

# HOUSE BILL No. 1040

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-11; IC 5-28; IC 20-41; IC 33-32-2-9; IC 36-2; IC 36-3-5; IC 36-4-10; IC 36-5-6; IC 36-6-4.

**Synopsis:** Requirements for elected officials. Provides that if an examination of an audited entity is unable to be performed because the audited entity's accounts, records, files, or reports are not properly maintained or reconciled, the entity may be declared unauditabile. Requires an unauditabile entity to bring its accounts, records, files, or reports into an auditabile condition within 90 days. Requires the state board of accounts (SBOA) to publish a list of entities declared to be unauditabile on the SBOA's website. Provides that if an entity is declared unauditabile and the fiscal officer is unable to perform the fiscal requirements of their position, the fiscal officer is required to hire outside assistance for guidance or to perform the fiscal requirements. Clarifies an exception regarding the liability of an elected official for acts that constitute gross negligence or intentional disregard of the official's duties. Requires the SBOA to annually call a conference for: (1) city and town controllers and clerk-treasurers, newly appointed city and town controllers, and city and town clerk-treasurers elect; and (2) township trustees and township trustees elect. Provides that elected officials must attend training every two years and that the SBOA shall keep attendance of elected officials and publish it on the SBOA's website. Provides that if there is an office of town clerk-treasurer that is vacant, and the town legislative body is unable to fill the office, the town legislative body may either: (1) enter into a local agreement with the town clerk-treasurer and town legislative body of another town in the state to assist a selected town legislative body member in performing the duties of the clerk-treasurer's office; or (2) enter into a contract with a certified public accountant to assist the town legislative  
(Continued next page)

**Effective:** January 1, 2024.

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## Lehman, Porter

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January 9, 2023, read first time and referred to Committee on Local Government.

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Digest Continued

body member in performing the duties of the clerk-treasurer's office. (Current law provides that the town legislative body may only enter into a contract with a certified public accountant after the town legislative body is unable to reach an agreement with another town.) Provides that newly elected officials shall complete five hours of training before taking office. Provides that elected officials shall certify completion of training requirements to the SBOA annually. Excludes self-supporting school lunch and the rental or sale of curricular materials as programs that may be established as separate funds. Makes technical corrections.



Introduced

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in *this style type*, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

# HOUSE BILL No. 1040



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 5-11-1-9, AS AMENDED BY P.L.157-2020,  
 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JANUARY 1, 2024]: Sec. 9. (a) The state examiner, personally or  
 4 through the deputy examiners, field examiners, or private examiners,  
 5 shall examine all accounts and all financial affairs of every audited  
 6 entity. However, an examination of an entity under this subsection shall  
 7 be limited to matters relevant to the use of the public money received  
 8 by the entity.

9 **(b) If an examination of an audited entity is unable to be**  
 10 **performed because the audited entity's accounts, records, files, or**  
 11 **reports are not properly maintained or reconciled, the audited**  
 12 **entity may be declared to be unauditabile. An audited entity that is**  
 13 **declared unauditabile shall bring its accounts, records, files, or**  
 14 **reports into an auditabile condition within ninety (90) days. The**  
 15 **state board of accounts shall publish a list of audited entities**



- 1 **declared unauditible on the state board of accounts' website.**  
 2 ~~(b)~~ **(c)** An examination of an entity that is organized as a  
 3 not-for-profit corporation deriving:  
 4 (1) less than fifty percent (50%); or  
 5 (2) subject to subsection ~~(f)~~; **(j)**, at least fifty percent (50%) but  
 6 less than seven hundred fifty thousand dollars (\$750,000);  
 7 of its disbursements during the period subject to an examination from  
 8 appropriations, public funds, taxes, and other sources of public expense  
 9 shall be limited to matters relevant to the use of the public money  
 10 received by the entity.  
 11 ~~(e)~~ **(d)** The examination of an entity described in subsection ~~(b)~~ **(c)**  
 12 may be waived by the state examiner if the state examiner determines  
 13 that:  
 14 (1) in consideration of the applicable risk based examination  
 15 criteria described in and approved under section 25 of this  
 16 chapter; and  
 17 (2) based on submitted information;  
 18 there are no compelling reasons to conclude that disbursements of  
 19 public money during the period subject to examination were  
 20 inconsistent with the purposes for which the money was received.  
 21 However, the state examiner may revoke a waiver granted under this  
 22 subsection if the state examiner determines that revocation of the  
 23 waiver is necessary in accordance with the risk based examination  
 24 criteria set forth in section 25 of this chapter. The state examiner shall  
 25 communicate the determination to grant or revoke a waiver under this  
 26 subsection to the entity in writing.  
 27 ~~(d)~~ **(e)** Notwithstanding any other law, the:  
 28 (1) Indiana economic development corporation created by  
 29 IC 5-28-3 and the corporation's funds, accounts, and financial  
 30 affairs shall be examined by the state board of accounts unless the  
 31 examination is waived under subsection ~~(j)~~; **(k)**; and  
 32 (2) department of financial institutions established by  
 33 IC 28-11-1-1 and the department's funds, accounts, and financial  
 34 affairs shall be examined by the state board of accounts.  
 35 ~~(e)~~ **(f)** On every examination under this section, inquiry shall be  
 36 made as to the following:  
 37 (1) The financial condition and resources of each audited entity.  
 38 (2) Whether the laws of the state and the uniform compliance  
 39 guidelines of the state board of accounts established under section  
 40 24 of this chapter have been complied with.  
 41 (3) The methods and accuracy of the accounts and reports of the  
 42 person examined.



- 1 The examinations may be made without notice.
- 2 (f) (g) If during an examination of a state office or a body corporate  
3 and politic under this chapter the examiner encounters an inefficiency  
4 in the operation of the state office or the body corporate and politic, the  
5 examiner may comment on the inefficiency in the examiner's report.
- 6 (g) (h) The state examiner, deputy examiners, any field examiner,  
7 or any private examiner, when engaged in making any examination or  
8 when engaged in any official duty devolved upon them by the state  
9 examiner, is entitled to do the following:
- 10 (1) Enter into any state, county, city, township, or other public  
11 office in this state, or any entity, agency, or instrumentality, and  
12 examine any books, papers, documents, or electronically stored  
13 information for the purpose of making an examination.
- 14 (2) Have access, in the presence of the custodian or the  
15 custodian's deputy, to the cash drawers and cash in the custody of  
16 the officer.
- 17 (3) During business hours, examine the public accounts in any  
18 depository that has public funds in its custody pursuant to the  
19 laws of this state.
- 20 (h) (i) The state examiner, deputy examiner, or any field examiner,  
21 when engaged in making any examination authorized by law, may issue  
22 subpoenas for witnesses to appear before the examiner in person or to  
23 produce books, papers, or other records (including records stored in  
24 electronic data processing systems) for inspection and examination.  
25 The state examiner, deputy examiner, or any field examiner may issue  
26 a subpoena to enforce the filing of the annual financial report. The state  
27 examiner, deputy examiner, and any field examiner may administer  
28 oaths and examine witnesses under oath orally or by interrogatories  
29 concerning the matters under investigation and examination. Under the  
30 authority of the state examiner, the oral examinations may be  
31 transcribed with the reasonable expense paid by the examined person  
32 in the same manner as the compensation of the field examiner is paid.  
33 The subpoenas shall be served by any person authorized to serve civil  
34 process from any court in this state. If a witness or officer duly  
35 subpoenaed refuses to attend, refuses to produce information required  
36 in the subpoena, or attends and refuses to be sworn or affirmed, or to  
37 testify when called upon to do so, the examiner may apply to the circuit  
38 court having jurisdiction of the witness or officer for the enforcement  
39 of attendance and answers to questions as provided by the law  
40 governing the taking of depositions or to enforce the filing of any report  
41 referred to in this subsection.
- 42 (i) (j) The definitions in IC 20-24-1 apply throughout this



1 subsection. Appropriations, public funds, taxes, and other sources of  
 2 public money received by a nonprofit corporation as a charter school  
 3 or organizer of a charter school for the purposes of a charter school  
 4 may not be counted for the purpose of applying subsection ~~(b)(2)~~;  
 5 **(c)(2)**. Unless the nonprofit corporation receives other public money  
 6 that would qualify the nonprofit corporation for a full examination of  
 7 all accounts and financial affairs of the entity under subsection ~~(b)(2)~~;  
 8 **(c)(2)**, an examination of a charter school or organizer of a charter  
 9 school must be limited to matters relevant to the use of the public  
 10 money received for the charter school. This subsection does not  
 11 prohibit the state examiner, personally or through the deputy  
 12 examiners, field examiners, or private examiners, from examining the  
 13 accounts in which appropriations, public funds, taxes, or other sources  
 14 of public money are applied that are received by a nonprofit  
 15 corporation as a charter school or organizer of a charter school relating  
 16 to the operation of the charter school.

17 ~~(j)~~ **(k)** The state examiner may waive the examination of the Indiana  
 18 economic development corporation and a nonprofit subsidiary  
 19 corporation established under IC 5-28-5-13 if:

20 (1) an independent certified public accounting firm conducts an  
 21 examination under IC 5-28-3-2(c) of:

22 (A) the Indiana economic development corporation and the  
 23 Indiana economic development corporation's funds, accounts,  
 24 and financial affairs; and

25 (B) the nonprofit subsidiary corporation;  
 26 for the year;

27 (2) the Indiana economic development corporation submits the  
 28 examination report to the state board of accounts; and

29 (3) the state board of accounts reviews the examination report and  
 30 determines that the examination and examination report comply  
 31 with the uniform compliance guidelines, directives, and standards  
 32 established by the state board of accounts.

33 ~~(k)~~ **(l)** Notwithstanding the waiver of an examination of the Indiana  
 34 economic development corporation and its nonprofit subsidiary  
 35 corporation by the state examiner, the state board of accounts may  
 36 examine the Indiana economic development corporation and its  
 37 nonprofit subsidiary corporation at any time.

38 SECTION 2. IC 5-11-14-1, AS AMENDED BY P.L.169-2006,  
 39 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JANUARY 1, 2024]: Sec. 1. (a) As used in this section, "official"  
 41 includes the following:

42 (1) An elected official who is entitled to attend a conference



- 1 under this section.
- 2 (2) An individual elected to an office who is entitled to attend a  
3 conference under this section.
- 4 (3) A deputy or an assistant to an elected official who is entitled  
5 to attend a conference under this section.
- 6 (b) The state board of accounts shall annually call a conference of  
7 each of the following:
- 8 (1) County auditors and auditors elect.
- 9 (2) County treasurers and treasurers elect.
- 10 (3) Circuit court clerks and circuit court clerks elect.
- 11 **(4) City and town controllers and clerk-treasurers, newly**  
12 **appointed city and town controllers, and city and town**  
13 **clerk-treasurers elect.**
- 14 **(5) Township trustees and township trustees elect.**
- 15 (c) Each of the conferences called under subsection (b):
- 16 (1) must be held at a time and place fixed by the state examiner;
- 17 (2) may be held statewide or by district; and
- 18 (3) may not continue for longer than three (3) days in any one (1)  
19 year.
- 20 (d) The following training must be provided at each conference  
21 called under subsection (b):
- 22 (1) The proper use of forms prescribed by the state board of  
23 accounts.
- 24 (2) The keeping of the records of the respective offices.
- 25 (3) At the conference for county treasurers and treasurers elect,  
26 investment training by the following:
- 27 (A) The treasurer of state.
- 28 (B) The board for depositories.
- 29 (C) Any other person the state examiner considers to be  
30 competent in providing investment training.
- 31 (4) Any other training that, in the judgment of the state examiner,  
32 will result in the better conduct of the public business.
- 33 (e) The state examiner may hold other conferences for:
- 34 (1) the officials described in subsection (b); or
- 35 (2) other county, city, or township officers;
- 36 whenever in the judgment of the state examiner conferences are  
37 necessary.
- 38 (f) Whenever a conference is called by the state board of accounts  
39 under this section, an elected official, at the direction of the state  
40 examiner, may require the attendance of:
- 41 (1) each of the elected official's appointed and acting chief  
42 deputies or chief assistants; and



1 (2) if the number of deputies or assistants employed:

2 (A) does not exceed three (3), one (1) of the elected official's  
3 appointed and acting deputies or assistants; or

4 (B) exceeds three (3), two (2) of the elected official's duly  
5 appointed and acting deputies or assistants.

6 (g) Each official representing a unit and attending any conference  
7 under this section shall be allowed the following:

8 (1) A sum for mileage at a rate determined by the fiscal body of  
9 the unit the official represents for each mile necessarily traveled  
10 in going to and returning from the conference by the most  
11 expeditious route. Regardless of the duration of the conference,  
12 only one (1) mileage reimbursement shall be allowed to the  
13 official furnishing the conveyance even if the official transports  
14 more than one (1) person.

15 (2) An allowance for lodging for each night preceding conference  
16 attendance in an amount equal to the single room rate. However,  
17 lodging expense, in the case of a one (1) day conference, shall  
18 only be allowed for persons who reside fifty (50) miles or farther  
19 from the conference location.

20 (3) Reimbursement of an official, in an amount determined by the  
21 fiscal body of the unit the official represents, for meals purchased  
22 while attending a conference called under this section.

23 (h) The state board of accounts shall certify the number of days of  
24 attendance and the mileage for each conference to each official  
25 attending any conference under this section.

26 (i) All payments of mileage and lodging shall be made by the proper  
27 disbursing officer in the manner provided by law on a duly verified  
28 claim or voucher to which shall be attached the certificate of the state  
29 board of accounts showing the number of days attended and the  
30 number of miles traveled. All payments shall be made from the general  
31 fund from any money not otherwise appropriated and without any  
32 previous appropriation being made therefor.

33 (j) A claim for reimbursement under this section may not be denied  
34 by the body responsible for the approval of claims if the claim complies  
35 with IC 5-11-10-1.6 and this section.

36 **(k) The state board of accounts shall keep attendance of elected  
37 officials at each conference called by the state board of accounts  
38 and publish the attendance on the state board of accounts' website.**

39 **(l) Elected officials must attend the applicable annual  
40 conference called by the state board of accounts a minimum of  
41 once every two (2) years.**

42 SECTION 3. IC 5-11-14-2 IS AMENDED TO READ AS





1 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 2. **(a)** The state  
 2 board of accounts shall annually conduct a training institute for  
 3 clerk-treasurers and may conduct a training institute for city clerks,  
 4 either of the entire state or by districts. The provisions of ~~IC 5-11-14~~;  
 5 **this chapter** are applicable to any such training institute.

6 **(b) The state board of accounts shall keep attendance of**  
 7 **clerk-treasurers at each conference called by the state board of**  
 8 **accounts and publish the attendance on the state board of accounts'**  
 9 **website.**

10 **(c) Clerk-treasurers and city clerks must attend the annual**  
 11 **training institute a minimum of once every two (2) years.**

12 SECTION 4. IC 5-28-3-2, AS AMENDED BY P.L.209-2019,  
 13 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JANUARY 1, 2024]: Sec. 2. (a) The corporation is a body politic and  
 15 corporate, not a state agency but an independent instrumentality  
 16 exercising essential public functions.

17 (b) Except as provided in ~~IC 5-11-1-9(j)~~; **IC 5-11-1-9(k)**, the  
 18 corporation and the corporation's funds, accounts, and financial affairs  
 19 shall be examined by the state board of accounts.

20 (c) The board may engage an independent certified public  
 21 accounting firm to conduct an examination of:

- 22 (1) the corporation and the corporation's funds, accounts, and  
 23 financial affairs; and
- 24 (2) a nonprofit subsidiary corporation established under  
 25 IC 5-28-5-13.

26 The examination must comply with the uniform compliance guidelines,  
 27 directives, and standards established by the state board of accounts. If  
 28 an independent certified public accounting firm conducts an  
 29 examination, the corporation shall submit a copy of the examination  
 30 report to the state board of accounts not later than the next date on  
 31 which the corporation is required to file its financial reports under  
 32 IC 5-11-1-4.

33 SECTION 5. IC 5-28-5-13, AS AMENDED BY P.L.209-2019,  
 34 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JANUARY 1, 2024]: Sec. 13. (a) Notwithstanding section 12 of this  
 36 chapter, the board may establish a nonprofit subsidiary corporation to  
 37 solicit and accept private sector funding, gifts, donations, bequests,  
 38 devises, and contributions.

39 (b) A subsidiary corporation established under this section:

- 40 (1) must use money received under subsection (a) to carry out in  
 41 any manner the purposes and programs under this article;
- 42 (2) must report to the budget committee each year concerning:



- 1 (A) the use of money received under subsection (a); and
- 2 (B) the balances in any accounts or funds established by the
- 3 subsidiary corporation; and
- 4 (3) may deposit money received under subsection (a) in a
- 5 account or fund that is:
- 6 (A) administered by the subsidiary corporation; and
- 7 (B) not part of the state treasury.
- 8 (c) Except as provided in ~~IC 5-11-1-9(j)~~, **IC 5-11-1-9(k)**, the state
- 9 board of accounts shall audit a subsidiary corporation established under
- 10 this section.

11 SECTION 6. IC 20-41-1-2, AS AMENDED BY P.L.238-2019,  
 12 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JANUARY 1, 2024]: Sec. 2. Any self-supporting programs maintained  
 14 by a school corporation, ~~including:~~ **excluding:**

- 15 (1) school lunch; and
- 16 (2) rental or sale of curricular materials;
- 17 may be established as separate funds, separate and apart from any other
- 18 school corporation fund, if no local tax rate is established for the
- 19 programs.

20 SECTION 7. IC 20-41-1-5, AS ADDED BY P.L.2-2006, SECTION  
 21 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JANUARY 1, 2024]: Sec. 5. (a) A public school must have a treasurer  
 23 for purposes of this chapter. The treasurer must be:

- 24 (1) the superintendent or principal of the particular school;
- 25 (2) a clerk of the school corporation; or
- 26 (3) a member of the faculty appointed by the superintendent or
- 27 principal.

28 This designation must be made immediately upon the opening of the  
 29 school term or the vacating of the office of treasurer. Claims shall be  
 30 filed and paid under sections 7 and 8 of this chapter. The employing or  
 31 appointing officials of a school may appoint and engage a school  
 32 treasurer or clerk.

33 (b) A school corporation may appoint one (1) or more assistant or  
 34 deputy treasurers.

35 (c) **Except as provided in IC 5-11**, a treasurer is not personally  
 36 liable for an act or omission occurring in connection with the  
 37 performance of the duties set forth in this chapter, unless the act or  
 38 omission constitutes gross negligence or an intentional disregard of the  
 39 treasurer's duties.

40 SECTION 8. IC 20-41-2-1, AS ADDED BY P.L.2-2006, SECTION  
 41 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JANUARY 1, 2024]: Sec. 1. Each township trustee in operating a



1 school lunch program may use either of the following accounting  
2 methods:

3 (1) The township trustee may **must** supervise and control the  
4 program through its school corporation account by establishing a  
5 school lunch fund.

6 (2) The township trustee may have the program operated by the  
7 individual schools of the school corporation through the school  
8 corporation's extracurricular account or accounts under  
9 IC 20-41-1.

10 SECTION 9. IC 20-41-2-2, AS AMENDED BY P.L.286-2013,  
11 SECTION 120, IS AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JANUARY 1, 2024]: Sec. 2. Each township trustee in  
13 operating a curricular materials rental program may use either of the  
14 following accounting methods:

15 (1) The township trustee may **must** supervise and control the  
16 program through its school corporation account by establishing a  
17 curricular materials rental fund.

18 (2) If curricular materials have not been purchased and financial  
19 commitments or guarantees for the purchases have not been made  
20 by the school corporation, the township trustee may have the  
21 program operated by the individual schools of the school  
22 corporation through the school corporation's extracurricular  
23 account or accounts under IC 20-41-1.

24 SECTION 10. IC 20-41-2-3, AS AMENDED BY P.L.286-2013,  
25 SECTION 121, IS AMENDED TO READ AS FOLLOWS  
26 [EFFECTIVE JANUARY 1, 2024]: Sec. 3. (a) If a school lunch fund  
27 is established under section 1 of this chapter or a curricular materials  
28 rental fund is established under section 2 of this chapter, the receipts  
29 and expenditures for each program shall be made to and from the  
30 proper fund without appropriation or the application of other laws  
31 relating to the budgets of local governmental units.

32 (b) If either program or both programs under sections 1 and 2 of this  
33 chapter are operated through the extracurricular account, the township  
34 trustee shall approve the amount of the bond of the treasurer of the  
35 extracurricular account in an amount the township trustee considers  
36 necessary to protect the account for all funds coming into the hands of  
37 the treasurer.

38 SECTION 11. IC 20-41-2-4, AS AMENDED BY P.L.118-2016,  
39 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JANUARY 1, 2024]: Sec. 4. A governing body in operating a school  
41 lunch program under IC 20-26-5-4(a)(11) may use either of the  
42 following accounting methods:



- 1 (1) It ~~may~~ **must** supervise and control the program through the
- 2 school corporation account, establishing a school lunch fund.
- 3 (2) It ~~may~~ cause the program to be operated by the individual
- 4 schools of the school corporation through the school corporation's
- 5 extracurricular account or accounts in accordance with
- 6 ~~IC 20-41-1.~~

7 SECTION 12. IC 20-41-2-5, AS AMENDED BY P.L.140-2018,  
 8 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JANUARY 1, 2024]: Sec. 5. (a) A governing body in operating a  
 10 curricular materials rental program under IC 20-26-5-4(a)(12) ~~may use~~  
 11 ~~either of the following accounting methods:~~

- 12 (1) ~~The governing body may~~ **must** supervise and control the
- 13 program through the school corporation's curricular materials
- 14 rental fund or education fund.
- 15 (2) ~~If curricular materials have not been purchased and financial~~
- 16 ~~commitments or guarantees for the purchases have not been made~~
- 17 ~~by the school corporation, the governing body may cause the~~
- 18 ~~program to be operated by the individual schools of the school~~
- 19 ~~corporation through the school corporation's extracurricular~~
- 20 ~~account or accounts in accordance with IC 20-41-1.~~

21 (b) If the governing body determines that a hardship exists due to  
 22 the inability of a student's family to purchase or rent curricular  
 23 materials, taking into consideration the income of the family and the  
 24 demands on the family, the governing body may furnish curricular  
 25 materials to the student without charge, without reference to the  
 26 application of any other statute or rule except IC 20-26-1 through  
 27 IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1.

28 SECTION 13. IC 20-41-2-6, AS AMENDED BY P.L.244-2017,  
 29 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JANUARY 1, 2024]: Sec. 6. ~~(a)~~ If a school lunch fund is established  
 31 under section 4 of this chapter and the school corporation's education  
 32 fund is used under section 5 of this chapter, the receipts and  
 33 expenditures from a fund for the program to which the fund relates  
 34 shall be made to and from the appropriate fund without appropriation  
 35 or the application of other statutes and rules relating to the budgets of  
 36 municipal corporations.

37 (b) If either the lunch program or the curricular materials rental  
 38 program is handled through the extracurricular account, the governing  
 39 body of the school corporation shall approve the amount of the bond of  
 40 the treasurer of the extracurricular account in an amount the governing  
 41 body considers sufficient to protect the account for all funds coming  
 42 into the hands of the treasurer of the account.



1 SECTION 14. IC 33-32-2-9, AS AMENDED BY P.L.257-2019,  
 2 SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JANUARY 1, 2024]: Sec. 9. (a) As used in this section, "training  
 4 courses" refers to training courses related to the office of circuit court  
 5 clerk that are compiled or developed by the Association of Indiana  
 6 Counties and approved by the state board of accounts.

7 (b) An individual elected to the office of circuit court clerk shall  
 8 complete at least:

9 (1) fifteen (15) hours of training courses within one (1) year; and  
 10 (2) forty (40) hours of training courses within three (3) years;  
 11 after the individual is elected to the office of circuit court clerk.

12 (c) An individual first elected to the office of circuit court clerk  
 13 shall complete five (5) hours of newly elected official training courses  
 14 before the individual first takes the office of circuit court clerk. A  
 15 training course that an individual completes under this subsection shall  
 16 be counted toward the individual's requirements under subsection (b).

17 (d) An individual shall fulfill the training requirements established  
 18 by subsection (b) for each term to which the individual is elected as  
 19 circuit court clerk.

20 (e) The failure of an individual to complete the training required by  
 21 this section does not prevent the individual from taking an office to  
 22 which the individual was elected.

23 (f) This subsection applies only to an individual appointed to fill a  
 24 vacancy in the office of circuit court clerk. An individual described in  
 25 this subsection may, but is not required to, take training courses  
 26 required by subsection (b). If an individual described in this subsection  
 27 takes a training course required by subsection (b) for an elected circuit  
 28 court clerk, the county shall pay for the training course as if the  
 29 individual had been an elected circuit court clerk.

30 **(g) An individual elected to the office of circuit court clerk shall**  
 31 **certify completion of the requirements described in subsection (b)**  
 32 **every year and file the certification with the state board of**  
 33 **accounts in the same manner as the report required in**  
 34 **IC 5-11-1-4(a).**

35 SECTION 15. IC 36-2-9-22 IS ADDED TO THE INDIANA CODE  
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 37 JANUARY 1, 2024]: **Sec. 22. If the county auditor is unable to**  
 38 **perform the fiscal requirements of the county auditor's position,**  
 39 **the county auditor shall hire or contract with a qualified certified**  
 40 **public accountant to:**

41 **(1) provide guidance to the county auditor regarding the**  
 42 **performance of the county auditor's responsibilities; or**



1           **(2) perform the county auditor's fiscal responsibilities.**

2           **The county auditor is considered to be unable to perform the fiscal**  
 3           **requirements of the county auditor's position if the county is**  
 4           **declared unauditabile under IC 5-11-1-9(b).**

5           SECTION 16. IC 36-2-9.5-18 IS ADDED TO THE INDIANA  
 6           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 7           [EFFECTIVE JANUARY 1, 2024]: **Sec. 18. If the county auditor is**  
 8           **unable to perform the fiscal requirements of the county auditor's**  
 9           **position, the county auditor shall hire or contract with a qualified**  
 10           **certified public accountant to:**

11           **(1) provide guidance to the county auditor regarding the**  
 12           **performance of the county auditor's responsibilities; or**

13           **(2) perform the county auditor's fiscal responsibilities.**

14           **The county auditor is considered to be unable to perform the fiscal**  
 15           **requirements of the county auditor's position if the county is**  
 16           **declared unauditabile under IC 5-11-1-9(b).**

17           SECTION 17. IC 36-2-10-2.5, AS AMENDED BY P.L.257-2019,  
 18           SECTION 107, IS AMENDED TO READ AS FOLLOWS  
 19           [EFFECTIVE JANUARY 1, 2024]: **Sec. 2.5. (a) As used in this**  
 20           **section, "training courses" refers to training courses related to the office**  
 21           **of county treasurer that are compiled or developed by the Association**  
 22           **of Indiana Counties and approved by the state board of accounts.**

23           **(b) An individual elected to the office of county treasurer shall**  
 24           **complete at least:**

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

26           **(2) forty (40) hours of training courses within three (3) years;**  
 27           **after the individual is elected to the office of county treasurer.**

28           **(c) An individual first elected to the office of county treasurer shall**  
 29           **complete five (5) hours of newly elected official training courses before**  
 30           **the individual first takes the office of county treasurer. A training**  
 31           **course that the individual completes under this subsection shall be**  
 32           **counted toward the requirements under subsection (b).**

33           **(d) An individual shall fulfill the training requirements established**  
 34           **by subsection (b) for each term to which the individual is elected as**  
 35           **county treasurer.**

36           **(e) The failure of an individual to complete the training required by**  
 37           **this section does not prevent the individual from taking an office to**  
 38           **which the individual was elected.**

39           **(f) This subsection applies only to an individual appointed to fill a**  
 40           **vacancy in the office of county treasurer. An individual described in**  
 41           **this subsection may, but is not required to, take any training courses**  
 42           **required by subsection (b). If an individual described in this subsection**



1 takes a training course required by subsection (b) for an elected county  
 2 treasurer, the county shall pay for the training course as if the  
 3 individual had been an elected county treasurer.

4 **(g) An individual elected to the office of county treasurer shall**  
 5 **certify completion of the requirements described in subsection (b)**  
 6 **every year and file the certification with the state board of**  
 7 **accounts in the same manner as the report required in**  
 8 **IC 5-11-1-4(a).**

9 SECTION 18. IC 36-2-10-24 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 24. **Except as**  
 11 **provided in IC 5-11**, a county treasurer is not personally liable for any  
 12 act or omission occurring in connection with the performance of the  
 13 county treasurer's official duties, unless the act or omission constitutes  
 14 gross negligence or an intentional disregard of the responsibilities of  
 15 the office of county treasurer.

16 SECTION 19. IC 36-2-10-25 IS ADDED TO THE INDIANA  
 17 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 18 **[EFFECTIVE JANUARY 1, 2024]: Sec. 25. If the county treasurer**  
 19 **is unable to perform the fiscal requirements of the county**  
 20 **treasurer's position, the county treasurer shall hire or contract**  
 21 **with a qualified investment adviser to:**

- 22 **(1) provide guidance to the county treasurer regarding the**  
 23 **performance of the county treasurer's responsibilities; or**  
 24 **(2) perform the county treasurer's fiscal responsibilities.**

25 **The county treasurer is considered to be unable to perform the**  
 26 **fiscal requirements of the county treasurer's position if the county**  
 27 **is declared unauditible under IC 5-11-1-9(b).**

28 SECTION 20. IC 36-2-11-2.5, AS AMENDED BY P.L.257-2019,  
 29 SECTION 108, IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JANUARY 1, 2024]: Sec. 2.5. (a) As used in this  
 31 section, "training courses" refers to training courses related to the office  
 32 of county recorder that are compiled or developed by the Association  
 33 of Indiana Counties and approved by the state board of accounts.

34 (b) An individual elected to the office of county recorder shall  
 35 complete at least:

- 36 (1) fifteen (15) hours of training courses within one (1) year; and  
 37 (2) forty (40) hours of training courses within three (3) years;  
 38 after the individual is elected to the office of county recorder.

39 (c) An individual first elected to the office of county recorder shall  
 40 complete five (5) hours of newly elected official training courses before  
 41 the individual first takes the office of county recorder. A training  
 42 course that the individual completes under this subsection shall be



1 counted toward the requirements under subsection (b).

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

5 (e) The failure of an individual to complete the training required by  
6 this section does not prevent the individual from taking an office to  
7 which the individual was elected.

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

15 **(g) An individual elected to the office of county recorder shall**  
16 **certify completion of the requirements described in subsection (b)**  
17 **every year and file the certification with the state board of**  
18 **accounts in the same manner as the report required in**  
19 **IC 5-11-1-4(a).**

20 SECTION 21. IC 36-3-5-2.6, AS AMENDED BY P.L.227-2005,  
21 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JANUARY 1, 2024]: Sec. 2.6. **Except as provided in IC 5-11,** the:

23 (1) controller is not liable, in an individual capacity, for any act or  
24 omission occurring in connection with the performance of the  
25 controller's duty as a fiscal officer of:

26 (A) the consolidated city; and

27 (B) the county; and

28 (2) deputy controller is not liable, in an individual capacity, for  
29 any act or omission occurring in connection with the performance  
30 of the deputy controller's duty;

31 unless the act or omission constitutes gross negligence or an intentional  
32 disregard of the controller's or the deputy controller's duty.

33 SECTION 22. IC 36-3-5-14 IS ADDED TO THE INDIANA CODE  
34 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE  
35 JANUARY 1, 2024]: **Sec. 14. If the controller is unable to perform**  
36 **the fiscal requirements of the controller's position, the controller**  
37 **shall hire or contract with a qualified certified public accountant**  
38 **to:**

39 (1) **provide guidance to the controller regarding the**  
40 **performance of the controller's responsibilities; or**

41 (2) **perform the controller's fiscal responsibilities.**

42 **The controller is considered to be unable to perform the fiscal**





1 **requirements of the controller's position if the consolidated city or**  
 2 **the county is declared unauditible under IC 5-11-1-9(b).**

3 SECTION 23. IC 36-4-10-2 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 2. (a) A city clerk  
 5 shall be elected under IC 3-10-6 by the voters of each second class city,  
 6 and a city clerk-treasurer shall be elected under IC 3-10-6 by the voters  
 7 of each third class city.

8 (b) The city clerk or clerk-treasurer is the clerk of each city.

9 (c) The city controller appointed under IC 36-4-9-6 is the fiscal  
 10 officer of each second class city, and the city clerk-treasurer is the  
 11 fiscal officer of each third class city.

12 (d) **Except as provided in IC 5-11**, the city controller of a second  
 13 class city is not liable, in an individual capacity, for any act or omission  
 14 occurring in connection with the performance of the city controller's  
 15 duty as fiscal officer of the second class city, unless the act or omission  
 16 constitutes gross negligence or an intentional disregard of the  
 17 controller's duty.

18 (e) The term of office of a city clerk or clerk-treasurer is four (4)  
 19 years, beginning at noon on January 1 after election and continuing  
 20 until a successor is elected and qualified.

21 SECTION 24. IC 36-4-10-4.5 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 4.5. (a) This  
 23 section applies to third class cities.

24 (b) The fiscal officer is the head of the city department of finance.  
 25 The fiscal officer shall do the following:

26 (1) Receive and care for all city money and pay the money out  
 27 only on order of the approving body.

28 (2) Keep accounts showing when and from what sources the fiscal  
 29 officer has received city money and when and to whom the fiscal  
 30 officer has paid out city money.

31 (3) Prescribe payroll and account forms for all city offices.

32 (4) Prescribe the manner in which creditors, officers, and  
 33 employees shall be paid.

34 (5) Manage the finances and accounts of the city and make  
 35 investments of city money.

36 (6) Prepare for the legislative body the budget estimates of  
 37 miscellaneous revenue, financial statements, and the proposed tax  
 38 rate.

39 (7) Issue all licenses authorized by statute and collect the fees  
 40 fixed by ordinance.

41 (8) Serve as clerk of the board of public works by attending  
 42 meetings, preparing agendas, and recording proceedings.



1 (9) Perform all other duties prescribed by statute.

2 (c) **Except as provided in IC 5-11**, a fiscal officer is not liable in  
3 an individual capacity for an act or omission occurring in connection  
4 with the performance of the duties prescribed by subsection (b), unless  
5 the act or omission constitutes gross negligence or an intentional  
6 disregard of the fiscal officer's duties.

7 SECTION 25. IC 36-4-10-8, AS ADDED BY P.L.257-2019,  
8 SECTION 113, IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE JANUARY 1, 2024]: Sec. 8. (a) As used in this section,  
10 "training courses" refers to training courses, workshops, training  
11 institutes authorized by IC 5-11-14, formal academies, special  
12 seminars, and other in-service training related to an office described in  
13 section 2 of this chapter that are developed or offered under the rubric  
14 of a generally accepted professional association, association of  
15 governments or a state agency or department, or public university or  
16 affiliated center.

17 (b) An individual elected or appointed to an office described in  
18 section 2 of this chapter on or after November 5, 2019, shall complete  
19 at least:

20 (1) fourteen (14) hours of training courses within one (1) year;  
21 and

22 (2) thirty-six (36) hours of training courses within three (3) years;  
23 after the individual is elected or appointed to an office described in  
24 section 2 of this chapter.

25 (e) A training course that an individual completes:

26 (1) after being elected or appointed to an office described in  
27 section 2 of this chapter; and

28 (2) before the individual begins serving in an office described in  
29 section 2 of this chapter;

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

31 (c) **An individual first elected or appointed to an office described**  
32 **in section 2 of this chapter shall complete five (5) hours of newly**  
33 **elected official training courses before the individual first takes**  
34 **office. A training course that the individual completes under this**  
35 **subsection shall be counted toward the requirements under**  
36 **subsection (b).**

37 (d) An individual shall fulfill the training requirements established  
38 by subsection (b) for each term to which the individual is elected or  
39 appointed to an office described in section 2 of this chapter.

40 (e) This subsection applies only to an individual appointed to fill a  
41 vacancy in an office described in section 2 of this chapter. An  
42 individual described in this subsection may, but is not required to, take



1 training courses required by subsection (b). If an individual described  
 2 in this subsection takes a training course required by subsection (b) for  
 3 an office described in section 2 of this chapter, the city shall pay for the  
 4 training course as if the individual had been elected or appointed to an  
 5 office described in section 2 of this chapter.

6 (f) The:

7 (1) city executive;

8 (2) city legislative body; and

9 (3) individual who holds the office described in section 2 of this  
 10 chapter;

11 shall use all reasonable means to ensure that the individual who holds  
 12 the office described in section 2 of this chapter complies with the  
 13 training requirements established by this section.

14 (g) The individual who holds the office described in section 2 of this  
 15 chapter shall maintain written documentation of the training courses  
 16 that the individual completes toward the requirements of this section.

17 (h) If a city reorganizes under IC 36-1.5, the individual who  
 18 performs the functions of an office described in section 2 of this  
 19 chapter for the city shall comply with the training requirements  
 20 established by this section for the reorganized political subdivision.

21 **(i) An individual elected or appointed to an office described in**  
 22 **section 2 of this chapter shall certify completion of the**  
 23 **requirements described in subsection (b) every year and file the**  
 24 **certification with the state board of accounts in the same manner**  
 25 **as the report required in IC 5-11-1-4(a).**

26 SECTION 26. IC 36-4-10-9 IS ADDED TO THE INDIANA CODE  
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 28 JANUARY 1, 2024]: **Sec. 9. If the clerk or clerk-treasurer is unable**  
 29 **to perform the fiscal requirements of the clerk's or**  
 30 **clerk-treasurer's position, the clerk or clerk-treasurer shall hire or**  
 31 **contract with a qualified certified public accountant to:**

32 **(1) provide guidance to the clerk or clerk-treasurer regarding**  
 33 **the performance of the clerk or clerk-treasurer's**  
 34 **responsibilities; or**

35 **(2) perform the clerk or clerk treasurer's fiscal**  
 36 **responsibilities.**

37 **The clerk or clerk-treasurer is considered to be unable to perform**  
 38 **the fiscal requirements of the clerk's or clerk-treasurer's position**  
 39 **if the city is declared unauditible under IC 5-11-1-9(b).**

40 SECTION 27. IC 36-5-6-6, AS AMENDED BY P.L.56-2022,  
 41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JANUARY 1, 2024]: Sec. 6. (a) This section does not apply to a town



- 1 that has adopted an ordinance under IC 36-5-6.5.
- 2 (b) The clerk-treasurer shall do the following:
- 3 (1) Receive and care for all town money and pay the money out
- 4 only on order of the town legislative body.
- 5 (2) Keep accounts showing when and from what sources the
- 6 clerk-treasurer has received town money and when and to whom
- 7 the clerk-treasurer has paid out town money.
- 8 (3) Prescribe payroll and account forms for all town offices.
- 9 (4) Prescribe the manner in which creditors, officers, and
- 10 employees shall be paid.
- 11 (5) Manage the finances and accounts of the town and make
- 12 investments of town money.
- 13 (6) Prepare for the legislative body the budget estimates of
- 14 miscellaneous revenue, financial statements, and the proposed tax
- 15 rate.
- 16 (7) Maintain custody of the town seal and the records of the
- 17 legislative body.
- 18 (8) Issue all licenses authorized by statute and collect the fees
- 19 fixed by ordinance.
- 20 (9) Serve as clerk of the legislative body by attending its meetings
- 21 and recording its proceedings.
- 22 (10) Administer oaths, take depositions, and take
- 23 acknowledgment of instruments that are required by statute to be
- 24 acknowledged, without charging a fee.
- 25 (11) Serve as clerk of the town court under IC 33-35-3-2, if the
- 26 judge of the court does not serve as clerk of the court or appoint
- 27 a clerk of the court under IC 33-35-3-1.
- 28 (12) Perform all other duties prescribed by statute.
- 29 (c) **Except as provided in IC 5-11**, a clerk-treasurer is not liable,
- 30 in an individual capacity, for any act or omission occurring in
- 31 connection with the performance of the requirements set forth in
- 32 subsection (b), unless the act or omission constitutes gross negligence
- 33 or an intentional disregard of the requirements.
- 34 SECTION 28. IC 36-5-6-7 IS AMENDED TO READ AS
- 35 FOLLOWS [EFFECTIVE JANUARY 1, 2024]: Sec. 7. (a) The
- 36 clerk-treasurer shall appoint the number of deputies and employees
- 37 needed for the effective operation of the office, with the approval of the
- 38 town legislative body. The clerk-treasurer's deputies and employees
- 39 serve at the clerk-treasurer's pleasure.
- 40 (b) If a town owns a utility and the clerk-treasurer is directly
- 41 responsible for the billing and collection of that utility's rates and
- 42 charges, the clerk-treasurer shall appoint those employees who are also



1 responsible for that billing and collection. These employees serve at the  
2 clerk-treasurer's pleasure.

3 **(c) If the clerk-treasurer is unable to perform the fiscal**  
4 **requirements of the clerk-treasurer's position, the clerk-treasurer**  
5 **shall hire or contract with a qualified certified public accountant**  
6 **to:**

- 7 **(1) provide guidance to the clerk-treasurer regarding the**
- 8 **performance of the clerk treasurer's responsibilities; or**
- 9 **(2) perform the clerk-treasurer's fiscal responsibilities.**

10 **The clerk-treasurer is considered to be unable to perform the fiscal**  
11 **requirements of the clerk-treasurer's position if the town is**  
12 **declared unauditible under IC 5-11-1-9(b).**

13 SECTION 29. IC 36-5-6-9, AS ADDED BY P.L.120-2015,  
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JANUARY 1, 2024]: Sec. 9. (a) This section applies if an office of  
16 town clerk-treasurer is vacant and the town legislative body is unable  
17 to fill the office under IC 3-13-9-3.

18 (b) The town legislative body may select a town legislative body  
19 member, who shall assume the duties of the office of town  
20 clerk-treasurer. For purposes of Article 2, Section 9 of the Constitution  
21 of the State of Indiana and Indiana law, if a town legislative body  
22 member serves as the ex officio town clerk-treasurer, the duties  
23 assumed by the town legislative body member:

- 24 (1) are considered part of the duties prescribed by law for the
- 25 office of town legislative body member; and
- 26 (2) are not considered a second office.

27 A town legislative body member may not receive any additional  
28 compensation for assuming the duties of the town clerk treasurer.

29 (c) The town legislative body may **either:**

- 30 **(1) enter into an interlocal agreement under IC 36-1-7 with the**
- 31 **town clerk-treasurer and town legislative body of another town in**
- 32 **the state to assist the town legislative body member selected**
- 33 **under subsection (b) in performing the duties of the**
- 34 **clerk-treasurer's office, **provided that** the agreement may not last**
- 35 **longer than the remainder of the vacant clerk-treasurer's term and**
- 36 **must meet the requirements of IC 36-1-7; or**

37 **(d) If an agreement cannot be reached under subsection (c), the**  
38 **town legislative body may**

- 39 **(2) enter into a contract with a certified public accountant to assist**
- 40 **the town legislative body member selected under subsection (b)**
- 41 **in performing the duties of the clerk-treasurer's office, **provided****
- 42 **that the contract may not last longer than the remainder of the**



1 vacant clerk-treasurer's term.

2 SECTION 30. IC 36-5-6-10, AS ADDED BY P.L.257-2019,  
3 SECTION 114, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JANUARY 1, 2024]: Sec. 10. (a) As used in this section,  
5 "training courses" refers to training courses, workshops, training  
6 institutes authorized by IC 5-11-14, formal academies, special  
7 seminars, and other in-service training related to an office described in  
8 section 2 of this chapter that are developed or offered under the rubric  
9 of a generally accepted professional association, association of  
10 governments or a state agency or department, or public university or  
11 affiliated center.

12 (b) An individual elected to the office described in section 2 of this  
13 chapter on or after November 5, 2019, shall complete at least:

14 (1) fourteen (14) hours of training courses within one (1) year;  
15 and

16 (2) thirty-six (36) hours of training courses within three (3) years;  
17 after the individual is elected to the office described in section 2 of this  
18 chapter.

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

20 (1) after being elected to the office described in section 2 of this  
21 chapter; and

22 (2) before the individual begins serving in the office described in  
23 section 2 of this chapter;

24 shall be counted toward the requirements under subsection (b):

25 **(c) An individual first elected or appointed to an office described**  
26 **in section 2 of this chapter shall complete five (5) hours of newly**  
27 **elected official training courses before the individual first takes**  
28 **office. A training course that the individual completes under this**  
29 **subsection shall be counted toward the requirements under**  
30 **subsection (b).**

31 (d) An individual shall fulfill the training requirements established  
32 by subsection (b) for each term to which the individual is elected to the  
33 office described in section 2 of this chapter.

34 (e) This subsection applies only to an individual appointed to fill a  
35 vacancy in the office described in section 2 of this chapter. An  
36 individual described in this subsection may, but is not required to, take  
37 training courses required by subsection (b). If an individual described  
38 in this subsection takes a training course required by subsection (b) for  
39 an individual elected to the office described in section 2 of this chapter,  
40 the town shall pay for the training course as if the individual had been  
41 elected to the office described in section 2 of this chapter.

42 (f) The:



- 1 (1) town executive;
- 2 (2) town legislative body; and
- 3 (3) individual who holds the office described in section 2 of this
- 4 chapter;

5 shall use all reasonable means to ensure that the individual who holds  
 6 the office described in section 2 of this chapter complies with the  
 7 training requirements established by this section.

8 (g) The individual who holds the office described in section 2 of this  
 9 chapter shall maintain written documentation of the training courses  
 10 that the individual completes toward the requirements of this section.

11 (h) If a town reorganizes under IC 36-1.5, the individual who  
 12 performs the functions of the office described in section 2 of this  
 13 chapter for the town shall comply with the training requirements  
 14 established by this section for the reorganized political subdivision.

15 **(i) An individual elected or appointed to an office described in**  
 16 **section 2 of this chapter shall certify completion of the**  
 17 **requirements described in subsection (b) every year and file the**  
 18 **certification with the state board of accounts in the same manner**  
 19 **as the report required in IC 5-11-1-4(a).**

20 SECTION 31. IC 36-6-4-17, AS AMENDED BY P.L.24-2022,  
 21 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JANUARY 1, 2024]: Sec. 17. (a) **Except as provided in IC 5-11**, an  
 23 executive who fails to perform a duty imposed by section 3(1), 3(2),  
 24 3(3), 3(4), 3(5), 3(7), 3(8), 5, or 14(1) of this chapter is liable to the  
 25 township in a sum of not more than one hundred dollars (\$100), to be  
 26 recovered in a civil action brought in the name of the township.

- 27 (b) An executive is entitled to receive the following:
  - 28 (1) The executive's salary.
  - 29 (2) Reimbursement for expenses that are reasonably incurred by
  - 30 the executive for the following:
    - 31 (A) The operation of the executive's office.
    - 32 (B) Travel and meals while attending seminars or conferences
    - 33 on township matters.
    - 34 (C) A sum for mileage as permitted under IC 36-6-8-3(b).

35 The executive may not make any other personal use of township funds  
 36 without prior approval by the legislative body of the township.

37 (c) An executive who fails to perform a duty imposed by section  
 38 3(12), 3(13), or 3(14) of this chapter or subsection (b) may be removed  
 39 from office by an action under IC 5-8-1-35 that is initiated under  
 40 IC 36-6-4.5.

41 SECTION 32. IC 36-6-4-18, AS AMENDED BY P.L.127-2017,  
 42 SECTION 160, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JANUARY 1, 2024]: Sec. 18. (a) Within thirty (30) days  
 2 after taking office, the executive shall designate a person who shall  
 3 perform the executive's duties whenever the executive is incapable of  
 4 performing the executive's functions because the executive:

- 5 (1) is absent from the township; or  
 6 (2) becomes incapacitated.

7 The executive shall give notice of the designation to the chair of the  
 8 township legislative body, the county sheriff, and any other persons  
 9 that the executive chooses. The designee shall have all the powers of  
 10 the executive. The executive is responsible for all acts of the designee.  
 11 The executive may change the designee under this section at any time.

12 (b) The designee shall perform the executive's duties until:

- 13 (1) the executive is no longer absent from the township; or  
 14 (2) an acting executive is appointed by the county executive under  
 15 section 16 of this chapter.

16 **(c) If the executive is unable to perform the fiscal requirements**  
 17 **of the executive's position, the executive shall hire or contract with**  
 18 **a qualified certified public accountant to:**

- 19 (1) provide guidance to the executive regarding the  
 20 performance of the executive's responsibilities; or  
 21 (2) perform the executive's fiscal responsibilities.

22 **The executive is considered to be unable to perform the fiscal**  
 23 **requirements of the executive's position if the township is declared**  
 24 **unauditable under IC 5-11-1-9(b).**

25 SECTION 33. IC 36-6-4-20 IS ADDED TO THE INDIANA CODE  
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 27 JANUARY 1, 2024]: Sec. 20. (a) As used in this section, "training  
 28 courses" refers to training courses, workshops, training institutes  
 29 authorized by IC 5-11-14, formal academies, special seminars, and  
 30 other in-service training related to an office described in section 2  
 31 of this chapter that are developed or offered under the rubric of a  
 32 generally accepted professional association, association of  
 33 governments or a state agency or department, or public university  
 34 or affiliated center.

35 (b) An individual elected to the office described in section 2 of  
 36 this chapter on or after November 5, 2023, shall complete at least:

- 37 (1) fourteen (14) hours of training courses within one (1) year;  
 38 and  
 39 (2) thirty-six (36) hours of training courses within three (3)  
 40 years;

41 after the individual is elected to the office described in section 2 of  
 42 this chapter.





1           (c) An individual first elected or appointed to an office described  
2 in section 2 of this chapter shall complete five (5) hours of newly  
3 elected official training courses before the individual first takes  
4 office. A training course that the individual completes under this  
5 subsection shall be counted toward the requirements under  
6 subsection (b).

7           (d) An individual shall fulfill the training requirements  
8 established by subsection (b) for each term to which the individual  
9 is elected to the office described in section 2 of this chapter.

10          (e) This subsection applies only to an individual appointed to fill  
11 a vacancy in the office described in section 2 of this chapter. An  
12 individual described in this subsection may, but is not required to,  
13 take training courses required by subsection (b). If an individual  
14 described in this subsection takes a training course required by  
15 subsection (b) for an individual elected to the office described in  
16 section 2 of this chapter, the township shall pay for the training  
17 course as if the individual had been elected to the office described  
18 in section 2 of this chapter.

19          (f) The:

20           (1) township legislative body; and

21           (2) individual who holds the office described in section 2 of  
22 this chapter;

23 shall use all reasonable means to ensure that the individual who  
24 holds the office described in section 2 of this chapter complies with  
25 the training requirements established by this section.

26          (g) The individual who holds the office described in section 2 of  
27 this chapter shall maintain written documentation of the training  
28 courses that the individual completes toward the requirements of  
29 this section.

30          (h) An individual elected or appointed to an office described in  
31 section 2 of this chapter shall certify completion of the  
32 requirements described in subsection (b) every year and file the  
33 certification with the state board of accounts in the same manner  
34 as the report required in IC 5-11-1-4(a).

