

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1001 be amended to read as follows:

- 1 Page 2, between lines 23 and 24, begin a new paragraph and insert:
2 **"(c) A person who runs in an election under IC 36-6-5-1 after**
3 **June 30, 2008, for the office of a township trustee who performs all**
4 **the duties and has all the rights and powers of a township assessor**
5 **must have attained the certification of a level two**
6 **assessor-appraiser under IC 6-1.1-35.5 before taking office to**
7 **qualify to perform those duties and to assume those rights and**
8 **powers.**
9 **(d) A person who runs successfully under subsection (c) but has**
10 **not attained the certification of a level two assessor-appraiser**
11 **under IC 6-1.1-35.5 before taking office:**
12 **(1) may perform in office only duties other than the duties of**
13 **a township assessor under IC 36-6-5-1; and**
14 **(2) has only the rights and powers of a trustee other than the**
15 **rights and powers of a township assessor under IC 36-6-5-1.**
16 **The restrictions under this subsection apply to the entire term for**
17 **which the person takes office, regardless of whether the person**
18 **attains the certification of a level two assessor-appraiser under**
19 **IC 6-1.1-35.5 during the term of office.**
20 SECTION 4. IC 3-10-1-19, AS AMENDED BY P.L.164-2006,
21 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JANUARY 1, 2008]: Sec. 19. (a) The ballot for a primary election shall
23 be printed in substantially the following form for all the offices for
24 which candidates have qualified under IC 3-8:
25 OFFICIAL PRIMARY BALLOT
26 _____ Party
27 For paper ballots, print: To vote for a person, make a voting mark
28 (X or ✓) on or in the box before the person's name in the proper
29 column. For optical scan ballots, print: To vote for a person, darken or
30 shade in the circle, oval, or square (or draw a line to connect the arrow)
31 that precedes the person's name in the proper column. For optical scan

ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner.

(I) County council member.

(5) Township offices:

(A) Township assessor, **subject to IC 36-2-15-11(a)(3).**

(B) Township trustee.

(C) Township board member.

- 1 (D) Judge of the small claims court.
- 2 (E) Constable of the small claims court.
- 3 (6) City offices:
- 4 (A) Mayor.
- 5 (B) Clerk or clerk-treasurer.
- 6 (C) Judge of the city court.
- 7 (D) City-county council member or common council member.
- 8 (7) Town offices:
- 9 (A) Clerk-treasurer.
- 10 (B) Judge of the town court.
- 11 (C) Town council member.
- 12 (c) The political party offices with candidates for election shall be
- 13 placed on the primary election ballot in the following order after the
- 14 offices described in subsection (b):
- 15 (1) Precinct committeeman.
- 16 (2) State convention delegate.
- 17 (d) The following offices and public questions shall be placed on the
- 18 primary election ballot in the following order after the offices described
- 19 in subsection (c):
- 20 (1) School board offices to be elected at the primary election.
- 21 (2) Other local offices to be elected at the primary election.
- 22 (3) Local public questions.
- 23 (e) The offices and public questions described in subsection (d)
- 24 shall be placed:
- 25 (1) in a separate column on the ballot if voting is by paper ballot;
- 26 (2) after the offices described in subsection (c) in the form
- 27 specified in IC 3-11-13-11 if voting is by ballot card; or
- 28 (3) either:
- 29 (A) on a separate screen for each office or public question; or
- 30 (B) after the offices described in subsection (c) in the form
- 31 specified in IC 3-11-14-3.5;
- 32 if voting is by an electronic voting system.
- 33 (f) A public question shall be placed on the primary election ballot
- 34 in the following form:
- 35 (The explanatory text for the public question,
- 36 if required by law.)
- 37 "Shall (insert public question)?"
- 38 ☐ YES
- 39 ☐ NO
- 40 SECTION 5. IC 3-10-2-13 IS AMENDED TO READ AS
- 41 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 13. The following
- 42 public officials shall be elected at the general election before their
- 43 terms of office expire and every four (4) years thereafter:
- 44 (1) Clerk of the circuit court.
- 45 (2) County auditor.
- 46 (3) County recorder.
- 47 (4) County treasurer.

- 1 (5) County sheriff.
- 2 (6) County coroner.
- 3 (7) County surveyor.
- 4 (8) County assessor.
- 5 (9) County commissioner.
- 6 (10) County council member.
- 7 (11) Township trustee.
- 8 (12) Township board member.
- 9 (13) Township assessor, **subject to IC 36-2-15-11(a)(3).**
- 10 (14) Judge of a small claims court.
- 11 (15) Constable of a small claims court.

12 SECTION 6. IC 3-11-2-12, AS AMENDED BY P.L.2-2005,
 13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JANUARY 1, 2008]: Sec. 12. The following offices shall be placed on
 15 the general election ballot in the following order:

- 16 (1) Federal and state offices:
 - 17 (A) President and Vice President of the United States.
 - 18 (B) United States Senator.
 - 19 (C) Governor and lieutenant governor.
 - 20 (D) Secretary of state.
 - 21 (E) Auditor of state.
 - 22 (F) Treasurer of state.
 - 23 (G) Attorney general.
 - 24 (H) Superintendent of public instruction.
 - 25 (I) United States Representative.
- 26 (2) Legislative offices:
 - 27 (A) State senator.
 - 28 (B) State representative.
- 29 (3) Circuit offices and county judicial offices:
 - 30 (A) Judge of the circuit court, and unless otherwise specified
 - 31 under IC 33, with each division separate if there is more than
 - 32 one (1) judge of the circuit court.
 - 33 (B) Judge of the superior court, and unless otherwise specified
 - 34 under IC 33, with each division separate if there is more than
 - 35 one (1) judge of the superior court.
 - 36 (C) Judge of the probate court.
 - 37 (D) Judge of the county court, with each division separate, as
 - 38 required by IC 33-30-3-3.
 - 39 (E) Prosecuting attorney.
 - 40 (F) Clerk of the circuit court.
- 41 (4) County offices:
 - 42 (A) County auditor.
 - 43 (B) County recorder.
 - 44 (C) County treasurer.
 - 45 (D) County sheriff.
 - 46 (E) County coroner.
 - 47 (F) County surveyor.

- 1 (G) County assessor.
- 2 (H) County commissioner.
- 3 (I) County council member.
- 4 (5) Township offices:
 - 5 (A) Township assessor, **subject to IC 36-2-15-11(a)(3).**
 - 6 (B) Township trustee.
 - 7 (C) Township board member.
 - 8 (D) Judge of the small claims court.
 - 9 (E) Constable of the small claims court.
- 10 (6) City offices:
 - 11 (A) Mayor.
 - 12 (B) Clerk or clerk-treasurer.
 - 13 (C) Judge of the city court.
 - 14 (D) City-county council member or common council member.
- 15 (7) Town offices:
 - 16 (A) Clerk-treasurer.
 - 17 (B) Judge of the town court.
 - 18 (C) Town council member."

19 Page 51, delete lines 2 through 7.

20 Page 592, delete lines 29 through 42, begin a new paragraph and
21 insert:

22 "SECTION 685. IC 36-2-15-5, AS AMENDED BY HEA
23 1137-2008, SECTION 261, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The county assessor shall
25 perform the functions assigned by statute to the county assessor,
26 including the following:

- 27 (1) Countywide equalization.
- 28 (2) Selection and maintenance of a countywide computer system.
- 29 (3) Certification of gross assessments to the county auditor.
- 30 (4) Discovery of omitted property.
- 31 (5) In a **county township** in which the transfer of duties **to the**
32 **county assessor:**

- 33 (A) is required by subsection (e); **or**
- 34 (B) **has been approved in a referendum under subsection**
35 **(g);**

36 performance of the assessment duties prescribed by IC 6-1.1.

37 (b) The county assessor shall perform the functions of an assessing
38 official under IC 36-6-5-2 in a township with a township
39 assessor-trustee if the township assessor-trustee:

- 40 (1) fails to make a report that is required by law;
- 41 (2) fails to deliver a property tax record to the appropriate officer
42 or board;
- 43 (3) fails to deliver an assessment to the county assessor; or
- 44 (4) fails to perform any other assessing duty as required by statute
45 or rule of the department of local government finance;

46 within the time period prescribed by statute or rule of the department
47 or within a later time that is necessitated by reason of another official

1 failing to perform the official's functions in a timely manner.

2 (c) A township with a township trustee-assessor may, with the
3 consent of the township board, enter into an agreement with:

4 (1) the county assessor; or

5 (2) another township assessor in the county;

6 to perform any of the functions of an assessing official. A township
7 trustee-assessor may not contract for the performance of any function
8 for a period of time that extends beyond the completion of the township
9 trustee-assessor's term of office.

10 (d) A transfer of duties between assessors ~~under subsection (c)~~ does
11 not affect:

12 (1) any assessment, assessment appeal, or other official action
13 made by an assessor before the transfer; or

14 (2) any pending action against, or the rights of any party that may
15 possess a legal claim against, an assessor that is not described in
16 subdivision (1).

17 Any assessment, assessment appeal, or other official action of an
18 assessor made by the assessor within the scope of the assessor's official
19 duties before the transfer is considered as having been made by the
20 assessor to whom the duties are transferred.

21 (e) If:

22 (1) for a particular general election after June 30, 2008, the person
23 elected to the office of township assessor or the office of township
24 trustee-assessor has not attained the certification of a level two
25 assessor-appraiser; or

26 **(2) for a particular general election after January 1, 2010, the**
27 **person elected to the office of township assessor has not**
28 **attained the certification of a level three assessor-appraiser;**

29 as provided in IC 3-8-1-23.6 before the date the term of office begins,
30 the assessment duties prescribed by IC 6-1.1 that would otherwise be
31 performed in the township by the township assessor or township
32 trustee-assessor are transferred to the county assessor on that date. If
33 assessment duties in a township are transferred to the county assessor
34 under this subsection, those assessment duties are transferred back to
35 the township assessor or township trustee-assessor (as appropriate) if
36 at a later election a person who has attained the **required level of**
37 **certification of a level two assessor-appraiser as provided in**
38 **IC 3-8-1-23.6 referred to in subdivision (1) or (2)** is elected to the
39 office of township assessor or the office of township trustee-assessor.

40 (f) If assessment duties in a township are transferred to the county
41 assessor under subsection (e):

42 (1) the office of elected township assessor remains vacant for the
43 period during which the assessment duties prescribed by IC 6-1.1
44 are transferred to the county assessor; and

45 (2) the office of township trustee remains in place for the purpose
46 of carrying out all functions of the office other than assessment
47 duties prescribed by IC 6-1.1.

(g) The county legislative body may adopt an ordinance to hold a referendum in a particular township in the county under sections 7.4 through 11 of this chapter 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 or township trustee-assessor of the township. An ordinance may not be adopted under this subsection in a year in which an election of township assessors will be held in the county.

(h) If assessment duties prescribed by IC 6-1.1 are transferred from a particular township to the county assessor as the result of a referendum under this chapter, the county legislative body may adopt an ordinance to hold a referendum in that township under section 12 of this chapter to determine whether to transfer those duties back to the elected township assessor or township trustee-assessor in the township.

SECTION 686. IC 36-2-15-7.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 7.4. (a) Assessment duties are transferred to the county assessor as described in section 5(g) 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:

(1) In a township in which there is an elected township assessor:

"Should the assessing duties of the elected township assessor in the township be transferred to the county assessor?"

(2) In a township in which there is a township trustee-assessor:

"Should the assessing duties of the township trustee-assessor in the township be transferred to the county assessor?"

SECTION 687. IC 36-2-15-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **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 next primary or general election in which all the registered voters who are residents of the township in which the referendum is held are entitled to vote after certification of the question under IC 3-10-9-3.

(d) The county legislative body shall advise the county election board of the date on which the county legislative body desires that the referendum be held, and, if practicable, the referendum shall be held on the day specified by the county legislative body.

(e) The referendum shall be held under the direction of the county election board, which shall take all steps necessary to carry out the referendum.

(f) 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.

SECTION 688. IC 36-2-15-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **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.

SECTION 689. IC 36-2-15-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **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.**

SECTION 690. IC 36-2-15-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **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 or the township trustee-assessor in the township; and

(C) each candidate in an election described in subsection (b);

of the results of the referendum;

(2) with respect to a particular elected township assessor or township trustee-assessor in the county, the assessment duties prescribed by IC 6-1.1 are transferred to the county assessor on the expiration date of:

(A) the elected township assessor's term of office; or

(B) the township trustee-assessor's term of office;

that next succeeds the date of the referendum; and

(3) 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.

(b) If:

(1) an election is held in a general election of an elected township assessor;

(2) a referendum is held under this chapter in the same general election concerning the transfer of assessment duties prescribed by IC 6-1.1 from the township assessor to the county assessor; and

(3) a majority of the individuals who voted in the referendum voted "yes" on the referendum question;

the results of the election of the elected township assessor are nullified.

SECTION 691. IC 36-2-15-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 12. If the county legislative body adopts an ordinance under section 5(h) of this chapter, a referendum shall be held in the manner provided in sections 7.4 through 11 of this chapter, except as follows:

(1) The question to be submitted to the voters in the referendum must read as follows:

(A) In a township in which an elected township assessor would serve:

"Should the assessing duties of the county assessor be transferred to the elected township assessor of the township?".

(B) In a township in which a township trustee-assessor would serve:

"Should the assessing duties of the county assessor be transferred to the township trustee-assessor of the township?".

(2) The candidates for elected township assessor or township trustee-assessor for the term for which the assessment duties prescribed by IC 6-1.1 will be transferred are selected in the first primary election that succeeds by at least six (6) months the date the ordinance was adopted under section 5(h) of this chapter."

Delete page 593.

Page 594, delete lines 1 through 19.

Page 602 delete lines 7 through 42, begin a new paragraph and insert:

"SECTION 701. IC 36-6-5-1, AS AMENDED BY HEA 1137-2008, SECTION 262, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. (a) Except as provided in ~~subsection (f)~~, **subsections (f) and (g)**, a township assessor shall be elected under IC 3-10-2-13 by the voters of each township having:

- (1) a population of more than eight thousand (8,000); or
- (2) an elected township assessor or the authority to elect a township assessor before January 1, 1979.

(b) Except as provided in ~~subsection (f)~~, **subsections (f) and (g)**, a township assessor shall be elected under IC 3-10-2-14 in each township having a population of more than five thousand (5,000) but not more than eight thousand (8,000), if the legislative body of the township:

- (1) by resolution, declares that the office of township assessor is necessary; and
- (2) the resolution is filed with the county election board not later than the first date that a declaration of candidacy may be filed under IC 3-8-2.

(c) Except as provided in ~~subsection (f)~~, **subsections (f) and (g)**, a township government that is created by merger under IC 36-6-1.5 shall elect only one (1) township assessor under this section.

(d) The township assessor must reside within the township 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 township.

(e) The term of office of a township assessor is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. However, the term of office of a township assessor elected at a general election in which no other township officer is elected ends on December 31 after the next election in which any other township officer is elected.

(f) A person who runs for the office of township assessor in an election after June 30, 2008, is subject to IC 3-8-1-23.6.

(g) A township assessor is not elected under this section for a township in which the county assessor performs the assessing duties under IC 36-2-15.

SECTION 702. IC 36-6-5-2, AS AMENDED BY P.L.219-2007, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. (a) This section applies to townships that do not have an elected or appointed and qualified township assessor.

(b) Except as provided in subsection (e), the township executive shall perform all the duties and has all the rights and powers of assessor.

(c) If a township qualifies under ~~IC 36-6-5-1~~ **section 1 of this chapter** to elect a township assessor, the executive shall continue to

- 1 serve as assessor until
- 2 (1) an assessor is appointed or elected and qualified; or
- 3 (2) the duties of the township assessor are transferred to the
- 4 county assessor as described in IC 6-1.1-1-24.
- 5 (d) The bond filed by the executive in the capacity as executive also
- 6 covers the executive's duties as assessor.
- 7 (e) Subsection (b) does not apply if the duties of the **township**
- 8 **executive who would otherwise perform the duties of** township
- 9 assessor have been transferred to the county assessor as described in
- 10 IC 6-1.1-1-24 **or IC 36-2-15.**
- 11 SECTION 703. IC 36-6-5-3, AS AMENDED BY P.L.219-2007,
- 12 SECTION 119, IS AMENDED TO READ AS FOLLOWS
- 13 [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) Except as provided in
- 14 subsection (b), the assessor shall perform the duties prescribed by
- 15 statute, including assessment duties prescribed by IC 6-1.1.
- 16 (b) Subsection (a) does not apply if the duties of the township
- 17 assessor have been transferred to the county assessor as described in
- 18 IC 6-1.1-1-24 **or IC 36-2-15.**"
- 19 Delete page 603 through 604.
- 20 Page 605, delete lines 1 through 29.
- 21 Page 745, line 36, delete "IC 6-1.1-1-5.5; IC 6-1.1-1-22.7;"
- 22 Page 761, delete line 42.
- 23 Page 762, delete lines 1 through 31.
- 24 Page 763, delete lines 35 through 42.
- 25 Delete page 764.
- 26 Page 765, delete lines 1 through 14.
- 27 Renumber all SECTIONS consecutively.
- (Reference is to EHB 1001 as printed February 20, 2008.)

Senator LANDSKE