

HOUSE BILL No. 1360

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1-17.

Synopsis: Municipal, county, and township ethics codes. Requires municipalities, counties, and townships to establish a code of ethics not later than July 1, 2006.

Effective: July 1, 2005.

Brown C, Hinkle

January 13, 2005, read first time and referred to Committee on Local Government.

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First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1360



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 36-1-17 IS ADDED TO THE INDIANA CODE AS
 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2005]:
 4 **Chapter 17. Code of Ethics**
 5 **Sec. 1. As used in this chapter, "public employee" means an**
 6 **employee of a unit. The term does not include an independent**
 7 **contractor or an individual employed by an independent**
 8 **contractor.**
 9 **Sec. 2. As used in this chapter, "public officer" means an elected**
 10 **or appointed officer.**
 11 **Sec. 3. The legislative body of each unit shall adopt an ordinance**
 12 **or resolution establishing a code of ethics that governs public**
 13 **officers and public employees.**
 14 **Sec. 4. A code of ethics adopted under this chapter must include**
 15 **the following:**
 16 **(1) A statement that the purpose and intent of the code of**
 17 **ethics is to promote public confidence in the integrity of the**



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local government by establishing:

- (A) ethical standards; and**
- (B) a system of enforcement of the code of ethics.**

(2) The appointment of an ethics officer or an ethics commission to investigate and enforce violations of the code of ethics.

(3) Ethics training for all public officers and public employees.

Sec. 5. A code of ethics adopted under this chapter shall establish ethical standards for public officers and public employees. The standards must address the following issues:

(1) The solicitation and acceptance of gifts, loans, honoraria, or other unauthorized compensation by public officers and public employees.

(2) Disclosure of public officers' and public employees' financial interests that may present a conflict of interest with the unit.

(3) Disqualification of a public officer or public employee from acting on public business if the public officer or public employee has a pecuniary interest in a contract or other business of the unit.

(4) Improper influence of or by a public officer or public employee.

(5) Misuse of a public office or public employment.

(6) Election campaigning by a public officer or public employee.

Sec. 6. Subject to section 7 of this chapter, a code of ethics adopted under this chapter shall provide sanctions for violating the code of ethics, which may include:

- (1) fines;**
- (2) penalties;**
- (3) public reprimands; or**
- (4) removal from public employment, if the sanction is imposed against a public employee.**

Sec. 7. A code of ethics adopted under this chapter is subject to IC 5-8-1, IC 5-8-2, IC 5-8-3, IC 34-17-1-1, IC 35-44-1, IC 36-1-3-8(a)(8), IC 36-1-3-8(a)(10), IC 36-3-4-4, IC 36-4-6-6, and any other statute concerning sanctions, fines, penalties, immunity, or removal of a public officer or public employee.

SECTION 2. [EFFECTIVE JULY 1, 2005] (a) This SECTION applies to a unit that has adopted an ordinance or resolution establishing a code of ethics before July 1, 2005.

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1 **(b) If the code of ethics of a unit does not include the provisions**
 2 **described in IC 36-1-17-4 and IC 36-1-17-5, both as added by this**
 3 **act, the unit shall:**
 4 **(1) adopt a new ordinance or resolution establishing a code of**
 5 **ethics in compliance with IC 36-1-17, as added by this act; or**
 6 **(2) amend its code of ethics to include the provisions described**
 7 **in IC 36-1-17-4 and IC 36-1-17-5, both as added by this act.**
 8 **(c) Notwithstanding IC 36-1-17, as added by this act, a unit shall**
 9 **comply with this SECTION not later than July 1, 2006.**
 10 **(d) This SECTION expires July 1, 2007.**
 11 **SECTION 3. [EFFECTIVE JULY 1, 2005] (a) This SECTION**
 12 **applies to a unit that has not adopted an ordinance or resolution**
 13 **establishing a code of ethics before July 1, 2005.**
 14 **(b) Notwithstanding the enactment of IC 36-1-17 by this act**
 15 **effective July 1, 2005, the legislative body of a unit shall adopt an**
 16 **ordinance or resolution establishing a code of ethics in compliance**
 17 **with IC 36-1-17, as added by this act, not later than July 1, 2006.**
 18 **(c) This SECTION expires July 1, 2007.**

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