

PROPOSED AMENDMENT

HB 1161 # 5

DIGEST

Oath of office. Specifies that an officer of a political subdivision must take an oath of office as required under current law. Requires an appointing authority to notify an appointee of the oath of office requirement.

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:

3 "SECTION 1. IC 5-4-1-1.3 IS ADDED TO THE INDIANA CODE
4 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
5 **UPON PASSAGE]: Sec. 1.3. (a) This section applies only to the**
6 **appointed officer of a political subdivision.**

7 **(b) The appointing authority must provide notice to the**
8 **appointed officer as provided in IC 36-1-4.5."**

9 Page 8, between lines 11 and 12, begin a new paragraph and insert:
10 "SECTION 9. IC 36-1-4.5 IS ADDED TO THE INDIANA CODE
11 AS A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
12 **UPON PASSAGE]:**

13 **Chapter 4.5. Appointed Officer Oath of Office**

14 **Sec. 1. This chapter applies to a person:**

15 **(1) appointed to an office of a political subdivision; and**
16 **(2) required to take an oath of office under IC 5-4-1, including**
17 **a person appointed to serve on a board, committee,**
18 **commission, council, or body of a political subdivision.**

19 **Sec. 2. This chapter shall be construed to supplement:**

20 **(1) IC 5-4-1; and**
21 **(2) any other statute applicable to an officer of a political**
22 **subdivision regarding an oath of office under IC 5-4-1.**

23 **Sec. 3. An appointing authority shall notify an individual of the**
24 **individual's appointment in writing. The notification shall include**
25 **the following:**

26 **(1) The individual's certificate of appointment.**
27 **(2) A form for endorsement of the oath of office. Unless**

1 **contrary to another statute, endorsement of the oath of office**
2 **may be on the certificate of appointment.**

3 **(3) A statement that IC 5-4-1 requires the individual to do the**
4 **following not later than thirty (30) days after the individual's**
5 **term begins:**

6 **(A) Sign an oath of office before a person authorized to**
7 **administer the oath of office in accordance with Indiana**
8 **law.**

9 **(B) File the oath of office with the appropriate county**
10 **clerk.**

11 **(4) A statement that under IC 5-4-1, the failure of the**
12 **individual to file the oath of office within the time specified**
13 **may result in the office becoming vacant.**

14 **(5) Any other additional requirement, if any, regarding an**
15 **oath of office that is imposed under a statute applicable to the**
16 **specific office.**

17 **Sec. 4. The individual shall file a copy of the oath with the**
18 **appointing authority.".**

19 Page 22, after line 22, begin a new paragraph and insert:

20 **"SECTION 23. An emergency is declared for this act."**

21 Renumber all SECTIONS consecutively.

(Reference is to HB 1161 as introduced.)