent and has been sued on his official bond.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-10-4

Location of office; business hours and days

Sec. 4. The treasurer shall keep his office in a building provided at the county seat by the county executive. He shall keep his office open for business during regular business hours on every day of the year except Sundays and legal holidays. However, he may close his office on days specified by the county executive according to the custom and practice of the county.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-10-5

Legal action on days office is closed

Sec. 5. A legal action required to be taken in the treasurer's office on a day when his office is closed under section 4 of this chapter may be taken on the next day his office is open.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-10-6

Administration of oaths

Sec. 6. The treasurer may administer all oaths necessary in the discharge of the duties of his office.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-10-7

Inspection of records and office

Sec. 7. The records and office of the treasurer may be inspected by the county executive at any time.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-10-8

Delivery of all public money on expiration of term

Sec. 8. At the expiration of his term, the treasurer shall deliver to his successor all public money in his possession.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-10-9

Receipt and disbursement of money

Sec. 9. The treasurer shall receive money to which the county is entitled and shall disburse it on warrants issued and attested by the county auditor.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-10-10

Issuance of receipts

Sec. 10. The treasurer shall issue a receipt to each person from whom he receives money.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-10-11

Payment of warrants; want of funds; legal interest; redemption notice

Sec. 11. (a) If there is sufficient money in the county treasury for the payment of warrants of the county auditor, the treasurer shall pay each warrant of the auditor when it is presented.

(b) If there is no money to pay a county warrant when presented, the treasurer shall write "not paid for want of funds" and the date of presentment on the face of the warrant, over his signature. The warrant then bears legal interest beginning on the date of presentment and continuing until:

(1) the treasurer gives notice, by publication under IC 5-3-1, that there is money to redeem outstanding orders; or

(2) the warrant is included in a call under IC 36-2-9-17.

(c) When money for the redemption of outstanding county warrants becomes available, the treasurer shall give the notice prescribed by subsection (b).

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-10-12

Redemption of warrant; notation of interest

Sec. 12. Whenever the treasurer redeems a warrant on which interest is due, he shall note on the warrant the amount of interest he pays on it and shall enter that amount, distinct from the principal, on his account.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-10-13

Redemption of warrant; order of presentation; warrants in payment of county taxes

Sec. 13. (a) The treasurer shall redeem county warrants in the order in which they are presented.

(b) The treasurer may receive county warrants in payment of county taxes without regard to their order of presentment or number, but he may not pay any balance left owing on the warrants after payment of the taxes if there are outstanding unpaid warrants.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-10-14

Deposit of redeemed warrants; receipt

Sec. 14. On the first Monday in March, June, September, and December, the treasurer shall deposit all the county warrants he has redeemed with the county auditor, who shall give the treasurer a receipt for them.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-10-15

Separate accounts of receipts and expenditures; general account; tax receipts

Sec. 15. (a) The treasurer shall maintain:

(1) separate accounts of receipts for and expenditures from each specific county fund or appropriation; and

(2) a general account of all county receipts and expenditures.

(b) The treasurer may not enter in his accounts money received for taxes charged on the duplicate of the current year until after his settlement for that money under IC 6-1.1-27.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-10-16

Monthly financial report

Sec. 16. (a) Before the sixteenth day of each month, the treasurer shall prepare a report showing, as of the close of business on the last day of the preceding month, the following items:

(1) The total amount of taxes collected and not included in the last semiannual settlement of taxes, and the amount of taxes omitted from any preceding semiannual settlements, except for taxes advanced to the state or a municipal corporation in the county and for which an advance settlement has been made.

(2) The total amount of distributions under IC 6-5.5 that are not included in the last semiannual settlement of taxes, and the amount of those taxes omitted from any preceding semiannual settlements.

(3) The totals of money received from all other sources and not receipted into the ledger fund accounts of the county at the end of the month.

(4) The total of the balances in all ledger fund accounts.

(5) The total amount of cash in each depository at the close of

business on the last day of the month.

(6) The total of county warrants issued against each depository that are outstanding and unpaid at the end of the month.

(7) The record balance of money in each depository at the end of the month.

(8) The cash in the office at the close of the last day of the month.

(9) Other items for which the treasurer is entitled to credit.

The treasurer shall prepare the report in quadruplicate and verify each copy. The treasurer shall retain one (1) copy as a public record and file three (3) copies with the county auditor. The state board of accounts shall prescribe forms for the report in the detail it considers necessary under this section and IC 5-13-6-1.

(b) The treasurer shall make the monthly report required by IC 36-2-6-14.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.88-1983, SEC.13; P.L.19-1987, SEC.47; P.L.347-1989(ss), SEC.23; P.L.10-1997, SEC.29; P.L.1-2010, SEC.147.

IC 36-2-10-17

Annual settlement with county executive

Sec. 17. The treasurer shall make an annual settlement with the county executive under IC 36-2-2-18.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-10-18

Semiannual settlement with county auditor

Sec. 18. The treasurer shall make a semiannual settlement with the county auditor under IC 6-1.1-27.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-10-19

"Financial institution" defined; duties and responsibilities as tax collecting agents

Sec. 19. (a) As used in this section, "financial institution" means any of the following:

(1) A bank, trust company, or mutual savings bank incorporated under Indiana law.

(2) A national banking association with its principal office in Indiana.

(3) A savings association operating under Indiana law.

(4) A federally chartered savings association with its principal office or a branch in Indiana.

(5) A federally chartered savings bank with its principal office or a branch in Indiana.

(6) A credit union chartered under Indiana law or United States law having its principal office in Indiana.

(b) The treasurer may designate one (1) or more financial institutions in the county as the treasurer's agent for collecting payments of taxes that are not delinquent.

(c) A designated financial institution may issue an official receipt of the treasurer for taxes the financial institution collects.

(d) A designated financial institution shall make a daily settlement with the treasurer for all taxes the financial institution collects.

(e) A designated financial institution is responsible for all taxes the financial institution collects.

(f) This section does not affect IC 5-13.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.19-1987, SEC.48; P.L.140-1992, SEC.1; P.L.79-1998, SEC.106.

IC 36-2-10-20

Burglary of treasury; reimbursement by appropriation

Sec. 20. Whenever the county treasury is burglarized the county fiscal body may appropriate from the county general fund an amount sufficient to reimburse the treasurer for any loss sustained if:

(1) the treasurer establishes that before the burglary he made detailed deposits of county funds as required by statute;

(2) the county executive has not procured safe or burglary insurance to protect county funds; and

(3) the proper law enforcement agency, after investigation, has filed with the county executive a statement concluding that the burglary did not result from the negligence or participation of the treasurer.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-10-21

Money found on dead bodies

Sec. 21. (a) Within one (1) year after the county treasurer receives money from the county coroner under IC 36-2-14-11, the treasurer shall deliver it to any person legally entitled to receive it, but the treasurer may retain as much as is needed to pay the expenses of the coroner's investigation and the funeral of the deceased. The treasurer shall report amounts retained and paid by the county treasurer under this subsection to the county executive for its approval.

(b) If money held by the treasurer under subsection (a) is not claimed within one (1) year after the county treasurer receives it, the county treasurer shall credit the sum of money to the county general fund.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.56-1996, SEC.14.

IC 36-2-10-22

Civil action to collect money

Sec. 22. If the county coroner finds money and does not deliver it to the treasurer, as required by IC 36-2-14-11, the treasurer shall, in the county treasurer's own name, bring a civil action against the coroner to collect it.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.56-1996, SEC.15.

IC 36-2-10-23

Payments to treasurer; financial instruments; charges or fees; bureau of motor vehicles

Sec. 23. (a) Notwithstanding any other law, payments to the treasurer for any purpose, including property tax payments, may be made by any of the following financial instruments that the treasurer authorizes for use:

(1) Cash.
(2) Check.
(3) Bank draft.
(4) Money order.
(5) Bank card or credit card.
(6) Electronic funds transfer.
(7) Any other financial instrument authorized by the treasurer.

(b) If there is a charge to the treasurer for the use of a financial instrument other than a bank card or credit card, the treasurer shall collect a sum equal to the amount of the charge from the person who uses the financial instrument.

(c) A treasurer may contract with a bank card or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the treasurer or charged directly to the treasurer's account, the treasurer shall collect from the person using the card an official fee that may not exceed the highest transaction charge or discount fee charged to the treasurer by bank or credit card vendors during the most recent collection period. This fee may be collected regardless of retail merchant agreements between the bank and credit card vendors that may prohibit such a fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

(d) Notwithstanding subsection (a), the authorization of the treasurer is not required for the bureau of motor vehicles or the bureau of motor vehicles commission to use electronic funds transfer or other financial instruments to transfer funds to the county treasurer.

As added by P.L.45-1990, SEC.7. Amended by P.L.44-1992, SEC.7.

IC 36-2-10-24

Personal liability

Sec. 24. A county treasurer is not personally liable for any act or omission occurring in connection with the performance of the county treasurer's official duties, unless the act or omission constitutes gross negligence or an intentional disregard of the responsibilities of the office of county treasurer.

As added by P.L.98-2000, SEC.20.

IC 36-2-11

Chapter 11. County Recorder

IC 36-2-11-1

Application of chapter

Sec. 1. This chapter applies to all counties.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-11-2

Residence; term of office

Sec. 2. (a) The county recorder must reside within the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The recorder forfeits office if the recorder ceases to be a resident of the county.

(b) The term of office of the county recorder under Article 6, Section 2 of the Constitution of the State of Indiana is four (4) years and continues until a successor is elected and qualified.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.3-1987, SEC.546.

IC 36-2-11-2.5

Training

Sec. 2.5. (a) As used in this section, "training courses" refers to training courses related to the office of county recorder 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 recorder after November 4, 2008, 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 recorder's term.

As added by P.L.171-2009, SEC.1.

IC 36-2-11-3

Location of office; business hours and days

Sec. 3. The recorder shall keep his office in a building provided at the county seat by the county executive. He shall keep his office open for business during regular business hours on every day of the year except Sundays and legal holidays. However, he may close his office on days specified by the county executive according to the custom and practice of the county.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-11-4

Legal action on days office is closed

Sec. 4. A legal action required to be taken in the recorder's office on a day when his office is closed under section 3 of this chapter may be taken on the next day his office is open.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-11-5

Delivery of instruments left for record on expiration of term

Sec. 5. At the expiration of his term of office, the recorder shall deliver all instruments left for record with him to his successor in office, whether the fees for recording them have been paid or not.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-11-6

Demand of fees; overpayment of fees; refund

Sec. 6. (a) The recorder may demand the recorder's fees before entering and recording an instrument.

(b) If:

(1) a person, in payment of a recording fee required under IC 36-2-7-10, submits an amount that exceeds the amount of the fee set forth in IC 36-2-7-10; and

(2) the instrument submitted meets the statutory requirements for filing;

the recorder shall accept and record the instrument. If the amount submitted is at least three dollars ($3) more than the fee required by IC 36-2-7-10, the amount that exceeds three dollars ($3) shall be refunded upon the request of the person filing the document. The recorder may retain as an administrative fee up to three dollars ($3) of the excess of the amount submitted.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.171-2002, SEC.1.

IC 36-2-11-7

Return of instrument to presenter

Sec. 7. When the recorder has received an instrument for record, he may return it to the person who presented it only after the fee for recording the instrument has been paid.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-11-7.5

Personal liability for dishonored checks

Sec. 7.5. A county recorder is not personally liable for the amount of a dishonored check, for penalties assessed against a dishonored check, or for financial institution charges relating to a dishonored check, if:

(1) the check was tendered to the county recorder for the payment of a fee; and

(2) the acceptance of the check was not an act or omission constituting gross negligence or an intentional disregard of the responsibilities of the office of county recorder.

As added by P.L.98-2000, SEC.21.

IC 36-2-11-8

Record of instruments in order received; public access; copies

Sec. 8. (a) The recorder shall record all instruments that are proper for recording, in the order in which they are received in the

recorder's office for record. The recorder shall record deeds and mortgages in separate records.

(b) The recorder shall establish a written procedure for the public to obtain access to the original instrument in order to protect the instrument from loss, alteration, mutilation, or destruction. The recorder shall post the written procedure in the recorder's office.

(c) Providing an exact copy of an original instrument in the possession of the recorder is sufficient to comply with the inspection of public records provided under IC 5-14-3-3 if the original document has not been archived.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.87-2001, SEC.1.

IC 36-2-11-9

Entry book; contents

Sec. 9. The recorder shall keep an entry book in which he shall enter the date on which he received each instrument for recording, the names of the parties to the instrument, a description of the premises affected by the instrument, and the fees for recording the instrument.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-11-10

Recording requirements

Sec. 10. The recorder may record sheets conforming in size, color, weight, and texture to the pages of the appropriate official record book in which similar instruments are recorded, if:

(1) the complete text of a printed instrument comprising ten (10) or more printed pages has been accurately and legibly printed on the sheets;

(2) the original instrument is filed for record in his office at the same time; and

(3) he is satisfied that the complete text of the original instrument has been accurately and legibly printed on the sheets.

After the recorder has numbered the sheets and securely fastened them into the official record book at the proper place according to the date and time of the filing of the instrument for record, the instruments are considered to have been properly recorded.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-11-11

Printed forms for record books; requisite

Sec. 11. A county recorder may use printed forms for record books only for the recording of instruments presented by persons who presented fifty (50) or more instruments for recording during the preceding year.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-11-12

Grantor and grantee index; separate indexes for deeds and mortgages; requisites

Sec. 12. (a) The recorder shall index each volume of instruments the recorder records by:

(1) the name of each grantor, promisor, or covenantor, in alphabetical order and cross-referenced to the proper grantee, promisee, or covenantee; and

(2) the name of each grantee, promisee, or covenantee, in alphabetical order and cross-referenced to the proper grantor, promisor, or covenantor.

(b) The recorder shall accurately maintain separate indexes of all the records of:

(1) deeds for real estate; and

(2) mortgages on real estate;

in the recorder's office. The recorder shall index each deed or mortgage alphabetically, by the name of each grantor and grantee or mortgagor and mortgagee, and shall include in each index entry a concise description of the real property, the date of the deed or mortgage, and the number or letter of the book and the page at which each deed or mortgage is recorded.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.16-2001, SEC.1.

IC 36-2-11-13

Plat or instrument of title to real property recorded in county where plat or property not located

Sec. 13. If a plat or an instrument of title to real property is recorded in a county other than the one in which the plat or property is located, the county executive of the county in which the plat or property is located may order the recorder of its county to record a copy of the plat or instrument that has been certified by the recorder of the county in which it was first recorded. A copy of a record made under this section that is certified by the recorder of the county in which the plat or property is located has the same force in evidence as the original instrument would have.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-11-14

Auditor's endorsement required for recording of deed of partition, conveyance of land, or affidavits of transfer to real estate; violation

Sec. 14. (a) The recorder may record:

(1) a deed of partition;

(2) a conveyance of land; or

(3) an affidavit of transfer to real estate;

only if it has been endorsed by the auditor of the proper county as "duly entered for taxation subject to final acceptance for transfer", "not taxable", or "duly entered for taxation" as provided by IC 36-2-9-18.

(b) A recorder who violates this section shall forfeit the sum of five dollars ($5), to be recovered by an action in the name of the

county, for the benefit of the common school fund.
As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.54-1988, SEC.4; P.L.106-2003, SEC.7; P.L.106-2007, SEC.6.

IC 36-2-11-15
Instruments that may be received for record or filing; name of person or governmental agency that prepared instrument

Sec. 15. (a) This section does not apply to:

(1) an instrument executed before July 1, 1959, or recorded before July 26, 1967;

(2) a judgment, order, or writ of a court;

(3) a will or death certificate;

(4) an instrument executed or acknowledged outside Indiana; or

(5) a federal lien on real property or a federal tax lien on personal property, as described in section 25 of this chapter.

(b) The recorder may receive for record or filing an instrument that conveys, creates, encumbers, assigns, or otherwise disposes of an interest in or lien on property only if:

(1) the name of the person and governmental agency, if any, that prepared the instrument is printed, typewritten, stamped, or signed in a legible manner at the conclusion of the instrument; and

(2) all Social Security numbers in the document are redacted, unless required by law.

(c) An instrument complies with subsection (b)(1) if it contains a statement in the following form:

"This instrument was prepared by (name).".

(d) An instrument complies with subsection (b)(2) if it contains a statement in the following form at the conclusion of the instrument and immediately preceding or following the statement required by subsection (b)(1):

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law (name).".

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.171-2006, SEC.21; P.L.160-2007, SEC.4.

IC 36-2-11-16
Requirements for instruments to be received and recorded

Sec. 16. (a) This section does not apply to:

(1) an instrument executed before November 4, 1943;

(2) a judgment, order, or writ of a court;

(3) a will or death certificate; or

(4) an instrument executed or acknowledged outside Indiana.

(b) Whenever this section prescribes that the name of a person be printed, typewritten, or stamped immediately beneath the person's signature, the signature must be written on the instrument, directly preceding the printed, typewritten, or stamped name, and may not be superimposed on that name so as to render either illegible. However, the instrument may be received for record if the name and signature

are, in the discretion of the county recorder, placed on the instrument so as to render the connection between the two apparent.

(c) Except as provided in subsection (d), the recorder may receive for record an instrument only if all of the following requirements are met:

(1) The name of each person who executed the instrument is legibly printed, typewritten, or stamped immediately beneath the person's signature or the signature itself is printed, typewritten, or stamped.

(2) The name of each witness to the instrument is legibly printed, typewritten, or stamped immediately beneath the signature of the witness or the signature itself is printed, typewritten, or stamped.

(3) The name of each notary public whose signature appears on the instrument is legibly printed, typewritten, or stamped immediately beneath the signature of the notary public or the signature itself is printed, typewritten, or stamped.

(4) The name of each person who executed the instrument appears identically in the body of the instrument, in the acknowledgment or jurat, in the person's signature, and beneath the person's signature.

(5) If the instrument is a copy, the instrument is marked "Copy".

(d) The recorder may receive for record an instrument that does not comply with subsection (c) if all of the following requirements are met:

(1) A printed or typewritten affidavit of a person with personal knowledge of the facts is recorded with the instrument.

(2) The affidavit complies with this section.

(3) The affidavit states the correct name of a person, if any, whose signature cannot be identified or whose name is not printed, typewritten, or stamped on the instrument as prescribed by this section.

(4) When the instrument does not comply with subsection (c)(4), the affidavit states the correct name of the person and states that each of the names used in the instrument refers to the person.

(5) If the instrument is a copy, the instrument is marked "Copy".

(e) The recorder shall record a document presented for recording or a copy produced by a photographic process of the document presented for recording if:

(1) the document complies with other statutory recording requirements; and

(2) the document or copy will produce a clear and unobstructed copy.

(f) An instrument, document, or copy received and recorded by a county recorder is conclusively presumed to comply with this section. A recorded copy shall have the same effect as if the original document had been recorded.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.98-1986, SEC.11; P.L.87-2001, SEC.2; P.L.129-2008, SEC.2.

IC 36-2-11-16.5

Requirements for instrument or document presented for recording

Sec. 16.5. (a) This section does not apply to the following:

(1) A judgment, an order, or a writ of a court.

(2) A will or death certificate.

(3) A plat.

(4) A survey.

(b) The county recorder may receive for record an instrument or a document without collecting the additional fee described in subsection (c) if:

(1) the instrument or document consists of at least one (1) individual page measuring not more than eight and one-half (8 1/2) inches by fourteen (14) inches that is not permanently bound and is not a continuous form;

(2) the instrument or document is on white paper of at least twenty (20) pound weight and has clean margins:

(A) on the first and last pages of at least two (2) inches on the top and bottom and one-half (1/2) inch on each side; and

(B) on each additional page of at least one-half (1/2) inch on the top, bottom, and each side; and

(3) the instrument or document is typewritten or computer generated in black ink in at least 10 point type.

(c) For each instrument or document presented for recording that does not conform to the requirements of subsection (b), the recorder may attach additional pages, as needed, and collect one dollar ($1) for each nonconforming page.

As added by P.L.211-1996, SEC.5.

IC 36-2-11-17

Recording of name of farm; description; conveyance; cancellation

Sec. 17. (a) An owner of a farm may have the name of his farm and a description of the land to which the name applies recorded in a register kept for that purpose by the recorder of the county in which the farm is located. The recorder, under the seal of his office, shall present to the owner a proper certificate setting forth the name and description of the farm.

(b) If a name is recorded as the name of a farm, the name may not be recorded as the name of another farm in the same county.

(c) If the name of a farm is recorded under this section and the owner conveys all of the farm, the recorded name of the farm also is conveyed. If the owner conveys only a part of the farm, the recorded name of the farm is conveyed only if so stated in the deed of conveyance.

(d) An owner of a farm may cancel the recorded name of the farm by making the following statement on the margin of the record of the name: "This name is cancelled and I hereby release all rights thereunder." This statement must be signed by the owner and attested by the recorder.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-11-18

Marginal entries; satisfaction, cancellation, or assignment; entry in entry book

Sec. 18. (a) The recorder may allow marginal entries.

(b) If a satisfaction, cancellation, or assignment of any kind is made on the margin of a record in the recorder's office, the recorder shall immediately enter it on the entry book. The entry must show the date of entry, the name of the person who executed the instrument satisfied, cancelled, or assigned, and the name, number, and page of the record where the instrument is recorded.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.231-1989, SEC.12.

IC 36-2-11-19

Affidavit; recording in miscellaneous records; record as prima facie evidence

Sec. 19. (a) An affidavit that:

(1) concerns the birth, marriage, death, name, residence, identity, or relationship of any of the parties named in an instrument affecting real property;

(2) is made by a land surveyor registered under IC 25-21.5 and concerns the existence or location of a monument or physical boundary;

(3) is made by a land surveyor registered under IC 25-21.5 and reconciles ambiguous descriptions in conveyances with descriptions in a regular chain of title;

(4) concerns facts incident to the adverse possession of real property and the payment of taxes on that property; or

(5) is made by a purchaser of real property sold on foreclosure or conveyed in lieu of foreclosure of:

(A) a deed of trust securing an issue of bonds or other evidences of indebtedness;

(B) a mortgage;

(C) a contract for the sale of real property; or

(D) any other security instrument;

held by a fiduciary or other representative, and concerns the authority of the purchaser to purchase the property and the terms and conditions on which the property is to be held and disposed of;

may be recorded in the office of the recorder of the county in which the property is located. If an affidavit is presented to the recorder for record under this section, the recorder shall record it in the miscellaneous records in the recorder's office.

(b) An affidavit recorded under this section may be received in evidence in any proceeding affecting the real property and constitutes prima facie evidence of the facts and circumstances contained in the affidavit.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.23-1991, SEC.33.

IC 36-2-11-20

Memorandum of lease; recording; effect

Sec. 20. (a) A memorandum of a lease may be recorded in lieu of the lease itself if the memorandum is executed and acknowledged by the lessor and the lessee and contains:

(1) the names of the lessor and the lessee;

(2) the term of the lease;

(3) any option of the lessee to renew or extend the term of the lease; and

(4) the specific legal description of the leased premises, or a survey or plot plan authorized under subsection (c) showing the location of the leased premises.

(b) A memorandum recorded under this section may also contain any other agreement made between the lessor and the lessee in the lease.

(c) A survey or plot plan may be used in lieu of a specific legal description to describe:

(1) any part of a building on the leased premises, if the specific legal description of the real property on which the building is located is set forth in the memorandum, survey, or plot plan;

(2) any part of the leased premises that is part of a larger tract of land, if the specific legal description of the larger tract is set forth in the memorandum, survey, or plot plan; or

(3) real property of the lessor, if:

(A) its use is restricted by the terms of the lease;

(B) it is located wholly within real property of the lessor; and

(C) the specific legal description of the real property within which it is located is set forth in the memorandum, survey, or plot plan.

(d) As to the provisions contained in a memorandum recorded under this section, recording the memorandum has the same effect as recording the lease itself.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-11-21

Repealed

(*Repealed by P.L.338-1987, SEC.2.)*

IC 36-2-11-22

Certified copy of matter relating to bankruptcy; recording in miscellaneous records

Sec. 22. The recorder shall record a certified copy of a matter relating to bankruptcy if federal law requires that the copy be filed in the county in which lands of the bankrupt are located in order to give notice of the bankruptcy. The recorder shall record the copy in the miscellaneous records and shall index it in the same manner as deeds, in the name of the bankrupt as grantor and the trustee in bankruptcy or receiver as grantee.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-11-23

Official seal

Sec. 23. (a) The recorder shall use an official seal in attesting an instrument when appropriate to seal the instrument. Before the recorder uses his official seal, he shall file the impression of the seal and a verified description of that impression in the office of the clerk of the circuit court, for recording in the order book of that court.

(b) If the recorder has complied with this section, full faith and credit shall be given to his seal without further attestation.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-11-24

List of recorded mortgage releases

Sec. 24. The county recorder shall, on or before the 20th day of each month, furnish the county auditor a list of the mortgage releases recorded during the prior month. The list shall set forth the full name of the mortgagor, the book and page numbers of the original mortgage, the amount being released, and the date of the release.

As added by Acts 1982, P.L.44, SEC.10.

IC 36-2-11-25

Federal liens; notice; filing; certificate of discharge; recording; exemption from redaction requirements

Sec. 25. (a) This section applies to:

(1) a lien arising under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq. (commonly known as the Superfund Law); and

(2) any other federal lien on real property or any federal tax lien on personal property provided for in the statutes or regulations of the United States.

In order for a lien covered by this section to be perfected, notice of the lien must be filed in the office of the recorder of the county in which the real or personal property subject to the lien is located.

(b) When a notice of a lien covered by this section is presented to the recorder for filing, the recorder shall enter it appropriately in the entry book and in the miscellaneous record. The entries made under this subsection must show the date of filing, the book and page number or instrument number, the name of the person named in the notice, a legal description of the property, if appropriate, and any serial number or other identifying number given in the notice.

(c) When a certificate of discharge of a federal lien covered by this section is issued by the proper officer and presented for filing in the office of the recorder of the county where the notice of lien was filed, the recorder shall record the certificate of discharge as a release of the lien. However, to be recorded under this subsection, the certificate must refer to the recorder's book and page number or instrument number under which the lien was recorded.

(d) When recording a release of a lien under subsection (c), the recorder shall inscribe, in the margin of each entry made to record

the lien under subsection (a), a reference to the place where the release is recorded.

(e) Upon the recording of the certificate of discharge as a release under subsection (c) and the inscribing of the references to the release under subsection (d), a certificate of discharge of a lien covered by this section operates as a full discharge and satisfaction of the lien, unless the references to the release inscribed under subsection (d) specifically note the release as a partial lien release.

(f) A federal lien on real property and a federal tax lien on personal property are not subject to the:

(1) requirement to redact Social Security numbers as described in IC 36-2-7.5-1.5; or

(2) requirements to include statements in a recorded or filed instrument as described in section 15(c) and 15(d) of this chapter.

As added by P.L.338-1987, SEC.1. Amended by P.L.256-1993, SEC.1; P.L.171-2006, SEC.22.

IC 36-2-11-26

Social Security number on instruments presented for recording

Sec. 26. (a) This section does not apply to an instrument executed before July 1, 2002.

(b) A person may not present for recording by the county recorder a mortgage instrument that discloses a Social Security number.

As added by P.L.16-2001, SEC.2.

IC 36-2-11-27

Payments to county recorder; transaction fees; contracting with payment processing companies authorized

Sec. 27. (a) A payment to the county recorder for any purpose may be made by any of the following financial instruments that the county recorder authorizes to use:

(1) Cash.

(2) Check.

(3) Bank draft.

(4) Money order.

(5) Bank card or credit card.

(6) Electronic funds transfer.

(7) Any other financial instrument authorized by the county recorder.

(b) If there is a charge to the county recorder for the use of a financial instrument other than a bank card or credit card, the county recorder shall collect a sum equal to the amount of the charge from the person who uses the financial instrument.

(c) The county recorder may contract with a bank card or credit card vendor for acceptance of bank cards or credit cards. A payment made under this chapter does not finally discharge the person's liability, and the person has not paid the liability until the county recorder receives payment or credit from the institution responsible for making the payment or credit. Subject to subsection (e), if there

is a vendor transaction card or discount fee, whether billed to the county recorder or charged directly to the county recorder's account, the county recorder shall collect a fee from the person using the bank card or credit card. The fee is a permitted charge under IC 24-4.5-3-202.

(d) Subject to subsection (e), the county recorder may contract with a payment processing company, which may collect a transaction fee from the person using the bank card or credit card.

(e) The county recorder shall collect and deposit in the appropriate fund an amount not less than the amount the county recorder would collect and deposit if the county recorder received payment by a means other than a bank card or credit card.

(f) Funds described in subsection (c) may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor.

As added by P.L.171-2006, SEC.23.

IC 36-2-12

Chapter 12. County Surveyor

IC 36-2-12-1

Application of chapter

Sec. 1. This chapter applies to all counties.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-12-2

Residence; term of office

Sec. 2. (a) The county surveyor must reside within the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The surveyor forfeits office if the surveyor ceases to be a resident of the county.

(b) The term of office of the county surveyor under Article 6, Section 2 of the Constitution of the State of Indiana is four (4) years and continues until a successor is elected and qualified.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.3-1987, SEC.547.

IC 36-2-12-2.5

Training

Sec. 2.5. (a) This section does not apply to an individual who is:

(1) an actively registered land surveyor;

(2) a graduate of an accredited land surveying curriculum; or

(3) a land-surveyor-in-training (as defined in IC 25-21.5-1-5).

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

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

As added by P.L.171-2009, SEC.2.

IC 36-2-12-3

Location of office; business hours; supplies and equipment

Sec. 3. (a) The surveyor shall keep his office in a building provided at the county seat by the county executive. He shall keep his office open for business during regular business hours on every day of the year except Sundays and legal holidays. However, he may close his office on days specified by the county executive according to the custom and practice of the county.

(b) The county executive shall provide the surveyor with all necessary supplies and equipment, including:

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

(2) surveying instruments and materials necessary for the discharge of his duties.

Supplies and equipment furnished under this subsection are property of the county.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-12-4
Legal action on days office is closed
Sec. 4. A legal action required to be taken in the surveyor's office on a day when his office is closed under section 3 of this chapter may be taken on the next day his office is open.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-12-5
Official seal
Sec. 5. The surveyor may procure and use an official seal.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-12-6
Administration of oaths; appointment to offices of commissioner for partition or viewer; acknowledgments of mortgages and deeds
Sec. 6. (a) The surveyor may:
(1) administer oaths necessary in the discharge of the surveyor's duties; and
(2) administer and certify any oath required to be taken by:
(A) a commissioner for the partition of real property; or
(B) a commissioner to view, mark, locate, or relocate a public highway.
(b) If the surveyor is appointed to one (1) of the offices covered by subsection (a)(2), the surveyor is not required to take an oath under that provision. The surveyor's duties as a commissioner comprise part of the surveyor's official duties, and the surveyor's signature on any proceedings required of a commissioner is sufficient.
(c) The surveyor may take, and certify with the surveyor's seal and signature, acknowledgments of mortgages and deeds for the conveyance of real property.
As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.3-1989, SEC.227.

IC 36-2-12-7
Expiration of surveyor's term
Sec. 7. (a) At the expiration of his term of office, the surveyor shall turn over to his successor all engineering and survey work in which he is engaged.
(b) At the expiration of the surveyor's term of office, his duties as surveyor, including his duties as county engineer or as the engineer on public improvement work of any kind, cease, and those duties shall be performed by his successor, unless by mutual agreement the surveyor whose term is expiring is permitted to continue performing his duties on public improvements.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-12-8

Supervision of surveying and civil engineering work; appointment of civil engineer

Sec. 8. (a) If he is a competent civil engineer, the surveyor shall plan and supervise all surveying and civil engineering work of the county under the direction of the county executive.

(b) If the surveyor is not a competent civil engineer, the county executive shall appoint a competent civil engineer for each surveying or civil engineering project that the executive orders or receives a petition for. If the executive refuses to appoint such an engineer for a project, the surveyor is entitled to a hearing in the circuit or superior court of the county to determine his competence to perform the project. The order of the court under this section is final and conclusive.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-12-9

Survey to constitute prima facie evidence

Sec. 9. A survey by the surveyor constitutes prima facie evidence in favor of the corners and lines it establishes.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-12-10

Maintenance of legal survey record book; procedure for establishing location of line; effect of location and establishment of lines; appeal

Sec. 10. (a) The surveyor shall maintain a legal survey record book, which must contain a record of all the legal surveys made in the county showing outline maps of each section, grant, tract, subdivision, or group of sections, grants, tracts, and subdivisions in sufficient detail so that the approximate location of each legal survey can be shown. Legal surveys shall be indexed by location.

(b) A landowner desiring to establish the location of the line between the landowner's land and that of an adjoining landowner by means of a legal survey may do so as follows:

(1) The landowner shall procure a land surveyor registered under IC 25-21.5 to locate the line in question and shall compensate that surveyor.

(2) The land surveyor shall notify the owners of adjoining lands that the land surveyor is going to make the survey. The notice must be given by registered or certified mail at least twenty (20) days before the survey is started.

(3) If all the owners of the adjoining lands consent in writing, the notice is not necessary.

(4) The lines and corners shall be properly marked, monumented by durable material with letters and figures establishing such lines and corners, referenced, and tied to corners shown in the corner record book in the office of the county surveyor or to corners shown on a plat recorded in the plat books in the office of the county recorder.

(5) The land surveyor shall present to the county surveyor for entry in the legal survey record book a plat of the legal survey and proof of notice to or waiver of notice by the adjoining landowners. The land surveyor shall give notice to adjoining landowners by registered or certified mail within ten (10) days after filing of the survey.

(c) The lines located and established under subsection (b) are binding on all landowners affected and their heirs and assigns, unless an appeal is taken under section 14 of this chapter. The right to appeal commences when the plat of the legal survey is recorded by the county surveyor in the legal survey record book.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.23-1991, SEC.34.

IC 36-2-12-11

Administration of section; maintenance of corner record book; contents of record; procedure for establishment and perpetuation of corners

Sec. 11. (a) The surveyor shall administer this section if the surveyor is registered as a land surveyor under IC 25-21.5. If the surveyor is not registered, the surveyor shall, with the approval of the county executive, appoint a person who is registered as a land surveyor and is a resident voter of the county to administer this section. If a resident, registered land surveyor is not available, a land surveyor who resides in another county may be employed.

(b) The surveyor shall keep and maintain a corner record book, that must contain:

(1) a record and an index by location of all the original government survey corners;

(2) outline maps of each section, grant, tract, and subdivision or group of sections, grants, tracts, and subdivisions in the county showing the location of each corner on record and stating at the location of each corner on the map where the reference for that corner may be found; and

(3) a reference index for each corner.

A separate card index system may be used in lieu of the index required by subdivision (3).

(c) The record of each corner referenced in the record book must contain:

(1) the location of the corner;

(2) an accurate description of the monument used to mark the corner such as "stone" or "iron pin";

(3) the distance and bearings from the corner to three (3) or more permanent objects or structures;

(4) the date the corner was last checked and the condition of the monument and references;

(5) the name of the surveyor making the check; and

(6) the method of establishing or relocating the corner.

(d) The records of the corners shall be established and perpetuated in the following manner:

(1) Each year the surveyor shall check and reference at least five percent (5%) of all corners shown in the corner record book.

(2) The surveyor may enter in the surveyor's corner record book the findings submitted by a private land surveyor who checks and references corners and is registered under IC 25-21.5.

(e) Any money in the county surveyor's corner perpetuation fund collected under IC 36-2-7-10 or IC 36-2-19 may be appropriated in the manner provided by law for the purposes of this section.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.342-1983, SEC.2; P.L.76-1989, SEC.2; P.L.23-1991, SEC.35.

IC 36-2-12-12

Surveyors not trespassers; actual damages

Sec. 12. While doing work under section 10 or 11 of this chapter, a land surveyor registered under IC 25-21.5, an unregistered county surveyor, or the employees of a county surveyor are not considered trespassers and are liable only for the actual damages they cause to property.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.342-1983, SEC.3; P.L.23-1991, SEC.36.

IC 36-2-12-13

Corner and Harn monuments; temporary removal; change of location; reimbursement for repair or replacement

Sec. 13. (a) A person may, for excavation, mineral extraction, or other purposes related to the person's business, temporarily remove a monument marking a corner. The person must notify in writing the county surveyor at least thirty (30) days before removing the monument. The person must replace the monument within a reasonable time at the person's expense under the supervision of the county surveyor or, if the county surveyor is not registered under IC 25-21.5 or IC 25-31, the registered person who is selected under section 11 of this chapter. The surveyor shall file a copy of the notice in the corner record book.

(b) Only a county surveyor or a designee may change the location of any monument. A person who wishes to have the location of a monument changed must make a request to the surveyor in writing and furnish written approval of all landowners whose property is affected by the proposed change. The surveyor may approve, reject, or modify the request and shall file a copy of the notice and the landowners' consents in the corner record book.

(c) When, in the construction or maintenance of a state, county, or municipal road or street, it is necessary to remove or bury a monument marking a corner, the owner of the public right-of-way shall notify the county surveyor in writing at least fifteen (15) days before commencing the work.

(d) A county legislative body may adopt an ordinance:

(1) prohibiting a person from moving, changing, or otherwise altering a monument marking a corner without complying with

this section; and

(2) prescribing a monetary penalty for a violation of the ordinance.

Any money collected shall be deposited in the county surveyor's corner perpetuation fund.

(e) A person who damages or removes a monument marking a corner or high accuracy reference network (HARN) point shall reimburse the county for the cost of repairing or replacing the monument.

(f) If a person who damages or removes a monument marking a corner violates an ordinance under subsection (d), the person is liable for:

(1) the amount of reimbursement under subsection (e); and

(2) any monetary penalty prescribed by the county legislative body for violation of the ordinance under subsection (d).

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.343-1983, SEC.1; P.L.76-1989, SEC.3; P.L.2-1997, SEC.80; P.L.276-2001, SEC.6; P.L.90-2003, SEC.1.

IC 36-2-12-14

Appeal of survey; procedure

Sec. 14. (a) The owner of property surveyed under this chapter may appeal that survey to the circuit court for the county:

(1) within ninety (90) days if he is a resident of the county and was served with notice of the survey; or

(2) within one (1) year if he is not a resident of the county and notice was by publication.

(b) When an appeal is taken under this section, the surveyor shall immediately transmit copies of the relevant field notes and other papers to the court, without requiring an appeal bond.

(c) The court may receive evidence of any other surveys of the same premises. If the court decides against the original survey, it may order a new survey to be made by a competent person other than the person who did the original survey, and it shall:

(1) determine the true boundary lines and corners of the lands included in the survey; and

(2) order the county surveyor to:

(A) locate and perpetuate the boundary lines and corners according to the court's findings by depositing durable markers in the proper places, below the freezing point;

(B) mark the boundary lines and corners; and

(C) enter the boundary lines and corners in his field notes.

(d) A new survey made under this section may be appealed under this section.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-12-15

Compensation

Sec. 15. (a) If the surveyor serves as highway supervisor or county highway engineer and is compensated for that service in an amount

greater than the compensation fixed under this title, then that compensation is in lieu of the compensation fixed under this title.

(b) When fixing the compensation of county officers under this title, the county fiscal body shall fix:

(1) compensation for the surveyor as if he is registered under IC 25-21.5 or IC 25-31; and

(2) compensation for the surveyor as if he is not registered under IC 25-21.5 or IC 25-31.

The compensation fixed under subdivision (1) must be one and one-half (1 1/2) times that fixed under subdivision (2). The county fiscal body shall then determine whether or not the surveyor is registered under IC 25-21.5 or IC 25-31 and shall fix his compensation in the proper amount.

(c) In addition to the compensation fixed under subsection (b), if the surveyor describes and certifies the number of miles of active regulated drains in the county to the county executive, he is entitled, with the approval of the county executive, to:

(1) two dollars ($2) per mile for each mile described and certified, if he is not registered under IC 25-21.5 or IC 25-31; or

(2) four dollars ($4) per mile for each mile described and certified, if he is registered under IC 25-21.5 or IC 25-31.

(d) In addition to the compensation fixed under subsections (b) and (c), the surveyor is entitled to:

(1) two dollars ($2) for each corner reference required under section 11 of this chapter, if he is not registered under IC 25-21.5 or IC 25-31; or

(2) four dollars ($4) for each corner reference required under section 11, if he is registered under IC 25-21.5 or IC 25-31.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.309, SEC.103; P.L.342-1983, SEC.4; P.L.2-1997, SEC.81.

IC 36-2-12-16

Replacement of worn maps and plats

Sec. 16. The surveyor shall replace worn maps and plats as required by IC 36-2-17-5(c).

As added by P.L.276-2001, SEC.7.

IC 36-2-13

Chapter 13. County Sheriff

IC 36-2-13-1

Application of chapter

Sec. 1. Except for sections 15.3 and 16.3 of this chapter, this chapter applies to all counties.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.1-2002, SEC.156.

IC 36-2-13-2

Residence; term of office

Sec. 2. (a) The county sheriff must reside within the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The sheriff forfeits office if the sheriff ceases to be a resident of the county.

(b) The term of office of the county sheriff under Article 6, Section 2 of the Constitution of the State of Indiana is four (4) years and continues until a successor is elected and qualified.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.3-1987, SEC.548.

IC 36-2-13-2.5

Salary contracts for sheriffs; required provisions

Sec. 2.5. (a) The sheriff, the executive, and the fiscal body may enter into a salary contract for the sheriff.

(b) A sheriff's salary contract must contain the following provisions:

(1) A fixed amount of compensation for the sheriff in place of fee compensation.

(2) Payment of the full amount of the sheriff's compensation from the county general fund in the manner that salaries of other county officials are paid.

(3) Deposit by the sheriff of the sheriff's tax warrant collection fees (as described in IC 6-8.1-8-3) in the county general fund for use for any general fund purpose.

(4) A procedure for financing prisoners' meals that uses one (1) of the following methods:

(A) The county fiscal body shall make an appropriation in the usual manner from the county general fund to the sheriff for feeding prisoners. The sheriff or the sheriff's officers, deputies, or employees may not make a profit from the appropriation. The sheriff shall deposit all meal allowances received under IC 36-8-10-7 in the county general fund for use for any general fund purpose.

(B) The sheriff shall pay for feeding prisoners from meal allowances received under IC 36-8-10-7. The sheriff or the sheriff's officers, deputies, or employees may not make a profit from the meal allowances. After the expenses of feeding prisoners are paid, the sheriff shall deposit any

unspent meal allowance money in the county general fund for use for any general fund purpose.

(5) A requirement that the sheriff shall file an accounting of expenditures for feeding prisoners with the county auditor on the first Monday of January and the first Monday of July of each year.

(6) An expiration date that is not later than the date that the term of the sheriff expires.

(7) Other provisions concerning the sheriff's compensation to which the sheriff, the county executive, and the fiscal body agree.

(c) A salary contract is entered under this section when a written document containing the provisions of the contract is:

(1) approved by resolution of both the executive and the fiscal body; and

(2) signed by the sheriff.

(d) A salary contract entered into under this section before November 1, 2010, with a sheriff who is reelected to office in 2010 is subject to section 17 of this chapter.

As added by P.L.83-1993, SEC.2. Amended by P.L.40-2008, SEC.2.

IC 36-2-13-2.8

Payment of compensation from county general fund

Sec. 2.8. (a) In place of any other form of compensation, including a salary contract entered into under section 2.5 of this chapter, a county may pay a sheriff's compensation as provided in this section from the county general fund in the manner that salaries of other county officials are paid. Subject to section 17 of this chapter, the sheriff may retain the sheriff's tax warrant collection fees (as described in IC 6-8.1-8-3).

(b) If a county pays a sheriff's compensation under this section, the county fiscal body shall make an appropriation in the usual manner from the county general fund for feeding prisoners. The sheriff or the sheriff's officers, deputies, or employees may not make a profit from the appropriation.

(c) Subject to section 17 of this chapter, a county that pays a sheriff's compensation under this section shall pay the sheriff as follows:

(1) In a county having a population of not more than twenty thousand (20,000), the county must pay the sheriff an annual salary that is equal to at least fifty percent (50%) of the annual minimum salary that would be paid by the state to a full-time prosecuting attorney in the county.

(2) In a county having a population of:

(A) more than twenty thousand (20,000); and

(B) not more than forty thousand (40,000);

the county must pay the sheriff an annual salary that is equal to at least sixty percent (60%) of the annual minimum salary that would be paid by the state to a full-time prosecuting attorney in the county.

(3) In a county having a population of:
(A) more than forty thousand (40,000); and
(B) not more than sixty-five thousand five hundred (65,500);
the county must pay the sheriff an annual salary that is equal to at least seventy percent (70%) of the annual minimum salary that would be paid by the state to a full-time prosecuting attorney in the county.
(4) In a county having a population of:
(A) more than sixty-five thousand five hundred (65,500); and
(B) not more than one hundred thousand (100,000);
the county must pay the sheriff an annual salary that is equal to at least eighty percent (80%) of the annual minimum salary that would be paid by the state to a full-time prosecuting attorney in the county.
(5) In a county having a population of:
(A) more than one hundred thousand (100,000); and
(B) not more than two hundred thousand (200,000);
the county must pay the sheriff an annual salary that is equal to at least ninety percent (90%) of the annual minimum salary that would be paid by the state to a full-time prosecuting attorney in the county.
(6) In a county having a population of more than two hundred thousand (200,000), the county must pay the sheriff an annual salary that is equal to at least one hundred percent (100%) of the annual minimum salary that would be paid by the state to a full-time prosecuting attorney in the county.
As added by P.L.230-1996, SEC.1. Amended by P.L.40-2008, SEC.3.

IC 36-2-13-3
Meetings of county executive; attendance
Sec. 3. The sheriff shall attend meetings of the county executive when required under IC 36-2-2-15(d).
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-13-4
Meetings of county fiscal body; attendance
Sec. 4. The sheriff shall attend meetings of the county fiscal body when required under IC 36-2-3-6(c).
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-13-5
Duties
Sec. 5. (a) The sheriff shall:
(1) arrest without process persons who commit an offense within the sheriff's view, take them before a court of the county having jurisdiction, and detain them in custody until the cause of the arrest has been investigated;
(2) suppress breaches of the peace, calling the power of the county to the sheriff's aid if necessary;

(3) pursue and jail felons;
(4) execute all process directed to the sheriff by legal authority;
(5) serve all process directed to the sheriff from a court or the county executive;
(6) attend and preserve order in all courts of the county;
(7) take care of the county jail and the prisoners there;
(8) take photographs, fingerprints, and other identification data as the sheriff shall prescribe of persons taken into custody for felonies or misdemeanors; and
(9) on or before January 31 and June 30 of each year, provide to the department of correction the average daily cost of incarcerating a prisoner in the county jail as determined under the methodology developed by the department of correction under IC 11-10-13.

(b) A person who:
(1) refuses to be photographed;
(2) refuses to be fingerprinted;
(3) withholds information; or
(4) gives false information;

as prescribed in subsection (a)(8), commits a Class C misdemeanor.

(c) The sheriff may supervise and inspect all pawnbrokers, vendors, junkshop keepers, cartmen, expressmen, dealers in secondhand merchandise, intelligence offices, and auctions. The sheriff may authorize any deputy in writing to exercise the same powers.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.344-1983, SEC.1; P.L.85-2004, SEC.12; P.L.63-2008, SEC.5.

IC 36-2-13-5.5

Indiana sex and violent offender registry web site; requirements; funding

Sec. 5.5. (a) The sheriffs shall jointly establish and maintain an Indiana sex and violent offender registry web site, known as the Indiana sex and violent offender registry, to inform the general public about the identity, location, and appearance of every sex or violent offender residing within Indiana. The web site must provide information regarding each sex or violent offender, organized by county of residence. The web site shall be updated at least daily.

(b) The Indiana sex and violent offender registry web site must include the following information:
(1) A recent photograph of every sex or violent offender who has registered with a sheriff after the effective date of this chapter.
(2) The home address of every sex or violent offender.
(3) The information required under IC 11-8-8-8.

(c) Every time a sex or violent offender registers, but at least once per year, the sheriff shall:
(1) photograph the sex or violent offender; and
(2) determine whether the sex or violent offender's fingerprints are on file:

(A) in Indiana; or
(B) with the Federal Bureau of Investigation.

If it appears that the sex or violent offender's fingerprints are not on file as described in subdivision (2), the sheriff shall fingerprint the sex or violent offender and transmit a copy of the fingerprints to the state police department. The sheriff shall place the photograph described in subdivision (1) on the Indiana sex and violent offender registry web site.

(d) The photograph of a sex or violent offender described in subsection (c) must meet the following requirements:

(1) The photograph must be full face, front view, with a plain white or off-white background.

(2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.

(3) The photograph must be in color.

(4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.

(5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.

(6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the Indiana sex and violent offender registry web site.

(e) The Indiana sex and violent offender registry web site may be funded from:

(1) the jail commissary fund (IC 36-8-10-21);

(2) a grant from the criminal justice institute; and

(3) any other source, subject to the approval of the county fiscal body.

As added by P.L.116-2002, SEC.27. Amended by P.L.154-2003, SEC.2; P.L.140-2006, SEC.40 and P.L.173-2006, SEC.40; P.L.216-2007, SEC.52.

IC 36-2-13-5.6

Sex or violent offender registration fee; sex or violent offender address change fee; collection and distribution

Sec. 5.6. (a) The legislative body of a county may adopt an ordinance:

(1) requiring the local law enforcement authority (as defined in IC 11-8-8-2) to collect:

(A) an annual sex or violent offender registration fee; and

(B) a sex or violent offender address change fee; and

(2) establishing a county sex and violent offender administration fund to fund the administration of the sex and

violent offender registration system.

(b) If an ordinance is adopted under subsection (a), the legislative body of the county shall establish the amount of the annual sex or violent offender registration fee. However, the annual sex or violent offender registration fee may not exceed fifty dollars ($50).

(c) If an ordinance is adopted under subsection (a), the legislative body of the county shall establish the amount of the sex or violent offender address change fee. However, a sex or violent offender address change fee may not exceed five dollars ($5) per address change.

(d) The legislative body of the county shall determine the manner in which the local law enforcement authority shall collect the annual sex or violent offender registration fee and the sex or violent offender address change fee. However, the annual sex or violent offender registration fee may be collected only one (1) time per year. The sex or violent offender address change fee may be collected each time a sex or violent offender registers an address change with the local law enforcement authority.

(e) The local law enforcement authority shall transfer fees collected under this section to the county auditor of the county in which the local law enforcement authority exercises jurisdiction.

(f) The county auditor shall monthly:

(1) deposit ninety percent (90%) of any fees collected under this section in the county sex and violent offender administration fund established under subsection (a); and

(2) transfer ten percent (10%) of any fees collected under this section to the treasurer of state for deposit in the state sex and violent offender administration fund under IC 11-8-8-21.

(g) A county fiscal body may appropriate money from the county sex and violent offender administration fund to an agency or organization involved in the administration of the sex and violent offender registry to defray the expense of administering or ensuring compliance with the laws concerning the Indiana sex and violent offender registry.

As added by P.L.216-2007, SEC.53.

IC 36-2-13-6

Purchase of judgment or allowance prohibited

Sec. 6. The sheriff may not purchase a judgment or allowance in a court of which he is an officer.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-13-7

Repealed

(*Repealed by P.L.144-1983, SEC.2.)*

IC 36-2-13-8

Repealed

(*Repealed by P.L.217-1986, SEC.1.)*

IC 36-2-13-9

Training school; attendance; expenses

Sec. 9. (a) After his election and before he assumes the duties of his office, the sheriff-elect may attend the sessions of a training school that:

(1) offers courses of instruction for sheriffs;

(2) is established by Indiana University, Purdue University, Indiana University and Purdue University, the state police department, or the Indiana sheriffs' association; and

(3) teaches methods of crime detection and offers courses from the state board of accounts on office routine and accounting.

(b) On presentation of proper charges or receipts and with the approval of the county executive, the county auditor may issue his warrant for the following expenses of the sheriff-elect in attending a school under this section:

(1) Any tuition charged by the school.

(2) A sum for mileage, lodging, and meals, equal to the sum allowed county officers under IC 5-11-14-1.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1980, P.L.125, SEC.23; P.L.144-1983, SEC.3.

IC 36-2-13-10

Motor vehicles; equipment; maintenance

Sec. 10. (a) The county shall furnish one (1) automobile and, with the approval of the county executive and the county fiscal body, may furnish additional automobiles, for use by the sheriff in the performance of his official duties. The county shall maintain each automobile in service.

(b) The county executive may purchase for and furnish to the sheriff a motor vehicle that seats a driver, two (2) guards, and at least six (6) other persons, and may be equipped for use as an ambulance or used to transport persons in the custody of the sheriff. The county shall maintain the vehicle.

(c) If the county furnishes and maintains a conveyance for the use of the sheriff, it may not grant him a mileage allowance but may reimburse him for other expenses relating to the conveyance.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-13-11

Repealed

(*Repealed by Acts 1981, P.L.309, SEC.115(b).*)

IC 36-2-13-12

Reports; persons confined in county jail; condition of county jail; recommendations

Sec. 12. (a) The sheriff shall file with the appropriate court and, in the case of a person awaiting trial on a criminal charge, with the county prosecuting attorney, a weekly report of each person confined in the county jail. The report must include the confined person's name, the date of commitment, the court or officer ordering the

commitment, the criminal charge, conviction, or civil action underlying the commitment, the term of commitment, and whether the person is awaiting trial or serving a term of imprisonment.

(b) The sheriff shall file with the county executive an annual report of the condition of the county jail and any recommended improvements in its maintenance and operation. The report shall also be filed with the county auditor and maintained as a public record.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-13-13
Protection of prisoner in sheriff's custody; assistance; unlawful killing of prisoner; forfeiture of office; reinstatement

Sec. 13. (a) Whenever the sheriff has reason to believe that a prisoner in his custody is in danger of being unlawfully killed, he shall order all persons with whom he can directly communicate to assist him in protecting the prisoner. If the sheriff remains unable to protect the prisoner, he shall notify the governor and ask for the aid of the state in protecting the prisoner.

(b) A sheriff who unlawfully kills a prisoner in his custody, or unlawfully permits such a prisoner to be killed, forfeits his office. The governor shall issue a proclamation declaring the office of the sheriff vacated.

(c) The person who forfeited the office may petition the governor to be reinstated as sheriff. The petition must:

(1) show that the person did everything in his power to protect the life of the prisoner and carried out the duties of his office pertaining to the protection of prisoners; and

(2) be filed with the governor not more than fourteen (14) days after the date on which the governor declares the office of the sheriff vacated.

If, after a hearing, the governor finds that the person did carry out the duties of his office, he may reinstate him in office and issue to him a certificate of reinstatement. A person who files a petition under this subsection shall give notice to both the prosecuting attorney of the county and the attorney general.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-13-14
Health care services supplied persons under lawful detention; payment under insurance of detainee; failure or refusal of detainee to file claim

Sec. 14. (a) As used in this section, "accident and sickness insurance policy" means an insurance policy that provides one (1) or more of the types of insurance described as Class 1(b) or 2(a) insurance under IC 27-1-5-1 on an individual basis or a group basis.

(b) As used in this section, "enrollee" has the meaning set forth in IC 27-13-1-12.

(c) As used in this section, "lawful detention" has the meaning set forth in IC 35-41-1-18.

(d) As used in this section, "health maintenance organization" has

the meaning set forth in IC 27-13-1-19.

(e) An individual who is:

(1) insured under an accident and sickness insurance policy; or

(2) an enrollee under a health maintenance organization;

shall submit a claim under the policy or plan for expenses resulting from health care services that are rendered to the individual while the individual is subject to lawful detention by a county sheriff.

(f) A county sheriff is not obligated to pay for health care services rendered to an individual while in the lawful detention of the sheriff to the extent that payment for the services is available under:

(1) an accident and sickness insurance policy under which the individual is insured; or

(2) a health maintenance organization under which the individual is an enrollee.

(g) If an individual to whom health care services are rendered while subject to lawful detention by a county sheriff fails or refuses to file a claim for payment of expenses resulting from the health care services, a claim for payment of the expenses may be filed by:

(1) the sheriff; or

(2) the health care provider that rendered the services;

on behalf of the individual with the accident and sickness insurance policy under which the individual is insured or the health maintenance organization under which the individual is an enrollee.

As added by P.L.219-1991, SEC.1. Amended by P.L.26-1994, SEC.27.

IC 36-2-13-15

Prisoners reimbursing counties for costs of incarceration

Sec. 15. (a) As used in this section, "lawful detention" has the meaning set forth in IC 35-41-1-18.

(b) This section applies to a county only if the legislative body for the county elects by ordinance to implement this section.

(c) A person who is:

(1) sentenced under this article for a felony or a misdemeanor;

(2) subject to lawful detention in a county jail for a period of more than seventy-two (72) hours;

(3) not a member of a family that makes less than 150% of the federal income poverty level; and

(4) not detained as a child subject to the jurisdiction of a juvenile court;

shall reimburse the county for the costs described in subsection (d).

(d) A person described in subsection (c) shall reimburse the county for the sum of the following amounts:

(1) The lesser of:

(A) the per diem amount specified under subsection (e); or

(B) thirty dollars ($30);

multiplied by each day or part of a day that the person is lawfully detained in a county jail or lawfully detained under IC 35-33-11-3 for more than six (6) hours.

(2) The direct cost of investigating whether the person is

indigent.

(3) The cost of collecting the amount for which the person is liable under this section.

(e) The county fiscal body shall fix the per diem described in subsection (d)(1)(A) in an amount that is reasonably related to the average daily cost of housing a person in the county jail. If the county transfers the person to another county or the department of correction under IC 35-33-11-3, the per diem is equal to the per diem charged to the county under IC 35-33-11-5.

(f) The county sheriff shall collect the amounts due from a person under this section in conformity with the procedures specified in the ordinance adopted under subsection (b). If the county sheriff does not collect the amount due to the county, the county attorney may collect the amount due.

As added by P.L.123-1998, SEC.2.

IC 36-2-13-15.3

Prisoners reimbursing counties for costs of incarceration; Ohio County

Sec. 15.3. (a) As used in this section, "lawful detention" has the meaning set forth in IC 35-41-1-18.

(b) This section applies only:

(1) to a county having a population of less than six thousand (6,000); and

(2) if the legislative body for the county elects by ordinance to implement this section.

(c) A person who is:

(1) sentenced under this article for a felony or a misdemeanor;

(2) subject to lawful detention in a county jail for a period of more than six (6) hours;

(3) not a member of a family that makes less than 150% of the federal income poverty level; and

(4) not detained as a child subject to the jurisdiction of a juvenile court;

shall reimburse the county for the costs described in subsection (d).

(d) A person described in subsection (c) shall reimburse the county for the sum of the following amounts:

(1) The lesser of:

(A) the per diem amount specified under subsection (e); or

(B) fifty dollars ($50);

multiplied by each day or part of a day that the person is lawfully detained in a county jail or lawfully detained under IC 35-33-11-3 for more than six (6) hours.

(2) The direct cost of investigating whether the person is indigent.

(3) The cost of collecting the amount for which the person is liable under this section.

(e) The county fiscal body shall fix the per diem described in subsection (d)(1)(A) in an amount that is reasonably related to the average daily cost of housing a person in the county jail. If the

county transfers the person to another county or the department of correction under IC 35-33-11-3, the per diem is equal to the per diem charged to the county under IC 35-33-11-5.

(f) The county sheriff shall collect the amounts due from a person under this section in conformity with the procedures specified in the ordinance adopted under subsection (b). If the county sheriff does not collect the amount due to the county, the county attorney may collect the amount due.

As added by P.L.170-2001, SEC.1.

IC 36-2-13-16

Nonreverting county prisoner reimbursement funds

Sec. 16. (a) If the county legislative body adopts an ordinance electing to implement section 15 of this chapter, the county legislative body shall establish a nonreverting county prisoner reimbursement fund.

(b) All amounts collected under section 15 of this chapter must be deposited in the county prisoner reimbursement fund.

(c) Any amount earned from the investment of amounts in the fund becomes part of the fund.

(d) Notwithstanding any other law, upon appropriation by the county fiscal body, amounts in the fund may be used by the county only for the operation, construction, repair, remodeling, enlarging, and equipment of:

(1) a county jail; or

(2) a juvenile detention center to be operated under IC 31-31-8 or IC 31-31-9.

As added by P.L.123-1998, SEC.3.

IC 36-2-13-16.3

Nonreverting county prisoner reimbursement funds; Ohio County

Sec. 16.3. (a) If the county legislative body adopts an ordinance electing to implement section 15.3 of this chapter, the county legislative body shall establish a nonreverting county prisoner reimbursement fund.

(b) All amounts collected under section 15.3 of this chapter must be deposited in the county prisoner reimbursement fund.

(c) Any amount earned from the investment of amounts in the fund becomes part of the fund.

(d) Notwithstanding any other law, upon appropriation by the county fiscal body, amounts in the fund may be used by the county only for:

(1) operating, constructing, repairing, remodeling, enlarging, and equipping:

(A) a county jail; or

(B) a juvenile detention center to be operated under IC 31-31-8 or IC 31-31-9; or

(2) the costs of care, maintenance, and housing of prisoners, including the cost of housing prisoners in the facilities of another county.

As added by P.L.170-2001, SEC.2.

IC 36-2-13-17

Maximum amount of compensation for sheriff

Sec. 17. (a) This section applies to the following:

(1) A contract entered into under section 2.5 of this chapter with a sheriff who is elected or reelected to office after November 1, 2010.

(2) Any other form of annual compensation provided to a sheriff who is elected or reelected to office after November 1, 2010.

(b) The total amount of a sheriff's annual compensation from:

(1) the county general fund;

(2) any tax warrant collection fees retained by the sheriff under IC 6-8.1-8-3; and

(3) any other public source;

may not exceed the amount determined under subsection (c). For purposes of this subsection, "any other public source" does not include retirement or disability benefits from a federal, a state, or another state's local governmental retirement or disability program, whether the retirement or disability benefit is based on prior employment by the sheriff or another individual, nor does it include worker's compensation benefits paid to the sheriff.

(c) To determine the maximum amount of a sheriff's annual compensation, a county fiscal body shall determine the sum of the following:

(1) The annual minimum salary that would be paid by the state to a full-time prosecuting attorney in the county.

(2) The amount of any additional annual salary paid by the county from county sources to a full-time prosecuting attorney in the county.

As added by P.L.40-2008, SEC.4.

IC 36-2-13-17.4

Incarceration fees prohibited unless the payor has been convicted of a crime for which the payor was incarcerated or held in jail

Sec. 17.4. A sheriff or an employee of a jail may not charge an individual a fee for the individual to be incarcerated or held in a jail unless the individual has been convicted of a crime for which the individual was incarcerated or held in the jail.

As added by P.L.83-2008, SEC.13.

IC 36-2-13-18

Health care services provided to person subject to lawful detention

Sec. 18. (a) As used in this section, "health care services" includes health care items and procedures.

(b) As used in this section, "lawful detention" means the following:

(1) Arrest.

(2) Custody following surrender in lieu of arrest.

(3) Detention in a penal facility.

(4) Detention for extradition or deportation.

(5) Custody for purposes incident to any of the above, including transportation, medical diagnosis or treatment, court appearances, work, or recreation.

The term does not include supervision of a person on probation or parole or constraint incidental to release with or without bail.

(c) This section does not apply to a person who is subject to lawful detention and is:

(1) covered under private health coverage for health care services; or

(2) willing to pay for the person's own health care services.

(d) A sheriff of a county may not release a person subject to lawful detention solely for the purpose of preventing the county from being financially responsible under IC 11-12-5 for health care services provided to the person.

(e) If a county violates subsection (d), the county remains financially responsible under IC 11-12-5 for health care services provided to the person released from lawful detention.

(f) A county is financially responsible under IC 11-12-5 for health care services provided to a person at a hospital if the person was subject to lawful detention by the sheriff at the time the person entered onto the hospital's premises.

(g) If a person is subjected to lawful detention after entering onto the premises of a hospital, the county in which the hospital is located is financially responsible under IC 11-12-5 for the health care services provided to the person while the person is subject to lawful detention.

(h) For purposes of this section, if a sheriff brings a person subject to lawful detention onto the premises of a hospital or subjects a person to lawful detention after the person enters onto the premises of a hospital, the sheriff shall remain on the premises of the hospital and within reasonable proximity to the person while the person receives health care services at the hospital unless:

(1) the person's medical condition renders the person incapable of leaving the hospital; and

(2) the person does not pose a threat to hospital personnel or property or to others at the hospital.

(i) This section does not prevent or limit the application of IC 11-12-5-5 concerning the making of copayments by a person confined to a county jail.

(j) A county that is responsible for paying the medical care expenses of a county jail inmate under IC 11-12-5-6 is responsible for paying the medical care expenses of the inmate under this section.

(k) This section does not supersede a written agreement:

(1) between:

(A) a physician, a hospital, or another health care provider; and

(B) a sheriff;

concerning reimbursement for health care services provided to a person subject to lawful detention; and

(2) entered into or renewed before July 1, 2009.

(l) This section expires June 30, 2011.

As added by P.L.80-2009, SEC.2.

IC 36-2-14

Chapter 14. County Coroner

IC 36-2-14-1

Application of chapter

Sec. 1. This chapter applies to all counties.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-14-1.5

Child death pathologist

Sec. 1.5. As used in this chapter, "child death pathologist" means a physician described in IC 16-35-7-3(b).

As added by P.L.225-2007, SEC.10.

IC 36-2-14-2

Residence; term of office

Sec. 2. (a) A county coroner must reside within the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The coroner forfeits office if the coroner ceases to be a resident of the county.

(b) The term of office of the county coroner under Article 6, Section 2 of the Constitution of the State of Indiana is four (4) years and continues until a successor is elected and qualified.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.3-1987, SEC.549.

IC 36-2-14-3

Commission of coroner

Sec. 3. The governor shall commission each county coroner.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-14-4

Duties as county sheriff

Sec. 4. The coroner shall perform the duties of the county sheriff only in cases in which the sheriff:

(1) is interested or incapacitated from serving; and

(2) has no chief deputy who may perform his duties.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1980, P.L.125, SEC.24.

IC 36-2-14-5

Service of warrant for arrest of county sheriff; custody of jail and prisoners

Sec. 5. A warrant for the arrest of the county sheriff shall be served by the coroner or any other person to whom it may be legally directed. The coroner, who shall commit the sheriff to the county jail, has custody of the jail and its prisoners during the imprisonment of the sheriff.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-14-5.5

Duties of child death pathologist

Sec. 5.5. A child death pathologist shall:

(1) consult with a coroner concerning a death described in section 6.3(b) of this chapter;

(2) conduct an autopsy of a child as described in sections 6.3(c) and 6.7(b) of this chapter; and

(3) perform duties described in section 6.7(e) of this chapter.

As added by P.L.225-2007, SEC.11.

IC 36-2-14-6

Investigation of death of person; certificate of death; autopsy

Sec. 6. (a) Whenever the coroner is notified that a person in the county:

(1) has died from violence;

(2) has died by casualty;

(3) has died when apparently in good health;

(4) has died in an apparently suspicious, unusual, or unnatural manner; or

(5) has been found dead;

the coroner shall, before the scene of the death is disturbed, notify a law enforcement agency having jurisdiction in that area. The agency shall assist the coroner in conducting an investigation of how the person died and a medical investigation of the cause of death. The coroner may hold the remains of the decedent until the investigation of how the person died and the medical investigation of the cause of death are concluded.

(b) The coroner:

(1) shall file a certificate of death with the county health department, or, if applicable, a multiple county health department, of the county in which the individual died, within seventy-two (72) hours after the completion of the death investigation;

(2) shall complete the certificate of death utilizing all verifiable information establishing the time and date of death; and

(3) may file a pending investigation certificate of death before completing the certificate of death, if necessary.

(c) If this section applies, the body and the scene of death may not be disturbed until:

(1) the coroner has photographed them in the manner that most fully discloses how the person died; and

(2) law enforcement and the coroner have finished their initial assessment of the scene of death.

However, a coroner or law enforcement officer may order a body to be moved before photographs are taken if the position or location of the body unduly interferes with activities carried on where the body is found, but the body may not be moved from the immediate area and must be moved without substantially destroying or altering the evidence present.

(d) When acting under this section, if the coroner considers it

necessary to have an autopsy performed, is required to perform an autopsy under subsection (f), or is requested by the prosecuting attorney of the county to perform an autopsy, the coroner shall employ a:

(1) physician certified by the American board of pathology; or

(2) pathology resident acting under the direct supervision of a physician certified in anatomic pathology by the American board of pathology;

to perform the autopsy. The physician performing the autopsy shall be paid a fee of at least fifty dollars ($50) from the county treasury.

(e) If:

(1) at the request of:

(A) the decedent's spouse;

(B) a child of the decedent, if the decedent does not have a spouse;

(C) a parent of the decedent, if the decedent does not have a spouse or children;

(D) a brother or sister of the decedent, if the decedent does not have a spouse, children, or parents; or

(E) a grandparent of the decedent, if the decedent does not have a spouse, children, parents, brothers, or sisters;

(2) in any death, two (2) or more witnesses who corroborate the circumstances surrounding death are present; and

(3) two (2) physicians who are licensed to practice medicine in the state and who have made separate examinations of the decedent certify the same cause of death in an affidavit within twenty-four (24) hours after death;

an autopsy need not be performed. The affidavits shall be filed with the circuit court clerk.

(f) A county coroner may not certify the cause of death in the case of the sudden and unexpected death of a child who is less than three (3) years old unless an autopsy is performed at county expense. However, a coroner may certify the cause of death of a child described in this subsection without the performance of an autopsy if subsection (e) applies to the death of the child.

(g) After consultation with the law enforcement agency investigating the death of a decedent, the coroner shall do the following:

(1) Inform a crematory authority if a person is barred under IC 23-14-31-26(c) from serving as the authorizing agent with respect to the cremation of the decedent's body because the coroner made the determination under IC 23-14-31-26(c)(2) in connection with the death of the decedent.

(2) Inform a cemetery owner if a person is barred under IC 23-14-55-2(d) from authorizing the disposition of the body or cremated remains of the decedent because the coroner made the determination under IC 23-14-55-2(d)(2) in connection with the death of the decedent.

(3) Inform a seller of prepaid services or merchandise if a person's contract is unenforceable under IC 30-2-13-23(b)

because the coroner made the determination under IC 30-2-13-23(b)(4) in connection with the death of the decedent.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.39, SEC.2; P.L.106-1986, SEC.2; P.L.339-1987, SEC.1; P.L.179-2003, SEC.5; P.L.102-2007, SEC.5; P.L.157-2007, SEC.3; P.L.225-2007, SEC.12.

IC 36-2-14-6.3

Coroner notification of child deaths; coroner consultation with child death pathologist; suspicious, unexpected, or unexplained child deaths; autopsy

Sec. 6.3. (a) A coroner shall immediately notify:

(1) the county office of the department of child services by using the statewide hotline for the department; and

(2) either:

(A) the local child fatality review team; or

(B) if the county does not have a local child fatality review team, the statewide child fatality review committee;

of each death of a person who is less than eighteen (18) years of age, or appears to be less than eighteen (18) years of age and who has died in an apparently suspicious, unexpected, or unexplained manner.

(b) If a child less than eighteen (18) years of age dies in an apparently suspicious, unexpected, or unexplained manner, the coroner shall consult with a child death pathologist to determine whether an autopsy is necessary. If the coroner and the child death pathologist disagree over the need for an autopsy, the county prosecutor shall determine whether an autopsy is necessary. If the autopsy is considered necessary, a child death pathologist or a pathology resident acting under the direct supervision of a child death pathologist shall conduct the autopsy within twenty-four (24) hours. If the autopsy is not considered necessary, the autopsy shall not be conducted.

(c) If a child death pathologist and coroner agree under subsection (b) that an autopsy is necessary, the child death pathologist or a pathology resident acting under the direct supervision of a child death pathologist shall conduct the autopsy of the child.

As added by P.L.225-2007, SEC.13. Amended by P.L.131-2009, SEC.75.

IC 36-2-14-6.5

Duty to make positive identification; manner of positive identification; exception

Sec. 6.5. (a) As used in this section, "DNA analysis" means an identification process in which the unique genetic code of an individual that is carried by the individual's deoxyribonucleic acid (DNA) is compared to genetic codes carried in DNA found in bodily substance samples obtained by a law enforcement agency in the exercise of the law enforcement agency's investigative function.

(b) As used in this section, "immediate family member" means,

with respect to a particular dead person, an individual who is at least eighteen (18) years of age and who is one (1) of the following:

(1) The dead person's spouse.

(2) The dead person's child.

(3) The dead person's parent.

(4) The dead person's grandparent.

(5) The dead person's sibling.

(c) The coroner shall make a positive identification of a dead person unless extraordinary circumstances described in subsection (d) exist. In making a positive identification, the coroner shall determine the identity of a dead person by one (1) of the following methods:

(1) Fingerprint identification.

(2) DNA analysis.

(3) Dental record analysis.

(4) Positive identification by at least one (1) of the dead person's immediate family members if the dead person's body is in a physical condition that would allow for the dead person to be reasonably recognized.

(d) For the purposes of subsection (c), extraordinary circumstances exist if, after a thorough investigation, the coroner determines that identification of the dead person is not possible under any of the four (4) methods described in subsection (c).

As added by P.L.157-2007, SEC.4.

IC 36-2-14-6.7

Autopsies of children who may have died of sudden infant death syndrome; autopsy reports

Sec. 6.7. (a) This section applies to a child who:

(1) died suddenly and unexpectedly;

(2) was less than three (3) years of age at the time of death; and

(3) was in apparent good health before dying.

(b) A child death pathologist or a pathology resident acting under the direct supervision of a child death pathologist shall conduct an autopsy of a child described in subsection (a).

(c) A county coroner may not certify the cause of death of a child described in subsection (a) until an autopsy is performed at county expense.

(d) The county coroner shall contact the parent or guardian of a child described in subsection (a) and notify the parent or guardian that an autopsy will be conducted at county expense.

(e) The child death pathologist shall:

(1) ensure that a tangible summary of the autopsy results is provided;

(2) provide informational material concerning sudden infant death syndrome; and

(3) unless the release of autopsy results would jeopardize a law enforcement investigation, provide notice that a parent or guardian has the right to receive the preliminary autopsy results;

to the parents or guardian of the child within one (1) week after the

autopsy.

(f) If a parent or guardian of a child described in subsection (a) requests the autopsy report of the child, the coroner shall provide the autopsy report to the parent or guardian within thirty (30) days after the:

(1) request; or

(2) completion of the autopsy report;

whichever is later, at no cost.

(g) A coroner shall notify:

(1) a local child fatality review team; or

(2) if the county does not have a local child fatality review team, the statewide child fatality review committee;

of the death of a child described in subsection (a).

As added by P.L.225-2007, SEC.14.

IC 36-2-14-7

Examination of witnesses; service of physician; payment

Sec. 7. (a) At an investigation under this chapter, the coroner shall examine persons wanting to testify and may examine persons he has summoned by his subpoena. Witnesses shall answer under oath all questions concerning the death under investigation.

(b) If a physician is required to attend an investigation and make a post mortem examination, the coroner shall certify this service to the county executive, which shall order payment for the physician from the county treasury.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-14-8

Witness fees

Sec. 8. A witness testifying before a county coroner is entitled to the same fees as a witness testifying in the circuit court for the county.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1980, P.L.125, SEC.25.

IC 36-2-14-9

Witness testimony

Sec. 9. The testimony of each witness at a coroner's investigation shall be reduced to writing and signed by him. The coroner shall, by recognizance in a reasonable sum, bind any witness whose testimony relates to the trial of a person concerned in the death to give evidence in court and shall send the written evidence and recognizance of the witness to the court. The coroner shall commit to the county jail a witness who refuses to enter into the recognizance required by this section.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-14-10

Coroner's verdict and report; autopsy records; confidentiality

Sec. 10. (a) After viewing the body, hearing the evidence, and

making all necessary inquiries, the coroner shall draw up and sign his verdict on the death under consideration. The coroner shall also make a written report giving an accurate description of the deceased person, his name if it can be determined, and the amount of money and other property found with the body. The verdict and the written report are subject to inspection and copying under IC 5-14-3-3.

(b) Except as provided in subsections (c), (d), and (e), a photograph, video recording, or audio recording of an autopsy in the custody of a medical examiner is declared confidential for purposes of IC 5-14-3-4(a)(1).

(c) A surviving spouse may:

(1) view and copy a photograph or video recording; and

(2) listen to and copy an audio recording;

of the deceased spouse's autopsy. If there is no surviving spouse, the surviving parents shall have access to the records under this section. If there is no surviving spouse or parent, an adult child shall have access to the records.

(d) Upon making a written request, a unit (as defined in IC 36-1-2-23), the state, an agency of the state, the federal government, or an agency of the federal government, while in performance of their official duty, may:

(1) view and copy a photograph or video recording; and

(2) listen to and copy an audio recording;

of an autopsy. Unless otherwise required in the performance of official duties, the identity of the deceased must remain confidential.

(e) The coroner or the coroner's designee having custody of a photograph, a video recording, or an audio recording of an autopsy may use or allow the use of the photograph, video recording, or audio recording of the autopsy for case consultation with a pathologist or forensic scientist. The coroner or the coroner's designee having custody of a photograph, a video recording, or an audio recording of an autopsy may also use or allow the use of the photograph, video recording, or audio recording for training or educational purposes (as defined in IC 16-39-7.1-1.5) if all information that identifies the individual on whom the autopsy was performed is masked or removed from the photograph, video recording, or audio recording. For purposes of this subsection, information that identifies an individual consists of:

(1) the name;

(2) the address;

(3) the Social Security number;

(4) a full view of the face; or

(5) identifying marks on the body that are unrelated to the medical condition or medical status;

of the deceased individual. A coroner or coroner's designee who allows the use of autopsy information under this subsection has a duty to disclose to each person to whom the coroner or coroner's designee releases it that the information is confidential and may not be used for a purpose other than the purpose for which it was originally released. Information disclosed under this subsection is

confidential. A coroner or coroner's designee who fails to disclose the confidentiality restrictions of this information commits a Class A misdemeanor.

(f) Except as provided in subsection (e), the coroner or the coroner's designee having custody of a photograph, a video, or an audio recording of an autopsy may not permit a person to:

(1) view or copy the photograph or video recording; and

(2) listen to or copy the audio recording;

of an autopsy without a court order.

(g) A court, upon a showing of good cause, may issue an order authorizing a person to:

(1) view or copy a photograph or video recording; and

(2) listen to or copy an audio recording;

of an autopsy, and may prescribe any restrictions or stipulations that the court considers appropriate.

(h) In determining good cause under subsection (g), the court shall consider:

(1) whether the disclosure is necessary for the public evaluation of governmental performance;

(2) the seriousness of the intrusion into the family's right to privacy;

(3) whether the disclosure of the photograph, video recording, or audio recording is by the least intrusive means available; and

(4) the availability of similar information in other public records, regardless of form.

(i) In all cases, the viewing, copying, listening to, or other handling of a photograph, video recording, or audio recording of an autopsy must be under the direct supervision of the coroner, or the coroner's designee, who is the custodian of the record.

(j) A surviving spouse shall be given:

(1) reasonable notice of the petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording;

(2) a copy of the petition filed with the court to view or copy a photograph or video recording of an autopsy or a petition to listen to or copy an audio recording; and

(3) reasonable notice of the opportunity to be present and heard at any hearing on the matter.

(k) If there is no surviving spouse, the notice under subsection (j) must be given to the deceased's parents, and if the deceased has no living parent, the notice must be given to the adult children of the deceased.

(l) A coroner or coroner's designee who:

(1) is the custodian of a photograph, a video recording, or an audio recording of an autopsy; and

(2) knowingly or intentionally violates this section;

commits a Class A misdemeanor.

(m) A person who knowingly or intentionally violates a court order issued under this section commits a Class A misdemeanor.

(n) A person who:

(1) receives autopsy information under subsection (e); and
(2) knowingly or intentionally uses the information in a manner other than the specified purpose for which it was released;
commits a Class A misdemeanor.
As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.4-1994, SEC.22; P.L.271-2001, SEC.4; P.L.179-2003, SEC.6.

IC 36-2-14-11
Property or money of deceased person subject to coroner's investigation; found with body or at scene of death; taking possession; publication; search for person entitled; delivery to county treasurer or sheriff

Sec. 11. (a) This section applies to money or other personal property:
(1) owned by a deceased person whose death is subject to a coroner's investigation; or
(2) found:
(A) on a body; or
(B) at the scene of death.

(b) If money or personal property is not claimed by a person entitled to them, the coroner shall do the following:
(1) Take possession of the property.
(2) Publish, in accordance with IC 5-3-1, a description of the deceased and the name of the deceased if known.
(3) Make a reasonable search to find a person who is entitled to the money or other personal property.

(c) If, after complying with subsection (b), the coroner does not know of a person entitled to the money, the coroner shall deliver the money to the county treasurer for deposit in the county general fund.

(d) If, after complying with subsection (b), the coroner does not know of a person entitled to the personal property other than money that has an intrinsic value, the coroner shall deliver the personal property to the sheriff for sale at any auction that the sheriff conducts under law. The sheriff shall deposit the receipts from the auction of the personal property in the county general fund.
As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.45, SEC.11; P.L.141-1992, SEC.1.

IC 36-2-14-12
Repealed

(*Repealed by P.L.225-2007, SEC.21.)*

IC 36-2-14-12.5
Coroner requests to hospitals for blood or tissue samples

Sec. 12.5. (a) A coroner shall make all reasonable attempts to promptly identify human remains, including taking the following steps:
(1) Photograph the human remains before an autopsy is conducted.
(2) X-ray the human remains.

(3) Photograph items found with the human remains.
(4) Fingerprint the remains, if possible.
(5) Obtain tissue, bone, or hair samples suitable for DNA typing, if possible.
(6) Collect any other information relevant to identification efforts.

(b) A coroner may not dispose of unidentified human remains or take any other action that will materially affect the condition of the remains until the coroner has taken the steps described in subsection (a).

(c) If human remains have not been identified after thirty (30) days, the coroner or other person having custody of the remains shall request the state police to do the following:

(1) Enter information that may assist in the identification of the remains into:

(A) the National Crime Information Center (NCIC) data base; and
(B) any other appropriate data base.

(2) Upload relevant DNA profiles from the remains to the missing persons data base of the State DNA Index System (SDIS) and the National DNA Index System (NDIS) after completion of the DNA analysis and other procedures required for data base entry.

(d) If unidentified human remains are identified as belonging to a missing person, the coroner shall:

(1) notify the law enforcement agency handling the missing persons case that the missing person is deceased; and
(2) instruct the law enforcement agency to make documented efforts to contact family members of the missing person.

(e) No person may order the cremation of unidentified human remains.

As added by P.L.92-2007, SEC.6. Amended by P.L.225-2007, SEC.15.

IC 36-2-14-13

Immunity from civil liability; autopsy

Sec. 13. A person who in good faith orders or performs a medical examination or autopsy under statutory authority is immune from civil liability for damages for ordering or performing the examination or autopsy.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-14-14

Repealed

(*Repealed by P.L.225-2007, SEC.21.)*

IC 36-2-14-15

Compensation

Sec. 15. When fixing the compensation of county officers under this title, the county fiscal body shall fix:

(1) compensation for the coroner as if he is licensed to practice as a physician in Indiana; and

(2) compensation for the coroner as if he is not licensed to practice as a physician in Indiana.

The compensation fixed under subdivision (1) must be one and one-half (1 1/2) times that fixed under subdivision (2). The county fiscal body shall then determine whether or not the coroner is a licensed physician and shall fix his compensation in the proper amount.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-14-16

Counties over 400,000 population; disposition of unclaimed bodies

Sec. 16. (a) This section applies to each county having a population of more than four hundred thousand (400,000).

(b) For purposes of this section, a body is unclaimed if:

(1) a person cannot be located to take custody of the body; or

(2) there is a person to take custody of the body, but that person cannot or will not assume financial responsibility for disposition of the body.

(c) Except as provided in IC 21-44-2, the coroner may order the burial or cremation of any unclaimed body left in the coroner's custody.

(d) If the deceased died without leaving money or other means necessary to defray the funeral expenses, the coroner may contract with a funeral director licensed under IC 25-15 to dispose of the body. The necessary and reasonable expenses for disposing of the body shall be paid by the county auditor upon the order of the coroner.

As added by P.L.106-1986, SEC.3. Amended by P.L.3-1990, SEC.123; P.L.2-2007, SEC.385.

IC 36-2-14-17

Violent or suspicious death of person; failure to notify authorities of discovery of body or moving body from scene; offenses

Sec. 17. (a) A person who knowingly or intentionally fails to immediately notify the coroner or a law enforcement agency of the discovery of the body of a person who:

(1) has died from violence;

(2) has died in an apparently suspicious, unusual, or unnatural manner; or

(3) has died at less than three (3) years of age;

commits a Class B infraction. However, the failure to immediately notify under this subsection is a Class A misdemeanor if the person fails to immediately notify with the intent to hinder a criminal investigation.

(b) A person who, with the intent to hinder a criminal investigation and without the permission of the coroner or a law enforcement officer, knowingly or intentionally alters the scene of death of a person who has died:

(1) from violence; or

(2) in an apparently suspicious, unusual, or unnatural manner; commits a Class D felony.

As added by P.L.339-1987, SEC.2. Amended by P.L.225-2007, SEC.16.

IC 36-2-14-18

Public inspection and copying of information; investigatory records; copies of autopsy; availability of report

Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1), when a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying the following:

(1) The name, age, address, sex, and race of the deceased.

(2) The address where the dead body was found, or if there is no address the location where the dead body was found and, if different, the address where the death occurred, or if there is no address the location where the death occurred.

(3) The name of the agency to which the death was reported and the name of the person reporting the death.

(4) The name of any public official or governmental employee present at the scene of the death and the name of the person certifying or pronouncing the death.

(5) Information regarding an autopsy (requested or performed) limited to the date, the person who performed the autopsy, where the autopsy was performed, and a conclusion as to:

(A) the probable cause of death;

(B) the probable manner of death; and

(C) the probable mechanism of death.

(6) The location to which the body was removed, the person determining the location to which the body was removed, and the authority under which the decision to remove the body was made.

(7) The records required to be filed by a coroner under section 6 of this chapter and the verdict and the written report required under section 10 of this chapter.

(b) A county coroner or a coroner's deputy who receives an investigatory record from a law enforcement agency shall treat the investigatory record with the same confidentiality as the law enforcement agency would treat the investigatory record.

(c) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, a video recording, or an audio recording of the autopsy, upon the written request of a parent of the decedent, an adult child of the decedent, a next of kin of the decedent, or an insurance company investigating a claim arising from the death of the individual upon whom the autopsy was performed. A parent of the decedent, an adult child of the decedent, a next of kin of the decedent, and an insurance company are prohibited from publicly disclosing any information contained in the report beyond that information that may otherwise be disclosed by a coroner under this section. This prohibition does

not apply to information disclosed in communications in conjunction with the investigation, settlement, or payment of the claim.

(d) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, a video recording, or an audio recording of the autopsy, upon the written request of:

(1) the director of the division of disability and rehabilitative services established by IC 12-9-1-1;

(2) the director of the division of mental health and addiction established by IC 12-21-1-1; or

(3) the director of the division of aging established by IC 12-9.1-1-1;

in connection with a division's review of the circumstances surrounding the death of an individual who received services from a division or through a division at the time of the individual's death.

(e) Notwithstanding any other provision of this section, a coroner shall make available, upon written request, a full copy of an autopsy report, including a photograph, a video recording, or an audio recording of the autopsy, to:

(1) the department of child services established by IC 31-25-1-1, including an office of the department located in the county where the death occurred;

(2) the statewide child fatality review committee established by IC 31-33-25-6; or

(3) a county child fatality review team or regional child fatality review team established under IC 31-33-24-6 by the county or for the county where the death occurred;

for purposes of an entity described in subdivisions (1) through (3) conducting a review or an investigation of the circumstances surrounding the death of a child (as defined in IC 31-9-2-13(d)(1)) and making a determination as to whether the death of the child was a result of abuse, abandonment, or neglect. An autopsy report made available under this subsection is confidential and shall not be disclosed to another individual or agency, unless otherwise authorized or required by law.

(f) Except as provided in subsection (g), the information required to be available under subsection (a) must be completed not later than fourteen (14) days after the completion of:

(1) the autopsy report; or

(2) if applicable, any other report, including a toxicology report, requested by the coroner as part of the coroner's investigation;

whichever is completed last.

(g) The prosecuting attorney may petition a circuit or superior court for an order prohibiting the coroner from publicly disclosing the information required in subsection (a). The prosecuting attorney shall serve a copy of the petition on the coroner.

(h) Upon receipt of a copy of the petition described in subsection (g), the coroner shall keep the information confidential until the court rules on the petition.

(i) The court shall grant a petition filed under subsection (g) if the

prosecuting attorney proves by a preponderance of the evidence that public access or dissemination of the information specified in subsection (a) would create a significant risk of harm to the criminal investigation of the death. The court shall state in the order the reasons for granting or denying the petition. An order issued under this subsection must use the least restrictive means and duration possible when restricting access to the information. Information to which access is restricted under this subsection is confidential.

(j) Any person may petition the court to modify or terminate an order issued under subsection (i). The petition for modification or termination must allege facts demonstrating that:

(1) the public interest will be served by allowing access; and

(2) access to the information specified in subsection (a) would not create a significant risk to the criminal investigation of the death.

The person petitioning the court for modification or termination shall serve a copy of the petition on the prosecuting attorney and the coroner.

(k) Upon receipt of a petition for modification or termination filed under subsection (j), the court may:

(1) summarily grant, modify, or dismiss the petition; or

(2) set the matter for hearing.

If the court sets the matter for hearing, upon the motion of any party or upon the court's own motion, the court may close the hearing to the public.

(l) If the person filing the petition for modification or termination proves by a preponderance of the evidence that:

(1) the public interest will be served by allowing access; and

(2) access to the information specified in subsection (a) would not create a significant risk to the criminal investigation of the death;

the court shall modify or terminate its order restricting access to the information. In ruling on a request under this subsection, the court shall state the court's reasons for granting or denying the request.

As added by P.L.299-1989, SEC.1. Amended by P.L.4-1994, SEC.23; P.L.2-1995, SEC.129; P.L.2-1996, SEC.290; P.L.271-2001, SEC.5; P.L.243-2003, SEC.13; P.L.141-2006, SEC.113; P.L.102-2007, SEC.6; P.L.157-2007, SEC.5; P.L.225-2007, SEC.17; P.L.3-2008, SEC.257.

IC 36-2-14-19

Cornea donations

Sec. 19. (a) As used in this section, "cornea" includes corneal tissue.

(b) As used in this section, "decedent" means a person described in section 6(a)(1) through 6(a)(5) of this chapter.

(c) As used in this section, "eye bank" means a nonprofit corporation:

(1) organized under Indiana law;

(2) exempt from federal income taxation under Section 501 of

the Internal Revenue Code; and

(3) whose purposes include obtaining, storing, and distributing corneas that are to be used for corneal transplants or for other medical or medical research purposes.

(d) If under section 6(d) of this chapter the coroner requires an autopsy to be performed upon a decedent, the coroner may authorize the removal of one (1) or both of the decedent's corneas for donation to an eye bank for transplantation, if the following conditions exist:

(1) The decedent's corneas are not necessary for successful completion of the autopsy.

(2) The decedent's corneas are not necessary for use as evidence.

(3) Removal of the decedent's corneas will not alter the postmortem facial appearance of the decedent.

(4) A representative of the eye bank, authorized by the trustees of the eye bank to make requests for corneas, has done the following:

(A) Within six (6) hours after the time of death, made a reasonable attempt to:

(i) contact any of the persons listed in the order of priority specified in IC 29-2-16.1-8; and

(ii) inform the person of the effect of the removal of the decedent's corneas on the physical appearance of the decedent.

(B) Submitted to the coroner:

(i) a written request for the donation by the coroner of corneas of the decedent subject to autopsy under section 6(d) of this chapter; and

(ii) a written certification that corneas donated under this section are intended to be used only for cornea transplant.

(5) The removal of the corneas and their donation to the eye bank will not alter a gift made by:

(A) the decedent when alive; or

(B) any of the persons listed in the order of priority specified in IC 29-2-16.1-8;

to an agency or organization other than the eye bank making the request for the donation.

(6) The coroner, at the time the removal and donation of a decedent's corneas is authorized, does not know of any objection to the removal and donation of the decedent's corneas made by:

(A) the decedent, as evidenced in a written document executed by the decedent when alive; or

(B) any of the persons listed in the order of priority specified in IC 29-2-16.1-8.

(e) A person, including a coroner and an eye bank and the eye bank's representatives, who exercises reasonable care in complying with subsection (d)(6) is immune from civil liability arising from cornea removal and donation allowed under this section.

(f) A person who authorizes the donation of a decedent's corneas

may not be charged for the costs related to the donation. The recipient of the donation is responsible for the costs related to the donation.

As added by P.L.36-1993, SEC.6. Amended by P.L.147-2007, SEC.19.

IC 36-2-14-20

Billing counties for costs of autopsies

Sec. 20. (a) As used in this section, "autopsy" means the external and surgical internal examination of all body systems of a decedent, including toxicology and histology.

(b) Except as provided in subsection (b) and IC 4-24-4-1, if an Indiana resident:

(1) dies in an Indiana county as a result of an incident that occurred in another Indiana county; and

(2) is the subject of an autopsy performed under the authority and duties of the county coroner of the county where the death occurred;

the county coroner shall bill the county in which the incident occurred for the cost of the autopsy, including the physician fee under section 6(d) of this chapter.

(c) Except as provided in subsection (b) and IC 4-24-4-1, payment for the costs of an autopsy requested by a party other than the:

(1) county prosecutor; or

(2) county coroner;

of the county in which the individual died must be made by the party requesting the autopsy.

(d) This section does not preclude the coroner of a county in which a death occurs from attempting to recover autopsy costs from the jurisdiction outside Indiana where the incident that caused the death occurred.

As added by P.L.271-2001, SEC.6. Amended by P.L.67-2003, SEC.1; P.L.225-2007, SEC.18.

IC 36-2-14-21

Coroners obtaining decedent's health records; coroners provide health records to investigative units

Sec. 21. (a) As used in this section, "health records" means written, electronic, or printed information possessed by a provider concerning any diagnosis, treatment, or prognosis of the patient. The term includes mental health records, alcohol and drug abuse records, and emergency ambulance service records.

(b) As used in this section, "provider" has the meaning set forth in IC 16-18-2-295(b).

(c) As part of a medical examination or autopsy conducted under this chapter, a coroner may obtain a copy of the decedent's health records.

(d) Except as provided in subsection (e), health records obtained under this section are confidential.

(e) The coroner may provide the health records of a decedent that

were obtained under this section to a prosecuting attorney or law enforcement agency that is investigating the individual's death. Health records received from a coroner under this subsection are confidential.

(f) A person who receives confidential records or information under this section and knowingly or intentionally discloses the records or information to an unauthorized person commits a Class A misdemeanor.

As added by P.L.28-2002, SEC.3. Amended by P.L.1-2007, SEC.240.

IC 36-2-14-22

Providing climate controlled environment

Sec. 22. A coroner shall exercise reasonable care in providing a climate controlled environment for the purpose of retarding decomposition of a human body in the coroner's custody.

As added by P.L.58-2007, SEC.1.

IC 36-2-14-22.1

Coroner requests to hospitals for blood or tissue samples

Sec. 22.1. (a) Upon the request of a coroner who is conducting or will conduct a death investigation on an individual who is admitted or was admitted to a hospital, the hospital shall provide a sample of the individual's blood or tissue to the coroner.

(b) A coroner does not need to obtain a warrant to request a blood or tissue sample under this section.

As added by P.L.225-2007, SEC.19.

IC 36-2-14-22.2

Repealed

(*Repealed by P.L.3-2008, SEC.269.)*

IC 36-2-14-22.3

Training courses for coroners and deputy coroners

Sec. 22.3. (a) The coroners training board established by IC 4-23-6.5-3, in consultation with the Indiana law enforcement academy, shall create and offer a training course for coroners and deputy coroners. The training course must include:

(1) at least forty (40) hours of instruction; and

(2) instruction regarding:

(A) death investigation;

(B) crime scenes; and

(C) preservation of evidence at a crime scene for police and crime lab technicians.

(b) The coroners training board, in consultation with the Indiana law enforcement academy, shall create and offer an annual training course for coroners and deputy coroners. The annual training course must:

(1) include at least eight (8) hours of instruction; and

(2) cover recent developments in:

(A) death investigation;

(B) crime scenes; and
(C) preservation of evidence at a crime scene for police and crime lab technicians.

(c) In creating the courses under subsections (a) and (b), the coroners training board shall consult with a pathologist certified by the American Board of Pathology regarding medical issues that are a part of the training courses.

(d) All training in the courses offered under subsections (a) and (b) that involves medical issues must be approved by a pathologist certified by the American Board of Pathology.

(e) All training in the courses offered under subsections (a) and (b) that involves crime scenes and evidence preservation must be approved by a law enforcement officer.

(f) The coroners training board shall issue a coroner or deputy coroner a certificate upon successful completion of the courses described in subsections (a) and (b).

As added by P.L.3-2008, SEC.258.

IC 36-2-14-22.4

Organ and tissue procurement

Sec. 22.4. A coroner shall follow the procedures set forth in IC 29-2-16.1 concerning organ and tissue procurement.

As added by P.L.3-2008, SEC.259.

IC 36-2-14-22.6

Information requests; medicolegal examinations; interference with postmortem examinations; denial of recovery

Sec. 22.6. (a) Upon request of a procurement organization, a coroner shall release to the procurement organization the name, contact information, and available medical and social history of a decedent whose body is under the jurisdiction of the coroner. If the decedent's body or part is medically suitable for transplantation, therapy, research, or education, the coroner shall release postmortem examination results to the procurement organization. The procurement organization may make a subsequent disclosure of the postmortem examination results or other information received from the coroner only if relevant to transplantation or therapy.

(b) The coroner may conduct a medicolegal examination by reviewing all medical records, laboratory test results, x-rays, other diagnostic results, and other information that any person possesses about a donor or prospective donor whose body is under the jurisdiction of the coroner which the coroner determines may be relevant to the investigation.

(c) A person that has any information requested by a coroner under subsection (b) shall provide that information as expeditiously as possible to allow the coroner to conduct the medicolegal investigation within a period compatible with the preservation of parts for the purpose of transplantation, therapy, research, or education.

(d) If an anatomical gift has been or might be made of a part of a

decedent whose body is under the jurisdiction of the coroner and a postmortem examination is not required, or the coroner determines that a postmortem examination is required but that the recovery of the part that is the subject of an anatomical gift will not interfere with the examination, the coroner and procurement organization shall cooperate in the timely removal of the part from the decedent for the purpose of transplantation, therapy, research, or education.

(e) If an anatomical gift of a part from the decedent under the jurisdiction of the coroner has been or might be made, but the coroner, in consultation with a pathologist, initially believes that the recovery of the part could interfere with the postmortem investigation into the decedent's cause or manner of death or interfere with the preservation or collection of evidence, the coroner and pathologist shall consult with the procurement organization or physician or technician designated by the procurement organization about the proposed recovery. After consultation, the coroner may allow the recovery, delay the recovery, or deny the recovery.

(f) Before the removal procedure, the coroner or designee may allow recovery by the procurement organization to proceed, or, if the coroner or designee reasonably believes that the part may be involved in determining the decedent's cause or manner of death or, in tissue procurement cases, if the coroner or designee determines that, for evidentiary purposes, the body must remain undisturbed prior to autopsy, deny recovery by the procurement organization. The coroner or designee must be present at the scene before denying the recovery of a part. When practicable, the coroner and pathologist shall work with the procurement organization to facilitate removal of a part following any postmortem examination of the decedent.

(g) If the coroner or designee denies recovery under subsection (e) or (f), the coroner or designee shall:

(1) explain in a record the specific reasons for not allowing recovery of the part;

(2) include the specific reasons in the records of the coroner and forensic pathologist; and

(3) provide a record with the specific reasons to the procurement organization and the state department of health.

(h) If the coroner or designee allows recovery of a part under subsection (d), (e), or (f), the procurement organization shall do the following:

(1) At the request of the coroner or designee and when practicable, perform diagnostic studies that would aid in documenting the presence or absence of injuries.

(2) Cause the physician or technician who removes the part to explain in a signed record the condition of the part, including the presence or absence of any injuries to the part or any surrounding tissue or organs.

(3) Provide a copy of the record described in subdivision (2) to the coroner and the investigating law enforcement agency.

(4) Cause the physician or technician who removes the part to photograph, collect, preserve, and maintain the appropriate

chain of custody of any evidence that is found during procurement.

(5) Cause the physician or technician who removes the part to collect blood and other bodily fluid samples as directed by the coroner or designee.

(6) Cause the physician or technician who removes the part to, upon the request of the coroner or designee, photograph, biopsy, or provide any other information and observations concerning the part or body that would assist in the postmortem examination.

(i) If a coroner or designee must:

(1) be present at a removal procedure under subsection (f); or

(2) perform duties at times other than those that are usual and customary for the coroner or designee to maximize tissue or eye recovery under IC 29-2-16.1-21(b);

at the request of the coroner or designee, the procurement organization that requested the recovery of the part shall reimburse the coroner or designee for the additional costs incurred by the coroner or designee to comply with subsection (f) or IC 29-2-16.1-21(b).

As added by P.L.147-2007, SEC.20.

IC 36-2-14-23

Requirement that coroner and deputy coroner complete course; auditor to withhold pay if course not timely completed; withheld pay released upon successful completion of course; exception

Sec. 23. (a) Each coroner shall successfully complete the training course offered under section 22.3(a) of this chapter within six (6) months after taking office.

(b) Each deputy coroner shall successfully complete the training course offered under section 22.3(a) of this chapter within one (1) year after beginning employment with a coroner's office.

(c) Each coroner and each deputy coroner shall successfully complete the annual training course offered under section 22.3(b) of this chapter each year after the year in which the coroner or deputy coroner received the training required by section 22.3(a) of this chapter.

(d) After a coroner or deputy coroner has:

(1) successfully completed the training course as required under subsection (a) or (b); and

(2) successfully completed the annual training course as required under subsection (c);

the coroner or deputy coroner shall present a certificate or other evidence to the county executive, or in the case of a county that contains a consolidated city, the city-county council, that the coroner or deputy coroner has successfully completed the training required under subsection (a), (b), or (c).

(e) If a coroner or deputy coroner does not present a certificate or other evidence to the county executive, or in the case of a county that contains a consolidated city, the city-county council, that the coroner

or deputy coroner has successfully completed the training required under subsection (a), (b), or (c), the county executive or city-county council shall order the auditor to withhold the paycheck of the coroner or deputy coroner until the coroner or deputy coroner satisfies the respective training requirements under subsections (a), (b), and (c), unless the county executive or city-county council adopts a resolution finding that:

(1) the failure of the coroner or deputy coroner to complete the respective training requirements under subsections (a), (b), and (c) is the result of unusual circumstances;

(2) the coroner or deputy coroner is making reasonable progress, under the circumstances, toward completing the respective training requirements under subsections (a), (b), and (c); and

(3) in light of the unusual circumstances described in subdivision (1), withholding the paycheck of the coroner or deputy coroner would be unjust.

(f) If the county executive or city-county council orders an auditor to withhold a paycheck under subsection (e) and a coroner or deputy coroner later presents a certificate or other evidence to the county executive or city-county council that the coroner or deputy coroner has successfully completed training required under subsection (a), (b), or (c), the county executive or city-county council shall order the auditor to release all of the coroner's or deputy coroner's paychecks that were withheld from the coroner or deputy coroner.

As added by P.L.157-2007, SEC.7. Amended by P.L.3-2008, SEC.260.

IC 36-2-14-24

Requirement for the release of autopsy and other reports; auditor to withhold pay if autopsy or other reports not timely released; withheld pay released upon release of autopsy or other reports; exception

Sec. 24. (a) Except as provided in subsection (b), if a coroner does not release a written report required under section 10 of this chapter or a full copy of an autopsy report required under section 18 of this chapter as required by law, the county executive, or in the case of a county containing a consolidated city, the city-county council, shall order the auditor to withhold the paycheck of the coroner until the coroner properly releases the written report or full autopsy report, unless the county executive or city-county council adopts a resolution finding that:

(1) the failure of the coroner or deputy coroner to release the written report or full autopsy report is the result of unusual circumstances;

(2) the coroner or deputy coroner is making reasonable progress, under the circumstances, toward completing and releasing the written report or full autopsy report; and

(3) in light of the unusual circumstances described in subdivision (1), withholding the paycheck of the coroner or

deputy coroner would be unjust.

(b) A county auditor may not withhold the paycheck of a coroner if a coroner is legally prohibited from releasing a written report or from releasing a full autopsy report. However, a coroner is required to release a written report or full autopsy report as soon as possible after the legal prohibition on releasing the written report or full autopsy report ceases to exist.

(c) If the county executive or city-county council orders an auditor to withhold a paycheck under subsection (a) and a coroner properly releases the written report or full autopsy report, the county executive or city-county council shall order the auditor to release all of the coroner's paychecks that were withheld from the coroner.

As added by P.L.157-2007, SEC.8.

IC 36-2-15

Chapter 15. County Assessor

IC 36-2-15-1

Application of chapter

Sec. 1. This chapter applies to all counties.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-15-2

Election; eligibility; residence; term of office

Sec. 2. (a) A county assessor shall be elected under IC 3-10-2-13 by the voters of the county.

(b) To be eligible to serve as an assessor, a person must meet the qualifications prescribed by IC 3-8-1-23.

(c) A county assessor must reside within the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The assessor forfeits office if the assessor ceases to be a resident of the county.

(d) The term of office of a county assessor is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.5-1986, SEC.37; P.L.3-1987, SEC.550; P.L.1-2004, SEC.61 and P.L.23-2004, SEC.63; P.L.88-2005, SEC.15.

IC 36-2-15-3

Location of office; business hours and days

Sec. 3. (a) Subject to subsection (b), the assessor shall keep the assessor's office in a building provided at the county seat by the county executive. The assessor shall keep the office open for business during regular business hours on every day of the year except Sundays and legal holidays. However, the assessor may close the office on days specified by the county executive according to custom and practice of the county.

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

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.146-2008, SEC.692.

IC 36-2-15-4

Legal action on days office is closed

Sec. 4. A legal action required to be taken in the assessor's office on a day when his office is closed under section 3 of this chapter may be taken on the next day his office is open.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-15-5

Duties; transfer of duties; referendum

Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor, including the following:

(1) Countywide equalization.

(2) Selection and maintenance of a countywide computer system.

(3) Certification of gross assessments to the county auditor.

(4) Discovery of omitted property.

(5) In:

(A) a township in which the transfer of duties of the elected township assessor is required by subsection (c); or

(B) a township in which the duties relating to the assessment of tangible property are not required to be performed by a township assessor elected under IC 36-6-5;

performance of the assessment duties prescribed by IC 6-1.1.

(b) A transfer of duties between assessors does not affect:

(1) any assessment, assessment appeal, or other official action made by an assessor before the transfer; or

(2) any pending action against, or the rights of any party that may possess a legal claim against, an assessor that is not described in subdivision (1).

Any assessment, assessment appeal, or other official action of an assessor made by the assessor within the scope of the assessor's official duties before the transfer is considered as having been made by the assessor to whom the duties are transferred.

(c) If:

(1) for a particular general election after June 30, 2008, the person elected to the office of township assessor has not attained the certification of a level two assessor-appraiser; or

(2) for a particular general election after January 1, 2012, the person elected to the office of township assessor has not attained the certification of a level three assessor-appraiser;

as provided in IC 3-8-1-23.6 before the date the term of office begins, the assessment duties prescribed by IC 6-1.1 that would otherwise be performed in the township by the township assessor are transferred to the county assessor on that date. If assessment duties in a township are transferred to the county assessor under this subsection, those assessment duties are transferred back to the township assessor if at a later election a person who has attained the required level of certification referred to in subdivision (1) or (2) is elected to the office of township assessor.

(d) If assessment duties in a township are transferred to the county assessor under subsection (c), the office of elected township assessor remains vacant for the period during which the assessment duties prescribed by IC 6-1.1 are transferred to the county assessor.

(e) A referendum shall be held under sections 7.4 through 11 of this chapter in each township in which the number of parcels of real property on January 1, 2008, is at least fifteen thousand (15,000) to determine whether to transfer to the county assessor the assessment duties prescribed by IC 6-1.1 that would otherwise be performed by the elected township assessor of the township.

As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.6-1997, SEC.206; P.L.90-2002, SEC.469; P.L.219-2007, SEC.108;

P.L.3-2008, SEC.261; P.L.146-2008, SEC.693.

IC 36-2-15-6
Repealed

(*Repealed by P.L.84-1995, SEC.6.)*

IC 36-2-15-7
Transition on transfer of duties between assessors

Sec. 7. (a) Each county assessor, elected township assessor, or township trustee-assessor whose assessment duties prescribed by IC 6-1.1 will be transferred under section 5 of this chapter shall:

(1) organize the records of the assessor's office relating to the assessment of tangible property in a manner prescribed by the department of local government finance; and

(2) transfer the records as directed by the department of local government finance.

(b) The department of local government finance shall determine a procedure and schedule for the transfer of the records and operations. The assessors shall assist each other and coordinate their efforts to:

(1) ensure an orderly transfer of all records; and

(2) provide for an uninterrupted and professional transition of the property assessment functions consistent with this chapter and the directions of the department of local government finance.

As added by P.L.219-2007, SEC.109.

IC 36-2-15-7.4
Transfer of assessment duties after referendum; question to be submitted in referendum

Sec. 7.4. (a) Assessment duties are transferred to the county assessor as described in section 5(e) of this chapter only if a majority of the individuals in the township who vote in a referendum that is conducted in accordance with this section and sections 8 through 11 of this chapter approves the transfer.

(b) The question to be submitted to the voters in the referendum must read as follows:

"Should the assessing duties of the elected township assessor in the township be transferred to the county assessor?".

As added by P.L.146-2008, SEC.694.

IC 36-2-15-8
Certification of referendum question; date of referendum; notice of referendum question

Sec. 8. (a) The county legislative body shall act under IC 3-10-9-3 to certify the question to be voted on at the referendum under this chapter to the county election board.

(b) Each county clerk shall, upon receiving the question certified by the county legislative body under subsection (a), call a meeting of the county election board to make arrangements for the referendum.

(c) The referendum shall be held in the general election in 2008.

(d) The referendum shall be held under the direction of the county election board, which shall take all steps necessary to carry out the referendum.

(e) Not less than ten (10) days before the date on which the referendum is to be held, the county election board shall cause notice of the question that is to be voted upon at the referendum to be published in accordance with IC 5-3-1.

As added by P.L.146-2008, SEC.695.

IC 36-2-15-9

County election board duties

Sec. 9. Each county election board shall cause:

(1) the question certified to the circuit court clerk by the county legislative body to be placed on the ballot in the form prescribed by IC 3-10-9-4; and

(2) an adequate supply of ballots and voting equipment to be delivered to the precinct election board of each precinct in which the referendum under this chapter is to be held.

As added by P.L.146-2008, SEC.696.

IC 36-2-15-10

Individuals entitled to vote in referendum

Sec. 10. The individuals entitled to vote in a referendum under this chapter are all the registered voters resident in the township in which the referendum is held.

As added by P.L.146-2008, SEC.697.

IC 36-2-15-11

Count by precinct election board; certification of results; notice of results; nullification of election in certain circumstances

Sec. 11. (a) Each precinct election board shall count the affirmative votes and the negative votes cast in the referendum under this chapter and shall certify those two (2) totals to the county election board of the county. The circuit court clerk of the county shall, immediately after the votes cast in the referendum have been counted, certify the results of the referendum to the county legislative body. Upon receiving the certification of all the votes cast in the referendum, the county legislative body shall promptly notify the department of local government finance of the result of the referendum. If a majority of the individuals who voted in the referendum voted "yes" on the referendum question:

(1) the county legislative body shall promptly notify:

(A) the county assessor;

(B) the elected township assessor in the township; and

(C) each candidate in an election described in subsection (b);

of the results of the referendum; and

(2) with respect to a particular elected township assessor in the county, the assessment duties prescribed by IC 6-1.1 are transferred to the county assessor on January 1, 2009.

(b) If:

(1) an election is held in the general election in 2008 of an elected township assessor; and

(2) a majority of the individuals who voted in the referendum held under this chapter voted "yes" on the referendum question;

the results of the election of the elected township assessor are nullified.

As added by P.L.146-2008, SEC.698.

IC 36-2-16

Chapter 16. Deputies and Employees

IC 36-2-16-1

Application of chapter

Sec. 1. This chapter applies to all counties.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-16-2

Bond; oath

Sec. 2. (a) A deputy appointed under this chapter may be required to give a bond, in accordance with IC 5-4-1, for the proper discharge of the deputy's duties.

(b) If required under IC 5-4-1-1, a deputy appointed under this chapter shall take the oath required of the officer who appointed the deputy.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1982, P.L.33, SEC.19; P.L.14-2004, SEC.193.

IC 36-2-16-3

Performance of duties of appointing officer; regulations and penalties; responsibility for acts of deputy

Sec. 3. (a) A deputy appointed under this chapter may perform all the official duties of the officer who appointed him and is subject to the same regulations and penalties as the officer.

(b) The officer appointing the deputy is responsible for all the official acts of the deputy.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-16-4

Officers entitled to appoint chief or other deputies and employees

Sec. 4. Each of the following county officers is entitled to appoint one (1) first or chief deputy, and also may appoint the number of other full-time or part-time deputies and employees authorized by the county fiscal body:

(1) The county auditor.
(2) The county treasurer.
(3) The county recorder.
(4) The county superintendent of schools.
(5) The county sheriff.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.154; P.L.174-2006, SEC.20.

IC 36-2-16-5

County surveyor authorized to appoint chief or other deputies and employees; bridge engineer; field notes

Sec. 5. (a) The county surveyor may appoint one (1) first or chief deputy, if authorized by the county fiscal body, and also may appoint the number of other full-time or part-time deputies and employees authorized by the county fiscal body.

(b) The surveyor of a county having a population of one hundred sixty-five thousand (165,000) or more may appoint a registered professional civil engineer as bridge engineer.

(c) If a deputy surveyor takes field notes, he shall return them to the county surveyor within sixty (60) days.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.155; P.L.154-1993, SEC.2.

IC 36-2-16-6

Repealed

(*Repealed by P.L.131-1983, SEC.17.)*

IC 36-2-16-7

County coroner authorized to appoint deputies and clerical employees

Sec. 7. The county coroner may appoint the number of deputies and clerical employees authorized by the county fiscal body.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.156.

IC 36-2-16-8

County assessor authorized to appoint deputies and employees; required level of certification

Sec. 8. (a) The county assessor may appoint the number of full-time or part-time deputies and employees authorized by the county fiscal body.

(b) After June 30, 2009, an employee of the county assessor who performs real property assessing duties must have attained the level of certification under IC 6-1.1-35.5 that the county assessor is required to attain under IC 3-8-1-23.

As added by Acts 1980, P.L.212, SEC.1. Amended by Acts 1981, P.L.11, SEC.157; P.L.146-2008, SEC.699.

IC 36-2-16-9

Compensation of certain deputies in charge of various courts or branches

Sec. 9. If a county has:

(1) a superior or county court; or

(2) two (2) or more courthouses in which branches of county offices are maintained;

the deputies in charge of the various courts or branches rank as, and shall be compensated as, first or chief deputies.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-16-10

County animal disease control emergency coordinator

Sec. 10. The county executive of each county shall designate a county animal disease control emergency coordinator who is responsible for receiving information as to the policy of the state board of animal health on animal disease control matters. The county

animal disease control emergency management coordinator shall distribute information as directed by the state board of animal health. Not later than seven (7) days after making the designation, the county executive shall forward the name of the county animal disease control emergency coordinator to the Indiana state board of animal health.

As added by P.L.262-1999, SEC.1.

IC 36-2-16.5

Chapter 16.5. Salary Schedule for Probation Officers

IC 36-2-16.5-1

Application

Sec. 1. This chapter applies to all counties, cities, and towns that employ probation officers.

As added by P.L.277-2003, SEC.14.

IC 36-2-16.5-2

"Probation officer"

Sec. 2. As used in this chapter, "probation officer" means a probation officer or a juvenile probation officer.

As added by P.L.277-2003, SEC.14.

IC 36-2-16.5-3

Adoption of salary schedule

Sec. 3. In consultation with:

(1) at least one (1) judge of a court or division of a court authorized to impose probation; and

(2) at least one (1) probation officer;

the county, city, or town fiscal body shall adopt a salary schedule setting the compensation of a probation officer. The salary schedule must comply with the minimum compensation requirements for probation officers adopted by the judicial conference of Indiana under IC 11-13-1-8.

As added by P.L.277-2003, SEC.14.

IC 36-2-16.5-4

Salary of probation officer

Sec. 4. The county, city, or town fiscal body shall fix the salary of a probation officer based on the salary schedule adopted under this chapter.

As added by P.L.277-2003, SEC.14.

IC 36-2-16.5-5

Benefits; holidays; hours

Sec. 5. Unless otherwise specified in the salary schedule, a probation officer is entitled to the same benefits, holidays, and hours as other county, city, or town employees.

As added by P.L.277-2003, SEC.14.

IC 36-2-17

Chapter 17. County Records

IC 36-2-17-1

Application of chapter

Sec. 1. This chapter applies to all counties.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-17-2

Keeping records in offices; delivery to successors; use of permanent ink; violation

Sec. 2. (a) The county auditor, county treasurer, county surveyor, county sheriff, and county superintendent of schools shall keep in their offices all records that they are required to make and shall deliver them to their successors.

(b) The clerk of the circuit court, county auditor, and county recorder shall use permanent jet-black, nonfading ink when preparing official records in longhand. A person who violates this subsection commits a Class C infraction.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-17-3

Photostatic recording of documents; force of recording

Sec. 3. (a) A county officer who is required to record documents may record them by a photographic process if:

(1) the process is adopted by the county executive; and

(2) the necessary photographic equipment and supplies are furnished for that purpose by the county executive.

(b) Photostatic recording of documents has the same force as recording of documents by handwriting, typewriter, or handwriting on partly printed pages.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-17-4

Miniature photographic or microfilm recording of documents; marginal entry or notation; control over film and records; original and duplicate copies; index

Sec. 4. (a) A county officer may record documents by miniature photographic process or microfilm process if:

(1) the installation of the process is approved by the county executive; and

(2) the process provides for an original and a duplicate film copy of each document that the officer is required to record.

The officer shall index and file the original copy in a suitable container in the office where the document is recorded, in such a manner that it is easily accessible and readable by an interested person. The officer shall preserve the duplicate copy in a fireproof vault, either in the courthouse where the office is located or in a place designated by the county executive.

(b) When recording a release, assignment, or other document that

requires a marginal entry or notation on a prior record made under this section, an officer acting under this section shall:

(1) record the document on the index page of the photographic or microfilm record containing the prior record; or

(2) index and cross-reference the marginal entry or notation and record it on a separate page attached to or filed with and made a part of the prior record.

(c) An officer recording a document under this section has exclusive control over the film and records in his office, and he may not return an original document to the person presenting it for record until the film copy of that document is properly recorded, indexed, filed, and made available to interested persons.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-17-5

Preservation of records; copies; control of records

Sec. 5. (a) If it is necessary to preserve the records of:

(1) the circuit court clerk's office;

(2) the county auditor's office;

(3) the county treasurer's office;

(4) the county recorder's office;

(5) the county sheriff's office;

(6) a court of record; or

(7) the county surveyor's office;

from damage, the county executive shall order the officer in charge of the records to copy them in suitable books procured by him for that purpose. The executive shall specify in its order the particular records or parts of records to be copied.

(b) If:

(1) parts of a county's records have been destroyed;

(2) the remaining parts of the records have been copied to preserve them from damage; and

(3) the proper holder of the original documents on which the records were based presents those documents to the officer in charge of the records;

the officer in charge of the records shall use the original documents to complete the records, and, if the original index no longer exists, shall index the completed records.

(c) If a map or plat in the office of the county auditor, county recorder, or county surveyor is so worn or defaced that it is not fit for use, the auditor, recorder, or surveyor shall make an accurate copy of the legible part of the map or plat. If a part of the map or plat is illegible, the auditor or recorder shall resort to the most accurate sources to complete the copy.

(d) Copies of records made under this section have the same force as the original records. Certified transcripts of copies of records made under subsection (a) of this section have the same force as transcripts of the original records.

(e) Control of the county recorder's records, including copying, storage, and retrieval is the responsibility of the county recorder.

(f) Control of the county surveyor's records, including copying, storage, and retrieval is the responsibility of the county surveyor.
As added by Acts 1980, P.L.212, SEC.1. Amended by P.L.231-1989, SEC.13; P.L.276-2001, SEC.8.

IC 36-2-17-6
Destruction of records; meetings; list; replacement; appointment of commissioner

Sec. 6. (a) If records belonging to the county or a court of record in the county are destroyed, the county auditor shall immediately notify the county executive, which shall meet at the time and place specified by the auditor. During the next twelve (12) months, the county executive may hold additional meetings concerning the destroyed records if it finds that such meetings are necessary.

(b) At the meeting held under subsection (a) of this section, after a showing that records of the county or a court of record in the county have been destroyed, the county executive shall order the county auditor to make out and certify a list of all the destroyed records that were furnished by the state under a statute or joint resolution. The auditor shall immediately forward this list to the governor, who shall immediately give notice of the destruction of county records to the state officer whose duty it is to furnish records to the county. That officer shall immediately furnish to the county all records on the list, as if the county had never received them.

(c) At the meeting held under subsection (a) of this section, the county executive shall appoint a person as a commissioner if any of the records of:

(1) a court of record in the county;
(2) a clerk of a court of record in the county; or
(3) a county officer other than the county recorder;

have been destroyed. After taking an oath of office, the commissioner has the powers and duties set forth in section 7 of this chapter.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-17-7
Destruction of records; powers and duties of commissioner; procedures

Sec. 7. (a) Before performing any of his duties, a commissioner appointed under section 6(c) of this chapter shall give twenty (20) days notice of:

(1) his appointment;
(2) the time when he will begin to perform his duties; and
(3) the place where he will begin to perform his duties;

by publication under IC 5-3-1 and by posting written notices in each township of the county.

(b) The commissioner may:

(1) employ a clerk, who shall take an oath of office before performing any of his duties;
(2) administer oaths when testimony is required to be taken

before him;

(3) issue subpoenas for and compel the attendance of witnesses;

(4) cite persons for and issue execution for contempt;

(5) tax costs; and

(6) adjourn his proceedings from time to time, but after an adjournment without a day specified for reconvening, he may not resume his duties without an order of the county executive authorizing him to do so.

(c) A sheriff who delivers the commissioner's writs and subpoenas and witnesses who testify before the commissioner are entitled to the same fees as are allowed for the same service or attendance in the circuit court. This compensation shall be taxed against the party bearing costs.

(d) The commissioner shall obtain record books in which the proceedings held before him shall be fully recorded. Proceedings concerning the different courts and different offices of the county shall be recorded in separate books.

(e) The commissioner or his clerk may not record proof of the existence and contents of the following records and documents of a clerk of a court of record:

(1) Judgments and decrees.

(2) Writs of execution and returns of writs of execution.

(3) Recognizances and forfeitures of bonds.

The commissioner or his clerk shall record proof of the existence and content of any other record or document that belonged to or was filed or deposited in the office of a clerk of a court of record and has been destroyed, if that proof is presented to the commissioner by a disinterested witness. However, the commissioner may receive proof of the contents of a will only if the evidence leads him to believe that neither the original will nor an authenticated copy can be produced.

(f) The commissioner shall record the complete statement of each witness who testifies before him. The commissioner may not include his own conclusions in the record.

(g) The commissioner shall sign the record of each day's testimony that he hears, and shall certify each completed volume of the record to be a complete and accurate copy of the testimony taken before him. The commissioner shall deliver each completed volume of the record to the appropriate county office.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-17-8

Destruction of records; force and effect of records or certified copies; removal of commissioner for neglect; expenses

Sec. 8. (a) Records compiled by the commissioner, or certified copies of those records, are admissible in any legal proceeding and have the force that the same testimony would have if it were delivered orally. Complete or partial copies of a volume of the commissioner's records may be certified by the commissioner if he has custody of the volume; otherwise, the county officer having custody of the volume may certify copies. Certified copies of the

commissioner's record have the same evidentiary force as the commissioner's record.

(b) If the county executive finds that the commissioner is incompetent or that he unreasonably delays or neglects his duties, it may, by an order on the record, remove him from office and appoint a successor. An order of removal is not appealable.

(c) If more than twelve (12) months have passed since the commissioner commenced his duties, the county executive may give him twenty (20) days notice to terminate his proceedings. After twenty (20) days, the duties of his office cease. However, the county executive may subsequently authorize the commissioner to resume his duties for a limited period of time.

(d) All expenses of books, stationery, and per diems under this section and section 7 of this chapter shall be paid by the county.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-17-9

Destruction of recorder's records; restoration; proof of execution, acknowledgment, or action

Sec. 9. (a) If all or part of the records of the recorder's office are destroyed, the recorder shall immediately obtain a book in which he shall restore the destroyed parts of the record. The recorder shall, in the order in which they are presented, record in this book documents that had been recorded but the records of which have been destroyed. The recorder shall also record the recorder's original indorsement showing the time when each document was originally filed for record. This new record has the same force as the original record would have had if it had not been destroyed.

(b) Whenever the recorder acts under subsection (a), he shall also obtain another book in which he shall, in the order in which it is presented, record all proof of the execution, acknowledgment, contents, destruction, and recording of documents that had been recorded in his office but the records of which have been destroyed. The recorder shall index this book in the manner in which records of deeds are indexed.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-17-10

Destruction of recorder's records; statement of person having interest in preserving evidence of document; witnesses; oaths; witnesses' recollections

Sec. 10. (a) A person who has an interest in preserving evidence of a document, the record of which in the recorder's office has been destroyed, shall make a verified statement before the recorder that:

(1) he has an interest in preserving evidence of the document;

(2) the document was previously recorded in the recorder's office; and

(3) he has searched diligently for the original of the document and has not been able to find it.

After recording the person's statement and requiring him to sign it,

the recorder shall take and record the verified statement of each witness who testifies before him. The recorder may be sworn as a witness by a person authorized to administer oaths.

(b) The recorder shall require each witness testifying under this section to make a verified statement of his interest in preserving his testimony, and shall include this statement in the record. The recorder shall require each witness to sign the record of his testimony and shall add his certificate stating that the witness was duly sworn.

(c) A recorder shall administer all oaths required by this section.

(d) Testimony admissible before the recorder under this section consists of witnesses' best recollections of:

(1) the execution and acknowledgment of the document;

(2) the date of the document;

(3) the contents of the document;

(4) the prior recording of the document in the recorder's office; and

(5) the time when the document was initially recorded or deposited for record.

(e) The recorder shall record the complete statement of each witness who testifies before him. The recorder may not include his own conclusions in the record.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-17-11

Destruction of recorder's records; force and effect of record; certified copies; fee for recording

Sec. 11. (a) A party to a legal proceeding may introduce a record of testimony made under section 10 of this chapter into evidence. Such a record has the same force as oral testimony at the trial by the witness whose statement makes up the record, and it may be excluded, rebutted, or impeached in the same manner in which that oral testimony could be excluded, rebutted, or impeached.

(b) If the recorder certifies that a copy of a record made under section 10 of this chapter is a complete copy of all parts of the record relevant to a document in issue in a trial, the certified copy is admissible in evidence in that trial and has the same force as the original record.

(c) The recorder shall charge half the usual fee for recording a document under section 9 or 10 of this chapter.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-17-12

Wills, letters testamentary, or letters of administration destroyed; copies; force and effect of record

Sec. 12. If the record of a will, letters testamentary, or letters of administration is destroyed, and an authenticated copy of the will or letters is presented to the clerk of the proper court, he shall record the copy as if it was the original and shall note on the record the date on which the document was originally recorded. A record made under this section has the same force as the original record.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-17-13

Bond for guardian, administrator, or executor destroyed; new bond; liability of surety on destroyed bond

Sec. 13. A guardian, administrator, or executor whose official bond is destroyed in a general destruction of a county's records shall file a new bond with the proper officer within three (3) months after the bond is destroyed. The liability on the new bond commences with its filing in the proper office. Sureties on the destroyed bond are not liable for acts of their principal occurring after the filing of the new bond.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-17-14

Bond for county officer destroyed; new bond; liability

Sec. 14. If:

(1) the official bond of a county officer is destroyed; and

(2) the county officer receives a written notice of the destruction of his bond from the officer having custody of the bond;

he shall file a new bond with the proper officer within twenty (20) days after he receives the notice. The liabilities on the new or old bond are the same as those prescribed by section 13 of this chapter on bonds of guardians, administrators, or executors.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-17-15

Public documents in custody of county treasurer destroyed; copies; county tax duplicate; liability of persons charged with tax

Sec. 15. (a) If public documents in the custody of the county treasurer are destroyed, the officer whose duty it is to furnish those documents shall immediately make new copies of them in the same manner in which they were originally made and shall deliver these copies to the treasurer. A copy made under this section has the same force as the original document.

(b) If a county tax duplicate is destroyed and a copy is supplied under this section, persons charged with taxes on that copy are liable for those taxes unless they:

(1) produce proper receipts for the taxes; or

(2) prove to the county treasurer or county executive that the taxes have been paid.

As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-17-16

Assessment rolls and tax duplicates destroyed; new assessments and appraisals; proceedings to collect taxes due

Sec. 16. If the assessment rolls and tax duplicates of a county are destroyed, the county executive shall cause new assessments and appraisals to be made, in the same manner and under the same

regulations that they were originally made, and shall conduct all proceedings necessary to enable the treasurer to collect all taxes due in the county.
As added by Acts 1980, P.L.212, SEC.1.

IC 36-2-17-17
Electronic storage medium; retrieved information as evidence of official record; data processing system; duties of recorder

Sec. 17. (a) As used in this section:

"Book" means a book, register, index, or file that the law requires a county recorder to maintain.

"Electronic storage medium" means a magnetic tape, card, diskette, disk, or other medium on which data may be entered and retained and from which data may be retrieved by the operation of an electronic data processing system.

"Recorded information" means information in any written matter, such as a record, document, plat, or paper, that the law requires a recorder to enter into a book.

(b) The county recorder may substitute an electronic storage medium for any book. For the purposes of admissibility into evidence, printouts or other types of information retrieved from an electronic storage medium in written form shall be treated as an official record in all courts and administrative agencies.

(c) When the recorder substitutes an electronic storage medium for a book, the recorder shall operate a data processing system that during normal business hours allows:

(1) retrieval of recorded information by reference to the same identification number assigned to the written matter that has been recorded, the written matter's date of recording, the name of affected parties, the legal description of affected real property (if any), and any other category of information that the law requires the recorder to maintain in a related index or file; and

(2) reproduction of recorded information in written form.

(d) The recorder shall enter the identification number assigned by the recorder to a recorded matter with the related recorded information being entered into the electronic storage medium. The recorder shall verify the correctness of all recorded information entered into the electronic storage medium and assign security access codes to it that will protect it from alteration. An original of recorded matter may not be returned to the person submitting it before certification and security coding occur.

(e) At intervals determined by the recorder, the recorder shall duplicate the data on an electronic storage medium containing recorded information and permanently store one (1) copy outside the office of the recorder in a secure location that is designated by the county executive and under the exclusive custody and control of the recorder. If either copy is lost or damaged, the recorder may use the other copy to perform his duties.
As added by P.L.193-1984, SEC.1.

IC 36-2-18

Chapter 18. Weed Cutting on County Roadsides

IC 36-2-18-1

Duty of county highway department

Sec. 1. Each county highway department shall control detrimental plants (as defined in IC 15-16-8-1), and noxious weeds as required by law.

As added by P.L.86-1988, SEC.225. Amended by P.L.2-2008, SEC.81.

IC 36-2-18-2

Expenses

Sec. 2. All expenses for carrying out this chapter shall be paid out of funds from that county's allocation from the motor vehicle highway account.

As added by P.L.86-1988, SEC.225.

IC 36-2-19

Chapter 19. Filing of Surveys

IC 36-2-19-1

"Land surveyor" defined

Sec. 1. As used in this chapter, "land surveyor" means any of the following:

(1) A land surveyor registered under IC 25-21.5.

(2) An employee or subordinate of a land surveyor registered under IC 25-21.5.

(3) An individual who is exempt from registration as a land surveyor under IC 25-21.5-3.

As added by P.L.76-1989, SEC.4. Amended by P.L.23-1991, SEC.37.

IC 36-2-19-2

"Original survey" defined

Sec. 2. As used in this chapter, "original survey" means a survey that is executed for the purpose of locating and describing real property that has not been previously described in documents conveying an interest in real property.

As added by P.L.76-1989, SEC.4.

IC 36-2-19-3

"Retracement or record document survey" defined

Sec. 3. As used in this chapter, "retracement or record document survey" means a survey of real property that has been previously described in documents conveying an interest in that real property.

As added by P.L.76-1989, SEC.4.

IC 36-2-19-4

Recording plat of survey; information included; filing ordinance; filing fee

Sec. 4. (a) If a land surveyor has prepared a plat of any original, retracement, or record document survey (not including Indiana surveyor location reports or other similar documents normally associated with a mortgage loan) the plat shall be recorded in the county recorder's office when:

(1) a new tax parcel is created;

(2) no survey has been previously recorded; or

(3) the monuments, monument references, or the description varies from the last recorded survey of the parcel.

(b) The plat of survey described in subsection (a) must include the following:

(1) The name of the owner or title holder according to the current county tax records at the time of recording (or the actual title holder if the land surveyor knows the tax records are not accurate).

(2) The area of each surveyed tract.

(3) A statement indicating the existence or absence of improvements on each surveyed tract.

(c) The county may enact an ordinance requiring that if plats of survey have been prepared the plats must be filed with the county surveyor's office. If such an ordinance is adopted and a plat of survey has been prepared, a notarized record executed by the surveyor of the filing (showing the name of the surveyor, the date of certification, the name of the owner of the surveyed parcel as described in subsection (b)(1), and a brief description of the surveyed parcel) must be recorded in the recorder's office. The ordinance shall establish a fee schedule for the filing of the plat.
As added by P.L.76-1989, SEC.4.

IC 36-2-19-5
Copy of plat to county auditor or surveyor
Sec. 5. A copy of any plat recorded in the recorder's office or filed in the surveyor's office under this chapter must be provided to the county auditor or the county surveyor, if this action is authorized by county ordinance for the maintenance of the plat book under IC 6-1.1-5-1.
As added by P.L.76-1989, SEC.4.

IC 36-2-19-6
Filing fee disposition
Sec. 6. If the plat described in section 4 of this chapter is filed in the county surveyor's office under a county ordinance, the filing fee shall be deposited in the county surveyor's corner perpetuation fund.
As added by P.L.76-1989, SEC.4.

IC 36-2-19-7
Duplicate plat copy to township assessor
Sec. 7. (a) Except as provided in subsection (b), in a county in which IC 6-1.1-5-9 or IC 6-1.1-5-9.1 applies, the county surveyor shall file a duplicate copy of any plat described in section 4 of this chapter with the township assessor (if any).
(b) If the duties of the township assessor have been transferred to the county assessor as described in IC 6-1.1-1-24, a reference to the township assessor in this section is considered to be a reference to the county assessor.
As added by P.L.76-1989, SEC.4. Amended by P.L.219-2007, SEC.110; P.L.146-2008, SEC.700.

IC 36-2-20

Chapter 20. Acquisition of Materials, Supplies, or Services

IC 36-2-20-1

Application of chapter

Sec. 1. This chapter applies to a county in which the executive and the fiscal body adopt identical ordinances to do the following:

(1) Accept the applicability of this chapter.

(2) Designate a procurement agent.

As added by P.L.252-1993, SEC.5.

IC 36-2-20-2

Item

Sec. 2. As used in this chapter, "item" means any of the following:

(1) Materials.

(2) Supplies.

(3) Services, other than professional services.

As added by P.L.252-1993, SEC.5.

IC 36-2-20-3

Procurement agent

Sec. 3. As used in this chapter, "procurement agent" means a board, an officer, or an employee position having sole authority on behalf of a county to buy, purchase, lease, or otherwise acquire items for which payment is to be made from a public fund.

As added by P.L.252-1993, SEC.5.

IC 36-2-20-4

Written requisitions

Sec. 4. An official or employee who wants the county to acquire an item shall forward a written requisition for the item to the procurement agent. The requisition must include the following information concerning the item:

(1) Specifications.

(2) Quantity.

(3) Type.

(4) Purpose for which the item is needed.

(5) Office or place where the item will be used.

(6) Date when needed.

(7) Evidence that sufficient funds were appropriated and are available to pay for the item.

As added by P.L.252-1993, SEC.5.

IC 36-2-20-5

Acquisition of items

Sec. 5. After consultation with the person submitting the requisition, the procurement agent shall acquire the item in the manner required by IC 5-22 or other applicable statutes.

As added by P.L.252-1993, SEC.5. Amended by P.L.49-1997, SEC.77.

IC 36-2-20-6

Acquisitions in violation of chapter

Sec. 6. A claim by an official or employee for an item that was acquired in violation of this chapter:

(1) may not be approved for payment by the county executive; and

(2) is the personal responsibility of the person who acquired the item.

As added by P.L.252-1993, SEC.5.