January 30, 2004

SENATE BILL No. 39

DIGEST OF SB 39 (Updated January 28, 2004 2:52 pm - DI 87)

Citations Affected: IC 6-1.1; IC 12-7; IC 12-20; IC 12-30; IC 16-24; IC 16-41; IC 35-43; IC 36-1; IC 36-2; IC 36-6; IC 36-10; noncode.

Synopsis: Township assistance. Changes the term "poor relief" to "township assistance" in the Indiana Code in accordance with HEA 1972-2003. (The introduced version of this bill was prepared by the code revision commission.)

Effective: July 1, 2004.

Landske, Riegsecker

November 18, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.
January 29, 2004, reported favorably — Do Pass.

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January 30, 2004

Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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SENATE BILL No. 39

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 6-1.1-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. When formulating an annual budget estimate the proper officers of a political subdivision shall prepare an estimate of the amount of revenue which the political subdivision will receive from the state for and during the budget year for which the budget is being formulated. These estimated revenues shall be shown in the budget estimate and shall be taken into consideration in calculating the tax levy which is to be made for the ensuing calendar year. However, this section does not apply to funds to be received from the state or the federal government for:

(1) ~~poor relief;~~ **township assistance;**

(2) unemployment relief;

(3) old age pensions; or

(4) other funds which may at any time be made available under "The Economic Security Act" or under any other federal act which provides for civil and public works projects.

SECTION 2. IC 6-1.1-17-3, AS AMENDED BY P.L.256-2003,

SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by publication to taxpayers of:

(1) the estimated budget;

(2) the estimated maximum permissible levy;

(3) the current and proposed tax levies of each fund; and

(4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing.

(b) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(c) The trustee of each township in the county shall estimate the amount necessary to meet the cost of ~~poor relief~~ **township assistance** in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of ~~poor relief.~~ **township assistance.** The taxes collected as a result of the tax rate adopted under this subsection are credited to the township ~~poor relief~~ **assistance** fund.

SECTION 3. IC 6-1.1-17-14, AS AMENDED BY P.L.90-2002, SECTION 154, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. The county auditor shall initiate an appeal to the department of local government finance if the county board of tax adjustment reduces a ~~poor relief~~ **township assistance** tax rate below the rate necessary to meet the estimated cost of ~~poor relief.~~ **township assistance.**

SECTION 4. IC 6-1.1-18.5-13, AS AMENDED BY P.L.245-2003, SECTION 16, AND AS AMENDED BY P.L.224-2003, SECTION 246, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. With respect to an appeal filed under section 12 of this chapter, the local government tax control board may recommend that a civil taxing unit receive any one (1) or more of the following types of relief:

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(1) Permission to the civil taxing unit to reallocate the amount set aside as a property tax replacement credit as required by IC 6-3.5-1.1 for a purpose other than property tax relief. However, whenever this occurs, the local government tax control board shall also state the amount to be reallocated.

(2) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if in the judgment of the local government tax control board the increase is reasonably necessary due to increased costs of the civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services by the civil taxing unit to additional geographic areas or persons.

(3) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to meet the civil taxing unit's share of the costs of operating a court established by statute enacted after December 31, 1973. Before recommending such an increase, the local government tax control board shall consider all other revenues available to the civil taxing unit that could be applied for that purpose. The maximum aggregate levy increases that the local government tax control board may recommend for a particular court equals the civil taxing unit's share of the costs of operating a court for the first full calendar year in which it is in existence.

(4) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the quotient determined under STEP SIX of the following formula is equal to or greater than one and three-hundredths (1.03):

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first become effective.

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the *sum of the* civil taxing unit's total assessed value of all taxable property *and the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42* in the particular calendar year, divided by the *sum of the* civil taxing unit's total assessed value of all taxable property *and the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or*

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IC 6-1.1-12-42 in the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).

STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the *sum of the* total assessed value of all taxable property in ~~the state~~ *all counties and the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42* in the particular calendar year, divided by the *sum of the* total assessed value of all taxable property in ~~the state~~ *all counties and the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42* in the calendar year immediately preceding the particular calendar year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Divide the STEP THREE amount by the STEP FIVE amount.

~~*In addition, before the local government tax control board may recommend the relief allowed under this subdivision, the civil taxing unit must show a need for the increased levy because of special circumstances, and the local government tax control board must consider other sources of revenue and other means of relief.*~~ *The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds the percentage by which the civil taxing unit may increase its levy under section 3 of this chapter based on the assessed value growth quotient determined under section 2 of this chapter.*

(5) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to pay the costs of furnishing fire protection for the civil taxing unit through a volunteer fire department. For purposes of determining a township's need for an increased levy, the local government tax control board shall not consider the amount of money borrowed under IC 36-6-6-14 during the immediately preceding calendar year. However, any increase in the amount of the civil taxing unit's levy recommended by the local government tax control board under this subdivision for the

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ensuing calendar year may not exceed the lesser of:

(A) ten thousand dollars ($10,000); or

(B) twenty percent (20%) of:

(i) the amount authorized for operating expenses of a volunteer fire department in the budget of the civil taxing unit for the immediately preceding calendar year; plus

(ii) the amount of any additional appropriations authorized during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department under this chapter; minus

(iii) the amount of money borrowed under IC 36-6-6-14 during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department.

(6) Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter in order to raise revenues for pension payments and contributions the civil taxing unit is required to make under IC 36-8. The maximum increase in a civil taxing unit's levy that may be recommended under this subdivision for an ensuing calendar year equals the amount, if any, by which the pension payments and contributions the civil taxing unit is required to make under IC 36-8 during the ensuing calendar year exceeds the product of one and one-tenth (1.1) multiplied by the pension payments and contributions made by the civil taxing unit under IC 36-8 during the calendar year that immediately precedes the ensuing calendar year. For purposes of this subdivision, "pension payments and contributions made by a civil taxing unit" does not include that part of the payments or contributions that are funded by distributions made to a civil taxing unit by the state.

(7) Permission to increase its levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the township's ~~poor relief~~ **township assistance** ad valorem property tax rate is less than one and sixty-seven hundredths cents ($0.0167) per one hundred dollars ($100) of assessed valuation; and

(B) the township needs the increase to meet the costs of providing ~~poor relief~~ **township assistance** under IC 12-20 and IC 12-30-4.

The maximum increase that the board may recommend for a township is the levy that would result from an increase in the township's ~~poor relief~~ **township assistance** ad valorem property

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tax rate of one and sixty-seven hundredths cents ($0.0167) per one hundred dollars ($100) of assessed valuation minus the township's ad valorem property tax rate per one hundred dollars ($100) of assessed valuation before the increase.

(8) Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) the increase has been approved by the legislative body of the municipality with the largest population where the civil taxing unit provides public transportation services; and

(B) the local government tax control board finds that the civil taxing unit needs the increase to provide adequate public transportation services.

The local government tax control board shall consider tax rates and levies in civil taxing units of comparable population, and the effect (if any) of a loss of federal or other funds to the civil taxing unit that might have been used for public transportation purposes. However, the increase that the board may recommend under this subdivision for a civil taxing unit may not exceed the revenue that would be raised by the civil taxing unit based on a property tax rate of one cent ($0.01) per one hundred dollars ($100) of assessed valuation.

(9) Permission to a civil taxing unit to increase the unit's levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the civil taxing unit is:

(i) a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000);

(ii) a city having a population of more than fifty-five thousand (55,000) but less than fifty-nine thousand (59,000);

(iii) a city having a population of more than twenty-eight thousand seven hundred (28,700) but less than twenty-nine thousand (29,000);

(iv) a city having a population of more than fifteen thousand four hundred (15,400) but less than sixteen thousand six hundred (16,600); or

(v) a city having a population of more than seven thousand (7,000) but less than seven thousand three hundred (7,300); and

(B) the increase is necessary to provide funding to undertake removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous

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substances (as defined in IC 13-11-2-98) in solid waste disposal facilities or industrial sites in the civil taxing unit that have become a menace to the public health and welfare.

The maximum increase that the local government tax control board may recommend for such a civil taxing unit is the levy that would result from a property tax rate of six and sixty-seven hundredths cents ($0.0667) for each one hundred dollars ($100) of assessed valuation. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular year does not include that part of the levy imposed under this subdivision. In addition, a property tax increase permitted under this subdivision may be imposed for only two (2) calendar years.

(10) Permission for a county:

(A) having a population of more than eighty thousand (80,000) but less than ninety thousand (90,000) to increase the county's levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the county needs the increase to meet the county's share of the costs of operating a jail or juvenile detention center, including expansion of the facility, if the jail or juvenile detention center is opened after December 31, 1991;

(B) that operates a county jail or juvenile detention center that is subject to an order that:

(i) was issued by a federal district court; and

(ii) has not been terminated;

(C) that operates a county jail that fails to meet:

(i) American Correctional Association Jail Construction Standards; and

(ii) Indiana jail operation standards adopted by the department of correction; or

(D) that operates a juvenile detention center that fails to meet standards equivalent to the standards described in clause (C) for the operation of juvenile detention centers.

Before recommending an increase, the local government tax control board shall consider all other revenues available to the county that could be applied for that purpose. An appeal for operating funds for a jail or *a* juvenile detention center shall be considered individually, if a jail and juvenile detention center are both opened in one (1) county. The maximum aggregate levy increases that the local government tax control board may

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recommend for a county equals the county's share of the costs of operating the jail or *a* juvenile detention center for the first full calendar year in which the jail or juvenile detention center is in operation.

(11) Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township needs the increase so that the property tax rate to pay the costs of furnishing fire protection for a township, or a portion of a township, enables the township to pay a fair and reasonable amount under a contract with the municipality that is furnishing the fire protection. However, for the first time an appeal is granted the resulting rate increase may not exceed fifty percent (50%) of the difference between the rate imposed for fire protection within the municipality that is providing the fire protection to the township and the township's rate. A township is required to appeal a second time for an increase under this subdivision if the township wants to further increase its rate. However, a township's rate may be increased to equal but may not exceed the rate that is used by the municipality. More than one (1) township served by the same municipality may use this appeal.

(12) Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township has been required, for the three (3) consecutive years preceding the year for which the appeal under this subdivision is to become effective, to borrow funds under IC 36-6-6-14 to furnish fire protection for the township or a part of the township. However, the maximum increase in a township's levy that may be allowed under this subdivision is the least of the amounts borrowed under IC 36-6-6-14 during the preceding three (3) calendar years. A township may elect to phase in an approved increase in its levy under this subdivision over a period not to exceed three (3) years. A particular township may appeal to increase its levy under this section not more frequently than every fourth calendar year.

(13) Permission to a city having a population of more than twenty-nine thousand (29,000) but less than thirty-one thousand (31,000) to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) an appeal was granted to the city under subdivision (1) in 1998, 1999, and 2000; and

(B) the increase has been approved by the legislative body of

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the city, and the legislative body of the city has by resolution determined that the increase is necessary to pay normal operating expenses.

The maximum amount of the increase is equal to the amount of property tax replacement credits under IC 6-3.5-1.1 that the city petitioned to have reallocated in 2001 under subdivision (1) for a purpose other than property tax relief.

SECTION 5. IC 12-7-2-44.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 44.7. "Countable income", for purposes of IC 12-20, means a monetary amount either paid to an applicant or a member of an applicant's household not more than thirty (30) days before the date of application for ~~poor relief,~~ **township assistance,** or accrued and legally available for withdrawal by an applicant or a member of an applicant's household at the time of application or not more than thirty (30) days after the date of application for ~~poor relief.~~ **township assistance.** The term includes the following:

(1) Gross wages before mandatory deductions.

(2) Social Security benefits, including Supplemental Security Income.

(3) Aid to Families with Dependent Children.

(4) Unemployment compensation.

(5) Worker's compensation (except compensation that is restricted for the payment of medical expenses).

(6) Vacation pay.

(7) Sick benefits.

(8) Strike benefits.

(9) Private or public pensions.

(10) Taxable income from self-employment.

(11) Bartered goods and services provided by another individual for the payment of nonessential needs on behalf of an applicant or an applicant's household if monetary compensation or the provision of basic necessities would have been reasonably available from that individual.

(12) Child support.

(13) Gifts of cash, goods, or services.

(14) Other sources of revenue or services that the township trustee may reasonably determine to be countable income.

SECTION 6. IC 12-7-2-153 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 153. (a) "Public welfare", for purposes of the statutes listed in subsection (b), means any form of public welfare or social security provided for in the statutes

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listed in subsection (b). The term does not include direct ~~poor relief~~ **township assistance** as administered by township trustees under IC 12-20.

(b) This section applies to the following statutes:

(1) IC 12-13.
(2) IC 12-14.
(3) IC 12-15.
(4) IC 12-17-1.
(5) IC 12-17-2.
(6) IC 12-17-3.
(7) IC 12-17-9.
(8) IC 12-17-10.
(9) IC 12-17-11.
(10) IC 12-19.

SECTION 7. IC 12-7-2-158, AS AMENDED BY P.L.272-1999, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 158. "Recipient" means the following:

(1) For purposes of the following statutes, a person who has received or is receiving assistance for the person or another person under any of the following statutes:

(A) IC 12-10-6.
(B) IC 12-13.
(C) IC 12-14.
(D) IC 12-15.
(E) IC 12-17-1.
(F) IC 12-17-2.
(G) IC 12-17-3.
(H) IC 12-17-9.
(I) IC 12-17-10.
(J) IC 12-17-11.
(K) IC 12-19.

(2) For purposes of IC 12-20-10 and IC 12-20-11:

(A) a single individual receiving ~~poor relief,~~ **township assistance;** or

(B) if ~~poor relief~~ **township assistance** is received by a household with at least two (2) individuals, the member of the household most suited to perform available work.

SECTION 8. IC 12-7-2-192.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 192.3. "Total number of households containing ~~poor relief~~ **township assistance** recipients", for purposes of IC 12-20-28-3, has the meaning set forth in IC 12-20-28-3(b).

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SECTION 9. IC 12-7-2-200.5, AS AMENDED BY P.L.262-2003, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 200.5. "Wasted resources", for purposes of IC 12-20, means:

(1) the amount of money or resources expended by an applicant or an adult member of an applicant's household seeking ~~poor relief~~ **township assistance** during the thirty (30) days before the date of application for ~~poor relief~~ **township assistance** for items or services that are not basic necessities;

(2) income, resources, or tax supported services lost or reduced as a result of a voluntary act during the sixty (60) days before the date of application for ~~poor relief~~ **township assistance** by an adult member of an applicant's household unless the adult member can establish a good reason for the act; or

(3) lump sum amounts of money or resources from tax refunds, lawsuits, inheritances, or pension payments of at least four hundred dollars ($400) that are expended by:

(A) an applicant seeking ~~poor relief;~~ **township assistance;** or

(B) an adult member of the applicant's household;

during the one hundred eighty (180) days immediately preceding the date of application for ~~poor relief~~ **township assistance** for items or services that are not basic necessities if, at the time of the expenditure, there were amounts due and owing for items or services constituting basic necessities.

SECTION 10. IC 12-20-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) This section does not apply to an attorney who is admitted to practice law in Indiana.

(b) A person who receives any item of value from an applicant or a recipient in connection with assisting that applicant or recipient in obtaining ~~poor relief~~ **township assistance** commits ~~poor relief~~ **township assistance** profiteering, a Class C misdemeanor.

(c) A person who unfairly profits from the:

(1) sale, lease, or rental of goods or shelter; or

(2) provision of services;

to a ~~poor relief~~ **township assistance** recipient commits ~~poor relief~~ **township assistance** fraud, a Class D felony. For purposes of this subsection, a person unfairly profits if the person receives payment from the township trustee for goods or services that the person does not provide or the person charges the township trustee more for the goods or services than the person would charge members of the public.

(d) In addition to any other penalty imposed for a conviction under subsection (c), a person who is convicted of ~~poor relief~~ **township**

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assistance fraud is ineligible to participate in the ~~poor relief~~ **township assistance** program for thirty (30) years after the date of the conviction.

SECTION 11. IC 12-20-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. A suit or proceeding in favor of or against a township trustee concerning ~~poor relief~~ **township assistance** shall be conducted in favor of or against the township in the township's corporate name.

SECTION 12. IC 12-20-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) If a township trustee, who serves as administrator of ~~poor relief,~~ **township assistance,** is removed from office, resigns, or in any other way vacates the office of township trustee, the township trustee shall immediately deliver all books, papers, and other materials concerning the office to the trustee's successor upon the successor's appointment.

(b) If a township trustee, who serves as administrator of ~~poor relief,~~ **township assistance,** dies, the township trustee's executors or administrators shall, not more than forty (40) days after the trustee's death, deliver all materials belonging to the township trustee's office to the trustee's successor in office.

SECTION 13. IC 12-20-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. The township trustee may pay out of ~~poor relief~~ **township assistance** money the necessary office expense and clerical or other help necessary to properly administer ~~poor relief.~~ **township assistance.**

SECTION 14. IC 12-20-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. The township trustee of each township, in the trustee's official capacity as chief executive officer within the township, may do the following:

(1) Employ supervisors, investigators, assistants, or other necessary employees in discharging the township trustee's duties concerning the provision of ~~poor relief.~~ **township assistance.**

(2) Fix the salaries or wages to be paid to the supervisors, investigators, assistants, and other necessary employees employed by the township trustee.

SECTION 15. IC 12-20-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The township trustee shall determine the number of ~~poor relief~~ **township assistance** supervisors, investigators, assistants, or other necessary employees that are employed by the township to administer ~~poor relief.~~ **township assistance.**

(b) The pay of ~~poor relief~~ **township assistance** supervisors, investigators, assistants, and other necessary employees shall be fixed

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by the township trustee subject only to the total budgetary appropriation for personnel services for the administration of ~~poor relief~~ **township assistance** approved by the township board.

(c) A ~~poor relief~~ **township assistance** supervisor, investigator, assistant, or other necessary employee who uses an automobile in the performance of the employee's work is entitled to the same mileage paid to state officers and employees.

SECTION 16. IC 12-20-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. An individual may not be employed as a ~~poor relief~~ **township assistance** investigator unless the individual:

(1) is a high school graduate or possesses an equivalent degree;

(2) is at least eighteen (18) years of age; and

(3) is a resident of the county where the township is located.

SECTION 17. IC 12-20-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) The number of supervisors of ~~poor relief~~ **township assistance** investigators may not exceed one (1) supervisor for the first four (4) ~~poor relief~~ **township assistance** investigators. If there are more than four (4) ~~poor relief~~ **township assistance** investigators, the township trustee may employ one (1) additional supervisor for each twelve (12) ~~poor relief~~ **township assistance** investigators or major fraction of that number.

(b) The pay for supervisors of ~~poor relief~~ **township assistance** investigators shall be fixed in the manner provided by law for other township salaries.

SECTION 18. IC 12-20-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. An individual may not be employed as a supervisor of ~~poor relief~~ **township assistance** investigators unless the individual:

(1) has been an Indiana resident for at least one (1) year immediately preceding the individual's appointment; or

(2) has had at least one (1) ~~years~~ **year of** experience as a ~~poor relief~~ **township assistance** investigator.

SECTION 19. IC 12-20-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) Two (2) or more townships in the same county may jointly employ an investigator to investigate ~~poor relief~~ **township assistance** applicants and recipients.

(b) Payment for investigations conducted under this section shall be made on the basis of the number of cases handled for each township in the same manner and at the same rate as otherwise provided for the payment of investigators under this chapter.

SECTION 20. IC 12-20-4-11 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) A ~~poor relief~~ **township assistance** supervisor, investigator, assistant, or other necessary employee shall be paid only for the number of days the employee is actually engaged in employment during each month.

(b) A ~~poor relief~~ **township assistance** supervisor, investigator, assistant, or other necessary employee shall be paid at the rate established by the township trustee from an appropriation by the township board with no deduction for legal holidays.

(c) A ~~poor relief~~ **township assistance** supervisor, investigator, assistant, or other necessary employee shall be paid out of the same money as claims for ~~poor relief~~ **township assistance** are paid. Claims for pay are payable upon presentation of a sworn claim itemizing each day for which pay is requested. Claims are to be made and filed in the same manner as other claims for ~~poor relief~~ **township assistance** expenditures are payable, at least once each month.

(d) Each ~~poor relief~~ **township assistance** chief deputy, investigator, supervisor, assistant, or other necessary employee may be granted paid vacation leave or sick leave under IC 5-10-6-1.

(e) The township trustee of a township having a population of at least ten thousand (10,000) may appoint a chief deputy. A chief deputy may be paid from any township funds.

SECTION 21. IC 12-20-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) The township trustee of each township is ex officio the administrator of ~~poor relief~~ **township assistance** within the township.

(b) The township trustee shall perform all duties with reference to the poor of the township as prescribed by law.

(c) A township trustee, in discharging the duties prescribed by this article, is designated as the administrator of ~~poor relief.~~ **township assistance.**

SECTION 22. IC 12-20-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. The township trustee, as administrator of ~~poor relief,~~ **township assistance,** in each township is responsible for the oversight and care of all poor individuals in the township as long as the individuals remain in the trustee's charge. The township trustee shall see that the individuals are properly taken care of in the manner required by law.

SECTION 23. IC 12-20-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. The township trustee, as administrator of ~~poor relief,~~ **township assistance,** shall investigate and grant temporary relief as provided in IC 12-20-17-3.

SECTION 24. IC 12-20-5.5-1 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) The township trustee shall process all applications for ~~poor relief~~ **township assistance** according to uniform written standards and without consideration of the race, creed, nationality, or gender of the applicant or any member of the applicant's household.

(b) The township's standards for the issuance of ~~poor relief~~ **township assistance** and the processing of applications must be:

(1) governed by the requirements of this article;

(2) proposed by the township trustee, adopted by the township board, and filed with the board of county commissioners;

(3) reviewed and updated annually to reflect changes in the cost of basic necessities in the township and changes in the law;

(4) published in a single written document, including addenda attached to the document; and

(5) posted in a place prominently visible to the public in all offices of the township trustee where ~~poor relief~~ **township assistance** applications are taken or processed.

SECTION 25. IC 12-20-5.5-2, AS AMENDED BY P.L.128-1999, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) Standards for the administration of ~~poor relief~~ **township assistance** must contain the following:

(1) Criteria for determining ~~poor relief~~ **township assistance** eligibility.

(2) Minimum requirements of township trustee accessibility.

(3) Other information as needed, including the following:

(A) Township office locations, hours, and days of availability.

(B) Initial eligibility criteria.

(C) Continuing eligibility criteria.

(D) Workfare requirements.

(E) Essential and nonessential assets.

(F) Available resources.

(G) Income exemptions.

(H) Application process.

(I) Countable income.

(J) Countable assets.

(K) Wasted resources.

(b) Standards for the administration of ~~poor relief~~ **township assistance** must exclude a Holocaust victim's settlement payment received by an eligible individual from countable assets and countable income.

SECTION 26. IC 12-20-5.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The township

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trustee shall ensure adequate access to ~~poor relief~~ **township assistance** services, including a published telephone number in the name of the township.

(b) A ~~poor relief~~ **township assistance** office, if separate from the township trustee's residence, must be designated by a clearly visible sign that lists the:

(1) township trustee's name;

(2) availability of ~~poor relief~~ **township** assistance; and

(3) ~~poor relief~~ **township assistance** office's telephone number.

The sign must conform to all local zoning and signage restrictions.

SECTION 27. IC 12-20-5.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) This section does not apply to a township trustee who has assisted less than fifty-one (51) households during each of the two (2) years immediately preceding the date of the township trustee's annual report under IC 12-20-28-3.

(b) To ensure minimum accessibility, a township trustee operating a ~~poor relief~~ **township assistance** office in a township with a population of at least ten thousand (10,000) shall provide scheduled office hours for ~~poor relief~~ **township assistance** and staff each office with an individual qualified to:

(1) determine eligibility; and

(2) issue relief sufficient to meet the ~~poor relief~~ **township assistance** needs of the township.

(c) To meet the requirements of subsection (b), the township trustee shall do the following:

(1) Provide ~~poor relief~~ **township assistance** office hours for at least fourteen (14) hours per week.

(2) Provide that there is not more than one (1) weekday between the days the ~~poor relief~~ **township assistance** office is open.

(3) Provide for after hours access to the ~~poor relief~~ **township assistance** office by use of an answering machine or a service:

(A) capable of taking messages; and

(B) programmed to provide information about ~~poor relief~~ **township assistance** office hours.

(4) Respond to a telephone inquiry for ~~poor relief~~ **township assistance** services not more than twenty-four (24) hours, excluding Saturdays, Sundays, and legal holidays, after receiving the inquiry.

(5) Post ~~poor relief~~ **township assistance** office hours and telephone numbers at the entrance to each ~~poor relief~~ **township assistance** office.

SECTION 28. IC 12-20-5.5-5 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. The township's standards for the administration of ~~poor relief~~ **township assistance** must include all applicable standards governing the provision of basic necessities, including maximum amounts, special conditions, or other limitations on eligibility, if any have been established for one (1) or more basic necessities.

SECTION 29. IC 12-20-6-1, AS AMENDED BY P.L.259-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) A township trustee may not extend aid to an individual or a household unless an application and affidavit setting forth the personal condition of the individual or household has been filed with the trustee within one hundred eighty (180) days before the date aid is extended.

(b) An individual filing an application and affidavit on behalf of a household must provide the names of all household members and any information necessary for determining the household's eligibility for ~~poor relief.~~ **township assistance.** The application must be on the form prescribed by the state board of accounts.

(c) An applicant for utility assistance under IC 12-20-16-3(a) must comply with IC 12-20-16-3(d).

(d) The township trustee may not extend additional or continuing aid to an individual or a household unless the individual or household files an affidavit with the request for assistance affirming how, if at all, the personal condition of the individual or the household has changed from that set forth in the individual's or household's most recent application.

(e) The township trustee shall assist an applicant for ~~poor relief~~ **township assistance** in completing a ~~poor relief~~ **township assistance** application if the applicant:

(1) has a mental or physical disability, including mental retardation, cerebral palsy, blindness, or paralysis;

(2) has dyslexia; or

(3) cannot read or write the English language.

SECTION 30. IC 12-20-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. Each township trustee shall obtain information about public assistance programs and services administered by the division of family and children and county offices under this article, the Social Security Administration, the federal Food Stamp program (7 U.S.C. 2011 et seq.), or by another federal or state governmental entity. If a trustee believes a ~~poor relief~~ **township assistance** applicant or a member of the applicant's household may be eligible for a public assistance program, the trustee

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may not extend aid to the applicant or the applicant's household unless the applicant verifies that:

(1) the applicant has filed, within the one hundred eighty (180) days preceding the application for ~~poor relief~~ **township** assistance, an application for assistance under a federal or state public assistance program administered by the division of family and children and county offices or by another federal or state governmental entity;

(2) the applicant or a member of the applicant's household is receiving assistance under a public assistance program administered by the division of family and children and county offices or another federal or state governmental entity; or

(3) the applicant or a member of the applicant's household has an emergency need that the trustee determines must be met immediately.

SECTION 31. IC 12-20-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. If the township trustee determines that an applicant or a member of the applicant's household who is granted emergency ~~poor relief~~ **township** assistance under section 3(3) of this chapter may be eligible for public assistance other than ~~poor relief,~~ **township assistance,** the applicant shall, not more than fifteen (15) working days after the date that emergency ~~poor relief~~ **township** assistance was granted, file an application for public assistance and comply with all the requirements necessary for completing the application process for public assistance administered by the division of family and children and county offices or another federal or state governmental entity. An applicant or a member of the applicant's household who fails to file an application for public assistance not more than fifteen (15) working days after the date that emergency ~~poor relief~~ **township** assistance was granted may not be granted ~~poor relief~~ **township** assistance for sixty (60) days following the grant of ~~poor relief~~ **township** assistance on an emergency basis.

SECTION 32. IC 12-20-6-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5.5. (a) This section does not apply in an emergency.

(b) If, before granting ~~poor relief,~~ **township assistance,** the township trustee determines that an applicant or a member of an applicant's household may be eligible for public assistance other than ~~poor relief,~~ **township assistance,** the applicant or household member shall, when referred by the township trustee, make an application and comply with all necessary requirements for completing the application process for public assistance administered by:

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(1) the division of family and children and county offices; or
(2) any other federal or state governmental entity.

(c) An applicant or a household member who fails to:
(1) file an application as specified in subsection (b); and
(2) show evidence that the application, as referred by the township trustee, was filed not more than fifteen (15) working days after the township trustee's referral;

may be denied ~~poor relief~~ **township** assistance for not more than sixty (60) days.

SECTION 33. IC 12-20-6-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6.5. (a) If an individual has been convicted of an offense under IC 35-43-5-7, a township trustee may not extend aid to or for the benefit of that individual for the following periods:
(1) If the conviction is for a misdemeanor, for one (1) year after the conviction.
(2) If the conviction is for a felony, for ten (10) years after the conviction.

(b) If a township trustee finds that an individual has obtained ~~poor relief~~ **township** assistance from any township by means of conduct described in IC 35-43-5-7, the township trustee may refuse to extend aid to or for the benefit of that individual for sixty (60) days after the later of the:
(1) date of the improper conduct; or
(2) date aid was last extended to the individual based on the improper conduct.

SECTION 34. IC 12-20-6-6.6, AS AMENDED BY P.L.259-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6.6. Notwithstanding any other provision of this article:
(1) a township trustee may not extend aid to or for the benefit of an individual if that aid would pay for goods or services provided to or for the benefit of the individual; and
(2) a township is not obligated to pay the cost of basic necessities incurred on behalf of the household in which the individual resides;

during a period that the individual has previously applied for and been denied township ~~poor relief.~~ **assistance.**

SECTION 35. IC 12-20-6-7, AS AMENDED BY P.L.259-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) In a case of emergency, a trustee shall accept and promptly act upon a completed application from an

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individual requesting assistance. In a nonemergency request for ~~poor relief~~ **township** assistance, the trustee shall act on the completed application not later than seventy-two (72) hours after receiving the application, excluding weekends and legal holidays listed in IC 1-1-9. The trustee's office shall retain a copy of each application and affidavit whether or not relief is granted.

(b) The actions that a trustee may take on a completed application for ~~poor relief,~~ **township assistance,** except in a case of emergency, are the following:

(1) Grant assistance.

(2) Deny assistance, including a partial denial of assistance requested.

(3) Leave the decision pending.

(c) A decision pending determination under subsection (b)(3):

(1) may not remain pending for more than seventy-two (72) hours after the expiration of the period described in subsection (a); and

(2) must include a statement listing the specific reasons that assistance is not granted or denied within the period required under subsection (a).

SECTION 36. IC 12-20-6-8, AS AMENDED BY P.L.259-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) A township trustee shall promptly notify in writing each applicant for ~~poor relief~~ **township assistance** of action taken upon a completed application for ~~poor relief.~~ **township assistance.** The trustee shall do the following:

(1) Mail notice or provide personal notice not later than seventy-two (72) hours, excluding weekends and legal holidays listed in IC 1-1-9, after the completed application is received, advising the applicant of the right to appeal an adverse decision of the trustee to the board of commissioners.

(2) Include in the notice required under subdivision (1) the following:

(A) The type and amount of assistance granted.

(B) The type and amount of assistance denied or partially granted.

(C) Specific reasons for denying all or part of the assistance requested.

(D) Information advising the applicant of the procedures for appeal to the board of commissioners.

(b) A copy of the notice described in subsection (a) shall be filed with the recipient's application and affidavit in the trustee's office.

(c) An application for ~~poor relief~~ **township assistance** is not

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considered complete until all adult members of the requesting household have signed:

(1) the ~~poor relief~~ **township assistance** application; and

(2) any other form, instrument, or document:

(A) required by law; or

(B) determined necessary for investigative purposes by the trustee, as contained in the township's ~~poor relief~~ **township assistance** guidelines.

SECTION 37. IC 12-20-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. If an application for ~~poor relief~~ **township assistance** is made to the township trustee as administrator of ~~poor relief,~~ **township assistance,** the township trustee, as administrator of ~~poor relief,~~ **township assistance,** shall carefully investigate the circumstances of the applicant and each member of the applicant's household to ascertain the following:

(1) Legal residence.

(2) Names and ages.

(3) Physical condition relating to sickness or health.

(4) Present and previous occupation.

(5) Ability and capacity to perform labor.

(6) The cause of the applicant's or household member's condition if the applicant or household member is found to be in need and the cause can be ascertained.

(7) Whether the applicant or a member of the applicant's household is entitled to income in the immediate future from any source, including the following:

(A) Past or present employment.

(B) A pending claim or cause of action that may result in a monetary award being received by any member of the applicant's household claiming to be in need.

(C) A pending determination for assistance from any other federal or state governmental entity.

(8) The family relationships of the ~~poor relief~~ **township assistance** applicant.

(9) Whether the ~~poor relief~~ **township assistance** applicant or members of the applicant's household have relatives able and willing to assist the applicant or a member of the applicant's household.

SECTION 38. IC 12-20-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. (a) As used in this section, "relative" includes only the parent, stepparent, child, stepchild, sibling, stepsibling, grandparent, stepgrandparent, grandchild, or

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stepgrandchild of a ~~poor relief~~ **township assistance** applicant.

(b) If an applicant who applies for township ~~poor relief~~ **assistance** or a member of the applicant's household has a relative living in the township who is able to assist the applicant or member of the applicant's household, the township trustee shall, as administrator of ~~poor relief~~ **township assistance** and before granting aid a second time, ask the relative to help the applicant or member of the applicant's household, either with material relief or by furnishing employment.

(c) A township trustee may not use ~~poor relief~~ **township assistance** funds to pay the cost of an applicant's shelter with a relative who is the applicant's landlord if the applicant lives in:

(1) the same household as the relative; or

(2) housing separate from the relative and either:

(A) the housing is unencumbered by mortgage; or

(B) the housing has not been previously rented by the relative to a different tenant at reasonable market rates for at least six (6) months.

(d) If shelter payments are made to a relative of a ~~poor relief~~ **township assistance** applicant on behalf of the applicant or a member of the applicant's household, the trustee may file a lien against the relative's real property for the amount of ~~poor relief~~ shelter **township** assistance granted.

SECTION 39. IC 12-20-7-1, AS AMENDED BY P.L.259-2001, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) Each applicant and each adult member of the applicant's household seeking ~~poor relief~~ **township assistance** must consent to a disclosure and release of information about the applicant and the applicant's household before ~~poor relief~~ **township assistance** may be provided by the township trustee. The consent must be made by signing a form prescribed by the state board of accounts. The form must include the following:

(1) The applicant's name, case number, and address.

(2) The types of information being solicited, including the following:

(A) Countable income.

(B) Countable assets.

(C) Wasted resources.

(D) Relatives capable of providing assistance.

(E) Past or present employment.

(F) Pending claims or causes of action.

(G) A medical condition if relevant to work or workfare requirements.

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(H) Any other information required by law.

(3) The names of individuals, agencies, and township trustee offices that will receive the information.

(4) The expiration date of the permission to disclose information.

(b) Information that is declared to be confidential by state or federal statute may not be obtained under the consent form prescribed by this section.

(c) The township trustee shall keep on file and shall make available to the division of family and children and office of Medicaid policy and planning upon request a copy of the signed consent form described in subsection (a).

(d) The township trustee shall send to the county office a copy of the signed consent form described in subsection (a).

(e) The division of family and children, county offices, and the office of Medicaid policy and planning shall make available to the township trustee upon request a copy of signed consent to disclosure and release of information forms in each entity's files.

(f) If an individual who is required to sign a form under this section is unable to sign the form in the township trustee's office due to a physical or mental disability or illness, the township trustee shall make alternate arrangements to obtain the individual's signature.

SECTION 40. IC 12-20-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. Upon request of the township trustee, the employer of a ~~poor relief~~ **township assistance** applicant or a member of the applicant's household shall provide the township trustee with information concerning salary or wages earned by the applicant or household member for purposes of determining the financial eligibility of the household to receive ~~poor relief.~~ **township assistance.**

SECTION 41. IC 12-20-7-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3.5. Upon request of the township trustee, a person holding assets or title to assets of a ~~poor relief~~ **township assistance** applicant or a member of the applicant's household shall provide the township trustee with information concerning the nature and value of those assets for purposes of determining the household's financial eligibility to receive ~~poor relief.~~ **township assistance.**

SECTION 42. IC 12-20-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. Information that is received through the use of a consent form described in section 1 of this chapter and that is not a public record open to inspection and copying under any statute may be used only in connection with the

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following:

(1) The administration of the township trustee's ~~poor relief~~ **township assistance** program.

(2) The administration of public assistance programs that are administered by the division of family and children and county offices.

SECTION 43. IC 12-20-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The township trustee may deny ~~poor relief~~ **township** assistance to an individual if the township trustee determines that the individual does not intend to make the township or county the individual's sole place of residence.

(b) The township trustee may consider all relevant information that supports or refutes the individual's intent to make the township or county the individual's sole place of residence, except the length of time the individual has been located in the township or county.

SECTION 44. IC 12-20-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. If the township trustee, as administrator of ~~poor relief,~~ **township assistance,** is unable to ascertain and establish the place of legal residence of a poor individual within the township, the township trustee shall proceed to provide assistance to the individual in the same manner as other poor individuals are provided assistance.

SECTION 45. IC 12-20-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. If an individual is:

(1) a child;

(2) the parent of a child requiring the parent's care; or

(3) sick, aged, injured, crippled, or physically or mentally unable to work or travel;

the township trustee, as administrator of ~~poor relief,~~ **township assistance,** of the township in which the individual is found shall furnish ~~poor relief~~ **township** assistance to the individual until the individual can be returned to the place of the individual's legal residence if that place can be determined.

SECTION 46. IC 12-20-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. An individual:

(1) who:

(A) applies to the township trustee, as administrator of ~~poor relief,~~ **township assistance,** for assistance or is in need of assistance; or

(B) obtains free medical aid, hospitalization, public institutional care, or assistance in any part at public expense; and

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(2) who does not have legal residence in the township;

may be returned by the township trustee, as administrator of ~~poor relief,~~ **township assistance,** to the individual's place of legal residence if that place can be determined.

SECTION 47. IC 12-20-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. The record of and bill for services provided under this chapter shall be filed and paid in the manner provided for the filing and payment of other kinds of relief provided by the township trustee, as administrator of ~~poor relief.~~ **township assistance.** The township trustee, as administrator of ~~poor relief~~ **township assistance,** shall pay bills from any available fund for providing ~~poor relief~~ **township** assistance.

SECTION 48. IC 12-20-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. If an individual or a member of an individual's household who is determined to be eligible for ~~poor relief~~ **township assistance** and entitled to temporary relief is in a township in which the individual or household member does not have legal residence, the township trustee, as administrator of ~~poor relief,~~ **township assistance,** may, if the trustee considers advisable, place the individual or household member temporarily in a county home as provided in IC 12-20-17-4.

SECTION 49. IC 12-20-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. An individual may be denied ~~poor relief~~ **township** assistance for not more than one hundred eighty (180) days whenever the individual or a member of the individual's household:

(1) has been:

(A) sent by a township where the individual does not reside to a location outside the township at the individual's request or by court order; and

(B) transported to a location outside the township at public expense; and

(2) knowingly reapplies for assistance in the township from which the individual or member of the individual's household was sent.

SECTION 50. IC 12-20-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. If a ~~poor relief~~ **township assistance** applicant is in good health or if any members of the applicant's household are in good health, the township trustee, as administrator of ~~poor relief,~~ **township assistance,** shall require the individuals who are able to work to seek employment. The township trustee shall refuse to furnish any ~~poor relief~~ **township** assistance until the township trustee is satisfied that the ~~poor relief~~ **township**

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assistance applicant or members of the applicant's household are endeavoring to find work.

SECTION 51. IC 12-20-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. If:

(1) a ~~poor relief~~ **township assistance** applicant is in good health and able to work; and

(2) either:

(A) the township trustee, as administrator of ~~poor relief,~~ **township assistance,** offers employment to the ~~poor relief~~ **township assistance** applicant, regardless of whether the compensation for the work is in the form of money, house rent, or commodities consisting of the necessaries of life; or

(B) employment at a reasonable compensation is offered by any other individual, governmental agency, or employer;

the township trustee, as administrator of ~~poor relief,~~ **township assistance,** shall not furnish ~~poor relief~~ **township** assistance to the applicant until the ~~poor relief~~ **township assistance** applicant performs the work or shows just cause for not performing the work. However, a ~~poor relief~~ **township assistance** applicant may be given admission to the county home, where the ~~poor relief~~ **township assistance** applicant shall be compelled to work.

SECTION 52. IC 12-20-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. A township trustee, as administrator of ~~poor relief,~~ **township assistance,** shall make all possible efforts to secure employment for an able-bodied ~~poor relief~~ **township assistance** applicant in the township where the applicant resides.

SECTION 53. IC 12-20-10-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3.5. If a ~~poor relief~~ **township assistance** applicant or a member of the applicant's household claims an inability to work due to health, the township trustee may require and provide for any medical examination necessary for the township trustee to determine whether the applicant or household member is able to perform work.

SECTION 54. IC 12-20-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. The township trustee may call upon residents of the township to aid in finding employment for a ~~poor relief~~ **township assistance** applicant who is able to work.

SECTION 55. IC 12-20-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) The township trustee shall obligate any adult member of a recipient household to do any work needed to be done within the county or an adjoining township

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in any other county for any nonprofit agency or governmental unit, including the state, having jurisdiction in those townships, unless:

(1) the obligated individual is not physically able to perform the proposed work;

(2) the obligated individual is a minor or is at least sixty-five (65) years of age;

(3) the obligated individual has full-time employment at the time the recipient receives ~~poor relief;~~ **township assistance;**

(4) the obligated individual is needed to care for an individual as a result of the individual's age or physical condition;

(5) the township trustee determines that there is no work available for any adult member of the recipient household; or

(6) the individual obligated to perform the work is, at the direction of the township trustee, attending:

(A) courses under section 3 of this chapter; or

(B) a job training program under IC 12-20-12-1 or another job training program approved by the township trustee.

(b) The township trustee shall determine a ~~poor relief~~ **township assistance** applicant's suitability to perform available work under this section. The township trustee may provide for medical examinations necessary to make the determination.

(c) A ~~poor relief~~ **township assistance** recipient shall perform an amount of work that equals the value of assistance received by the ~~poor relief~~ **township assistance** recipient or the recipient's household. The ~~poor relief~~ **township assistance** recipient shall receive credit for the work performed, as assigned by the township trustee, at a rate not less than the federal minimum wage.

(d) The unit of government or nonprofit agency for which work is performed under this section shall furnish the necessary tools, materials, or transportation, unless the trustee agrees in writing to furnish the necessary tools, materials, or transportation.

(e) Supervision of the work of a ~~poor relief~~ **township assistance** recipient under this section is the responsibility of the governmental unit or nonprofit agency for which the work is performed.

(f) The township trustee shall see that a ~~poor relief~~ **township assistance** recipient performing work under this section is covered by adequate liability insurance for injuries or damages suffered by or caused by the ~~poor relief~~ **township assistance** recipient.

(g) A ~~poor relief~~ **township assistance** recipient may not be assigned to work that would result in the displacement of governmental employees or in the reduction of hours worked by governmental employees.

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(h) The failure of a ~~poor relief~~ **township assistance** recipient to perform work assigned by the township trustee within a reasonable period required by the township trustee is a basis for denying further assistance to the recipient or the recipient's household for not more than one hundred eighty (180) days, unless the recipient shows good cause for not performing the work.

SECTION 56. IC 12-20-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) The township trustee may require the recipient to perform work for nonprofit human services agencies located within the county or an adjoining township in another county unless the recipient attends courses under section 3 of this chapter.

(b) The township trustee shall determine a ~~poor relief~~ **township assistance** applicant's suitability to perform available work under this section. The township trustee may provide for medical examinations necessary to make the determination.

(c) A ~~poor relief~~ **township assistance** recipient shall perform an amount of work that equals the value of assistance received by the ~~poor relief~~ **township assistance** recipient or the recipient's household. The ~~poor relief~~ **township assistance** recipient shall work off the assistance at a rate not less than the federal minimum wage.

(d) The nonprofit agency for which work is performed under this section shall furnish the necessary tools, materials, or transportation, unless the trustee agrees in writing to furnish the necessary tools, materials, or transportation to and from the work site from the trustee's office.

(e) Supervision of the work of a ~~poor relief~~ **township assistance** recipient under this section is the responsibility of the nonprofit agency for which the work is performed.

(f) The township trustee shall ensure that a ~~poor relief~~ **township assistance** recipient performing work under this section is covered by adequate liability insurance for injuries or damages suffered by or caused by the ~~poor relief~~ **township assistance** recipient.

(g) A ~~poor relief~~ **township assistance** recipient may not be assigned to work that would result in the displacement of employees of the nonprofit agency or in the reduction of hours worked by those employees.

SECTION 57. IC 12-20-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) If a ~~poor relief~~ **township assistance** recipient, after referral by the township trustee, is accepted and attends adult education courses under IC 20-10.1-7-1 or courses at Ivy Tech State College established by IC 20-12-61, the

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~~poor relief~~ **township assistance** recipient is exempt from performing work or searching for work for not more than one hundred eighty (180) days.

(b) The township trustee may reimburse a ~~poor relief~~ **township assistance** recipient for tuition expenses incurred in attending the courses described in subsection (a) if the recipient:

(1) has a proven aptitude for the courses being studied;
(2) was referred by the trustee;
(3) does not qualify for other tax supported educational programs;
(4) maintains a passing grade in each course; and
(5) maintains the minimum attendance requirements specified by the educational institution.

SECTION 58. IC 12-20-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) The township trustee may require a ~~poor relief~~ **township assistance** applicant or an adult member of the applicant's household to satisfy all obligations to perform work incurred in another township before additional ~~poor relief~~ **township** assistance is granted. However, in case of an emergency, the trustee may temporarily waive the work obligation incurred from another township and provide temporary assistance to an applicant or a household in order to relieve need or immediate suffering.

(b) The township trustee may request from another township trustee documentation necessary to confirm that a ~~poor relief~~ **township assistance** applicant or an adult member of the applicant's household performed or did not perform work in another township.

SECTION 59. IC 12-20-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) Work performed under this chapter is considered as satisfaction of a condition for ~~poor relief~~ **township assistance** and is not considered as services performed for remuneration or as repayment for ~~poor relief~~ **township** assistance. However, a ~~poor relief~~ **township assistance** recipient performing work under this chapter and the governmental unit or nonprofit agency for which the recipient works are covered by the medical treatment and burial expense provisions of IC 22-3-2 through IC 22-3-6 with regard to the work performed.

(b) A township trustee may not seek federal or state reimbursement, foreclose a lien, or otherwise seek repayment of assistance for which a recipient or an adult member of the recipient's household has satisfactorily completed a workfare requirement.

SECTION 60. IC 12-20-12-1, AS AMENDED BY P.L.259-2001, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2004]: Sec. 1. As a condition of continuing eligibility, a township trustee may require a recipient of ~~poor relief~~ **township assistance** or any member of a recipient's household to participate in an appropriate work training program that is offered to the recipient or a member of the recipient's household within the county or an adjoining township in another county by a:

(1) federal, state, or local governmental entity; or

(2) nonprofit agency.

SECTION 61. IC 12-20-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. A township trustee may, with the approval of the township board, do the following:

(1) Conduct the following for ~~poor relief~~ **township assistance** recipients in the township:

(A) Rehabilitation programs.

(B) Training programs.

(C) Retraining programs.

(D) Work programs.

(2) Employ personnel to supervise the programs.

(3) Pay the costs of the programs from ~~poor relief~~ **township assistance** money.

SECTION 62. IC 12-20-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) An expenditure of money may not be made under this chapter except after a specific appropriation made and approved in the manner provided by law.

(b) An appropriation may not be made or approved unless a sufficient amount of money to cover the proposed expenditure is included in the annual budget of the township trustee for ~~poor relief~~ **township assistance** purposes.

SECTION 63. IC 12-20-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. If an applicant for or recipient of township ~~poor relief~~ **assistance** is not satisfied with the decision of the township trustee, as administrator of ~~poor relief,~~ **township assistance,** the applicant or recipient may appeal to the board of commissioners.

SECTION 64. IC 12-20-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. An applicant for ~~poor relief~~ **township assistance** must file the applicant's appeal not more than fifteen (15) days from the date of issuance by the township trustee of adequate written notice of the denial of ~~poor relief~~ **township** assistance as provided by IC 12-20-6-8. An appeal must be made in writing or orally as required by the board of commissioners.

SECTION 65. IC 12-20-15-3, AS AMENDED BY P.L.262-2003,

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SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The board of county commissioners may:

(1) conduct a hearing on the appeal; or

(2) appoint a hearing officer:

(A) from among the board;

(B) from among the employees of the board; or

(C) from qualified residents of the county;

who will conduct a hearing for the board.

(b) The board of county commissioners shall develop uniform written procedures, including provisions for:

(1) before the hearing, an opportunity for the appellant or the appellant's legal representative to review the appellant's ~~poor relief~~ **township assistance** file and any documents or evidence used by the township trustee to make the determination under appeal;

(2) the order of the proceeding and the procedure for subpoena:

(A) of a witness; or

(B) for production of evidence;

if reasonably requested by the appellant or the township trustee; and

(3) the issuance of a hearing decision within the period prescribed by section 6(b)(2) of this chapter.

SECTION 66. IC 12-20-15-4, AS AMENDED BY P.L.262-2003, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) In hearing an appeal, the board of commissioners and a hearing officer shall:

(1) review and consider any report or investigative documents the trustee prepared before making the appealed decision; and

(2) be governed by the township's ~~poor relief~~ **township assistance** standards for determining eligibility to the extent that the standards comply with existing law for the granting of ~~poor relief.~~ **township assistance.** If no legally sufficient standards have been established, the board of commissioners and the hearing officer shall be guided by the circumstances in each case.

(b) The board of commissioners shall remand a case to a trustee for further proceedings if:

(1) new evidence was presented by the applicant to the board of commissioners; and

(2) the board of commissioners determines that the new evidence presented would have made the individual eligible for assistance.

(c) If a case is remanded to a trustee, the trustee shall issue a new

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determination of eligibility not later than seventy-two (72) hours after receiving the written decision remanding the case, excluding weekends and legal holidays listed in IC 1-1-9.

SECTION 67. IC 12-20-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. The appellant must be present at a hearing conducted by the board of commissioners or a hearing officer. The township trustee, as administrator of ~~poor relief,~~ **township assistance,** or the trustee's representative shall be notified in writing of the hearing date and time, but the failure of the township trustee or the trustee's representative to be present is not a cause for postponement of the hearing unless the trustee requests and is granted a continuance. A continuance requested by the township trustee does not reduce the period required for a decision under section 6(b)(2) of this chapter.

SECTION 68. IC 12-20-15-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. The township trustee, as administrator of ~~poor relief,~~ **township assistance,** shall carry out a decision of the board to sustain, increase, grant, or otherwise modify ~~poor relief~~ **township assistance** only if the board of commissioners complies with the requirements for a written decision under section 6 of this chapter.

SECTION 69. IC 12-20-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) The township trustee or an applicant may appeal a decision of the board of commissioners to a circuit or superior court with jurisdiction in the county.

(b) In hearing an appeal, the court shall be governed by the township's ~~poor relief~~ **township assistance** standards for determining eligibility for granting ~~poor relief~~ **township assistance** in the township. If legally sufficient standards have not been established, the court shall be guided by the circumstances of the case.

SECTION 70. IC 12-20-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. A township trustee, as administrator of ~~poor relief,~~ **township assistance,** may provide and shall extend ~~poor relief~~ **township assistance** only when the personal effort of the ~~poor relief~~ **township assistance** applicant fails to provide one (1) or more basic necessities.

SECTION 71. IC 12-20-16-2, AS AMENDED BY P.L.262-2003, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) Except as provided in subsections (b) and (c), the township trustee shall, in cases of necessity, do the following:

(1) Promptly provide medical assistance for poor individuals in

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the township who are not provided for in public institutions.

(2) See that medicines, medical supplies, special diets, or tests prescribed by a physician or surgeon in attendance upon poor individuals in the township are properly furnished.

(b) A township trustee may not provide to an individual medical assistance under the ~~poor relief~~ **township assistance** program if the individual could qualify for medical assistance for the same service under:

(1) IC 12-16;

(2) Medicaid;

(3) other governmental medical programs; or

(4) private health insurance that would cover the individual at the time the assistance was provided. However, if the individual's insurance does not pay for the medical assistance due to a policy deductible or other policy limitation, the township trustee shall pay for medical assistance that the trustee would provide if the individual did not have insurance.

However, a township trustee may provide interim medical services during the period that the individual has an application pending for medical assistance under Medicaid (IC 12-15) or another governmental medical program if the individual is reasonably complying with all requirements of the application process.

(c) The township trustee shall pay only for the following medical services for the poor of the township:

(1) Prescription drugs, not to exceed a thirty (30) day supply at a time, as prescribed by an attending practitioner (as defined in IC 16-42-19-5) other than a veterinarian. However, if the prescription drugs are available only in a container that contains more than a thirty (30) day supply, the township trustee may pay for the available size.

(2) Office calls to a physician licensed under IC 25-22.5 or another medical provider.

(3) Dental care needed to relieve pain or infection or to repair cavities.

(4) Repair or replacement of dentures.

(5) Emergency room treatment that is of an emergency nature.

(6) Preoperation testing prescribed by an attending physician licensed under IC 25-22.5.

(7) Over-the-counter drugs prescribed by a practitioner (as defined in IC 16-42-19-5) other than a veterinarian.

(8) X-rays and laboratory testing as prescribed by an attending physician licensed under IC 25-22.5.

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(9) Visits to a medical specialist when referred by an attending physician licensed under IC 25-22.5.

(10) Physical therapy prescribed by an attending physician licensed under IC 25-22.5.

(11) Eyeglasses.

(12) Repair or replacement of a prosthesis not provided for by other tax supported state or federal programs.

(13) Insulin and items needed to administer the biological, not to exceed a thirty (30) day supply at a time, in accordance with section 14 of this chapter. However, if the biologicals are available only in a container that contains more than a thirty (30) day supply, the township trustee may pay for the available size.

(d) The township trustee may establish a list of approved medical providers to provide medical services to the poor of the township. Any medical provider who:

(1) can provide the particular medical services within the scope of the provider's license issued under IC 25; and

(2) is willing to provide the medical services for the charges established by the township trustee;

is entitled to be included on the list.

(e) Unless prohibited by federal law, a township trustee who:

(1) provides to an individual medical assistance that is eligible for payment under any medical program described in subsection (b) for which payments are administered by an agency of the state during the pendency of the individual's successful application for the program; and

(2) submits a timely and proper claim to the agency;

is eligible for reimbursement by the agency to the same extent as any medical provider.

(f) If a township trustee provides medical assistance for medical services provided to an individual who is subsequently determined to be eligible for Medicaid:

(1) the township trustee shall notify the medical provider that provided the medical services of the individual's eligibility; and

(2) not later than thirty (30) days after the medical provider receives the notice under subdivision (1), the medical provider shall file a claim for reimbursement with the office.

(g) A medical provider that is reimbursed under subsection (f) shall, not later than thirty (30) days after receiving the reimbursement, pay to the township trustee the lesser of:

(1) the amount of medical assistance received from the trustee to an individual; or

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(2) the amount reimbursed by Medicaid to the medical provider.

SECTION 72. IC 12-20-16-3, AS AMENDED BY P.L.259-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The township trustee may, in cases of necessity, authorize the payment from township ~~poor relief~~ **assistance** money for essential utility services, including the following:

(1) Water services.

(2) Gas services.

(3) Electric services.

(4) Fuel oil services for fuel oil used for heating or cooking.

(5) Coal, wood, or liquid propane used for heating or cooking.

(b) The township trustee may authorize the payment of delinquent bills for the services listed in subsection (a)(1) through (a)(5) when necessary to prevent the termination of the services or to restore terminated service if the delinquency has lasted not longer than twenty-four (24) months. The township trustee has no obligation to pay a delinquent bill for the services or materials listed in subsection (a)(1) through (a)(5) if the delinquency has lasted longer than twenty-four (24) months.

(c) The township trustee is not required to pay for any utility service:

(1) that is not properly charged to:

(A) an adult member of a household;

(B) an emancipated minor who is head of the household; or

(C) a landlord or former member of the household if the applicant proves that the applicant:

(i) received the services as a tenant residing at the service address at the time the cost was incurred; and

(ii) is responsible for payment of the bill;

(2) received as a result of a fraudulent act by any adult member of a household requesting ~~poor relief~~ **township** assistance; or

(3) that includes the use of township ~~poor relief~~ **assistance** funds for the payment of:

(A) a security deposit; or

(B) damages caused by a ~~poor relief~~ **township assistance** applicant to utility company property.

(d) The amount paid by the township trustee, as administrator of ~~poor relief,~~ **township assistance,** and the amount charged for water services may not exceed the minimum rate charged for the service as fixed by the Indiana utility regulatory commission.

(e) This subsection applies only during the part of each year when applications for assistance are accepted by the division under

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IC 12-14-11. A township trustee may not provide assistance to make any part of a payment for heating fuel or electric services for more than thirty (30) days unless the individual files an application with the township trustee that includes the following:

(1) Evidence of application for assistance for heating fuel or electric services from the division under IC 12-14-11.

(2) The amount of assistance received or the reason for denial of assistance.

The township trustee shall inform an applicant for assistance for heating fuel or electric services that assistance for heating fuel and electric services may be available from the division under IC 12-14-11 and that the township trustee may not provide assistance to make any part of a payment for those services for more than thirty (30) days unless the individual files an application for assistance for heating fuel or electric services under IC 12-14-11. However, if the applicant household is eligible under criteria established by the division of disability, aging, and rehabilitative services for energy assistance under IC 12-14-11, the trustee may certify the applicant as eligible for that assistance by completing an application form prescribed by the state board of accounts and forwarding the eligibility certificate to the division of disability, aging, and rehabilitative services within the period established for the acceptance of applications. If the trustee follows this certification procedure, no other application is required for assistance under IC 12-14-11.

(f) If an individual or a member of an individual's household has received assistance under subsection (b), the individual must, before the individual or the member of the individual's household may receive further assistance under subsection (b), certify whether the individual's or household's income, resources, or household size has changed since the individual filed the most recent application for ~~poor relief~~ **township** assistance. If the individual or a member of the individual's household certifies that the income, resources, or household size has changed, the township trustee shall review the individual's or household's eligibility and may make any necessary adjustments in the level of assistance provided to the individual or to a member of the individual's household.

SECTION 73. IC 12-20-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) An applicant or a household that receives food relief in any township having a population of more than ten thousand (10,000) may request the township trustee, as administrator of ~~poor relief,~~ **township assistance,** to issue a food order upon any eligible market, and the township trustee, as administrator of ~~poor relief,~~ **township assistance,** shall

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abide by that request.

(b) The amount of a food order for various sized households that are determined by the trustee to be eligible for ~~poor relief~~ **township assistance** shall be based upon uniform monthly amounts specified in the township's ~~poor relief~~ **township assistance** standards. However, an additional amount of food may be ordered for special health reasons as prescribed by a physician. A supplemental food order may be issued because of the loss of the recipient's food by:

(1) fire, flood, or other natural disaster;

(2) burglary or other criminal act; or

(3) the unpreventable spoilage of food.

(c) The trustee may issue a food order to an eligible applicant on either a daily, weekly, or monthly basis.

SECTION 74. IC 12-20-16-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) Except as provided in subsection (b), a township trustee, as administrator of ~~poor relief,~~ **township assistance,** may not purchase food out of the township ~~poor relief~~ **assistance** fund for an applicant or a household that is eligible to participate in the federal food stamp program.

(b) A township trustee, as administrator of ~~poor relief,~~ **township assistance,** may purchase food for an eligible food stamp applicant or household only under any of the following conditions:

(1) During the interim period **beginning** when an applicant or a household is awaiting a determination of eligibility from the food stamp office and ending not more than five (5) days after the day the applicant or household becomes eligible to participate in the federal food stamp program.

(2) Upon the verified loss of the household's food stamps or food supply by:

(A) fire or other natural disaster; or

(B) burglary or other criminal act, if the requesting applicant or household files a report with the appropriate law enforcement agency.

(3) Upon the loss of the applicant's or household's food supply through spoilage.

(4) Upon a written statement from a physician indicating that at least one (1) member of the household needs a special diet, the cost of which is greater than can be purchased with the household's allotment of food stamps.

(5) If the township trustee, as administrator of ~~poor relief,~~ **township assistance,** determines that an applicant or a household:

(A) is in need of supplementary food assistance; and

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(B) has participated in the federal food stamp program to the fullest extent allowable under federal and state law;

and supplementary food assistance is required by the circumstances of the particular case.

SECTION 75. IC 12-20-16-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) A combined grocery (marketing fresh vegetables, fresh eggs, and dairy products) and meat market (marketing fresh meat) in a township having a population of more than ten thousand (10,000) is eligible to accept food purchase orders from the township trustee, as administrator of ~~poor relief,~~ **township assistance,** in the township in which the market is located if the owner of the market has applied to the township trustee using a form prescribed by the state board of accounts.

(b) A market described in subsection (a) remains eligible to accept township food purchase orders unless any of the following conditions exist:

(1) The owner notifies the township trustee, as administrator of ~~poor relief,~~ **township assistance,** to remove the owner's market from the eligible list.

(2) An appropriate health or other governmental agency closes the market.

(3) The township trustee, as administrator of ~~poor relief,~~ **township assistance,** removes the market from the eligible list for a period not to exceed six (6) months because the management of the market, in filling a township food or household supply order:

(A) includes in the order tobacco products, alcoholic beverages, or other nonqualifying items; or

(B) fails to routinely request identification from an individual who redeems a township purchase order.

(4) A person who owns or is employed by the market has been convicted of ~~poor relief~~ **township assistance** fraud under IC 12-20-1-4(c).

(c) A combined grocery and meat market shall, in filling a township purchase order for food and household supplies, attach to the purchase order form either a cash register tape or a written or typed itemization of the cost of the food and household supplies purchased. Household supplies, including first aid and medical supplies, are not considered food.

(d) The cash register tape or itemization required by subsection (c) is the full and complete record of purchase for all purposes. More complete records or itemization may not be required by any individual, government official, or entity.

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SECTION 76. IC 12-20-16-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) If an applicant or a household is considered by the township trustee, as administrator of ~~poor relief,~~ **township assistance,** to be incompetent or irresponsible to select food from a combined grocery and meat market or to make proper use of food stamps, the township trustee, as administrator of ~~poor relief,~~ **township assistance,** shall issue the food purchase order in the name of one (1) of the following:

(1) Another adult member of the household.

(2) Another relative living in another household.

(3) Any other individual considered competent by the township trustee, as administrator of ~~poor relief.~~ **township assistance.**

(b) For the purpose of selecting the combined grocery and meat market in a township having a population of more than ten thousand (10,000) from which food for the household is to be obtained, the competent individual referred to in subsection (a) shall be considered the individual responsible.

SECTION 77. IC 12-20-16-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. The township trustee, as administrator of ~~poor relief,~~ **township assistance,** may purchase feed for a minimum amount of subsistence livestock if the cost is less than the cost of food that is otherwise necessary for the township trustee to furnish under this chapter.

SECTION 78. IC 12-20-16-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) A township trustee may not furnish a nonresident of a township with transportation at the cost of the township until the township trustee, as administrator of ~~poor relief,~~ **township assistance,** determines the legal residence of the individual applying for assistance.

(b) Transportation provided to a nonresident of a township must be in the direction of the nonresident's legal residence unless it is shown that the individual in need has a valid claim for support or a means of support in some other place to which the individual asks to be sent.

SECTION 79. IC 12-20-16-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. (a) This section does not apply if the county coroner assumes jurisdiction of an unclaimed body under IC 36-2-14-16.

(b) If:

(1) an individual dies in a township without leaving:

(A) money;

(B) real or personal property;

(C) other assets that may be liquidated; or

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(D) other means necessary to defray funeral expenses; and

(2) the individual is not a resident of another township in Indiana; the township trustee, as administrator of ~~poor relief,~~ **township assistance,** shall provide a person to superintend and authorize either the funeral and burial or cremation of the deceased individual. If the township trustee determines that the deceased individual is a resident of another township in Indiana, the township trustee shall notify the trustee of that township, who shall then provide a person to superintend and authorize either the funeral and burial or cremation of the deceased individual.

(c) The necessary and reasonable expenses of the funeral and burial or cremation, including a burial plot, shall be paid in the same manner as other claims for ~~poor relief.~~ **township assistance.** A trustee shall determine the cost for the items and services required by law for the funeral and burial of an individual, including a burial plot, and for the cremation of an individual, and include in the township's ~~poor relief~~ **township assistance** standards the maximum funeral and burial or cremation amount to be paid from ~~poor relief~~ **township assistance** funds. The trustee may deduct from the maximum amount the following:

(1) Any monetary benefits that the deceased individual is entitled to receive from a state or federal program.

(2) Any money that another person provides on behalf of the deceased individual.

(d) If an individual described in subsection (b) is a resident of a state institution at the time of the individual's death, the division that has administrative control of the state institution shall reimburse the township trustee for the necessary and reasonable expenses of the funeral and burial or cremation of the deceased individual. The township trustee shall submit to the division that has administrative control of the state institution an itemized claim for reimbursement of the necessary and reasonable funeral and burial or cremation expenses incurred by the township trustee.

(e) If an individual described in subsection (b) is a resident of a special institution governed by IC 16-33 at the time of the individual's death, the state department of health shall reimburse the township trustee for the necessary and reasonable expenses of the funeral and burial or cremation of the deceased individual. The township trustee shall submit to the state department of health an itemized claim for reimbursement of the necessary and reasonable funeral and burial or cremation expenses incurred by the township trustee.

(f) A township trustee who provides funeral and burial or cremation

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benefits to a deceased individual is entitled to a first priority claim, to the extent of the cost of the funeral and burial or cremation benefits paid by the township trustee, against any money or other personal property held by the coroner under IC 36-2-14-11.

(g) The township trustee may not cremate a deceased individual if:

(1) the deceased individual; or

(2) a surviving family member of the deceased individual;

has objected in writing to cremation.

(h) If a township trustee provides a funeral under this section, the cost of the funeral may not be more than the cost of the least expensive funeral, including any necessary merchandise and embalming, available from the funeral director under the funeral director's price list disclosed to the Federal Trade Commission.

SECTION 80. IC 12-20-16-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. (a) The township trustee, as administrator of ~~poor relief,~~ **township assistance,** may process at the expense of the township materials provided by charitable or governmental agencies to provide any item of ~~poor relief~~ **township assistance** if the expense of the processing is less than the cost of the finished product.

(b) The township trustee, as administrator of ~~poor relief,~~ **township assistance,** may buy materials and supplies of any item of relief and may process the materials for ~~poor relief~~ **township assistance** purposes.

(c) The township trustee, as administrator of ~~poor relief,~~ **township assistance,** may buy garden seeds and plant and maintain gardens for ~~poor relief~~ **township assistance** purposes.

SECTION 81. IC 12-20-16-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 17. (a) A township trustee may employ the services of a housing inspector to inspect all housing units, including:

(1) mobile homes;

(2) group homes;

(3) single household units;

(4) multiple household units;

(5) apartments; or

(6) any other dwelling;

inhabited by a ~~poor relief~~ **township assistance** recipient.

(b) A township trustee may contract with a local housing authority:

(1) for housing inspection services; and

(2) to train a township housing inspector.

Costs of these contractual services shall be paid from the township ~~poor~~

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~~relief~~ **assistance** fund.

(c) A township housing inspector shall use the following for determining a housing structure's suitability for habitation:

(1) Standards recommended by the United States Department of Housing and Urban Development as used by local housing authorities.

(2) Local building codes and municipal ordinances.

(d) Substandard housing that does not meet minimum standards of health, safety, and construction is not eligible for:

(1) the maximum level of shelter payments; or

(2) damage or security deposits paid from or encumbered by township funds.

(e) If the trustee determines that a housing unit for which payment is requested is substantially below minimum standards of health, safety, or construction, the trustee, when necessary, shall assist the applicant in obtaining appropriate alternate shelter.

(f) A township trustee is not required to spend ~~poor relief~~ **township assistance** funds for a shelter damage or security deposit for an eligible ~~poor relief~~ **township assistance** applicant or household. However, the trustee may encumber money for a shelter damage or security deposit by making an agreement with a property owner who furnishes shelter for a ~~poor relief~~ **township assistance** recipient or household. The agreement must include the following:

(1) The agreement's duration, not to exceed one hundred eighty (180) days.

(2) A statement that the agreement may be renewed if both parties agree.

(3) The total value of the encumbered money, not to exceed the value of one (1) month's rental payment.

(4) A statement signed by both the trustee and the property owner attesting to the condition of the property at the time the agreement is made.

(5) A statement that encumbered money may be used to pay the cost of:

(A) verified damages, normal wear excluded, caused by the tenant ~~poor relief~~ **township assistance** recipient during the duration of the agreement; and

(B) any unpaid rental payments for which the tenant ~~poor relief~~ **township assistance** recipient is obligated.

(6) A statement that the total amount to be paid from the encumbered money may not exceed one (1) ~~months~~ **month's** rental payment for the unit in question.

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(g) A trustee is not required to provide shelter assistance to an otherwise eligible individual if the:

(1) individual's most recent residence was provided by the individual's parent, guardian, or foster parent; and

(2) individual, without just cause, leaves that residence for the shelter for which the individual seeks assistance.

SECTION 82. IC 12-20-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. If a township trustee determines by investigation that a ~~poor relief~~ **township assistance** applicant or a ~~poor relief~~ **township assistance** applicant's household requires assistance, the township trustee shall, after determining that an emergency exists, furnish to the applicant or household the temporary aid necessary for the relief of immediate suffering. However, before any further final or permanent relief is given, the township trustee shall consider whether the applicant's or household's need can be relieved by means other than an expenditure of township money.

SECTION 83. IC 12-20-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) As used in this section, "shelter" means a facility that provides temporary emergency assistance.

(b) A township trustee may establish, purchase, acquire, maintain, or operate a shelter for eligible ~~poor relief~~ **township assistance** households needing temporary housing assistance.

(c) A township having a population of less than eight thousand (8,000) may not expend more than ten thousand dollars ($10,000) to implement this section without the approval of the county executive.

(d) A township having a population of at least eight thousand (8,000) may not expend more than one hundred thousand dollars ($100,000) to implement this section without the approval of the county executive.

(e) In counties where the implementation of this section can be more efficiently and expeditiously handled in units larger than a single township, a township trustee may combine resources with other townships within a county to:

(1) establish one (1) or more household shelter units; and

(2) pay a pro rata share of all administrative and other costs incidental to the maintenance and operation of each shelter unit established in subdivision (1).

IC 36-1-7-1 through IC 36-1-7-4 apply to a township electing to combine its resources with other townships under this subsection.

(f) A township trustee is not required to provide shelter to an individual who at the time assistance is requested is:

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(1) under the influence of drugs or alcohol; or
(2) incapable of self-care.

The township trustee may at no cost to the township refer an individual described in this subsection to an appropriate agency or facility located in the county or in an adjoining county that has a program or charter specifically addressing the problems of substance abuse, mental illness, or self-care.

(g) A township trustee may contract with a private agency offering a shelter program in order to comply with this section if the applicant or the applicant's household is not mandated by the private agency to participate, as a condition of eligibility, in religious services.

(h) A township trustee is not obligated to:
(1) enter into a contract with; or
(2) pay shelter costs to;

a shelter that is supported by federal or state funds.

SECTION 84. IC 12-20-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. Upon complaint that an individual within the township is:
(1) sick;
(2) in need;
(3) without necessary financial resources; and
(4) likely to suffer;

the township trustee, as administrator of ~~poor relief,~~ **township assistance,** shall investigate and grant the temporary relief required.

SECTION 85. IC 12-20-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. If an individual who is determined to be eligible for ~~poor relief~~ **township assistance** and entitled to temporary relief is in a township in which the individual does not have legal residence, the township trustee, as administrator of ~~poor relief,~~ **township assistance,** may, if the trustee considers advisable, place the individual temporarily in the county home, if any, where the individual, if capable, is to be employed.

SECTION 86. IC 12-20-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) A township trustee, as administrator of ~~poor relief,~~ **township assistance,** may cooperate with the state and federal government in the furnishing of ~~poor relief~~ **township assistance** so that the ~~poor relief~~ **township assistance** is furnished adequately and economically.

(b) A township trustee, as administrator of ~~poor relief,~~ **township assistance,** shall provide facilities for relief headquarters and storage and transportation of commodities for ~~poor relief~~ **township assistance** purposes as are demanded, but such cooperation shall be confined to

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that reasonably required under the purposes of this article.

SECTION 87. IC 12-20-18-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) The township trustee, as administrator of ~~poor relief,~~ **township assistance,** may participate in surplus agricultural commodities distributions provided by the United States Department of Agriculture to the state.

(b) A township trustee, as administrator of ~~poor relief.~~ **township assistance:**

(1) may establish the trustee's own distribution plan; or

(2) shall participate jointly with at least one (1) other township trustee who serves as administrator of ~~poor relief.~~ **township assistance.**

SECTION 88. IC 12-20-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) A township trustee, as administrator of ~~poor relief,~~ **township assistance,** may participate in and cooperate with the establishment and use of federal surplus commodities food, cotton, or other stamp plans created by a governmental agency of the United States in the purchase of food, clothing, or other ~~poor relief~~ **township assistance** supplies.

(b) If a township trustee's cooperation and participation in federal surplus commodities or stamp programs can be more efficiently and expeditiously handled in a larger unit than a single township, a group of township trustees, as administrators of ~~poor relief,~~ **township assistance,** may do the following:

(1) Establish a single stamp issuing agency.

(2) Appoint and designate an issuing agent to issue stamps to recipients entitled to participate in the programs.

(3) Pay each township's pro rata share of all administrative and other costs incident to the maintenance and operation of the issuing office.

SECTION 89. IC 12-20-19-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. To establish a revolving fund necessary for a township trustee's participation or administration, the township trustees, as administrators of ~~poor relief,~~ **township assistance,** may make claims in the same manner as other ~~poor relief~~ **township assistance** claims are paid by the township.

SECTION 90. IC 12-20-19-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The issuing officer employed by a township trustee must take an oath for the faithful performance of the duties of the issuing officer's office.

(b) The issuing officer must furnish a bond:

(1) payable to the state; and

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(2) conditioned upon the faithful performance of the issuing officer's duties and accurate accounting of all money in the issuing officer's possession.

(c) The bond required by subsection (b) must be in a penal sum of not less than the total amount of the revolving money coming into the issuing officer's possession from all trustees.

(d) The cost of the bond required by subsection (b) shall be paid by county warrant and charged by the county auditor pro rata against the ~~poor relief~~ **township assistance** accounts of the townships participating in the establishment of the revolving or other fund for the purposes set forth in this chapter.

SECTION 91. IC 12-20-19-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) The trustees participating in or cooperating with programs under this chapter may issue to eligible recipients orders or stamps for food, clothing, or other items covered under the federal plan.

(b) An order issued under this section must set forth the quantities and prices of each item ordered and the total amount of the order or stamps.

(c) A recipient who receives an order or stamps under this section may present the order or stamps to the issuing officer and is entitled to have issued to the recipient food, cotton, or other vouchers for use in the purchase of ~~poor relief~~ **township assistance** supplies.

SECTION 92. IC 12-20-20-1, AS AMENDED BY P.L.101-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) If a township trustee, as administrator of ~~poor relief,~~ **township assistance,** grants ~~poor relief~~ **township assistance** to an indigent individual or to any other person or agency on a township ~~poor relief~~ **assistance** order as provided by law or obligates the township for an item properly payable from ~~poor relief~~ **township assistance** money, the claim against the township must be:

(1) itemized and sworn to as provided by law;

(2) accompanied by the original township ~~poor relief~~ **assistance** order, which must be itemized and signed; and

(3) checked with the records of the township trustee, as administrator of ~~poor relief,~~ **township assistance,** and audited and certified by the township trustee.

(b) The township trustee shall pay claims against the township for ~~poor relief~~ **township assistance** in the same manner that other claims against the township are paid. The township trustee, when authorized to pay claims directly to vendors, shall pay a claim within forty-five (45) days. The township trustee shall pay the claim from:

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(1) any balance standing to the credit of the township against which the claim is filed; or

(2) from any other available fund from which advancements can be made to the township for that purpose.

SECTION 93. IC 12-20-20-2, AS AMENDED BY P.L.101-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) If money is not available for the payment of ~~poor relief~~ **township assistance** claims under section 1 of this chapter, the township board shall appeal to borrow money under IC 12-20-24.

(b) This subsection does not apply to a county having a consolidated city. If the township board does not appeal to borrow money under IC 12-20-24 or if an appeal fails, the board of commissioners may borrow money or otherwise provide the money. If the county commissioners determine to borrow the money or otherwise provide the money, the county fiscal body shall promptly pass necessary ordinances and make the necessary appropriations to enable this to be done, after determining whether to borrow money by any of the following:

(1) A temporary loan against taxes levied and in the process of collection.

(2) The sale of county ~~poor relief~~ **township assistance** bonds or other county obligations.

(3) Any other lawful method of obtaining money for the payment of ~~poor relief~~ **township assistance** claims.

(c) This subsection applies only to a county having a consolidated city. If a township board does not appeal to borrow money under IC 12-20-24 or if an appeal fails, the board of commissioners shall borrow money or otherwise provide the money. The county fiscal body shall promptly pass necessary ordinances and make the necessary appropriations to enable this to be done, after determining whether to borrow money by any of the following methods:

(1) A temporary loan against taxes levied and in the process of collection.

(2) The sale of county ~~poor relief~~ **township assistance** bonds or other county obligations.

(3) Any other lawful method of obtaining money for the payment of ~~poor relief~~ **township assistance** claims.

SECTION 94. IC 12-20-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. The state board of accounts shall prescribe the forms for the purchase of and payment for ~~poor relief~~ **township assistance** items.

SECTION 95. IC 12-20-21-2 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. Money raised by tax levies made specifically for ~~poor relief~~ **township assistance** purposes, either by a county or township, may not be considered as a part of and may not be commingled with other money of the county. ~~Poor relief~~ **Township assistance** money raised by townships may not be commingled, except for the money resulting from levies made by the townships for reimbursement of the counties for advancements from the general fund.

SECTION 96. IC 12-20-21-3, AS AMENDED BY P.L.101-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) A township trustee and township board may levy a specific tax for the purpose of providing money for the payment of ~~poor relief~~ **township assistance** expenses in the following year. The tax may be sufficient to meet the entire requirement of the township in the following year or the part that is determined to be proper.

(b) If a tax levy is established under subsection (a), all proceeds derived from the tax levy shall be distributed to the township at the same time and in the same manner as proceeds from other property tax levies are distributed to the township. The proceeds of the tax levy shall be held by the township in its township ~~poor relief~~ **assistance** account free and available for the payment of ~~poor relief~~ **township assistance** obligations of the township. The funds are continuing funds and do not revert to any other fund at the end of the year.

SECTION 97. IC 12-20-21-4, AS AMENDED BY P.L.262-2003, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. If the board of commissioners determines from the levies made by the respective townships for ~~poor relief~~ **township assistance** purposes that there will be insufficient money in the township ~~poor relief~~ **assistance** fund to provide free and available money during the following year for ~~poor relief~~ **township assistance** purposes on the basis of the total costs of ~~poor relief~~ **township assistance** granted by the township trustees, as administrators of ~~poor relief,~~ **township assistance,** for the previous twelve (12) months:

(1) the board of commissioners may include estimates for the advancements in the county general fund budget;

(2) the county fiscal body may appropriate for the advancement in the budget and levy as adopted by the county fiscal body; and

(3) the department shall include that amount in the final county general fund levy.

SECTION 98. IC 12-20-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) A township trustee may not, acting as administrator of ~~poor relief,~~ **township**

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assistance, disburse any money or incur any obligation in the furnishing of ~~poor relief~~ **township assistance** in excess of the amount appropriated for that purpose.

(b) Appropriations for ~~poor relief~~ **township assistance** purposes must be made in the manner provided by law for appropriations for other township purposes.

(c) When preparing the annual budget for a township, the township trustee and the township board shall set out in the budget the amount of expenditures estimated to be reasonably required for current ~~poor relief~~ **township assistance** in the following calendar year. If the amount provided for ~~poor relief~~ **township assistance** in the annual budget as finally adopted and approved is insufficient to meet the requirements for that purpose, additional appropriations may be made in the manner provided by law for the making of additional appropriations by townships for other purposes.

SECTION 99. IC 12-20-22-2, AS AMENDED BY P.L.90-2002, SECTION 348, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) Copies of all township budgets for current ~~poor relief~~ **township assistance** shall, as finally adopted and approved, be placed on file in the office of the county auditor. If an additional appropriation for current ~~poor relief~~ **township assistance** is made by a township:

(1) a certified copy of the action of the township board in making the additional appropriation; and

(2) a certified copy of the order of the department approving the additional appropriation;

shall be filed in the office of the county auditor.

(b) A township trustee may not pay any ~~poor relief~~ **township assistance** order or claim in excess of the amount appropriated for current ~~poor relief~~ **township assistance** purposes, except as otherwise provided by law.

SECTION 100. IC 12-20-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. The state board of accounts shall adopt uniform forms and necessary rules under this chapter to make the method of budgeting and appropriating ~~poor relief~~ **township assistance** money uniform in all townships.

SECTION 101. IC 12-20-23-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. If the board of commissioners of a county finds that the amount of money required by the townships of the county for the providing of ~~poor relief~~ **township assistance** is greater than can be reasonably advanced by the county out of available money, the board of commissioners of the county may

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borrow on behalf of the county sufficient money for that purpose, subject to the limitations set forth in this chapter.

SECTION 102. IC 12-20-23-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. A county may not borrow money to provide an advancement to a township unless the township has a township ~~poor relief~~ **assistance** ad valorem property tax rate of at least one and sixty-seven hundredths cents ($0.0167) per one hundred dollars ($100) of assessed valuation.

SECTION 103. IC 12-20-23-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. A loan may be made under this chapter in an amount sufficient to pay the following:

(1) The indebtedness incurred by the townships in providing ~~poor relief.~~ **township assistance.**

(2) The amount estimated by the board of commissioners to be needed for a period not to exceed six (6) calendar months beginning with the month following the month in which the board's finding is made.

SECTION 104. IC 12-20-23-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. If the proceeds of the bonds authorized under IC 12-2-5 (before its repeal) or this chapter are not sufficient to enable the county to make the necessary advancements to the townships for ~~poor relief~~ **township assistance** during the entire period covered by the estimate, additional loans may be made for that period.

SECTION 105. IC 12-20-23-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. (a) The provisions of general statutes relating to the preparation and sale of bonds by counties apply to the preparation and sale of bonds issued under IC 12-2-5 (before its repeal) or this chapter, except as otherwise provided by this chapter.

(b) Before the sale of bonds, the county auditor shall cause notice of the sale to be published:

(1) at least one (1) time each week for two (2) weeks in at least two (2) newspapers published in the county; and

(2) one (1) time in a newspaper published in the city of Indianapolis;

at least seven (7) days before the date fixed for the sale of the bonds.

(c) If the order of the board of commissioners provides for a bid rate on the bonds, the notice of sale must state the following:

(1) The bid rate.

(2) That the highest bidder for the bonds will be the person that offers the lowest net interest cost to the county, to be determined

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by computing the total interest on all of the bonds to maturity and deducting from the amount the premium bid if any.

(d) The county auditor shall sell the bonds to the highest bidder. If a satisfactory bid is not received for all of the bonds at the time fixed in the notice of sale, the county auditor may continue the sale from day to day and sell the bonds in parcels, until otherwise directed by an order of the board of commissioners.

(e) If the successful bidder for all or any part of the bonds is the holder of approved ~~poor relief~~ **township assistance** claims as provided by law against any of the townships of the county, the bidder may apply those claims on the purchase price of the bonds awarded to the bidder. The county treasurer shall receive the claims at face value in lieu of cash, and the county auditor shall charge that amount against the proper township as an advancement to the township from the county.

SECTION 106. IC 12-20-23-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 16. (a) The county auditor shall be authorized to pay out of the bond proceeds, upon approval of the board of commissioners and without further appropriation, the following:

(1) The cost of publishing the notice of determination, bond sale notice, and the printing of the bonds.

(2) The expense for legal services incurred in the sale of the bonds.

(b) The proceeds of the bonds remaining after the payment of the costs of the issuance of the bonds shall be held in a special fund. The fund may only be used for the purpose of making advances to the townships of the county for ~~poor relief~~ **township assistance** purposes.

SECTION 107. IC 12-20-23-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 18. A county auditor or other county official may not do any of the following:

(1) Commingle or transfer ~~poor relief~~ **township assistance** money raised by tax levy from the credit of one (1) township or account to another township or account.

(2) Transfer money raised by a ~~poor relief~~ **township assistance** bond issue to the credit of a township for which the bonds were not issued.

(3) Transfer ~~poor relief~~ **township assistance** money to the credit of any other fund or account.

SECTION 108. IC 12-20-23-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 21. Because the necessity of providing a clear and economical method for the borrowing of money to finance ~~poor relief~~ **township assistance** costs

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is of paramount importance to the public welfare, this chapter may not be construed as being repealed by implication, notwithstanding any conflicting provisions of any statute of the 1935 session of the general assembly. This chapter prevails over every statute of the 1935 session of the general assembly, unless this chapter is expressly repealed by a subsequent statute.

SECTION 109. IC 12-20-24-1, AS AMENDED BY P.L.101-2000, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) In addition to the other methods of ~~poor relief~~ **township assistance** financing provided by this article, if a township trustee for a township determines that a particular township's ~~poor relief~~ **township assistance** account will be exhausted before the end of a fiscal year, the township trustee shall notify the township board of that determination.

(b) After receiving notice under subsection (a) that a township's ~~poor relief~~ **township assistance** account will be exhausted before the end of a fiscal year, the township board shall appeal for the right to borrow money on a short term basis to fund ~~poor relief~~ **township assistance** services in the township. In the appeal the township board must do the following:

(1) Show that the amount of money contained in the township ~~poor relief~~ **assistance** account will not be sufficient to fund services required to be provided within the township by this article.

(2) Show the amount of money that the board estimates will be needed to fund the deficit.

(3) Indicate a period, not to exceed five (5) years, during which the township would repay the loan.

SECTION 110. IC 12-20-24-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) If the board of commissioners determines to make a loan under section 2 of this chapter, the money shall be transferred from a county fund designated by the commissioners to the township's ~~poor relief~~ **township assistance** account.

(b) If the board of commissioners determines not to make the loan, the commissioners shall submit the request to the county auditor. The county auditor shall call for a special meeting of the county council. At the meeting, the county council shall determine whether or not to allow the township board to borrow money.

SECTION 111. IC 12-20-24-4, AS AMENDED BY P.L.90-2002, SECTION 351, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) If the county council

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determines under section 3 of this chapter to allow the loan to be made, the county auditor shall borrow the money from a financial institution on behalf of the township board.

(b) If the county council determines that the township board should not be allowed to borrow money under this chapter, the county council shall inform the township board of the council's decision.

(c) If the county council determines that a township board should not be allowed to borrow money under this chapter, the township board may appeal to the department for the right to borrow money to pay for the township's ~~poor relief~~ **township assistance** obligations.

SECTION 112. IC 12-20-24-5, AS AMENDED BY P.L.90-2002, SECTION 352, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) If upon appeal under section 4 of this chapter the department determines that a township board should be allowed to borrow money under this chapter, the department shall order the township trustee to borrow the money from a financial institution on behalf of the township board and to deposit the money borrowed in the township's ~~poor relief~~ **township assistance** account.

(b) If upon appeal under section 4 of this chapter the department determines that the township board should not be allowed to borrow money, the board may not do so for that year.

SECTION 113. IC 12-20-24-7, AS AMENDED BY P.L.90-2002, SECTION 354, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. A board of commissioners, a county council, or the department may not do any of the following:

(1) Approve a request to borrow money made under IC 12-2-4.5 (before its repeal) or this chapter unless the body determines that the township's ~~poor relief~~ **township assistance** account will be exhausted before the account can fund all township obligations incurred under this article.

(2) Recommend or approve a loan that will exceed the estimated amount of the deficit.

SECTION 114. IC 12-20-25-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. As used in this chapter, "control board" refers to the township ~~poor relief~~ **assistance** control board.

SECTION 115. IC 12-20-25-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. As used in this chapter, "distressed township" means:

(1) a township that:

(A) has a valid ~~poor relief~~ **township assistance** claim that the county auditor cannot pay within thirty (30) days after the

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claim is approved for payment under IC 12-2-1-31 (before its repeal) or IC 12-20-20;

(B) has ~~poor relief~~ **township assistance** expenditures during a year that exceed the year's ~~poor relief~~ **township assistance** revenues, excluding any advances from the state and revenues from short term loans from the county or a financial institution or advances from the county from the proceeds of bonds, made or issued under:

(i) this article; or

(ii) IC 12-2-1, IC 12-2-4.5, or IC 12-2-5 (before the repeal of those statutes);

(C) has imposed and dedicated to ~~poor relief~~ **township assistance** at least ninety percent (90%) of the maximum permissible ad valorem property tax levy permitted for all of the township's money under IC 6-1.1-18.5; and

(D) has outstanding indebtedness that exceeds one and eight-tenths percent (1.8%) of the township's adjusted value of taxable property in the district as determined under IC 36-1-15; or

(2) a township that:

(A) has been a controlled township during any part of the preceding five (5) years;

(B) has a valid ~~poor relief~~ **township assistance** claim that the county auditor cannot pay within thirty (30) days after the claim is approved for payment under IC 12-2-1-31 (before its repeal) or IC 12-20-20; and

(C) uses advances from the county from proceeds of bonds issued under IC 12-2-1 (before its repeal) or this article.

SECTION 116. IC 12-20-25-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. As used in this chapter, "indebtedness" includes unpaid ~~poor relief~~ **township assistance** claims, outstanding bonds, and advancements from the county to the township for any purpose, if the advancement is not repayable in the year the advancement is made.

SECTION 117. IC 12-20-25-8, AS AMENDED BY P.L.90-2002, SECTION 357, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. Upon receipt of a certification under section 7 of this chapter, the governor shall appoint a four (4) member management committee to assume the township trustee's duties as administrator of ~~poor relief.~~ **township assistance.** The committee must consist of one (1) representative from each of the following:

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(1) The budget agency. This member serves as chairperson.
(2) The state board of accounts.
(3) The department.
(4) The division of family and children.

SECTION 118. IC 12-20-25-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. The management committee shall administer the township trustee's office until the committee has completed a financial and management evaluation of the trustee's office and reported the committee's findings to the township ~~poor relief~~ **assistance** control board under section 32 of this chapter.

SECTION 119. IC 12-20-25-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. At the time the governor appoints the members of the management committee, the governor shall also appoint a township ~~poor relief~~ **assistance** control board for the distressed township under section 29 of this chapter.

SECTION 120. IC 12-20-25-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. (a) When the management committee is appointed, the distressed township is a controlled township until the requirements of section 41 of this chapter are met.

(b) During the period that the management committee is in control of the township trustee's office, the payment of ~~poor relief~~ **township assistance** claims and the operating costs of the management committee that:

(1) are incurred during the period the management committee is in control of the township trustee's office; and
(2) exceed the revenue derived from the distressed township's ~~poor relief~~ **township assistance** property tax levy;

shall be made from support to the county from the distressed township supplemental ~~poor relief~~ **township assistance** fund established under section 51 of this chapter.

SECTION 121. IC 12-20-25-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. A township trustee has no authority concerning ~~poor relief~~ **township assistance** in a controlled township. However, after the management committee has completed the evaluation of the trustee's office and reported the committee's findings to the township ~~poor relief~~ **assistance** control board as required by section 32 of this chapter, the township trustee shall resume the trustee's duties concerning ~~poor relief,~~ **township assistance,** subject to the supervision and control of the control board.

SECTION 122. IC 12-20-25-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. (a) The

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management committee appointed under section 8 of this chapter shall do the following:

(1) Conduct or have conducted a financial and compliance audit of the internal operations of the trustee's office.

(2) Conduct or have conducted, to the extent practicable, a financial and compliance audit of each ~~poor relief~~ **township assistance** recipient who received assistance from the township trustee over the five (5) years immediately preceding the assumption of control of the trustee's office.

(3) Conduct or have conducted an economy and efficiency audit of the internal operations of the trustee's office, which must determine the following:

(A) If the trustee's office is managing and utilizing the resources of the office, including personnel, property, and office space, economically and efficiently.

(B) If there are any inefficiencies or uneconomical practices and if so the causes.

(C) If the trustee's office has complied with statutes and rules concerning matters of economy and efficiency.

(4) Establish standards for the following:

(A) Eligibility for ~~poor relief.~~ **township assistance.**

(B) Payments for ~~poor relief~~ **township assistance** claims.

(C) Contracts and payments on contracts for ~~poor relief~~ **township assistance** goods or services.

(D) Leases or rental agreements and payments on leases or rental agreements for facilities that relate to the provision of ~~poor relief.~~ **township assistance.**

(E) Capital expenditures relating to ~~poor relief.~~ **township assistance.**

(5) Implement a mandatory employment or workfare program under IC 12-20-10 or IC 12-20-11 or require that a ~~poor relief~~ **township assistance** recipient participate in a training program under IC 12-20-12.

(b) Notwithstanding IC 36-9, the management committee is not required to solicit bids before entering into a contract to have an audit conducted under this section.

(c) If the ~~poor relief~~ **township assistance** control board has adopted rules concerning the standards listed in subsection (a)(4), the management committee's rules must be consistent with the ~~poor relief~~ **township assistance** control board's rules.

SECTION 123. IC 12-20-25-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 17. (a) The

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management committee may do the following:

(1) Employ, promote, and remove employees of the trustee's office who perform ~~poor relief~~ **township assistance** duties as needed and, with the approval of the governor, fix their compensation.

(2) Retain certified public accountants and other necessary professionals from whom the committee may obtain audits, reports, and other assistance necessary to perform the committee's duties.

(b) The management committee may only dismiss a township employee for just cause or with the approval of the township trustee. Just cause includes removal for personnel reductions made in accordance with IC 12-20-4.

SECTION 124. IC 12-20-25-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 18. (a) The management committee and the ~~poor relief~~ **township assistance** control board shall adopt rules as required by sections 15 and 30 of this chapter. The management committee and the ~~poor relief~~ **township assistance** control board may each adopt rules to administer the ~~poor relief~~ **township assistance** program in a controlled township. IC 4-22-2 does not apply to the rules. Rules adopted under this section must be:

(1) written;

(2) signed by the governor; and

(3) published in the Indiana Register not more than sixty (60) days after the rules are signed by the governor.

(b) Notwithstanding any other provision of this article, an individual may not receive ~~poor relief~~ **township** assistance from a controlled township until the applicant for assistance qualifies under eligibility standards established under rules adopted under subsection (a).

SECTION 125. IC 12-20-25-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 19. (a) Notwithstanding any other provision of this article, an unemployed individual may not receive ~~poor relief~~ **township** assistance in a controlled township until the individual has registered for work at an office of the department of workforce development and has provided proof that the individual is registered. This subsection does not apply to an individual who:

(1) is not physically able to perform work;

(2) is less than eighteen (18) years of age or at least sixty-five (65) years of age; or

(3) is needed to care for another individual because of the other individual's age or physical condition.

(b) An unemployed individual who has registered under subsection

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(a) may not receive ~~poor relief~~ **township** assistance in a controlled township on a continuing basis unless the individual reports to the employment office and provides proof that the individual has reported with the frequency and in the manner prescribed by either the management committee or the ~~poor relief~~ **township assistance** control board.

(c) Subject to subsection (a), if the management committee or the ~~poor relief~~ **township assistance** control board finds that an individual has failed to:

(1) apply for available, suitable work when directed by the commissioner of workforce development, the commissioner's deputy, or an authorized representative of the state;

(2) accept, at any time after the individual is notified of a separation, suitable work when found for and offered to the individual by the commissioner of workforce development, the commissioner's deputy, or an authorized representative of the state; or

(3) return to the individual's customary self-employment when directed by the commissioner of workforce development or the commissioner's deputy;

the individual may not receive ~~poor relief~~ **township assistance** for six (6) months after the date of the management committee's or ~~poor relief~~ **township assistance** control board's finding.

SECTION 126. IC 12-20-25-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 20. (a) The management committee shall assign a case number to each applicant who is qualified under section 18 of this chapter for ~~poor relief~~ **township** assistance from the township.

(b) To the extent allowed by law, an individual's case number must be the individual's Social Security number.

SECTION 127. IC 12-20-25-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 21. Notwithstanding IC 12-20-20, a claim may not be approved if the ~~poor relief~~ **township assistance** is provided during the period that the township is a controlled township and:

(1) the ~~poor relief~~ **township assistance** claim is not presented for payment not more than sixty (60) days after the date the ~~poor relief~~ **township assistance** was provided;

(2) the ~~poor relief~~ **township assistance** recipient cannot be identified;

(3) the ~~poor relief~~ **township assistance** provided cannot be substantiated in detail; or

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(4) the date the ~~poor relief~~ **township assistance** was provided cannot be established.

SECTION 128. IC 12-20-25-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 22. (a) Sections 22 through 28 of this chapter create an exclusive administrative remedy for the payment of unpaid claims of creditors for the following goods and services that were provided under the authority of IC 12-2-1 (before its repeal) or this article before the township became a controlled township:

(1) Food, including prepared food and special dietary food.
(2) Clothing.
(3) Shelter.
(4) Water, gas, and electric services for lighting, heating, and cooking.
(5) Household supplies, including first aid and medical supplies for injury and illness.
(6) Medical and surgical attendance.
(7) Nursing care prescribed by a physician.
(8) School lunches.
(9) Transportation to allow a ~~poor relief~~ **township assistance** recipient to seek or accept employment.
(10) Feed for livestock.
(11) Funeral and cemetery expenses.
(12) Any other goods or services provided under this article.

(b) A creditor that has a claim described in subsection (a) against the township trustee must file a statement of claims with the management committee not more than ninety (90) days after notice is given under section 24 or 25 of this chapter.

(c) The statement of claims must itemize each claim the creditor has against the township. The state board of accounts shall prescribe the form of the statement of claims. The state board of accounts shall establish standards for the submission of supporting documentation for claims.

SECTION 129. IC 12-20-25-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 27. (a) Except as provided in section 52(3) of this chapter, if the management committee finds a claim to be valid and reasonable in whole or in part, the amount of the claim found to be valid and reasonable shall be paid from the distressed township's ~~poor relief~~ **township assistance** account as provided in section 40 of this chapter. If the management committee finds that a claim is invalid in whole or in part, the amount of the claim found to be invalid is void. The management committee shall mail a

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notice of the committee's determination to the creditor not more than ten (10) days after the determination is made. The notice must include a statement of the reasons for the determination.

(b) If the management committee finds that a claim is not reasonable, the management committee shall mail a notice of the finding to the creditor and shall attempt to negotiate a reasonable settlement with the creditor for the amount of the claim. If the management committee attempts to negotiate with the creditor and determines that it is not possible to reach a reasonable settlement of the claim not more than sixty (60) days after the notice was mailed, the management committee shall determine the amount of the claim that is reasonable. The management committee shall mail a notice of the committee's determination to the creditor not more than ten (10) days after the determination is made. The notice must include a statement of the reasons for the determination.

SECTION 130. IC 12-20-25-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 28. (a) A determination of the management committee concerning the validity and reasonableness of a claim is a final administrative determination.

(b) A creditor aggrieved by a final determination of the management committee may appeal the determination by filing a petition with the circuit or superior court of the county in which the creditor resides or in the county in which the distressed township is located. The petition must be filed not more than thirty (30) days following the date of the management committee's determination. The court shall try the cause de novo. Except as provided in section 52(3) of this chapter, a final court judgment that orders a payment to be made to a creditor under this subsection may be collected upon and paid from the distressed township's ~~poor relief~~ **township assistance** account as provided in section 40 of this chapter. An action brought under this section is governed by IC 34-13-5, except that a change of venue is governed by the Indiana Rules of Trial Procedure rather than IC 34-13-5-4.

(c) A claim under this article that is pending in court at the time the township becomes a distressed township is stayed and the claimant must file the claim with the management committee as provided in this chapter. A claimant who has a final court judgment on a claim under this article before the township becomes a distressed township may proceed to collect on that judgment as provided by law.

(d) An action under this section is subject to the defense that the claim may violate Article 13, Section 1 of the Constitution of the State of Indiana.

SECTION 131. IC 12-20-25-29, AS AMENDED BY P.L.90-2002,

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SECTION 358, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 29. (a) A township ~~poor relief~~ **assistance** control board is established for each distressed township. The governor shall appoint the following members to the control board:

(1) The budget director or the director's designee, who shall serve as the chairman of the board.

(2) One (1) representative of the state board of accounts.

(3) One (1) representative of the department.

(4) One (1) representative of the division of family and children.

(5) One (1) elected public official of the county.

(6) One (1) township trustee.

(7) One (1) individual who:

(A) resides in the county or is employed in the county by an employer paying taxes in the county; and

(B) is or agrees to become familiar with ~~poor relief~~ **township assistance.**

(8) The township trustee of the distressed township, who shall serve as a nonvoting ex officio member of the control board.

(b) The members of the control board serve at the pleasure of the governor.

(c) Each member of the board who is not a state employee or an elected official is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 132. IC 12-20-25-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 30. (a) The control board shall supervise the township trustee in the administration of ~~poor relief.~~ **township assistance.** The control board may appoint one (1) of the board's members to monitor the trustee's compliance with this chapter and to report discrepancies to the control board. The control board may require the board's approval of an expenditure of more than five hundred dollars ($500).

(b) Notwithstanding IC 36-6-6-11, the control board shall review and may reduce or increase the township's budget and proposed tax levy to be advertised by the county auditor. If the control board finds that there will be insufficient revenues available under this chapter for the township to pay valid ~~poor relief~~ **township assistance** claims, the control board may consent to proposed borrowing for ~~poor relief~~ **township assistance** under IC 12-20-23 or IC 12-20-24.

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(c) The control board may approve the number, pay, and duties of employees who are employed for the distribution and administration of the distressed township's ~~poor relief~~ **township assistance** program.

(d) The control board may require the township trustee to submit reports on the amounts of ~~poor relief~~ **township assistance** by categories, including the types of goods or services furnished and the vendors who supplied the goods or services.

(e) The control board:

(1) shall operate the employment program implemented by the management committee under section 15(a)(5) of this chapter; and

(2) may require that a ~~poor relief~~ **township assistance** recipient participate in a training program under IC 12-20-12-1.

(f) The control board shall establish income eligibility standards for ~~poor relief,~~ **township assistance,** subject to the requirements of section 18 of this chapter.

SECTION 133. IC 12-20-25-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 31. (a) The control board may adopt rules concerning the distribution of ~~poor relief~~ **township assistance** designed to reduce the cost and improve the delivery of ~~poor relief.~~ **township assistance.** IC 4-22-2 does not apply to the rules. The rules may include provisions governing the following:

(1) The minimum quality of goods and services required to be provided by ~~poor relief~~ **township assistance** vendors.

(2) The rate of reimbursement to be provided to vendors of goods and services under the ~~poor relief~~ **township assistance** program.

(3) The types of assistance that are to be provided to ~~poor relief~~ **township assistance** recipients.

(4) Competitive bidding requirements for purchases of goods and services for ~~poor relief~~ **township assistance** recipients, other than food, other perishable products, and goods or services needed on an emergency basis.

(5) The time within which providers of ~~poor relief~~ **township assistance** are to present claims for payment, which may not exceed sixty (60) days from the date the ~~poor relief~~ **township assistance** was provided.

(6) The purchase of goods and services to meet the emergency needs of ~~poor relief~~ **township assistance** applicants without competitive bids.

(b) If rules described in subsection (a)(4) are adopted, the rules must require that:

(1) purchases may be made only after bids have been solicited;

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and

(2) the contract for furnishing goods or services must be awarded to the lowest and best responsible and responsive bidder or to more than one (1) bidder if the selection of more than one (1) bidder is appropriate to provide the necessary goods or services.

(c) If practicable and prudent, ~~poor relief~~ **township assistance** purchases should be made from local vendors.

SECTION 134. IC 12-20-25-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 32. (a) As soon as the management committee has completed the financial, compliance, economy, and efficiency audits required by section 15 of this chapter, the management committee shall make a report to the control board. The report must include the following:

(1) The findings of the financial, compliance, economy, and efficiency audits.

(2) An itemization of each creditor's claims against the distressed township that were found to be valid and reasonable.

(3) An itemization of each claim that was found to be invalid.

(4) An itemization of each claim that was found to be unreasonable and on which no settlement was negotiated.

(5) A proposed operating budget for the township trustee's office.

(6) An estimate of future operating and debt service costs for ~~poor relief.~~ **township assistance.**

(7) The amount of outstanding ~~poor relief~~ **township assistance** bonds issued and loans incurred by the county and advancements made by the county.

(8) The maximum permissible ~~poor relief~~ **township assistance** levy of the township under IC 6-1.1-18.5.

(b) The county fiscal body may recommend a financial plan to the management committee that ensures that future revenue increases, if necessary, come from sources other than ad valorem property taxes imposed on property within the distressed township and will accomplish the purposes set forth in section 33(a)(2) of this chapter. The financial plan may include any of the options set forth in section 34 of this chapter. The management committee shall include any submitted plan in the committee's report to the control board.

SECTION 135. IC 12-20-25-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 33. (a) Upon receipt of the report required in section 32 of this chapter, the control board shall adopt the following:

(1) An operating budget for the trustee's office.

(2) A financial plan that will ensure that future revenue will do

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the following:

(A) Cover operating expenses and pay ~~poor relief~~ **township assistance** claims that are incurred during the time that the township is a controlled township not more than thirty (30) days after the claims are presented for payment.

(B) Satisfy the outstanding valid and reasonable claims of creditors that are approved under section 27 or 28 of this chapter within three (3) years.

(C) Retire outstanding bonded indebtedness, the proceeds of which were advanced to the distressed township, and repay outstanding loans or advances made for ~~poor relief~~ **township assistance** in the distressed township within three (3) years.

(b) If the county fiscal body submits a financial plan under section 32(b) of this chapter, the control board shall adopt the fiscal body's plan if the control board finds that the plan will accomplish the purposes set forth in subsection (a)(2).

SECTION 136. IC 12-20-25-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 34. The financial plan adopted under section 33 of this chapter may include the following:

(1) The adoption in the current year of:

(A) the county adjusted gross income tax at a rate allowed by IC 6-3.5-1.1; or

(B) the county option income tax at a rate not to exceed one percent (1%);

to be distributed as provided in this chapter. The adoption of either county income tax under this chapter is in addition to the county adjusted gross income tax or the county option income tax that may already be in effect in the county.

(2) The payment of ~~poor relief~~ **township assistance** with county money.

(3) The elimination or reduction of ~~poor relief~~ **township assistance** services not required under this article.

SECTION 137. IC 12-20-25-36, AS AMENDED BY P.L.90-2002, SECTION 359, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 36. (a) Notwithstanding IC 6-1.1-17, if the county fiscal body:

(1) adopts an ordinance under section 35(b)(2) of this chapter; or

(2) fails to adopt an ordinance under section 35(b) of this chapter;

the department shall reduce the county's general fund budget and increase the distressed township's ~~poor relief~~ **township assistance** account budget in an amount sufficient to satisfy the requirements of section 33(a)(2) of this chapter. The department shall notify the county

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auditor and county treasurer of the county general fund reduction and the county treasurer shall transfer from the county general fund to the distressed township's ~~poor relief~~ **township assistance** account the amount specified by the department.

(b) Notwithstanding IC 6-1.1-18.5, if a county is required to transfer money to a distressed township's ~~poor relief~~ **township assistance** account under subsection (a), the county may not appeal for an excessive levy under IC 6-1.1-18.5 to replace money that is transferred from the county general fund.

SECTION 138. IC 12-20-25-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 38. (a) If the county fiscal body adopts an ordinance adopting the control board's financial plan as provided in section 35 of this chapter and the plan includes a proposal to adopt the county adjusted gross income tax or the county option income tax, the control board may request an advance of state general fund money in the year the county fiscal body adopts the plan and in any subsequent year in anticipation of the county adjusted gross income tax or the county option income tax revenue. However, the state, acting through the state board of finance, may not advance an amount that is greater than the amount of county adjusted gross income tax or county option income tax revenue expected to be collected within the year in which the advancement is made. The department of state revenue shall estimate and certify to the state board of finance the amount of county adjusted gross income tax or county option income tax revenue expected to be collected.

(b) If the county fiscal body adopts an ordinance adopting the control board's financial plan as provided in section 35 of this chapter and the plan includes a proposal to adopt the county adjusted gross income tax or the county option income tax, a state advance from the state general fund must be repaid before any money is distributed to the county. The treasurer of state shall withhold sufficient money from the county's county adjusted gross income tax or county option income tax account to repay the state the amount of state advances provided to the county from the state general fund. The treasurer of state shall disburse any balance in the county's account to the county, to be used as provided in section 40 of this chapter.

(c) This section does not impose liability on the state for the township ~~poor relief~~ **assistance** debts of the county.

SECTION 139. IC 12-20-25-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 40. The county treasurer shall deposit the disbursements from the treasurer of state in a county fund to be known as the county income tax ~~poor relief~~

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township assistance control fund. Notwithstanding IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-1.1-18.5, the county treasurer shall disburse the money in the fund in the following priority:

(1) To ensure the payment within thirty (30) days of all valid ~~poor relief~~ **township assistance** claims in the distressed township that are not covered by subdivision (3).

(2) At the end of each calendar year, to redeem any outstanding bonds issued or repay loans incurred by the county for poor relief **or township assistance** purposes under IC 12-2-4.5 (before its repeal), IC 12-2-5 (before its repeal), IC 12-20-23, or IC 12-20-24 to the extent the proceeds of the bonds or loans were advanced to the distressed township.

(3) To pay claims approved under section 27 or 28 of this chapter (or IC 12-2-14-22 or IC 12-2-14-23 before their repeal).

(4) As provided in IC 6-3.5-6 if the county option income tax is imposed under this chapter. If the county adjusted gross income tax is imposed under this chapter, to provide property tax replacement credits for each civil taxing unit and school corporation in the county as provided in IC 6-3.5-1.1. No part of the county adjusted gross income tax revenue is considered a certified share of a governmental unit as provided in IC 6-3.5-1.1-15. In addition, the county adjusted gross income tax revenue (except for the county adjusted gross income tax revenues that are to be treated as property tax replacements under this subdivision) is in addition to and not a part of the revenue of the township for purposes of determining the township's maximum permissible property tax levy under IC 6-1.1-18.5.

SECTION 140. IC 12-20-25-41, AS AMENDED BY P.L.90-2002, SECTION 360, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 41. (a) As used in subsection (c), "advance" refers to money provided to a distressed township from the state general fund under section 38 of this chapter.

(b) As used in subsection (c), "support" refers to money provided from the distressed township supplemental ~~poor relief~~ **township assistance** fund established by section 51 of this chapter to pay ~~poor relief~~ **township assistance** claims and the operating costs of the management committee during the period the management committee is in control of the township trustee's office.

(c) The controlled status of a township under this chapter terminates at the end of a year if at that time the county, with respect to each controlled township:

(1) has repaid:

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(A) all state advances provided to the county under this chapter; and

(B) state support provided to the county under this chapter if the department has reduced the county's general fund budget under section 36 of this chapter;

(2) has paid all valid ~~poor relief~~ **township assistance** claims in the distressed township, including the claims approved under section 27 or 28 of this chapter;

(3) will have sufficient money to pay, not more than thirty (30) days after a claim is submitted for payment, all valid ~~poor relief~~ **township assistance** claims in the distressed township that are expected to be submitted in the following year as determined by the control board, excluding any advances from the state, revenues from short term loans from the county or a financial institution under IC 12-2-4.5 (before its repeal) or IC 12-20-24, and proceeds from bonds issued under IC 12-2-1 (before its repeal), IC 12-2-5 (before its repeal), or this article; and

(4) has no bonds outstanding that were issued to pay for ~~poor relief~~ **township assistance** in the distressed township.

(d) Notwithstanding IC 6-3.5-1.1 and IC 6-3.5-6, if the control board finds that:

(1) the requirements of subsection (c)(1), (c)(2), and (c)(4) are satisfied; and

(2) the requirements of subsection (c)(3) cannot be satisfied because the township's maximum permissible ad valorem property tax levy provides insufficient revenue to ensure the payment of all valid ~~poor relief~~ **township assistance** claims in the distressed township that will be incurred during the year following the termination of the controlled status of the township;

the county fiscal body may dedicate to the provision of ~~poor relief,~~ **township assistance,** from the county adjusted gross income tax or the county option income tax imposed as a result of adopting a financial plan under section 35 of this chapter, an amount necessary to satisfy the requirements of subsection (c)(3).

(e) If the control board finds that the income tax dedicated under subsection (d) will satisfy the requirements of subsection (c)(3), the controlled status of the township under this chapter terminates at the end of the year in which the control board makes the board's finding.

SECTION 141. IC 12-20-25-42, AS AMENDED BY P.L.90-2002, SECTION 361, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 42. (a) This section applies to a township that was certified a distressed township before January 1,

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1988.

(b) The controlled status of the distressed township is terminated on July 1, 1989, if the department finds that the following conditions exist:

(1) All valid ~~poor relief~~ **township assistance** claims in the distressed township, including the claims approved under IC 12-2-14-22 (before its repeal), IC 12-2-14-23 (before its repeal), or section 27 or 28 of this chapter, have been paid, except for the following:

(A) Claims under litigation before the date of the board's finding.

(B) Obligations owed to other political subdivisions.

(2) The township has no bonds outstanding that were issued to pay for ~~poor relief~~ **township assistance** in the distressed township.

(c) Notwithstanding section 4(2) of this chapter, if a township that has had the township's distressed status terminated under subsection (b) uses advances from the county from proceeds of bonds issued under IC 12-2-1 (before its repeal) or this article to pay ~~poor relief~~ **township assistance** claims more than one (1) time in the five (5) years following the termination of the township's distressed status, the township must have the township's civil and ~~poor relief~~ **township assistance** budgets reviewed and approved by the county fiscal body in each year that a tax is levied against the property in the township to repay the advances. The decision of the county fiscal body may be appealed to the department.

(d) Notwithstanding IC 12-2-5-6 (before its repeal), IC 12-2-5-8 (before its repeal), IC 12-20-23-15, and IC 12-20-23-19, the aggregate principal amount of any outstanding debt that is incurred to pay ~~poor relief~~ **township assistance** claims during the five (5) years following the termination of the township's distressed status under subsection (b) and that is in excess of one-tenth percent (0.1%) of the adjusted valued of taxable property in the township as determined under IC 36-1-15 is the direct general obligation of the county.

SECTION 142. IC 12-20-25-43, AS AMENDED BY P.L.90-2002, SECTION 362, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 43. Notwithstanding IC 6-3.5-1.1 and IC 6-3.5-6, if:

(1) there has been a controlled township in a county;

(2) the township that has been controlled has levied the township's maximum permissible ad valorem property tax levy for ~~poor relief,~~ **township assistance;**

(3) the maximum permissible ad valorem property tax levy is

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insufficient to ensure the payment within thirty (30) days of all valid ~~poor relief~~ **township assistance** claims in the township; and

(4) the county adjusted gross income tax or county option income tax is in effect in the county as a result of adopting a financial plan under this chapter;

the county fiscal body shall dedicate from the county adjusted gross income tax or county option income tax imposed under this chapter an amount of revenue determined by the department to be necessary to ensure the payment within thirty (30) days of all ~~poor relief~~ **township assistance** claims in the township that has been controlled. The county fiscal body shall distribute any income tax revenues dedicated under this section before the fiscal body makes any other distributions in accordance with this chapter. Notwithstanding section 45 of this chapter, the county fiscal body may not reduce the county option income tax rate below the rate necessary to satisfy the requirements of this section.

SECTION 143. IC 12-20-25-44 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 44. (a) This section applies after the termination of the controlled status of all townships located in a county as provided in section 41 of this chapter.

(b) If the county adjusted gross income tax or county option income tax is imposed under this chapter, the tax shall be distributed as provided in section 46 of this chapter. If the county fiscal body has not dedicated county adjusted gross income tax or county option income tax revenue for ~~poor relief~~ **township assistance** under section 41 of this chapter, the county fiscal body may rescind the tax as provided in IC 6-3.5-1.1 or IC 6-3.5-6, whichever applies. If the county fiscal body has dedicated county adjusted gross income tax or county option income tax revenue for ~~poor relief~~ **township assistance** under section 41 of this chapter, the county fiscal body may rescind the tax but not until after the end of the year following the termination of the controlled status of the township.

(c) If:

(1) the county adjusted gross income tax (IC 6-3.5-1.1) or the county option income tax (IC 6-3.5-6) was in effect before the county adjusted gross income tax or the county option income tax is imposed under this chapter; and

(2) the county fiscal body did not dedicate county adjusted gross income tax or county option income tax revenue for ~~poor relief~~ **township assistance** under section 41 of this chapter;

the county adjusted gross income tax or county option income tax imposed under this chapter terminates as of the date the controlled

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status of all townships located in the county terminates.

SECTION 144. IC 12-20-25-49, AS AMENDED BY P.L.90-2002, SECTION 363, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 49. Each distressed township shall take all action necessary to levy the maximum permissible ad valorem property tax levy for ~~poor relief~~ **township assistance** permitted under IC 6-1.1-18.5. If a distressed township fails to take this action, the department shall adjust, in the board's certificate of levies of governmental entities in the county, the township's proposed levy so that the levy is the maximum permissible ad valorem property tax levy.

SECTION 145. IC 12-20-25-51 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 51. The distressed township supplemental ~~poor relief~~ **township assistance** fund is established. The fund shall be administered by the treasurer of state. The fund shall be used to provide state support to distressed townships.

SECTION 146. IC 12-20-25-52 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 52. State support provided from the distressed township supplemental ~~poor relief~~ **township assistance** fund:

(1) is supplemental to other financing for ~~poor relief,~~ **township assistance;**

(2) may be used to satisfy ~~poor relief~~ **township assistance** claims incurred during the period the management committee is in control of the township trustee's office; and

(3) subject to the approval of the control board, may be used to pay claims approved under IC 12-2-14-22 (before its repeal), IC 12-2-14-23 (before its repeal), or section 27 or 28 of this chapter.

SECTION 147. IC 12-20-25-53 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 53. The distressed township supplemental ~~poor relief~~ **township assistance** fund consists of appropriations made to the fund by the general assembly. Interest earned on the money in the fund remains in the fund. The balance remaining in the fund at the end of a state fiscal year remains in the fund and does not revert to the state general fund.

SECTION 148. IC 12-20-25-54 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 54. If a financial or compliance audit required under section 15 of this chapter discloses negligence or unlawful conduct in the approval of or receipt of ~~poor relief,~~ **township assistance,** the management committee shall file a copy of the audit with the prosecuting attorney and with the attorney general. If the attorney general finds that criminal or civil charges

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should be filed and the prosecuting attorney fails to file the charges, the attorney general shall file the charges.

SECTION 149. IC 12-20-26-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. In a county in which a tax has been levied and raised for the payment of notes and interest on the notes issued by the board of commissioners for the purpose of paying ~~poor relief~~ **township assistance** claims against a township, the county auditor shall transfer the balance of money that remains after paying all notes and interest to the county general fund to the credit of the township poor fund of the township in which the money was raised.

SECTION 150. IC 12-20-27-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) Subject to IC 12-20-11-5(b), a township trustee who, as administrator of ~~poor relief,~~ **township assistance,** furnishes ~~poor relief~~ **township** assistance, may file a claim against the estate of a ~~poor relief~~ **township assistance** recipient who:

(1) dies, leaving an estate; and

(2) is not survived by a:

(A) spouse;

(B) disabled adult dependent; or

(C) dependent child less than eighteen (18) years of age;

for the value of ~~poor relief~~ **township** assistance given the recipient before the recipient's death.

(b) For purposes of this section, the estate of a ~~poor relief~~ **township assistance** recipient includes any money or other personal property in the possession of a coroner under IC 36-2-14-11.

SECTION 151. IC 12-20-27-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1.5. (a) As used in this section, "interim period" means the period:

(1) beginning when a township trustee obtains from a ~~poor relief~~ **township assistance** applicant or member of the applicant's household an agreement or authorization described in subsection (b); and

(2) ending when the ~~poor relief~~ **township assistance** applicant or member of the applicant's household receives the judgment, compensation, or monetary benefit or leaves the household.

(b) Subject to IC 12-20-11-5(b), if a township trustee, as administrator of ~~poor relief,~~ **township assistance,** anticipates that a ~~poor relief~~ **township assistance** applicant or a member of the applicant's household is likely to receive a judgment, compensation, or a monetary benefit from a third party, the township trustee may require the applicant or the affected member of the applicant's household to:

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(1) enter into a subrogation agreement; or

(2) sign a Social Security Administration's reimbursement authorization;

for the repayment of any ~~poor relief~~ **township assistance** benefits provided by the township during the interim period. A subrogation agreement authorized under subdivision (1) may only require repayment of interim benefits provided to the applicant or to the applicant's dependents who were members of the household to which ~~poor relief~~ **township assistance** benefits were paid.

SECTION 152. IC 12-20-27-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. A claim filed against the estate of a ~~poor relief~~ **township assistance** recipient under IC 12-2-14 (before its repeal) or this chapter shall be filed and allowed as a general claim.

SECTION 153. IC 12-20-28-3, AS AMENDED BY P.L.262-2003, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The definitions in this section apply to a report that is required to be filed under this section.

(b) As used in this section, "total number of households containing ~~poor relief~~ **township assistance** recipients" means the sum to be determined by counting the total number of individuals who file an application for which relief is granted. A household may be counted only once during a calendar year regardless of the number of times assistance is provided if the same individual makes the application for assistance.

(c) As used in this section, "total number of recipients" means the number of individuals who are members of a household that receives assistance on at least one (1) occasion during the calendar year. An individual may be counted only one (1) time during a calendar year regardless of the:

(1) number of times assistance is provided; or

(2) number of households in which the individual resides during a particular year.

(d) As used in this section, "total number of requests for assistance" means the number of times an individual or a household separately requests any type of township assistance.

(e) The township trustee shall file an annual statistical report on township housing, medical care, utility, and food assistance with the state board of accounts. The township trustee shall provide a copy of the annual statistical report to the county auditor. The county auditor shall keep the copy of the report in the county auditor's office. Except as provided in subsection (i), the report must be made on a form

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provided by the state board of accounts. The report must contain the following information:

(1) The total number of requests for assistance.

(2) The total number of ~~poor relief~~ **township assistance** recipients and total number of households containing ~~poor relief~~ **township assistance** recipients.

(3) The total value of benefits provided ~~poor relief~~ **township assistance** recipients.

(4) The total number of ~~poor relief~~ **township assistance** recipients and households receiving utility assistance.

(5) The total value of benefits provided for the payment of utilities.

(6) The total number of ~~poor relief~~ **township assistance** recipients and households receiving housing assistance.

(7) The total value of benefits provided for housing assistance.

(8) The total number of ~~poor relief~~ **township assistance** recipients and households receiving food assistance.

(9) The total value of food assistance provided.

(10) The total number of ~~poor relief~~ **township assistance** recipients and households provided health care.

(11) The total value of health care provided.

(12) The total number of burials and cremations.

(13) The total value of burials and cremations.

(14) The total number of nights of emergency shelter provided to the homeless.

(15) The total number of referrals of ~~poor relief~~ **township assistance** applicants to other programs.

(16) The total number of training programs or job placements found for ~~poor relief~~ **township assistance** recipients with the assistance of the township trustee.

(17) The number of hours spent by ~~poor relief~~ **township assistance** recipients at workfare.

(18) The total amount of reimbursement for assistance received from:

(A) recipients;

(B) members of recipients' households; or

(C) recipients' estates;

under IC 12-20-6-10, IC 12-20-27-1, or IC 12-20-27-1.5.

(19) The total amount of reimbursement for assistance received from medical programs under IC 12-20-16-2(e).

If the total number or value of any item required to be reported under this subsection is zero (0), the township trustee shall include the

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notation "0" in the report where the total number or value is required to be reported.

(f) The state board of accounts shall forward a copy of each annual report forwarded to the board under subsection (e) to the department and the division of family and children.

(g) The division of family and children shall include in the division's periodic reports made to the United States Department of Health and Human Services concerning the Aid to Families with Dependent Children (AFDC) and Supplemental Security Income (SSI) programs information forwarded to the division under subsection (f) concerning the total number of ~~poor relief~~ **township assistance** recipients and the total dollar amount of benefits provided.

(h) The department may not approve the budget of a township trustee who fails to file an annual report under subsection (e) in the preceding calendar year. Before July 1 of each year, the department shall file a report with the legislative council that compiles and summarizes the information sent to the state board of accounts by township trustees under subsection (e).

(i) This section does not prevent the electronic transfer of data required to be reported under IC 12-2-1-40 (before its repeal) or this section if the following conditions are met:

(1) The method of reporting is acceptable to both the township trustee reporting the information and the governmental entity to which the information is reported.

(2) A written copy of information reported by electronic transfer is on file with the township trustee reporting information by electronic means.

(j) The information required to be reported by the township trustee under this section shall be maintained by the township trustee in accordance with IC 5-15-6.

SECTION 154. IC 12-30-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) A board of commissioners that has established a county home under this chapter:

(1) shall order that all indigent individuals who have become permanent charges on the county be removed to the county home; and

(2) may take the measures for the employment and support of the indigent as the board of commissioners considers advisable.

(b) After a county home is established and an order is issued under subsection (a), the township trustees as administrators of ~~poor relief~~ **township assistance** shall, as indigent individuals become permanent charges to their respective townships, have those individuals removed

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to the county home.

SECTION 155. IC 12-30-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. (a) The superintendent of the county home shall manage the county home and its farm to the best interests of the county.

(b) The superintendent shall maintain order and discipline and shall assign a reasonable amount of labor to every resident who is able to perform labor. A resident may not be excused from labor except by the superintendent or by the county physician for cause. The excuse of a resident by the physician shall be for a definite time, except in the case of:

(1) residents at least seventy (70) years of age; or

(2) residents suffering from a physical or mental disability that makes the residents unfit for labor;

to whom a permanent excuse may be given by the physician.

(c) A resident who refuses to perform the task assigned by the superintendent may be dismissed from the county home by the superintendent and can only be readmitted within six (6) weeks after dismissal:

(1) with the consent of the superintendent; or

(2) upon an order that is issued by the township trustee as the administrator of ~~poor relief~~ **township assistance** and endorsed by the chairman of the board of commissioners.

SECTION 156. IC 12-30-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. Every county that maintains, in addition to any other charitable institution permitted by law, a county home that provides for the care of indigent individuals as provided by law:

(1) shall receive and support in the county home indigent individuals who:

(A) are lawfully settled in the county; and

(B) placed in the county home by the township trustee as the administrator of ~~poor relief,~~ **township assistance,** with the consent of the board of commissioners of the county; or

(2) may contract with other counties or with other charitable institutions located in Indiana for the relief and support of indigent individuals maintained as a public charge of the county, and may levy taxes for that purpose.

SECTION 157. IC 12-30-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) The township trustee as the administrator of ~~poor relief~~ **township assistance** shall periodically provide for the admission to the county home of indigent

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individuals who have become permanent charges on the township.

(b) Whenever an individual who is determined to be eligible for ~~poor relief~~ **township assistance** and is entitled to temporary relief is in a township in which the individual does not have legal settlement, the township trustee as the administrator of ~~poor relief~~ **township assistance** may place the individual temporarily in the county home.

SECTION 158. IC 12-30-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. The township trustee as the administrator of ~~poor relief~~ **township assistance** shall, when seeking the admission of an individual as a resident of a county home, first investigate the individual and make a report to the board of commissioners of the county. The report must contain the following:

(1) The name of the individual.

(2) The birth place and date of birth of the individual.

(3) The length of time that the individual has been legally settled in the township.

(4) A statement of the health of the individual, which must be certified to by a competent physician.

(5) A statement of the income, property, or property rights of the individual.

(6) A list of the individual's relatives who, in the opinion of the township trustee as the administrator of ~~poor relief,~~ **township assistance,** are capable of making contributions for the support of the individual.

SECTION 159. IC 12-30-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) The board of commissioners of the county shall, upon receipt of a recommendation by the township trustee as the administrator of ~~poor relief,~~ **township assistance,** immediately consider the recommendation and make further investigation that the board of commissioners considers best. The board of commissioners of the county shall admit the individual on the terms, conditions, and contract that the board of commissioners considers just and fair by requiring the individual sought to be admitted, or other persons or agencies, to pay the money, within the rate lawfully established under section 8 of this chapter, at the times that the board of commissioners considers proper.

(b) The board of commissioners may delegate the investigation to the superintendent of the county home or to other agencies or persons that the board of commissioners considers best. However, the board of commissioners retains the right of determination, subject only to the right of appeal.

SECTION 160. IC 12-30-4-5 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. If a board of commissioners finds that the individual sought to be admitted into the county home or other charitable institution should not, for any cause, be admitted, the individual denied admission, or the township trustee as the administrator of ~~poor relief,~~ **township assistance,** may appeal from the decision of the board of commissioners of the county to the circuit court of the county by filing a transcript of the record before the board of commissioners with the clerk of the circuit court of the county, who shall immediately notify the circuit court. The court shall, as soon as possible, proceed to hear and determine the matter. The court may order the board of commissioners to accept the individual in the county home or other charitable institution on the terms and conditions, within the lawfully established rate as provided in section 8 of this chapter, as the court orders.

SECTION 161. IC 12-30-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. In case of an emergency and pending the decision by the board of commissioners or the circuit court, an individual sought to be admitted shall be admitted temporarily. If the final determination is made that the individual should not be admitted, the trustee of the township of the individual's legal settlement, as the administrator of ~~poor relief,~~ **township assistance,** shall immediately remove the individual from the county home or other charitable institution.

SECTION 162. IC 12-30-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. The:

(1) county council shall appropriate; and

(2) the board of commissioners in each county shall advance;

to the township trustees as the administrators of ~~poor relief~~ **township assistance** the money necessary for the relief and burial of the indigent in each township, which shall be accounted for and repaid to the county treasurer as provided in section 11 of this chapter.

SECTION 163. IC 12-30-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) Each township trustee as the administrator of ~~poor relief~~ **township assistance** shall pay to the county the amount fixed for each individual admitted into the county home or other charitable institution from the township, except those otherwise able to pay the cost of their care from their own resources or from other assistance awards. Except as provided in subsection (b), the amount that may be charged to the township may not exceed one hundred dollars ($100) per month per individual.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred

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thousand (700,000). The amount charged the township per individual may not exceed forty-eight dollars ($48) per month or twelve dollars ($12) per week.

(c) Each township shall levy a tax sufficient to meet those expenses.

(d) Payment and settlement shall be made in July and December of each year for the preceding year.

SECTION 164. IC 12-30-7-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 33. (a) Whenever a patient has been admitted to a health center from the county in which the health center is situated, the administrator shall cause an inquiry to be made as to the financial circumstances of the patient and of any relatives of the patient who may be legally liable for the patient's support. If the administrator finds that the patient or the patient's relatives are able to pay for the patient's care and treatment, in whole or in part, an order shall be made directing the patient or the relative to pay a specified amount per month to the health center for the support of the patient.

(b) The health center may collect the amount from the estate of the patient or from relatives legally liable for the patient's support. If the administrator finds that the patient or the patient's relatives are not able to pay, the administrator may seek reimbursement from the county office, Medicare, Medicaid, private insurance companies, the township trustee as the administrator of ~~poor relief,~~ **township assistance,** or the county general fund, depending on the eligibility of the patient for assistance from the county office or program.

SECTION 165. IC 16-24-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 21. (a) Whenever a patient is admitted to the hospital from the county in which the hospital is located, the superintendent shall inquire:

(1) as to the patient's circumstances; and

(2) of the relatives of the patient legally liable for the patient's support.

(b) If the patient or the patient's relatives are able to pay for the patient's care and treatment in whole or in part, the patient or the patient's relatives shall be directed to pay the treasurer of the hospital for the patient's support in proportion to the patient's or relatives' financial ability, but not to exceed the actual per capita cost of maintenance.

(c) The superintendent has the same authority to collect the sum from the estate of the patient or the patient's relatives legally liable for the patient's support as is possessed by the township trustee as administrator of ~~poor relief~~ **township assistance** in similar

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circumstances. If the superintendent finds that the patient or the patient's relatives are not able to pay either in whole or in part the patient becomes a charge upon the county.

SECTION 166. IC 16-24-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 23. (a) Whenever a superintendent receives an application for the admission of a patient with tuberculosis from the county executive of any other county, the superintendent shall notify the person to appear at the hospital if there is:

(1) a vacancy; and

(2) no pending application from a resident of the county in which the hospital is located.

(b) If the superintendent is satisfied that the patient has tuberculosis, the superintendent shall admit the patient to the hospital. The patient is a charge against the county executive of the county sending the patient, at a rate to be fixed by the board of managers. The rate may not exceed the per capita cost of maintenance, including a reasonable allowance for interest on the costs of the hospital. The bill shall, when verified, be audited and paid by the auditor of that county.

(c) The county executive shall investigate the circumstances of the patient and of the patient's relatives legally liable for the patient's support, and has the same authority as the township trustee as administrator of ~~poor relief~~ **township assistance** to collect the cost of the patient's maintenance according to the patient's relatives' financial ability.

SECTION 167. IC 16-24-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. Whenever a patient is admitted to the hospital from the county in which the hospital is situated, the superintendent shall inquire into the circumstances of the patient and of the relatives of the patient legally liable for the patient's support. If the superintendent finds that the patient or the patient's relatives are able to pay for care and treatment, in whole or in part, the superintendent shall direct the patient or the patient's relatives to pay to the treasurer of the hospital a specified amount each week, in proportion to the patient's or the patient's relatives' financial ability. The hospital has the same authority to collect from the estate of the patient, or the patient's relatives legally liable for the patient's support, as the township trustee as administrator of ~~poor relief~~ **township assistance** in similar cases. If the patient or the patient's relatives are not able to pay, either in whole or in part, the care and treatment become a charge upon the county.

SECTION 168. IC 16-24-2-13 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. (a) Whenever the superintendent receives an application for the admission of a patient from another county, the superintendent shall notify the person to appear at the hospital if the following conditions are met:

(1) It appears that the person has tuberculosis, or a similar disease.

(2) There is a vacancy in the hospital.

(3) There is no pending application from a patient residing in the county in which the hospital is located.

(b) If, upon personal examination of the patient by the medical staff of the hospital, the superintendent determines that the patient has tuberculosis, the superintendent shall admit the patient to the hospital. The patient is a charge against the executive of the county sending the patient, at a rate to be fixed by the board of managers but not to exceed the per capita cost of maintenance, including a reasonable allowance for interest on the cost of the hospital. The bill shall, when verified, be paid by the auditor of the county. The county executive of the contracting county shall investigate the circumstances of the patient and of the patient's relatives legally liable for the patient's support. The county executive has the same authority as a township trustee as administrator of ~~poor relief~~ **township assistance** in similar cases to collect, according to the patient's or the patient's relatives' financial ability, the cost of the maintenance.

SECTION 169. IC 16-41-19-7, AS AMENDED BY P.L.259-2001, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) Except as provided in subsection (b), all costs that are incurred in furnishing biologicals under this chapter, IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be paid by:

(1) the appropriate county, city, or town against which the application form is issued from general funds; and

(2) the appropriate township against which the application form is issued from funds in the township ~~poor relief~~ **assistance** fund;

not otherwise appropriated without appropriations.

(b) A township is not responsible for paying for biologicals as provided in subsection (a)(2) if the township trustee has evidence that the individual has the financial ability to pay for the biologicals.

(c) After being presented with a legal claim for insulin being furnished to the same individual a second time, a township trustee may require the individual to complete and file a standard application for ~~poor relief~~ **township assistance** in order to investigate the financial condition of the individual claiming to be indigent. The trustee shall immediately notify the individual's physician that:

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(1) the financial ability of the individual claiming to be indigent is in question; and

(2) a standard application for ~~poor relief~~ **township assistance** must be filed with the township.

The township shall continue to furnish insulin under this section until the township trustee completes an investigation and makes a determination as to the individual's financial ability to pay for insulin.

(d) For purposes of this section, the township shall consider an adult individual needing insulin as an individual and not as a member of a household requesting ~~poor relief.~~ **township assistance.**

SECTION 170. IC 35-43-5-1, AS AMENDED BY P.L.160-2003, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Claim statement" means an insurance policy, a document, or a statement made in support of or in opposition to a claim for payment or other benefit under an insurance policy, or other evidence of expense, injury, or loss. The term includes statements made orally, in writing, or as a computer generated document, including the following:

(1) An account.
(2) A bill for services.
(3) A bill of lading.
(4) A claim.
(5) A diagnosis.
(6) An estimate of property damages.
(7) A hospital record.
(8) An invoice.
(9) A notice.
(10) A proof of loss.
(11) A receipt for payment.
(12) A physician's records.
(13) A prescription.
(14) A statement.
(15) A test result.
(16) X-rays.

(c) "Coin machine" means a coin box, vending machine, or other mechanical or electronic device or receptacle designed:

(1) to receive a coin, bill, or token made for that purpose; and

(2) in return for the insertion or deposit of a coin, bill, or token automatically:

(A) to offer, provide, or assist in providing; or

(B) to permit the acquisition of;

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some property.

(d) "Credit card" means an instrument or device (whether known as a credit card or charge plate, or by any other name) issued by an issuer for use by or on behalf of the credit card holder in obtaining property.

(e) "Credit card holder" means the person to whom or for whose benefit the credit card is issued by an issuer.

(f) "Customer" means a person who receives or has contracted for a utility service.

(g) "Entrusted" means held in a fiduciary capacity or placed in charge of a person engaged in the business of transporting, storing, lending on, or otherwise holding property of others.

(h) "Identifying information" means information that identifies an individual, including an individual's:

(1) name, address, date of birth, place of employment, employer identification number, mother's maiden name, Social Security number, or any identification number issued by a governmental entity;

(2) unique biometric data, including the individual's fingerprint, voice print, or retina or iris image;

(3) unique electronic identification number, address, or routing code;

(4) telecommunication identifying information; or

(5) telecommunication access device, including a card, a plate, a code, a telephone number, an account number, a personal identification number, an electronic serial number, a mobile identification number, or another telecommunications service or device or means of account access that may be used to:

(A) obtain money, goods, services, or any other thing of value; or

(B) initiate a transfer of funds.

(i) "Insurance policy" includes the following:

(1) An insurance policy.

(2) A contract with a health maintenance organization (as defined in IC 27-13-1-19).

(3) A written agreement entered into under IC 27-1-25.

(j) "Insurer" has the meaning set forth in IC 27-1-2-3(x).

(k) "Manufacturer" means a person who manufactures a recording. The term does not include a person who manufactures a medium upon which sounds or visual images can be recorded or stored.

(l) "Make" means to draw, prepare, complete, counterfeit, copy or otherwise reproduce, or alter any written instrument in whole or in part.

(m) "Metering device" means a mechanism or system used by a

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utility to measure or record the quantity of services received by a customer.

(n) "Public relief or assistance" means any payment made, service rendered, hospitalization provided, or other benefit extended to a person by a governmental entity from public funds and includes ~~poor relief,~~ **township assistance,** food stamps, direct relief, unemployment compensation, and any other form of support or aid.

(o) "Recording" means a tangible medium upon which sounds or visual images are recorded or stored. The term includes the following:

(1) An original:

(A) phonograph record;

(B) compact disc;

(C) wire;

(D) tape;

(E) audio cassette;

(F) video cassette; or

(G) film.

(2) Any other medium on which sounds or visual images are or can be recorded or otherwise stored.

(3) A copy or reproduction of an item in subdivision (1) or (2) that duplicates an original recording in whole or in part.

(p) "Slug" means an article or object that is capable of being deposited in a coin machine as an improper substitute for a genuine coin, bill, or token.

(q) "Utility" means a person who owns or operates, for public use, any plant, equipment, property, franchise, or license for the production, storage, transmission, sale, or delivery of electricity, water, steam, telecommunications, information, or gas.

(r) "Written instrument" means a paper, a document, or other instrument containing written matter and includes money, coins, tokens, stamps, seals, credit cards, badges, trademarks, medals, retail sales receipts, labels or markings (including a universal product code (UPC) or another product identification code), or other objects or symbols of value, right, privilege, or identification.

SECTION 171. IC 36-1-8-5, AS AMENDED BY P.L.173-2003, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) This section applies to all funds raised by a general or special tax levy on all the taxable property of a political subdivision.

(b) Whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the fiscal body of the political subdivision shall order the balance of that fund to be

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transferred as follows, unless a statute provides that it be transferred otherwise:

(1) Funds of a county, to the general fund or rainy day fund of the county, as provided in section 5.1 of this chapter.

(2) Funds of a municipality, to the general fund or rainy day fund of the municipality, as provided in section 5.1 of this chapter.

(3) Funds of a township for redemption of ~~poor relief~~ **township assistance** obligations, to the ~~poor relief~~ **township assistance** fund of the township or rainy day fund of the township, as provided in section 5.1 of this chapter.

(4) Funds of any other political subdivision, to the general fund or rainy day fund of the political subdivision, as provided in section 5.1 of this chapter. However, if the political subdivision is dissolved or does not have a general fund or rainy day fund, then to the general fund of each of the units located in the political subdivision in the same proportion that the assessed valuation of the unit bears to the total assessed valuation of the political subdivision.

(c) Whenever an unused and unencumbered balance remains in the civil township fund of a township and a current tax levy for the fund is not needed, the township fiscal body may order any part of the balance of that fund transferred to the debt service fund of the school corporation located in or partly in the township; but if more than one (1) school corporation is located in or partly in the township, then any sum transferred shall be transferred to the debt service fund of each of those school corporations in the same proportion that the part of the assessed valuation of the school corporation in the township bears to the total assessed valuation of the township.

(d) Transfers to a political subdivision's rainy day fund must be made after the last day of the political subdivision's fiscal year and before March 1 of the subsequent calendar year.

SECTION 172. IC 36-2-9-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. (a) This section does not apply to funds received from the state or the federal government for ~~poor relief,~~ **township assistance,** unemployment relief, old age pensions or other funds that are available under the federal Social Security Act or a federal statute providing for civil and public works projects.

(b) Except for monies that by statute are due and payable from a county treasury to the state or to a township or municipality of the county, money may be paid from a county treasury only upon a warrant drawn by the auditor.

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(c) A warrant may be drawn on a county treasury only if the county fiscal body has made an appropriation for the money for the calendar year in which the warrant is drawn and that appropriation has not been exhausted.

(d) Notwithstanding subsection (c), appropriations by a county fiscal body are not necessary to authorize the drawing of a warrant on and payment from a county treasury for:

(1) money that belongs to the state and is required by statute to be paid into the state treasury;

(2) money that belongs to a school fund, whether principal or interest;

(3) money that belongs to a township or municipality of the county and is required by statute to be paid to the township or municipality;

(4) money that:

(A) is due a person;

(B) has been paid into the county treasury under an assessment on persons or property of the county in territory less than that of the whole county; and

(C) has been paid for construction, maintenance, or purchase of a public improvement;

(5) money that is due a person and has been paid into the county treasury to redeem property from a tax sale or other forced sale;

(6) money that is due a person and has been paid to the county under law as a tender or payment to the person;

(7) taxes erroneously paid;

(8) money paid to a cemetery board under IC 23-14-65-22;

(9) money distributed under IC 23-14-70-3; or

(10) payments under a statute that expressly provides for payments from the county treasury without appropriations by the county fiscal body.

(e) An auditor who knowingly violates this section commits a Class A misdemeanor.

SECTION 173. IC 36-6-4-3, AS AMENDED BY P.L.2-2002, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. The executive shall do the following:

(1) Keep a written record of official proceedings.

(2) Manage all township property interests.

(3) Keep township records open for public inspection.

(4) Attend all meetings of the township legislative body.

(5) Receive and pay out township funds.

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(6) Examine and settle all accounts and demands chargeable against the township.

(7) Administer ~~poor relief~~ **township assistance** under IC 12-20 and IC 12-30-4.

(8) Perform the duties of fence viewer under IC 32-26.

(9) Act as township assessor when required by IC 36-6-5.

(10) Provide and maintain cemeteries under IC 23-14.

(11) Provide fire protection under IC 36-8.

(12) File an annual personnel report under IC 5-11-13.

(13) Provide and maintain township parks and community centers under IC 36-10.

(14) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4.

(15) Provide insulin to the poor under IC 12-20-16.

(16) Perform other duties prescribed by statute.

SECTION 174. IC 36-6-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) At the township legislative body's annual meeting under IC 36-6-6-11, the executive shall:

(1) present an itemized written statement of the estimated expenditures for which appropriations are requested, specifying:

(A) the number of teachers employed;

(B) the salary of each teacher employed;

(C) the property of the township (and supplies on hand);

(D) the estimated value of the property of the township (and supplies on hand);

(E) the supplies necessary for each school; and

(F) the need for ~~poor relief~~ **township assistance** in the township; and

(2) submit to questions from the legislative body or taxpayers concerning expenditures of the township.

(b) The written statement required under subsection (a)(1) must comply with forms prescribed by the state board of accounts and show the amount of each item to be charged against township funds.

SECTION 175. IC 36-10-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) This section applies to all townships having a population of at least eight thousand five hundred (8,500) that contain a town.

(b) The township executive may do the following in relation to township parks:

(1) Purchase, acquire by eminent domain, accept by grant, devise, bequest, or other conveyance, or otherwise acquire land within the

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township for park purposes.

(2) Make necessary improvements on the land.

(3) Maintain and operate the land.

(4) Dispose of all or part of the land that is unnecessary for the park or park purposes.

(c) If the executive decides to acquire land for park purposes under this section, the following procedures apply:

(1) A resolution to that effect shall be adopted by the legislative body and shall be entered upon the minutes of the legislative body. The resolution must be signed by the members of the legislative body and by the executive.

(2) Upon a petition signed in ink by at least one hundred (100) resident taxpayers and freeholders of the township, the executive shall, after the adoption of the resolution, fix a day not less than fifteen (15) nor more than twenty (20) days after adoption during which time remonstrances may be filed with the executive against the resolution.

(3) The executive shall give notice by publication of the resolution and of the time limits for filing remonstrances in accordance with IC 5-3-1.

(4) Remonstrances must be signed in ink and shall be filed not later than the day fixed for the expiration of the time for filing remonstrances in the notices.

(5) If the number of signers of remonstrances exceeds the number of signers who have signed the original petition, determined by the same qualifications, the executive may give notice, in accordance with IC 5-3-1, of a date by which time a supplementary petition containing the names of qualified signers in addition to the names signed to the first petition may be filed asking for acquisition.

(6) A supplemental petition must be signed in ink by signers having the same qualifications as required for the original petition.

(7) If, after the expiration of the period for filing a supplemental petition, it is determined that the number of qualified signers to the original petition and the supplemental petition exceeds the number of signers to the remonstrance, the executive may proceed with the acquisition of land and the improvement and operation of it.

(8) If the number signing the remonstrance is greater than the number signing the original and supplemental petition, then the township may not proceed with the improvement.

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However, the remonstrance does not prevent the acquisition of land or inhibit the power of the executive to acquire parkland unless at least twenty percent (20%) of the resident freeholders who are also legal voters, execute the remonstrance. Only the executive and the legislative body may determine the sufficiency of a petition or remonstrance and the qualifications of a signer. These matters are subject to review only for fraud.

(d) The executive may acquire any property, land, privilege, immunities, or other species of interest reasonably necessary for the park or for the purpose of improving, maintaining, or operating it. The executive may sue in the name of the township for the condemnation of any property, land, privilege, immunities, or other species of interest in accordance with statutes available to municipal corporations for condemnation.

(e) To provide money for any of the purposes of this section, the legislative body may authorize the executive to issue the bonds of the township. However, the total bonds issued and outstanding at any time for such purposes may not exceed ninety thousand dollars ($90,000). The bonds may bear interest at any rate, may be made payable semiannually, shall be sold for at least their par value, and run for a period of not less than ten (10) nor more than twenty (20) years. Parts of the total issue may be sold from time to time as the executive determines. After the authorization of the bonds, the executive shall, in accordance with IC 5-3-1, publish notice of that part of the bonds that will be sold at that time. The notice must state the amount of bonds offered, the denomination, the period to run, the rate of interest, and the date, place, and hour of sale. No part of the bonds may be sold except after notice.

(f) The legislative body shall levy annually a sufficient tax to pay at least the principal and interest of bonds that will mature in the following year, and the executive shall apply the tax to the payment of bonds and interest. The tax levy is in addition to other tax levies. The tax shall be levied and collected on all property within the boundaries of the township, including municipalities. The cost of the care, upkeep, repair, maintenance, and improvement of the park shall be paid out of the general fund of the township, and the legislative body shall increase the levy of the fund each year by an amount sufficient to provide the money to maintain the park.

(g) The executive shall direct the expenditure of the money raised by the bond issue to save money that otherwise would be expended for ~~poor relief.~~ **township assistance.** The executive may offer persons who are able-bodied and capable of work the opportunity to work upon the

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park improvement. If a person refuses without good excuse, the executive shall consider the refusal prima facie evidence that the person is not entitled to ~~poor relief.~~ **township assistance.**

SECTION 176. [EFFECTIVE JULY 1, 2004] **(a) After June 30, 2004, a reference to "poor relief" in a statute, a rule, an interim guideline, a contract, an application for benefits, an eligibility standard, a tax levy, a fund, a bond issue or other form of indebtedness, or any other legal document or order shall be treated as a reference to "township assistance".**

(b) The renaming of "poor relief" as "township assistance" in this act does not affect:

(1) any rights or liabilities accrued;
(2) any penalties incurred;
(3) any violations committed;
(4) any proceedings begun;
(5) any contract;
(6) any application for or standard of benefits;
(7) any tax levy;
(8) any fund;
(9) any bond issue or other form of indebtedness; or
(10) any legal document or order.

SECTION 177. [EFFECTIVE JULY 1, 2004] **(a) The township assistance control board renamed by this act is a continuation of the township poor relief control board.**

(b) The rules adopted by the township poor relief control board shall be treated, after June 30, 2004, as rules of the township assistance control board.

(c) On July 1, 2004, all powers, duties, assets, and liabilities of the township poor relief control board are transferred to the township assistance control board.

(d) After June 30, 2004, a reference to the township poor relief control board shall be treated as a reference to the township assistance control board.

(e) A member of the township poor relief control board appointed under IC 12-20-25-29 (before its amendment by this act) shall continue to serve as a member of the township assistance control board established by IC 12-20-25-29, as amended by this act, until the end of the term for which the member was appointed.

SECTION 178. [EFFECTIVE JULY 1, 2004] **(a) Notwithstanding the amendment of IC 12-20-25-40 by this act, funds that are in the county income tax poor relief control fund as of June 30, 2004, are transferred to the county income tax township assistance control**

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fund established by IC 12-20-25-40, as amended by this act.

(b) Notwithstanding the amendment of IC 12-20-25-51 by this act, funds that are in the distressed township supplemental poor relief fund as of June 30, 2004, are transferred to the distressed township supplemental township assistance fund established by IC 12-20-25-51, as amended by this act.

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SENATE MOTION

Madam President: I move that Senator Riegsecker be added as second author of Senate Bill 39.

LANDSKE

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that, pursuant to Senate Rule 73, I have received from Senator Landske, author of Senate Bill 39, permission for Senator Riegsecker, as second author, to call this bill for action.

GARTON

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COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 39, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 39 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 6, Nays 0.

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