

# HOUSE BILL No. 1395

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-8-1-31.5; IC 3-10; IC 3-11-2-12; IC 5-11-1-4; IC 6-1.1-17; IC 12-20; IC 15-16-8-0.5; IC 16-31-5-1; IC 16-41-19-7; IC 23-14; IC 32-26; IC 33-34; IC 36-1-8-17; IC 36-6; IC 36-8; IC 36-9-17.5-1; IC 36-10; IC 36-12-1-7.5.

**Synopsis:** Local government issues. Provides that in a township containing territory within a municipality that has a population of at least 10,000, after December 31, 2012: (1) the township may continue to exercise the township's powers and duties only within the territory of the township that is unincorporated or is within a municipality that is located in the township and has a population of less than 10,000; and (2) within each municipality that has a population of 10,000 at least or within the consolidated city, the municipal executive shall exercise the powers and duties otherwise granted to the township trustee, and the municipal fiscal and legislative body shall exercise the powers and duties otherwise granted to the township board. Specifies that in the case of a township that has all of its territory within any municipality having a population of at least 10,000 or a county having a consolidated city, the offices of township trustee, township board, and township assessor (if any) of such a township are abolished on January 1, 2013. Provides that after December 31, 2012, in a county having a consolidated city, salaries of small claims court judges shall be established by ordinance of the city-county council and shall be paid by the county in the same installments as judges of the superior court in the county. Provides that for elections in 2012 and thereafter, a candidate for the office of township board or township trustee must  
(Continued next page)

**Effective:** July 1, 2011; January 1, 2013.

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January 18, 2011, read first time and referred to Committee on Government and Regulatory Reform.

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reside in the area of the township that is in unincorporated territory or is within a municipality that is located in the township and has a population of less than 10,000. Provides that a township with a population of less than 1,500 must before January 1, 2014, merge with another township government under the township merger statutes. Requires the department of local government finance (DLGF) to adjust the maximum permissible property tax levies, maximum permissible property tax rates, and budgets of: (1) each township from which powers, duties, and obligations are transferred; and (2) each municipality or county to which powers, duties, and obligations are transferred; as the department of local government finance determines necessary to account for the transfers of those duties, powers, and obligations. Provides that under certain conditions, an additional township assistance levy shall be imposed in 2013 and thereafter on property within the unincorporated territory of the township and within municipalities located in the township and having a population of less than 10,000. Specifies that if such a levy is imposed, the revenue is transferred to municipalities having a population of at least 10,000 within the township to be used for township assistance purposes. Makes the following changes concerning township government: (1) Provides that if a trustee does not accept a completed application for township assistance or does not grant or deny a completed application for township assistance within the period required by statute, the application is considered denied, and the denial may be appealed to the board of county commissioners. (2) Provides that after December 31, 2014, the total compensation and benefits paid to a township board member may not exceed \$5,000 per year. (3) Specifies that each township office must include the address and phone number of the township office in at least one local telephone directory. (4) Requires all township trustees to maintain a telephone answering service and respond to inquiries within a specified time. (5) Requires a public hearing of a township legislative body to be held in a public place if one is available in the township. (6) Provides that if the township board fails to adopt township standards for two years, the DLGF may not approve the township budget and levy, and township board members may not receive any salary until the standards are adopted. (7) Provides that if the township trustee fails to file the township standards with the board of county commissioners for two years, the DLGF may not approve the township's budget and levy and the township trustee may not receive any salary until the standards are filed. (8) Provides that a township trustee may receive rental payments from the township only for use of office space located in the trustee's private residence if the space is used exclusively for conducting official township business and the rental payments do not exceed the rate charged for comparable commercial office space. Specifies that the annual report of a local governmental unit must be filed with the state board of accounts not later than March 1 of each fiscal year. Provides that an individual who is an immediate family member of an officer or employee of a political subdivision may not be employed by the political subdivision in a position in which the individual would have a direct supervisory or subordinate relationship with the officer or employee who is the individual's immediate family member. Specifies that this provision does not require the termination or reassignment of a township employee from a position held by that individual before January 1, 2011.

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Introduced

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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## HOUSE BILL No. 1395

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

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

1 SECTION 1. IC 3-8-1-31.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2011]: **Sec. 31.5. For elections in 2012 and thereafter, a candidate**  
4 **for:**

5 (1) **the office of township board; or**  
6 (2) **the office of township trustee;**  
7 **in a township described in IC 36-6-1.1-3 must reside in the area of**  
8 **the township that is in unincorporated territory or is within a**  
9 **municipality that is located in the township and has a population**  
10 **of less than ten thousand (10,000).**

11 SECTION 2. IC 3-10-1-19, AS AMENDED BY P.L.146-2008,  
12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2011]: Sec. 19. (a) The ballot for a primary election shall be  
14 printed in substantially the following form for all the offices for which  
15 candidates have qualified under IC 3-8:



## OFFICIAL PRIMARY BALLOT

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\_\_\_\_\_ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

- (1) AB \_\_\_\_\_  
 (2) CD \_\_\_\_\_  
 (3) EF \_\_\_\_\_  
 (4) GH \_\_\_\_\_

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

- (1) Federal and state offices:  
 (A) President of the United States.  
 (B) United States Senator.  
 (C) Governor.  
 (D) United States Representative.
- (2) Legislative offices:  
 (A) State senator.  
 (B) State representative.
- (3) Circuit offices and county judicial offices:  
 (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.  
 (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.  
 (C) Judge of the probate court.  
 (D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.  
 (E) Prosecuting attorney.  
 (F) Circuit court clerk.
- (4) County offices:  
 (A) County auditor.

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- 1 (B) County recorder.
- 2 (C) County treasurer.
- 3 (D) County sheriff.
- 4 (E) County coroner.
- 5 (F) County surveyor.
- 6 (G) County assessor.
- 7 (H) County commissioner.
- 8 (I) County council member.
- 9 (5) Township offices:
- 10 (A) Township assessor (only in a township referred to in
- 11 IC 36-6-5-1(d)). **This clause does not apply to elections in**
- 12 **2012 and thereafter in a township described in**
- 13 **IC 36-6-1.1-4.**
- 14 (B) Township trustee. **This clause does not apply to elections**
- 15 **in 2012 and thereafter in a township described in**
- 16 **IC 36-6-1.1-4.**
- 17 (C) Township board member. **This clause does not apply to**
- 18 **elections in 2012 and thereafter in a township described in**
- 19 **IC 36-6-1.1-4.**
- 20 (D) Judge of the small claims court.
- 21 (E) Constable of the small claims court.
- 22 (6) City offices:
- 23 (A) Mayor.
- 24 (B) Clerk or clerk-treasurer.
- 25 (C) Judge of the city court.
- 26 (D) City-county council member or common council member.
- 27 (7) Town offices:
- 28 (A) Clerk-treasurer.
- 29 (B) Judge of the town court.
- 30 (C) Town council member.
- 31 (c) The political party offices with candidates for election shall be
- 32 placed on the primary election ballot in the following order after the
- 33 offices described in subsection (b):
- 34 (1) Precinct committeeman.
- 35 (2) State convention delegate.
- 36 (d) The following offices and public questions shall be placed on the
- 37 primary election ballot in the following order after the offices described
- 38 in subsection (c):
- 39 (1) School board offices to be elected at the primary election.
- 40 (2) Other local offices to be elected at the primary election.
- 41 (3) Local public questions.
- 42 (e) The offices and public questions described in subsection (d)

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- 1 shall be placed:
- 2 (1) in a separate column on the ballot if voting is by paper ballot;
- 3 (2) after the offices described in subsection (c) in the form
- 4 specified in IC 3-11-13-11 if voting is by ballot card; or
- 5 (3) either:
- 6 (A) on a separate screen for each office or public question; or
- 7 (B) after the offices described in subsection (c) in the form
- 8 specified in IC 3-11-14-3.5;
- 9 if voting is by an electronic voting system.
- 10 (f) A public question shall be placed on the primary election ballot
- 11 in the following form:
- 12 (The explanatory text for the public question,
- 13 if required by law.)
- 14 "Shall (insert public question)?"
- 15  YES
- 16  NO
- 17 SECTION 3. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,
- 18 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2011]: Sec. 13. (a) The following public officials shall be
- 20 elected at the general election before their terms of office expire and
- 21 every four (4) years thereafter:
- 22 (1) Clerk of the circuit court.
- 23 (2) County auditor.
- 24 (3) County recorder.
- 25 (4) County treasurer.
- 26 (5) County sheriff.
- 27 (6) County coroner.
- 28 (7) County surveyor.
- 29 (8) County assessor.
- 30 (9) County commissioner.
- 31 (10) County council member.
- 32 (11) Township trustee. **This subdivision does not apply to**
- 33 **elections in 2012 and thereafter in a township described in**
- 34 **IC 36-6-1.1-4.**
- 35 (12) Township board member. **This subdivision does not apply**
- 36 **to elections in 2012 and thereafter in a township described in**
- 37 **IC 36-6-1.1-4.**
- 38 (13) Township assessor (only in a township referred to in
- 39 IC 36-6-5-1(d)). **This subdivision does not apply to elections in**
- 40 **2012 and thereafter in a township described in IC 36-6-1.1-4.**
- 41 (14) Judge of a small claims court.
- 42 (15) Constable of a small claims court.

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1 (b) This subsection applies only to a township described in  
2 IC 36-6-1.1-4. Notwithstanding subsection (a), the term of office of  
3 an individual elected to any of the following offices at the general  
4 election in 2010 expires January 1, 2013:

- 5 (1) Township trustee.
- 6 (2) Township board member.
- 7 (3) Township assessor.

8 **This subsection expires July 1, 2015.**

9 SECTION 4. IC 3-11-2-12, AS AMENDED BY P.L.146-2008,  
10 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2011]: Sec. 12. The following offices shall be placed on the  
12 general election ballot in the following order:

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

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- 1 (E) County coroner.
- 2 (F) County surveyor.
- 3 (G) County assessor.
- 4 (H) County commissioner.
- 5 (I) County council member.
- 6 (5) Township offices:
  - 7 (A) Township assessor (only in a township referred to in
  - 8 IC 36-6-5-1(d)). **This clause does not apply to elections in**
  - 9 **2012 and thereafter in a township described in**
  - 10 **IC 36-6-1.1-4.**
  - 11 (B) Township trustee. **This clause does not apply to elections**
  - 12 **in 2012 and thereafter in a township described in**
  - 13 **IC 36-6-1.1-4.**
  - 14 (C) Township board member. **This clause does not apply to**
  - 15 **elections in 2012 and thereafter in a township described in**
  - 16 **IC 36-6-1.1-4.**
  - 17 (D) Judge of the small claims court.
  - 18 (E) Constable of the small claims court.
- 19 (6) City offices:
  - 20 (A) Mayor.
  - 21 (B) Clerk or clerk-treasurer.
  - 22 (C) Judge of the city court.
  - 23 (D) City-county council member or common council member.
- 24 (7) Town offices:
  - 25 (A) Clerk-treasurer.
  - 26 (B) Judge of the town court.
  - 27 (C) Town council member.

28 SECTION 5. IC 5-11-1-4, AS AMENDED BY P.L.176-2009,  
 29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2011]: Sec. 4. The state examiner shall require from every  
 31 municipality and every state or local governmental unit, entity, or  
 32 instrumentality financial reports covering the full period of each fiscal  
 33 year. These reports shall be prepared, verified, and filed with the state  
 34 examiner not later than ~~sixty (60) days after the close of~~ **March 1 of**  
 35 each fiscal year. The reports must be filed electronically, in a manner  
 36 prescribed by the state examiner that is compatible with the technology  
 37 employed by the political subdivision.

38 SECTION 6. IC 6-1.1-17-3, AS AMENDED BY P.L.182-2009(ss),  
 39 SECTION 114, IS AMENDED TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The proper officers of a  
 41 political subdivision shall formulate its estimated budget and its  
 42 proposed tax rate and tax levy on the form prescribed by the

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1 department of local government finance and approved by the state  
2 board of accounts. The political subdivision shall give notice by  
3 publication to taxpayers of:

- 4 (1) the estimated budget;
- 5 (2) the estimated maximum permissible levy;
- 6 (3) the current and proposed tax levies of each fund; and
- 7 (4) the amounts of excessive levy appeals to be requested.

8 In the notice, the political subdivision shall also state the time and  
9 place at which a public hearing will be held on these items. The notice  
10 shall be published twice in accordance with IC 5-3-1 with the first  
11 publication at least ten (10) days before the date fixed for the public  
12 hearing. Beginning in 2009, the duties required by this subsection must  
13 be completed before September 10 of the calendar year.

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

- 17 (1) in any county of the solid waste management district; and
- 18 (2) in accordance with the annual notice of meetings published  
19 under IC 13-21-5-2.

20 (c) **Except as provided in subsections (d) and (e)**, the trustee of  
21 each township in the county shall estimate the amount necessary to  
22 meet the cost of township assistance in the township for the ensuing  
23 calendar year. The township board shall adopt with the township  
24 budget a tax rate sufficient to meet the estimated cost of township  
25 assistance. The taxes collected as a result of the tax rate adopted under  
26 this subsection are credited to the township assistance fund.

27 ~~(d) This subsection expires January 1, 2009. A county shall adopt~~  
28 ~~with the county budget and the department of local government finance~~  
29 ~~shall certify under section 16 of this chapter a tax rate sufficient to raise~~  
30 ~~the levy necessary to pay the following:~~

- 31 ~~(1) The cost of child services (as defined in IC 12-19-7-1) of the~~  
32 ~~county payable from the family and children's fund.~~
- 33 ~~(2) The cost of children's psychiatric residential treatment~~  
34 ~~services (as defined in IC 12-19-7.5-1) of the county payable from~~  
35 ~~the children's psychiatric residential treatment services fund.~~

36 ~~A budget, tax rate, or tax levy adopted by a county fiscal body or~~  
37 ~~approved or modified by a county board of tax adjustment that is less~~  
38 ~~than the levy necessary to pay the costs described in subdivision (1) or~~  
39 ~~(2) shall not be treated as a final budget, tax rate, or tax levy under~~  
40 ~~section 11 of this chapter.~~

41 **(d) This subsection applies to budgets for calendar years after**  
42 **2012 and to taxes first due and payable after 2012 for a township**

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1 described in IC 36-6-1.1-3. In 2012 and each year thereafter, the  
 2 township trustee of each township described in IC 36-6-1.1-3 shall  
 3 estimate the amount necessary to meet the cost of providing  
 4 township services for the ensuing calendar year in the areas of the  
 5 township that are not within a municipality to which township  
 6 powers and duties have been transferred under IC 36-6-1.1.  
 7 Subject to any applicable limits on the maximum permissible ad  
 8 valorem property tax levies for the township, the township board  
 9 shall adopt the budget for the township for calendar year 2012 and  
 10 thereafter for purposes of providing township services in the areas  
 11 of the township that are not within a municipality to which  
 12 township powers and duties have been transferred under  
 13 IC 36-6-1.1. The taxes collected as a result of the tax rate adopted  
 14 under this subsection shall be credited to the appropriate township  
 15 fund.

16 (e) This subsection applies to budgets for calendar years after  
 17 2012 and to taxes first due and payable after 2012 for a township  
 18 described in IC 36-6-1.1-4. In 2012 and each year thereafter, the  
 19 municipal executive shall estimate the amount necessary to meet  
 20 the cost of providing township services for the ensuing calendar  
 21 year within the municipality. The municipal fiscal body shall adopt  
 22 with the municipal budget a tax rate that is:

- 23 (1) uniform throughout the part of the township that is within
- 24 the municipality; and
- 25 (2) sufficient to meet the estimated cost of providing:
  - 26 (A) in the ensuing year; and
  - 27 (B) within the part of the township that is within the
  - 28 municipality;
- 29 the services formerly performed by the township and
- 30 transferred to the municipality under IC 36-6-1.1-4.

31 The taxes collected as a result of the tax rate adopted under this  
 32 subsection shall be credited to the appropriate municipal funds.

33 SECTION 7. IC 6-1.1-17-5, AS AMENDED BY P.L.111-2010,  
 34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2011]: Sec. 5. (a) The officers of political subdivisions shall  
 36 meet each year to fix the budget, tax rate, and tax levy of their  
 37 respective subdivisions for the ensuing budget year as follows:

- 38 (1) The board of school trustees of a school corporation that is
- 39 located in a city having a population of more than one hundred
- 40 five thousand (105,000) but less than one hundred twenty
- 41 thousand (120,000), not later than:
  - 42 (A) the time required in section 5.6(b) of this chapter; or

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1 (B) November 1 if a resolution adopted under section 5.6(d) of  
 2 this chapter is in effect.  
 3 (2) The proper officers of all other political subdivisions that are  
 4 not school corporations, not later than November 1.  
 5 (3) The governing body of a school corporation (other than a  
 6 school corporation described in subdivision (1)) that elects to  
 7 adopt a budget under section 5.6 of this chapter for budget years  
 8 beginning after June 30, 2011, not later than the time required  
 9 under section 5.6(b) of this chapter for budget years beginning  
 10 after June 30, 2011.  
 11 (4) The governing body of a school corporation that is not  
 12 described in subdivision (1) or (3), not later than November 1.  
 13 Except in a consolidated city and county and in a second class city, the  
 14 public hearing required by section 3 of this chapter must be completed  
 15 at least ten (10) days before the proper officers of the political  
 16 subdivision meet to fix the budget, tax rate, and tax levy. In a  
 17 consolidated city and county and in a second class city, that public  
 18 hearing, by any committee or by the entire fiscal body, may be held at  
 19 any time after introduction of the budget.  
 20 (b) Ten (10) or more taxpayers may object to a budget, tax rate, or  
 21 tax levy of a political subdivision fixed under subsection (a) by filing  
 22 an objection petition with the proper officers of the political  
 23 subdivision not more than seven (7) days after the hearing. The  
 24 objection petition must specifically identify the provisions of the  
 25 budget, tax rate, and tax levy to which the taxpayers object.  
 26 (c) If a petition is filed under subsection (b), the fiscal body of the  
 27 political subdivision shall adopt with its budget a finding concerning  
 28 the objections in the petition and any testimony presented at the  
 29 adoption hearing.  
 30 (d) This subsection does not apply to a school corporation. Each  
 31 year at least two (2) days before the first meeting of the county board  
 32 of tax adjustment held under IC 6-1.1-29-4, a political subdivision shall  
 33 file with the county auditor:  
 34 (1) a statement of the tax rate and levy fixed by the political  
 35 subdivision for the ensuing budget year;  
 36 (2) two (2) copies of the budget adopted by the political  
 37 subdivision for the ensuing budget year; and  
 38 (3) two (2) copies of any findings adopted under subsection (c).  
 39 Each year the county auditor shall present these items to the county  
 40 board of tax adjustment at the board's first meeting under  
 41 IC 6-1.1-29-4.  
 42 (e) In a consolidated city and county and in a second class city, the

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1 clerk of the fiscal body shall, notwithstanding subsection (d), file the  
2 adopted budget and tax ordinances with the county board of tax  
3 adjustment within two (2) days after the ordinances are signed by the  
4 executive, or within two (2) days after action is taken by the fiscal body  
5 to override a veto of the ordinances, whichever is later.

6 (f) If a fiscal body does not fix the budget, tax rate, and tax levy of  
7 the political subdivisions for the ensuing budget year as required under  
8 this section, the most recent annual appropriations and annual tax levy  
9 are continued for the ensuing budget year.

10 (g) **This subsection applies only to a township. If a township  
11 does not comply with IC 12-20-5.5-1.5, the department may not  
12 approve the budget and levy of the township.**

13 SECTION 8. IC 12-20-1-6 IS ADDED TO THE INDIANA CODE  
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
15 1, 2011]: **Sec. 6. (a) This section applies only to a municipality in  
16 which one (1) or more townships have had their powers and duties  
17 transferred to the municipality under IC 36-6-1.1-3 or  
18 IC 36-6-1.1-4.**

19 (b) **As used in this section, "administrator" means the individual  
20 designated to administer township assistance within a municipality.**

21 (c) **The municipal executive shall designate an individual to  
22 administer township assistance under IC 12-20 and IC 12-30-4  
23 beginning January 1, 2013, throughout the municipality. The  
24 administrator is under the supervision of the municipal executive  
25 and holds the position at the pleasure of the municipal executive.**

26 (d) **The following apply to the administration of township  
27 assistance under subsection (c):**

28 (1) **A suit or proceeding in favor of or against the  
29 administrator concerning township assistance shall be  
30 conducted in favor of or against the municipality in the  
31 municipality's corporate name.**

32 (2) **The administrator is subject to the same privileges and  
33 immunities as are accorded to a township trustee under  
34 IC 12-20-3.**

35 (3) **The administrator shall propose standards for the issuance  
36 of township assistance within each township and the  
37 processing of applications for township assistance that meet  
38 the requirements of IC 12-20-5.5. The standards are effective  
39 upon being adopted by the municipal legislative body and  
40 filed with the municipal executive.**

41 (4) **The administrator has the same powers in the  
42 administration of township assistance within the municipality**

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1 as a township trustee has in the administration of township  
2 assistance for a township under IC 12-20-4, IC 12-20-5,  
3 IC 12-20-15, IC 12-20-16, IC 12-20-17, IC 12-20-18, and  
4 IC 12-20-19.

5 (5) The same standards and requirements that:

6 (A) apply to; or

7 (B) may be imposed upon;

8 recipients of and applicants for township assistance under  
9 IC 12-20-6, IC 12-20-7, IC 12-20-8, IC 12-20-9, IC 12-20-10,  
10 IC 12-20-11, IC 12-20-12, and IC 12-20-13 apply to or may be  
11 imposed upon recipients of and applicants for township  
12 assistance administered by the administrator.

13 (6) The administrator may assert a claim against the estate of  
14 an individual who received township assistance from the  
15 municipality to the same extent as a township trustee may  
16 assert a claim under IC 12-20-27 against the estate of an  
17 individual who received township assistance from a township.

18 (7) The administrator is subject to the same reporting  
19 requirements with respect to township assistance as a  
20 township trustee is subject to under IC 12-20-28.

21 (8) State and local agencies shall provide the administrator  
22 with the information provided to a township trustee under  
23 IC 12-20-7. The administrator is subject to the criminal  
24 penalty set forth in IC 12-20-7-6 for disclosure of information.

25 (9) An applicant for township assistance and the  
26 administrator may appeal a decision regarding township  
27 assistance in the same manner that an appeal is taken under  
28 IC 12-20-15.

29 (e) Any application for township assistance for which the  
30 township has not entered a final decision regarding the granting or  
31 denial of township assistance by the close of business on December  
32 31, 2012, shall be treated as a new application filed with the  
33 municipality on January 1, 2013. The administrator shall make a  
34 decision on the application in accordance with the uniform  
35 standards adopted under subsection (d)(3).

36 (f) Any application for township assistance that has been  
37 granted before January 1, 2013, but for which assistance has not  
38 been disbursed by the township, shall be disbursed and  
39 administered by the administrator in accordance with the  
40 township's grant of township assistance.

41 SECTION 9. IC 12-20-1-7 IS ADDED TO THE INDIANA CODE  
42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1 1, 2011]: **Sec. 7. (a) This section applies after December 31, 2012,**  
2 **and applies only to a township that is described in IC 36-6-1.1-3.**

3 (b) **In a township subject to this section, the township trustee**  
4 **shall continue to administer township assistance in the territory**  
5 **that is not within a municipality to which township powers and**  
6 **duties have been transferred under IC 36-6-1.1.**

7 SECTION 10. IC 12-20-1-8 IS ADDED TO THE INDIANA CODE  
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
9 1, 2011]: **Sec. 8. (a) This section applies only to a municipality**  
10 **containing all or part of a township described in IC 36-6-1.1-3 or**  
11 **IC 36-6-1.1-4.**

12 (b) **The municipality shall establish a township assistance fund.**

13 (c) **The fund shall be raised by a tax levy that:**

- 14 (1) **is in addition to all other tax levies authorized; and**
- 15 (2) **shall be levied annually by the municipal fiscal body:**
  - 16 (A) **on all taxable property within the municipality; and**
  - 17 (B) **in the amount necessary to pay the items, awards,**
  - 18 **claims, allowances, assistance, and other expenses set forth**
  - 19 **in the annual municipal budget for township assistance in**
  - 20 **the part of the township that is located within the**
  - 21 **municipality.**

22 (d) **The tax imposed under this section shall be collected as other**  
23 **municipal ad valorem taxes are collected.**

24 (e) **The following shall be paid into the fund:**

- 25 (1) **All receipts from the tax imposed under this section.**
- 26 (2) **Earnings on the money deposited in the fund.**
- 27 (3) **Any other money required by law to be placed in the fund.**

28 (f) **The fund is available to pay expenses and obligations set**  
29 **forth in the annual budget.**

30 (g) **Money in the fund at the end of a budget year does not**  
31 **revert to the municipal general fund.**

32 SECTION 11. IC 12-20-1-9 IS ADDED TO THE INDIANA CODE  
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
34 1, 2011]: **Sec. 9. (a) This section applies only to a township**  
35 **described in IC 36-6-1.1-3.**

36 (b) **Except as provided in subsection (d), the township shall in**  
37 **2013 and thereafter impose a township assistance transfer**  
38 **property tax levy that:**

- 39 (1) **is in addition to all other tax levies authorized; and**
- 40 (2) **shall be levied annually by the township on all taxable**
- 41 **property within the unincorporated territory of the township**
- 42 **and within a municipality that is located in the township and**

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has a population of less than ten thousand (10,000).

(c) The amount of the township assistance transfer property tax levy is determined under STEP FOUR:

STEP ONE: Determine the result of:

(A) the part of the township's township assistance expenditures in 2011 that were paid to a recipient residing within a municipality that is located in the township and has a population of at least ten thousand (10,000); divided by

(B) township's total township assistance expenditures in 2011.

STEP TWO: Determine the result of:

(A) the part of the township's 2010 certified assessed valuation that was for property located within municipalities located in the township and having a population of ten thousand (10,000) or more; divided by

(B) the township's total 2010 certified assessed valuation.

STEP THREE: Determine the result of:

(A) the percentage determined in STEP ONE; minus

(B) the percentage determined in STEP TWO.

STEP FOUR: If the result determined in STEP THREE is positive, determine the result of:

(A) the STEP THREE result; multiplied by

(B) the township's total township assistance expenditures in 2011.

(d) If the result determined in STEP THREE of subsection (c) is negative, the township shall not in 2013 and thereafter impose a township assistance transfer property tax levy under this section.

(e) The tax imposed under this section shall be collected as other township ad valorem taxes are collected.

(f) All receipts from the tax imposed under this section shall be transferred to the fiscal officer of each municipality that is located in the township and has a population of at least ten thousand (10,000), to be used for township assistance purposes. If within the township there is more than one (1) municipality that is located in the township and has a population of at least ten thousand (10,000), the amount that shall be transferred to the fiscal officer of each municipality that is located in the township and has a population of at least ten thousand (10,000) is equal to:

(1) the municipality's 2010 certified assessed valuation; divided by

(2) the total of the 2010 certified assessed valuation of all

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property that was:

(A) within the township; and

(B) within a municipality that is located in the township and has a population of at least ten thousand (10,000).

SECTION 12. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) The township trustee shall process all applications for 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 township assistance and the processing of applications must be:

(1) governed by the requirements of this article;

(2) **except as provided in subdivision (3)**, proposed by the township trustee, adopted by the township board, and filed with the board of county commissioners;

**(3) after December 31, 2012, for township assistance provided within a municipality to which township powers and duties have been transferred under IC 36-6-1.1, proposed by the municipal executive and adopted by ordinance of the municipal legislative body;**

~~(3)~~ (4) reviewed and updated annually to reflect changes in the cost of basic necessities in the township and changes in the law;

~~(4)~~ (5) published in a single written document, including addenda attached to the document; and

~~(5)~~ (6) posted in a place prominently visible to the public in all offices of the township trustee where township assistance applications are taken or processed.

SECTION 13. IC 12-20-5.5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 1.5. (a) A township shall adopt standards for the issuance of township assistance and the processing of applications each calendar year. The township's standards must be adopted by the township board not later than March 31 of each year.**

**(b) The township trustee shall file the following with the county auditor not later than December 1 of each year:**

(1) A statement:

(A) signed by all members of the township board;

(B) subject to the penalties for perjury; and

(C) stating whether the township board adopted the township's standards for the year preceding the ensuing

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calendar year.

**(2) A statement by the township trustee:**

**(A) signed by the township trustee;**

**(B) subject to the penalties for perjury; and**

**(C) stating whether the trustee filed the township standards for the year preceding the ensuing calendar year with the board of county commissioners.**

**The county auditor shall forward the statement to the department of local government finance not later than December 31 each year.**

**(c) If the township board fails to adopt township standards for the two (2) years preceding the ensuing year:**

**(1) the department of local government finance may not approve the budget and levy of the township; and**

**(2) township board members may not receive any salary until the township's standards for the ensuing calendar year are adopted.**

**(d) If the township board adopts township standards and the township trustee fails to file the township standards with the board of county commissioners under section 1 of this chapter for the two (2) years preceding the ensuing year:**

**(1) the department of local government finance may not approve the budget and levy of the township; and**

**(2) the township trustee may not receive any salary until the township's standards for the preceding calendar years are filed with the board of county commissioners.**

SECTION 14. IC 12-20-5.5-4, AS AMENDED BY P.L.73-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: 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 township assistance office in a township with a population of at least ten thousand (10,000) shall provide scheduled office hours for township assistance and staff each office with an individual qualified to:

(1) determine eligibility; and

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

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

(1) Provide township assistance office hours for at least fourteen

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- 1 (14) hours per week.
- 2 (2) Provide that there is not more than one (1) weekday between
- 3 the days the township assistance office is open.
- 4 ~~(3) Provide for after hours access to the township assistance office~~
- 5 ~~by use of an answering machine or a service:~~
- 6 ~~(A) capable of taking messages; and~~
- 7 ~~(B) programmed to provide information about township~~
- 8 ~~assistance office hours.~~
- 9 ~~(4) Respond to a telephone inquiry for township assistance~~
- 10 ~~services not more than twenty-four (24) hours, excluding~~
- 11 ~~Saturdays, Sundays, and legal holidays, after receiving the~~
- 12 ~~inquiry.~~
- 13 ~~(5) (3) Post township assistance office hours and telephone~~
- 14 ~~numbers at the entrance to each township assistance office.~~

15 SECTION 15. IC 12-20-5.5-4.1 IS ADDED TO THE INDIANA  
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2011]: **Sec. 4.1. A township trustee shall:**

- 18 **(1) provide for after hours access to the township assistance**
- 19 **office by use of an answering machine or a service:**
- 20 **(A) capable of taking messages; and**
- 21 **(B) programmed to provide information about township**
- 22 **assistance office hours; and**
- 23 **(2) respond to a telephone inquiry for township assistance**
- 24 **services not more than twenty-four (24) hours, excluding**
- 25 **Saturdays, Sundays, and legal holidays, after receiving the**
- 26 **inquiry.**

27 SECTION 16. IC 12-20-5.5-6 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 6. (a) A township**  
 29 **trustee or (for standards applicable after December 31, 2012, in a**  
 30 **municipality to which township powers and duties have been**  
 31 **transferred under IC 36-6-1.1) the municipal legislative body** shall  
 32 set income standards for the township that provide for financial  
 33 eligibility in an amount consistent with reasonable costs of basic  
 34 necessities in the trustee's particular township.

35 (b) A township trustee **or (for standards applicable after**  
 36 **December 31, 2012, in a municipality to which township powers**  
 37 **and duties have been transferred under IC 36-6-1.1) the municipal**  
 38 **legislative body** may not consider a Holocaust victim's settlement  
 39 payment received by an eligible individual when setting income  
 40 standards under this section.

41 SECTION 17. IC 12-20-6-7, AS AMENDED BY P.L.73-2005,  
 42 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2011]: Sec. 7. (a) In a case of emergency, a trustee shall  
2 accept and promptly act upon a completed application from an  
3 individual requesting assistance. In a nonemergency request for  
4 township assistance, the trustee shall act on the completed application  
5 not later than seventy-two (72) hours after receiving the application,  
6 excluding weekends and legal holidays listed in IC 1-1-9. The trustee's  
7 office shall retain a copy of each application and affidavit whether or  
8 not relief is granted.

9 (b) The actions that a trustee may take on a completed application  
10 for township assistance, except in a case of emergency, are the  
11 following:

- 12 (1) Grant assistance.
- 13 (2) Deny assistance, including a partial denial of assistance  
14 requested.
- 15 (3) Leave the decision pending.

16 (c) A decision pending determination under subsection (b)(3):  
17 (1) may not remain pending for more than seventy-two (72) hours  
18 after the expiration of the period described in subsection (a); and  
19 (2) must include a statement listing the specific reasons that  
20 assistance is not granted or denied within the period required  
21 under subsection (a).

22 **(d) If a trustee does not:**  
23 **(1) accept a completed application for township assistance; or**  
24 **(2) grant or deny a completed application for township**  
25 **assistance within the period required under this section;**  
26 **the application is considered denied, and the denial may be**  
27 **appealed under IC 12-20-15.**

28 SECTION 18. IC 12-20-15-1, AS AMENDED BY P.L.73-2005,  
29 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2011]: Sec. 1. If an applicant for or recipient of township  
31 assistance:

- 32 (1) is not satisfied with the decision of the township trustee, as  
33 administrator of township assistance; **or**
- 34 (2) **has had an application denied under IC 12-20-6-7(d);**  
35 the applicant or recipient may appeal to the board of commissioners.

36 SECTION 19. IC 12-20-15-2, AS AMENDED BY P.L.73-2005,  
37 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2011]: Sec. 2. An applicant for township assistance must file  
39 the applicant's appeal not more than fifteen (15) days from the date:

- 40 (1) of issuance by the township trustee of adequate written notice  
41 of the denial of township assistance as provided by IC 12-20-6-8;
- 42 **or**

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1           **(2) the application is denied under IC 12-20-6-7(d).**  
2           An appeal must be made in writing or orally as required by the board  
3           of commissioners.

4           SECTION 20. IC 15-16-8-0.5 IS ADDED TO THE INDIANA  
5           CODE AS A NEW SECTION TO READ AS FOLLOWS  
6           [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. In the case of a township**  
7           **described in IC 36-6-1.1-3 or IC 36-6-1.1-4:**

8           **(1) after December 31, 2012, the township board may continue**  
9           **to exercise the powers and duties of the township board under**  
10           **this chapter only in:**

- 11           **(A) any unincorporated area of the township; and**
- 12           **(B) a municipality that is located in the township and has**  
13           **a population of less than ten thousand (10,000);**

14           **(2) after December 31, 2012, the township trustee may**  
15           **continue to exercise the powers and duties of the township**  
16           **trustee under this chapter only in:**

- 17           **(A) any unincorporated area of the township; and**
- 18           **(B) a municipality that is located in the township and has**  
19           **a population of less than ten thousand (10,000); and**

20           **(3) within each municipality that is located in the township**  
21           **and to which township powers and duties have been**  
22           **transferred under IC 36-6-1.1:**

23           **(A) the municipal executive shall after December 31, 2012,**  
24           **exercise the powers and duties of the township trustee**  
25           **under this chapter; and**

26           **(B) the municipal legislative and fiscal body shall after**  
27           **December 31, 2012, exercise the powers and duties of the**  
28           **township board under this chapter.**

29           SECTION 21. IC 16-31-5-1 IS AMENDED TO READ AS  
30           FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 1. (a) In the case of a**  
31           **township described in IC 36-6-1.1-3 or IC 36-6-1.1-4:**

32           **(1) after December 31, 2012, the township board may continue**  
33           **to exercise the powers and duties of the township board under**  
34           **this chapter only in:**

- 35           **(A) any unincorporated area of the township; and**
- 36           **(B) a municipality that is located in the township and has**  
37           **a population of less than ten thousand (10,000);**

38           **(2) after December 31, 2012, the township trustee may**  
39           **continue to exercise the powers and duties of the township**  
40           **trustee under this chapter only in:**

- 41           **(A) any unincorporated area of the township; and**
- 42           **(B) a municipality that is located in the township and has**

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**a population of less than ten thousand (10,000); and  
(3) within each municipality that is located in the township  
and to which township powers and duties have been  
transferred under IC 36-6-1.1:**

**(A) the municipal executive shall after December 31, 2012,  
exercise the powers and duties of the township trustee  
under this chapter; and**

**(B) the municipal legislative and fiscal body shall after  
December 31, 2012, exercise the powers and duties of the  
township board under this chapter.**

**(b) The governing body of a city, town, township, or county by the  
governing body's action or in any combination may do the following:**

(1) Establish, operate, and maintain emergency medical services.

(2) Levy taxes under and limited by IC 6-3.5 and expend  
appropriated funds of the political subdivision to pay the costs  
and expenses of establishing, operating, maintaining, or  
contracting for emergency medical services.

(3) Except as provided in section 2 of this chapter, authorize,  
franchise, or contract for emergency medical services. However:

(A) a county may not provide, authorize, or contract for  
emergency medical services within the limits of any city  
without the consent of the city; and

(B) a city or town may not provide, authorize, franchise, or  
contract for emergency medical services outside the limits of  
the city or town without the approval of the governing body of  
the area to be served.

(4) Apply for, receive, and accept gifts, bequests, grants-in-aid,  
state, federal, and local aid, and other forms of financial  
assistance for the support of emergency medical services.

(5) Establish and provide for the collection of reasonable fees for  
emergency ambulance services the governing body provides  
under this chapter.

(6) Pay the fees or dues for individual or group membership in  
any regularly organized volunteer emergency medical services  
association on their own behalf or on behalf of the emergency  
medical services personnel serving that unit of government.

SECTION 22. IC 16-41-19-7, AS AMENDED BY P.L.73-2005,  
SECTION 169, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2011]: Sec. 7. **(a) In the case of a township  
described in IC 36-6-1.1-3 or IC 36-6-1.1-4:**

**(1) after December 31, 2012, the township board may continue  
to exercise the powers and duties of the township board under**

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**this chapter only in:**

- (A) any unincorporated area of the township; and**
- (B) a municipality that is located in the township and has a population of less than ten thousand (10,000);**

**(2) after December 31, 2012, the township trustee may continue to exercise the powers and duties of the township trustee under this chapter only in:**

- (A) any unincorporated area of the township; and**
- (B) a municipality that is located in the township and has a population of less than ten thousand (10,000); and**

**(3) within each municipality that is located in the township and to which township powers and duties have been transferred under IC 36-6-1.1:**

**(A) the municipal executive shall after December 31, 2012, exercise the powers and duties of the township trustee under this chapter; and**

**(B) the municipal legislative and fiscal body shall after December 31, 2012, exercise the powers and duties of the township board under this chapter.**

~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~; **(c)**, 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) by the appropriate county, city, or town against which the application form is issued from general funds; and**

**(2) by the appropriate township against which the application form is issued from funds in the township assistance fund; and**

**(3) after December 31, 2012, in the case of a municipality that is located in the township and to which township powers and duties have been transferred under IC 36-6-1.1, by the municipality against which the application form is issued from funds in the municipality's township assistance fund established under IC 12-20-1-8;**

**and** not otherwise appropriated without appropriations.

~~(b)~~ **(c)** A township is not responsible for paying for biologicals as provided in subsection ~~(a)~~~~(2)~~ **(b)** if the township trustee has evidence that the individual has the financial ability to pay for the biologicals.

~~(c)~~ **(d)** 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 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 (1) the financial ability of the individual claiming to be indigent
- 2 is in question; and
- 3 (2) a standard application for township assistance must be filed
- 4 with the township.

5 The township shall continue to furnish insulin under this section until  
 6 the township trustee completes an investigation and makes a  
 7 determination as to the individual's financial ability to pay for insulin.

8 ~~(d)~~ (e) For purposes of this section, the township shall consider an  
 9 adult individual needing insulin as an individual and not as a member  
 10 of a household requesting township assistance.

11 SECTION 23. IC 23-14-31-26, AS AMENDED BY P.L.101-2010,  
 12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2011]: Sec. 26. (a) Except as provided in subsection (c), the  
 14 following persons, in the priority listed, have the right to serve as an  
 15 authorizing agent:

- 16 (1) An individual granted the authority to serve in a funeral
- 17 planning declaration executed by the decedent under IC 29-2-19,
- 18 or the person named in a United States Department of Defense
- 19 form "Record of Emergency Data" (DD Form 93) or a successor
- 20 form adopted by the United States Department of Defense, if the
- 21 decedent died while serving in any branch of the United States
- 22 Armed Forces (as defined in 10 U.S.C. 1481) and completed the
- 23 form.
- 24 (2) An individual granted the authority to serve in a health care
- 25 power of attorney executed by the decedent under IC 30-5-5-16.
- 26 (3) The individual who was the spouse of the decedent at the time
- 27 of the decedent's death.
- 28 (4) The decedent's surviving adult children. If more than one (1)
- 29 adult child is surviving, any adult child who confirms in writing
- 30 that the other adult children have been notified, unless the
- 31 crematory authority receives a written objection to the cremation
- 32 from another adult child.
- 33 (5) The decedent's surviving parent. If the decedent is survived by
- 34 both parents, either parent may serve as the authorizing agent
- 35 unless the crematory authority receives a written objection to the
- 36 cremation from the other parent.
- 37 (6) The individual in the next degree of kinship under IC 29-1-2-1
- 38 to inherit the estate of the decedent. If more than one (1)
- 39 individual of the same degree is surviving, any person of that
- 40 degree may serve as the authorizing agent unless the crematory
- 41 authority receives a written objection to the cremation from one
- 42 (1) or more persons of the same degree.

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1 (7) In the case of an indigent or other individual whose final  
 2 disposition is the responsibility of the state, ~~or a township, or~~  
 3 **(after December 31, 2012, in the case of a municipality that is**  
 4 **located in the township and to which township powers and**  
 5 **duties have been transferred under IC 36-6-1.1) the**  
 6 **municipality**, the following may serve as the authorizing agent:  
 7 (A) If none of the persons identified in subdivisions (1)  
 8 through (6) are available:  
 9 (i) a public administrator, including a responsible township  
 10 trustee or the trustee's designee **or (after December 31,**  
 11 **2012, in the case of a municipality that is located in the**  
 12 **township and to which township powers and duties have**  
 13 **been transferred under IC 36-6-1.1) an administrator**  
 14 **appointed under IC 12-20-1-6; or**  
 15 (ii) the coroner.  
 16 (B) A state appointed guardian.  
 17 However, an indigent decedent may not be cremated if a  
 18 surviving family member objects to the cremation or if cremation  
 19 would be contrary to the religious practices of the deceased  
 20 individual as expressed by the individual or the individual's  
 21 family.  
 22 (8) In the absence of any person under subdivisions (1) through  
 23 (7), any person willing to assume the responsibility as the  
 24 authorizing agent, as specified in this article.  
 25 (b) When a body part of a nondeceased individual is to be cremated,  
 26 a representative of the institution that has arranged with the crematory  
 27 authority to cremate the body part may serve as the authorizing agent.  
 28 (c) If:  
 29 (1) the death of the decedent appears to have been the result of:  
 30 (A) murder (IC 35-42-1-1);  
 31 (B) voluntary manslaughter (IC 35-42-1-3); or  
 32 (C) another criminal act, if the death does not result from the  
 33 operation of a vehicle; and  
 34 (2) the coroner, in consultation with the law enforcement agency  
 35 investigating the death of the decedent, determines that there is a  
 36 reasonable suspicion that a person described in subsection (a)  
 37 committed the offense;  
 38 the person referred to in subdivision (2) may not serve as the  
 39 authorizing agent.  
 40 (d) The coroner, in consultation with the law enforcement agency  
 41 investigating the death of the decedent, shall inform the crematory  
 42 authority of the determination referred to in subsection (c)(2).

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1 SECTION 24. IC 23-14-33-3.5 IS ADDED TO THE INDIANA  
2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2011]: **Sec. 3.5. In the case of a township**  
4 **described in IC 36-6-1.1-3 or IC 36-6-1.1-4:**

5 (1) **after December 31, 2012, the township board may continue**  
6 **to exercise the powers and duties of the township board under**  
7 **this chapter only in:**

- 8 (A) **any unincorporated area of the township; and**
- 9 (B) **a municipality that is located in the township and has**  
10 **a population of less than ten thousand (10,000);**

11 (2) **after December 31, 2012, the township trustee may**  
12 **continue to exercise the powers and duties of the township**  
13 **trustee under this chapter only in:**

- 14 (A) **any unincorporated area of the township; and**
- 15 (B) **a municipality that is located in the township and has**  
16 **a population of less than ten thousand (10,000); and**

17 (3) **within each municipality that is located in the township**  
18 **and to which township powers and duties have been**  
19 **transferred under IC 36-6-1.1:**

20 (A) **the municipal executive shall after December 31, 2012,**  
21 **exercise the powers and duties of the township trustee**  
22 **under this chapter; and**

23 (B) **the municipal legislative and fiscal body shall after**  
24 **December 31, 2012, exercise the powers and duties of the**  
25 **township board under this chapter.**

26 SECTION 25. IC 32-26-4-2 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The trustee of  
28 each township, the county highway superintendent, the Indiana  
29 department of transportation, or other officer in control of the  
30 maintenance of a highway shall between January 1 and April 1 of each  
31 year, examine all hedges, live fences, natural growths along highways,  
32 and other obstructions described in section 1 of this chapter in their  
33 respective jurisdictions. If there are hedges, live fences, other growths,  
34 or obstructions along the highways that have not been cut, trimmed  
35 down, and maintained in accordance with this chapter, the owner shall  
36 be given written notice to cut or trim the hedge or live fence and to  
37 burn the brush trimmed from the hedge or live fence and remove any  
38 other obstructions or growths.

39 (b) The notice required under subsection (a) must be served by  
40 reading the notice to the owner or by leaving a copy of the notice at the  
41 owner's usual place of residence.

42 (c) If the owner is not a resident of the township, county, or state

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1 where the hedge, live fence, or other obstructions or growth is located,  
2 the notice shall be served upon the owner's agent or tenant residing in  
3 the township. If an agent or a tenant of the owner does not reside in the  
4 township, the notice shall be served by mailing a copy of the notice to  
5 the owner, directed to the owner's last known post office address.

6 (d) If the owner, agents, or tenants do not proceed to cut and trim  
7 the fences and burn the brush trimmed from the fences or remove any  
8 obstructions or growths within ten (10) days after notice is served, the  
9 township trustee, county highway superintendent, or Indiana  
10 department of transportation shall immediately:

11 (1) cause the fences to be cut and trimmed or obstructions or  
12 growths removed in accordance with this chapter; and

13 (2) burn the brush trimmed from the fences.

14 All expenses incurred under this subsection shall be assessed against  
15 and become a lien upon the land in the same manner as road taxes.

16 (e) The township trustee, county highway superintendent, or Indiana  
17 department of transportation having charge of the work performed  
18 under subsection (d) shall prepare an itemized statement of the total  
19 cost of the work of removing the obstructions or growths and shall sign  
20 and certify the statement to the county auditor of the county in which  
21 the land is located. The county auditor shall place the statement on the  
22 tax duplicates. The county treasurer shall collect the costs entered on  
23 the duplicates at the same time and in the same manner as road taxes  
24 are collected. The treasurer may not issue a receipt for road taxes  
25 unless the costs entered on the duplicates are paid in full at the same  
26 time the road taxes are paid. If the costs are not paid when due, the  
27 costs shall become delinquent, bear the same interest, be subject to the  
28 same penalties, and be collected at the same time and in the same  
29 manner as other unpaid and delinquent taxes.

30 (f) **In the case of a township described in IC 36-6-1.1-3 or**  
31 **IC 36-6-1.1-4:**

32 **(1) after December 31, 2012, the township board may continue**  
33 **to exercise the powers and duties of the township board under**  
34 **this chapter only in:**

- 35 **(A) any unincorporated area of the township; and**
- 36 **(B) a municipality that is located in the township and has**  
37 **a population of less than ten thousand (10,000);**

38 **(2) after December 31, 2012, the township trustee may**  
39 **continue to exercise the powers and duties of the township**  
40 **trustee under this chapter only in:**

- 41 **(A) any unincorporated area of the township; and**
- 42 **(B) a municipality that is located in the township and has**

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1 a population of less than ten thousand (10,000); and  
2 (3) within each municipality that is located in the township  
3 and to which township powers and duties have been  
4 transferred under IC 36-6-1.1:

5 (A) the municipal executive shall after December 31, 2012,  
6 exercise the powers and duties of the township trustee  
7 under this chapter; and

8 (B) the municipal legislative and fiscal body shall after  
9 December 31, 2012, exercise the powers and duties of the  
10 township board under this chapter.

11 SECTION 26. IC 32-26-9-0.7 IS ADDED TO THE INDIANA  
12 CODE AS A NEW SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2011]: Sec. 0.7. In the case of a township  
14 described in IC 36-6-1.1-3 or IC 36-6-1.1-4:

15 (1) after December 31, 2012, the township board may continue  
16 to exercise the powers and duties of the township board under  
17 this chapter only in:

18 (A) any unincorporated area of the township; and  
19 (B) a municipality that is located in the township and has  
20 a population of less than ten thousand (10,000);

21 (2) after December 31, 2012, the township trustee may  
22 continue to exercise the powers and duties of the township  
23 trustee under this chapter only in:

24 (A) any unincorporated area of the township; and  
25 (B) a municipality that is located in the township and has  
26 a population of less than ten thousand (10,000); and

27 (3) within each municipality that is located in the township  
28 and to which township powers and duties have been  
29 transferred under IC 36-6-1.1:

30 (A) the municipal executive shall after December 31, 2012,  
31 exercise the powers and duties of the township trustee  
32 under this chapter; and

33 (B) the municipal legislative body and fiscal body shall  
34 after December 31, 2012, exercise the powers and duties of  
35 the township board under this chapter.

36 SECTION 27. IC 33-34-1-6 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. A division of  
38 the small claims court must be a full-time division or a part-time  
39 division as determined by the individual township boards ~~city-county~~  
40 **council** following a hearing conducted under section 7 of this chapter.

41 SECTION 28. IC 33-34-1-8 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 8. The ~~township~~

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1 trustee clerk of the city-county council shall give ten (10) days notice  
2 of all hearings held under section 7 of this chapter in one (1) or more  
3 newspapers of general circulation in the county.

4 SECTION 29. IC 33-34-1-9, AS AMENDED BY P.L.174-2006,  
5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JANUARY 1, 2013]: Sec. 9. Not more than two (2) weeks after a  
7 hearing is conducted under section 7 of this chapter, the township  
8 board city-county council shall, after considering the evidence,  
9 opinions, advice, and suggestions presented at the hearing, enter an  
10 order concerning:

- 11 (1) whether a small claims court shall be established or abolished
- 12 in the township if the township has a population of less than
- 13 fifteen thousand (15,000) persons;
- 14 (2) whether the small claims court if any, shall function full time
- 15 or part time;
- 16 (3) the location of the small claims court courtroom and offices
- 17 under IC 33-34-6-1; and
- 18 (4) other relevant matters.

19 SECTION 30. IC 33-34-2-5 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) The salary  
21 of a judge who serves full time must be in an amount ~~determined by the~~  
22 ~~township board of the township in which the small claims court is~~  
23 ~~located established by ordinance of the city-county council.~~

24 (b) The salary of each judge who serves part time must be in an  
25 amount ~~determined by the township board and approved established~~  
26 ~~by ordinance of the city-county council.~~

27 (c) The salary of a judge may not be reduced during the judge's term  
28 of office.

29 (d) At any other time, salaries of any full-time or part-time judge  
30 may be increased or decreased by ~~the township board of the township~~  
31 ~~in which the small claims court is located: ordinance of the~~  
32 ~~city-county council.~~

33 SECTION 31. IC 33-34-2-6 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. (a) The annual  
35 salary of a judge shall be paid **by the county** in ~~twelve (12) equal~~  
36 ~~monthly installments by the township trustee. the same installments~~  
37 **as judges of the superior court in the county.**

38 (b) The judge may not receive remuneration other than a salary set  
39 under section 5 of this chapter for the performance of the judge's  
40 official duties except payments for performing marriage ceremonies.

41 SECTION 32. IC 33-34-2-14 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 14. (a) The

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1 resignation of a judge shall be delivered to the clerk of the circuit court.  
 2 The clerk shall advise the circuit court. ~~and appropriate township~~  
 3 ~~board.~~

4 (b) A vacancy occurring in a judgeship must be filled under  
 5 IC 3-13-10.

6 SECTION 33. IC 33-34-5-4, AS AMENDED BY P.L.174-2006,  
 7 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JANUARY 1, 2013]: Sec. 4. (a) If a judge is unable to preside over the  
 9 judge's small claims court during any number of days, the judge may  
 10 appoint in writing a person qualified to be a small claims judge under  
 11 IC 33-34-2-2 to preside in place of the judge.

12 (b) The written appointment shall be entered on the order book or  
 13 record of the circuit court. The appointee shall, after taking the oath  
 14 prescribed for the judges, conduct the business of the small claims  
 15 court subject to the same rules and regulations as judges and has the  
 16 same authority during the continuance of the appointee's appointment.

17 (c) The appointee is entitled to the same compensation from the  
 18 ~~township trustee county~~ as accruable to the small claims judge in  
 19 whose place the appointee is serving.

20 SECTION 34. IC 33-34-6-1, AS AMENDED BY P.L.174-2006,  
 21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JANUARY 1, 2013]: Sec. 1. The ~~township trustee county~~ shall provide  
 23 a courtroom and an office for each judge in a convenient location  
 24 within the township that has:

- 25 (1) adequate access;
- 26 (2) sufficient parking facilities;
- 27 (3) a separate and appropriate courtroom;
- 28 (4) proper space and facilities for the bailiff, clerks, and other
- 29 employees; and
- 30 (5) enough room for files and supplies.

31 SECTION 35. IC 33-34-6-2, AS AMENDED BY P.L.174-2006,  
 32 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JANUARY 1, 2013]: Sec. 2. ~~A township~~ **The county** shall:

- 34 (1) furnish all:
  - 35 (A) supplies, including all blanks, forms, stationery, and
  - 36 papers of every kind, required for use in all cases in the
  - 37 township small claims court; and
  - 38 (B) furniture, books, and other necessary equipment and
  - 39 supplies; and
- 40 (2) provide for all necessary maintenance and upkeep of the
- 41 facilities where court is held.

42 SECTION 36. IC 33-34-6-3 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. ~~Each township~~  
 2 **The city-county council** shall provide an appropriate and competitive  
 3 salary of at least five thousand six hundred dollars (\$5,600) for the  
 4 number of clerks for the small claims court sufficient to:

- 5 (1) operate efficiently; and  
 6 (2) adequately serve the citizens doing business with the court.

7 SECTION 37. IC 33-34-7-3 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The judge of  
 9 the circuit court, with the assistance of the clerk of the circuit court, the  
 10 judges of the small claims courts, and the state board of accounts, shall,  
 11 at the expense of the ~~townships:~~ **county:**

- 12 (1) provide the forms, blanks, court calendar books, judgment  
 13 dockets, and fee books; and  
 14 (2) make rules and instructions to direct the judges in keeping  
 15 records and making reports.

16 The clerk of the circuit court shall keep full and permanent records and  
 17 reports of each judge's past and current proceedings, indexed and  
 18 available for reference as a public record.

19 SECTION 38. IC 33-34-8-3, AS AMENDED BY P.L.182-2009(ss),  
 20 SECTION 391, IS AMENDED TO READ AS FOLLOWS  
 21 [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) Payment for all costs  
 22 made as a result of proceedings in a small claims court shall be to the  
 23 \_\_\_\_\_ Township of Marion County Small Claims Court (with the  
 24 name of the township inserted). The court shall issue a receipt for all  
 25 money received on a form numbered serially in duplicate. All township  
 26 docket fees and late fees received by the court shall be paid to the  
 27 ~~township trustee~~ **county** at the close of each month.

28 (b) The ~~court~~ **county auditor** shall:

- 29 (1) semiannually distribute to the auditor of state:  
 30 (A) all automated record keeping fees (IC 33-37-5-21)  
 31 received by the court for deposit in the homeowner protection  
 32 unit account established by IC 4-6-12-9 and the state user fee  
 33 fund established under IC 33-37-9;  
 34 (B) all public defense administration fees collected by the  
 35 court under IC 33-37-5-21.2 for deposit in the state general  
 36 fund;  
 37 (C) sixty percent (60%) of all court administration fees  
 38 collected by the court under IC 33-37-5-27 for deposit in the  
 39 state general fund;  
 40 (D) all judicial insurance adjustment fees collected by the  
 41 court under IC 33-37-5-25 for deposit in the judicial branch  
 42 insurance adjustment account established by IC 33-38-5-8.2;

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1 and  
 2 (E) seventy-five percent (75%) of all judicial salaries fees  
 3 collected by the court under IC 33-37-5-26 for deposit in the  
 4 state general fund; and  
 5 (2) distribute monthly to the county auditor all document storage  
 6 fees received by the court.

7 The remaining twenty-five percent (25%) of the judicial salaries fees  
 8 described in subdivision (1)(E) shall be deposited monthly in the  
 9 ~~township county~~ general fund ~~of the township in which the court is~~  
 10 ~~located.~~ **credited to the small claims court account described in**  
 11 **section 5 of this chapter.** The county auditor shall deposit fees  
 12 distributed under subdivision (2) into the clerk's record perpetuation  
 13 fund under IC 33-37-5-2.

14 (c) ~~The court semiannually shall pay to the township trustee of the~~  
 15 ~~township in which the court is located~~ The remaining forty percent  
 16 (40%) of the court administration fees described under subsection  
 17 (b)(1)(C) **shall be:**

18 **(1) deposited in the county general fund and credited to the**  
 19 **small claims court account described in section 5 of this**  
 20 **chapter; and**

21 **(2) used by the county:**  
 22 **(A) to fund the operations of the small claims court, in the**  
 23 **trustee's township, including the payment of salaries of**  
 24 **persons who serve process for the small claims courts; and**  
 25 **(B) if any funds remain during a fiscal year after the**  
 26 **payment of expenses under clause (A), to fund public safety**  
 27 **programs in the county as determined by the city-county**  
 28 **council.**

29 SECTION 39. IC 33-34-8-5 IS ADDED TO THE INDIANA CODE  
 30 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE  
 31 JANUARY 1, 2013]: **Sec. 5. Fees and costs paid and collected under**  
 32 **sections 1 and 3 of this chapter shall be deposited in the county**  
 33 **general fund and credited to separate accounts established for each**  
 34 **township small claims court.**

35 SECTION 40. IC 36-1-8-17 IS ADDED TO THE INDIANA CODE  
 36 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
 37 1, 2011]: **Sec. 17. Each township office must include the address**  
 38 **and phone number of the township office in at least one (1) local**  
 39 **telephone directory.**

40 SECTION 41. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE  
 41 AS A **NEW CHAPTER TO READ AS FOLLOWS** [EFFECTIVE  
 42 JULY 1, 2011]:

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**Chapter 1.1. Transfer of Township Powers and Duties**

**Sec. 1. Except as specifically provided, this chapter applies after December 31, 2012, to townships described in section 2 of this chapter.**

**Sec. 2. This chapter applies to each township that has any of the township's territory located within:**

- (1) a county containing a consolidated city; or**
- (2) one (1) or more municipalities, each with a population of at least ten thousand (10,000).**

**Sec. 3. (a) This section applies to a township that:**

- (1) is not located in a county having a consolidated city; and**
- (2) has any of the township's territory located within one (1) or more municipalities with a population of at least ten thousand (10,000); and**
- (3) also contains territory that:**
  - (A) is unincorporated; or**
  - (B) is located in a municipality with a population of less than ten thousand (10,000).**

**(b) In the case of a township subject to this section:**

- (1) after December 31, 2012, the township board may continue to exercise the powers and duties of the township board only in:**
  - (A) any unincorporated area of the township; and**
  - (B) a municipality with a population of less than ten thousand (10,000);**
- (2) after December 31, 2012, the township trustee may continue to exercise the powers and duties of the township trustee only in:**
  - (A) any unincorporated area of the township; and**
  - (B) a municipality with a population of less than ten thousand (10,000);**
- (3) within each municipality that is located in the township and has a population of at least ten thousand (10,000), the powers and duties of a township under this chapter are transferred to the municipality on January 1, 2013; and**
- (4) within each municipality that is located in the township and has a population of at least ten thousand (10,000):**
  - (A) the municipal executive shall after December 31, 2012, exercise the powers and duties of the township trustee; and**
  - (B) the municipal legislative and fiscal body shall after December 31, 2012, exercise the powers and duties of the township board.**

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**Sec. 4. (a) This section applies to a township that:**

- (1) has all of the township's territory located within:**
  - (A) a county containing a consolidated city; or**
  - (B) one (1) or more municipalities, each with a population of at least ten thousand (10,000); and**
- (2) in the case of a township to which subdivision (1)(B) applies, does not contain territory that:**
  - (A) is unincorporated; or**
  - (B) is located in a municipality with a population of less than ten thousand (10,000).**

**(b) In the case of a township subject to this section:**

- (1) after December 31, 2012, the municipal fiscal body is the fiscal body of the township and shall exercise throughout that part of the township located within the municipality the fiscal powers and duties assigned in the Indiana Code or the Indiana Administrative Code to township boards;**
- (2) after December 31, 2012, the municipal legislative body is the legislative body of the township and shall exercise throughout that part of the township located within the municipality legislative powers and duties assigned in the Indiana Code or the Indiana Administrative Code to township boards;**
- (3) after December 31, 2012, the municipal executive is the executive of the township and shall exercise throughout that part of the township located within the municipality the executive powers and duties assigned in the Indiana Code or the Indiana Administrative Code to township executives;**
- (4) on January 1, 2013, the legislative functions, duties, and responsibilities of the township board are transferred to the municipal legislative body, the fiscal functions, duties, and responsibilities of the township board are transferred to the municipal fiscal body, the functions, duties, and responsibilities of the township assessor (if any) are transferred to the county assessor, and the functions, duties, and responsibilities of the township trustee are transferred to the municipal executive;**
- (5) the offices of township trustee, township board, and township assessor (if any) in the township are abolished in the township on January 1, 2013; and**
- (6) the terms of each township trustee, township board member, and township assessor (if any) expire January 1, 2013, and the officials are not entitled to any compensation**

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for actions taken after December 31, 2012.

(c) In the case of a county having a consolidated city, the fire department of each township that has not as of December 31, 2012, consolidated its fire department under IC 36-3-1-6.1 is on January 1, 2012, consolidated into the fire department of the consolidated city as provided in IC 36-3-1-6.1 without the requirement of any approvals from the township executive and township legislative body or from the executive of the consolidated city or the legislative body of the consolidated city.

(d) In the case of a township that is located within the county having a consolidated city or that has all of the township's territory located within only one (1) municipality with a population of at least ten thousand (10,000), on January 1, 2013, all:

- (1) assets;
- (2) property rights;
- (3) equipment;
- (4) records; and
- (5) contracts;

connected with the operations of township government are transferred to the consolidated city or the municipality.

(e) In the case of a township that has all of its territory located within two (2) or more municipalities, each with a population of at least ten thousand (10,000), on January 1, 2013, all:

- (1) assets;
- (2) property rights;
- (3) equipment;
- (4) records; and
- (5) contracts;

connected with the operations of township government are transferred to the municipalities as determined by the department of local government finance.

Sec. 5. The entire territory of the township subject to this chapter comprises a separate taxing district for the payment of township indebtedness or lease rental obligations existing as of January 1, 2013.

Sec. 6. (a) The abolishment of the office of a township trustee, township board, or township assessor (if any) under section 4 of this chapter does not invalidate any resolutions, fees, schedules, appointments, or other actions adopted, taken, or made by the township trustee, township board, or township assessor before January 1, 2013.

(b) Except as specifically provided, if the powers and duties of

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1 a township board, township trustee, or township assessor are  
2 transferred under section 3 or 4 of this chapter to a municipal  
3 executive, municipal legislative body, or municipal fiscal body or  
4 to a county assessor, after December 31, 2012, any reference:

- 5 (1) in the Indiana Code;
- 6 (2) in the Indiana Administrative Code; or
- 7 (3) in any resolution or ordinance;

8 to the township board for fiscal powers and duties shall be  
9 considered a reference to the municipal fiscal body, any reference  
10 to the township board for legislative powers and duties shall be  
11 considered a reference to the municipal legislative body, any  
12 reference to the township trustee shall be considered a reference to  
13 the municipal executive, and any reference to the township assessor  
14 shall be considered a reference to the county assessor.

15 Sec. 7. The department of local government finance shall adjust  
16 the maximum permissible property tax levies, maximum  
17 permissible property tax rates, and budgets of:

- 18 (1) each township from which powers, duties, and obligations  
19 are transferred under this chapter; and
- 20 (2) each municipality or county to which powers, duties, and  
21 obligations are transferred under this chapter;

22 as the department of local government finance determines  
23 necessary to account for the transfers of those duties, powers, and  
24 obligations.

25 SECTION 42. IC 36-6-1.5-13 IS ADDED TO THE INDIANA  
26 CODE AS A NEW SECTION TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2011]: Sec. 13. (a) This section applies to the  
28 township government of a township that on January 1, 2012, has  
29 a population (as determined under IC 1-1-3.5) of less than one  
30 thousand five hundred (1,500).

31 (b) A township government described in subsection (a) must  
32 before January 1, 2014, merge with another township government  
33 under this chapter.

34 (c) If a township government described in subsection (a) does  
35 not merge before January 1, 2014, with another township  
36 government as required by subsection (b), the township  
37 government is by operation of law merged on January 1, 2014,  
38 with the township government of the township that has the greatest  
39 population of all contiguous townships in the county.  
40 Notwithstanding any other provision of this chapter, a merger  
41 under this subsection takes effect January 1, 2014, without the  
42 requirement that:

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1           **(1) any resolutions be presented by the township trustees or**  
2           **adopted by the township legislative bodies; or**

3           **(2) any ordinances be approved by the county legislative body.**

4           SECTION 43. IC 36-6-4-12 IS AMENDED TO READ AS  
5           FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) At the annual  
6           meeting of the township legislative body under IC 36-6-6-9 the  
7           executive shall present a complete report of all receipts and  
8           expenditures of the preceding calendar year, including the balance to  
9           the credit of each fund controlled by the executive. If the executive  
10          controls any money that is not included in a particular fund, then the  
11          executive shall state all the facts concerning that money in the report.

12          (b) Each item of expenditure must be accompanied by the verified  
13          voucher of the person to whom the sum was paid, stating:

- 14           (1) why the payment was made;
- 15           (2) that the receipt is for the exact sum received;
- 16           (3) that no part of the sum has been retained by the executive; and
- 17           (4) that no part of the sum has been or is to be returned to the
- 18           executive or any other person.

19          The executive may administer oaths to persons giving these receipts.

20          **(c) The report described in subsection (a) must separately list**  
21          **each expenditure that is made to reimburse the executive for the**  
22          **executive's use of the executive's private residence. The report**  
23          **must compare the square footage rate charged by the executive for**  
24          **rent of the office space in the executive's residence with the average**  
25          **square footage rate charged for comparable commercial office**  
26          **space in:**

- 27           **(1) the township; or**
- 28           **(2) the county seat of the county where the township is**
- 29           **primarily located, if comparable commercial office space is**
- 30           **not available in the township.**

31          ~~(c)~~ **(d)** The executive shall swear or affirm that:

- 32           (1) the report shows all sums received by ~~him~~; **the executive;**
- 33           (2) the expenditures credited have been fully paid in the sums
- 34           stated, without express or implied agreement that any part of the
- 35           sums is to be retained by or returned to the executive or any other
- 36           person; and
- 37           (3) the executive has received no money or other property in
- 38           consideration of any contract entered into on behalf of the
- 39           township.

40          ~~(d)~~ **(e)** Within ten (10) days after the legislative body's action under  
41          IC 36-6-6-9, the executive shall file a copy of the report and its  
42          accompanying vouchers, as adopted by the legislative body, in the

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1 county auditor's office. The legislative body may, for the benefit of the  
2 township, bring a civil action against the executive if the executive fails  
3 to file the report within ten (10) days after the legislative body's action.  
4 The legislative body may recover five dollars (\$5) for each day beyond  
5 the time limit for filing the report, until the report is filed.

6 SECTION 44. IC 36-6-4-17 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. (a) An executive  
8 who fails to perform a duty imposed by section 3(1), 3(2), 3(3), 3(4),  
9 3(5), 3(7), 3(8), 5, or 14(1) of this chapter is liable to the township in  
10 a sum of not more than one hundred dollars (\$100), to be recovered in  
11 a civil action brought in the name of the township.

- 12 (b) An executive is entitled to receive the following:  
13 (1) The executive's salary.  
14 (2) Reimbursement for expenses that are reasonably incurred by  
15 the executive for the following:  
16 (A) The operation of the executive's office.  
17 (B) Travel and meals while attending seminars or conferences  
18 on township matters.  
19 (C) A sum for mileage as permitted under IC 36-6-8-3(b).

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

22 (c) **This subsection applies if the executive's office is located in**  
23 **the executive's personal residence. The executive may receive**  
24 **rental payments from the township for use of the office space only**  
25 **if it is used exclusively for the conduct of official township business.**  
26 **An executive may not receive a rental payment for office space at**  
27 **a square footage rate that exceeds the average square footage rate**  
28 **charged for comparable commercial office space in:**

- 29 (1) **the township; or**  
30 (2) **the county seat of the county where the township is**  
31 **primarily located, if comparable commercial office space is**  
32 **not available in the township.**

33 **The executive shall include the information regarding rental**  
34 **payments in the annual report described in section 12 of this**  
35 **chapter.**

36 SECTION 45. IC 36-6-5-1, AS AMENDED BY P.L.1-2009,  
37 SECTION 164, IS AMENDED TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Subject to subsection (g),  
39 before 2009, a township assessor shall be elected under IC 3-10-2-13  
40 by the voters of each township:

- 41 (1) having:  
42 (A) a population of more than eight thousand (8,000); or

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1 (B) an elected township assessor or the authority to elect a  
 2 township assessor before January 1, 1979; and  
 3 (2) in which the number of parcels of real property on January 1,  
 4 2008, is at least fifteen thousand (15,000).  
 5 (b) Subject to subsection (g), before 2009, a township assessor shall  
 6 be elected under IC 3-10-2-14 (repealed effective July 1, 2008) in each  
 7 township:  
 8 (1) having a population of more than five thousand (5,000) but  
 9 not more than eight thousand (8,000), if:  
 10 (A) the legislative body of the township, by resolution,  
 11 declares that the office of township assessor is necessary; and  
 12 (B) the resolution is filed with the county election board not  
 13 later than the first date that a declaration of candidacy may be  
 14 filed under IC 3-8-2; and  
 15 (2) in which the number of parcels of real property on January 1,  
 16 2008, is at least fifteen thousand (15,000).  
 17 (c) Subject to subsection (g), a township government that is created  
 18 by merger under IC 36-6-1.5 shall elect only one (1) township assessor  
 19 under this section.  
 20 (d) Subject to subsection (g), after 2008 a township assessor shall  
 21 be elected under IC 3-10-2-13 only by the voters of each township in  
 22 which:  
 23 (1) the number of parcels of real property on January 1, 2008, is  
 24 at least fifteen thousand (15,000); and  
 25 (2) the transfer to the county assessor of the assessment duties  
 26 prescribed by IC 6-1.1 is disapproved in the referendum under  
 27 IC 36-2-15.  
 28 (e) The township assessor must reside within the township as  
 29 provided in Article 6, Section 6 of the Constitution of the State of  
 30 Indiana. The assessor forfeits office if the assessor ceases to be a  
 31 resident of the township.  
 32 (f) The term of office of a township assessor is four (4) years,  
 33 beginning January 1 after election and continuing until a successor is  
 34 elected and qualified. However, the term of office of a township  
 35 assessor elected at a general election in which no other township  
 36 officer is elected ends on December 31 after the next election in which  
 37 any other township officer is elected.  
 38 (g) A person who runs for the office of township assessor in an  
 39 election after June 30, 2008, is subject to IC 3-8-1-23.6.  
 40 (h) After June 30, 2008, the county assessor shall perform the  
 41 assessment duties prescribed by IC 6-1.1 in a township in which the  
 42 number of parcels of real property on January 1, 2008, is less than

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1 fifteen thousand (15,000).

2 **(i) Notwithstanding any other law, if there is a township assessor**  
 3 **for a township described in IC 36-6-1.1-4, the following occur on**  
 4 **January 1, 2013:**

5 **(1) The powers and duties of the township assessor are**  
 6 **transferred to the county assessor.**

7 **(2) The office of township assessor is eliminated.**

8 **(3) The term of the township assessor is terminated.**

9 SECTION 46. IC 36-6-6-5 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. **(a)** A meeting of the  
 11 legislative body may be adjourned from day to day until its business is  
 12 completed.

13 **(b) A public meeting or a public hearing of a township**  
 14 **legislative body must be held in a public place if one is available in**  
 15 **the township.**

16 SECTION 47. IC 36-6-6-9 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) The legislative  
 18 body shall meet on or before the third Tuesday after the first Monday  
 19 in January of each year. At this meeting it shall consider and approve,  
 20 in whole or in part, the annual report of the executive presented under  
 21 IC 36-6-4-12.

22 (b) The legislative body may send for persons, books, and papers  
 23 necessary in the examination of the report. A member may administer  
 24 oaths necessary in the examination of the report.

25 (c) Any sum in the control of the executive that remains unexpended  
 26 and is subject to no liability shall be credited in favor of the fund for  
 27 which it was appropriated.

28 (d) Any fund expended, in whole or in part, for a purpose for which  
 29 it was not appropriated shall be considered unexpended and in the  
 30 control of the executive, who is liable on his bond for such an  
 31 expenditure.

32 (e) When its examination of the report is completed, the legislative  
 33 body shall take action on the report, specifying the parts of the report  
 34 that are altered or disallowed. The report remains under the control of  
 35 the legislative body and in custody of its chairman, who shall keep it  
 36 open to inspection by taxpayers of the township.

37 **(f) The annual report must be filed with the state board of**  
 38 **accounts as required under IC 5-11-1-4 not later than March 1 of**  
 39 **each year.**

40 SECTION 48. IC 36-6-6-10, AS AMENDED BY P.L.146-2008,  
 41 SECTION 713, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) This section does not apply

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1 to the appropriation of money to pay a deputy or an employee of a  
 2 township assessor with assessment duties or to an elected township  
 3 assessor.

4 (b) The township legislative body shall fix the:

5 (1) salaries;

6 (2) wages;

7 (3) rates of hourly pay; and

8 (4) remuneration other than statutory allowances;

9 of all officers and employees of the township.

10 (c) Subject to subsection (d), the township legislative body may  
 11 reduce the salary of an elected or appointed official. However, except  
 12 as provided in ~~subsection~~ **subsections (h) and (i)**, the official is entitled  
 13 to a salary that is not less than the salary fixed for the first year of the  
 14 term of office that immediately preceded the current term of office.

15 (d) Except as provided in subsection (h), the township legislative  
 16 body may not alter the salaries of elected or appointed officers during  
 17 the fiscal year for which they are fixed, but it may add or eliminate any  
 18 other position and change the salary of any other employee, if the  
 19 necessary funds and appropriations are available.

20 (e) If a change in the mileage allowance paid to state officers and  
 21 employees is established by July 1 of any year, that change shall be  
 22 included in the compensation fixed for the township executive and  
 23 assessor under this section, to take effect January 1 of the next year.  
 24 However, the township legislative body may by ordinance provide for  
 25 the change in the sum per mile to take effect before January 1 of the  
 26 next year.

27 (f) The township legislative body may not reduce the salary of the  
 28 township executive without the consent of the township executive  
 29 during the term of office of the township executive as set forth in  
 30 IC 36-6-4-2.

31 (g) This subsection applies when a township executive dies or  
 32 resigns from office. The person filling the vacancy of the township  
 33 executive shall receive at least the same salary the previous township  
 34 executive received for the remainder of the unexpired term of office of  
 35 the township executive (as set forth in IC 36-6-4-2), unless the person  
 36 consents to a reduction in salary.

37 (h) In a year in which there is not an election of members to the  
 38 township legislative body, the township legislative body may by  
 39 unanimous vote reduce the salaries of the members of the township  
 40 legislative body by any amount.

41 **(i) Beginning January 1, 2015, the salary paid to a township**  
 42 **board member may not exceed five thousand dollars (\$5,000) per**

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1 year. Notwithstanding subsection (h), if necessary in order to  
2 comply with this subsection, a township legislative body shall vote  
3 in 2014 to reduce the salaries of the members of the township  
4 legislative body effective January 1, 2015. The salary reduction  
5 shall be made by a majority vote of the township legislative body.

6 SECTION 49. IC 36-6-9 IS ADDED TO THE INDIANA CODE AS  
7 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
8 1, 2011]:

9 **Chapter 9. Employment of Immediate Family Members**

10 **Sec. 1. This chapter does not apply to a government employee**  
11 **receiving less than ten thousand dollars (\$10,000) in salary**  
12 **annually from the political subdivision.**

13 **Sec. 2. As used in this chapter, "government employee" means**  
14 **an individual who is employed by a unit on a full-time, a part-time,**  
15 **a temporary, an intermittent, or an hourly basis.**

16 **Sec. 3. As used in this chapter, "immediate family member"**  
17 **means a spouse, child, stepchild, parent, or stepparent of an**  
18 **employee, including adoptive relationships.**

19 **Sec. 4. As used in this chapter, "political subdivision" means a**  
20 **county, city, town, township, school corporation, public library,**  
21 **local housing authority, fire protection district, public**  
22 **transportation corporation, local building authority, local hospital**  
23 **authority or corporation, local airport authority, special service**  
24 **district, special taxing district, or other type of local governmental**  
25 **corporate entity.**

26 **Sec. 5. Beginning January 1, 2015, an individual who is an**  
27 **immediate family member of an officer or employee of a political**  
28 **subdivision may not be employed by the political subdivision in a**  
29 **position in which the individual would have a direct supervisory or**  
30 **subordinate relationship with the officer or employee who is the**  
31 **individual's immediate family member.**

32 **Sec. 6. This chapter does not require the termination or**  
33 **reassignment of any employee of a subdivision from any position**  
34 **held by that individual before January 1, 2011.**

35 SECTION 50. IC 36-8-7-1, AS AMENDED BY P.L.227-2005,  
36 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2011]: Sec. 1. (a) This chapter applies to pension benefits for  
38 members of fire departments hired before May 1, 1977, in units for  
39 which a 1937 fund was established before May 1, 1977.

40 (b) A firefighter with twenty (20) years of service is covered by this  
41 chapter and not by IC 36-8-8 if the firefighter:

42 (1) was hired before May 1, 1977;

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1 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,  
 2 1981); and  
 3 (3) is rehired after April 30, 1977, by the same employer.  
 4 (c) A firefighter is covered by this chapter and not by IC 36-8-8 if  
 5 the firefighter:  
 6 (1) was hired before May 1, 1977;  
 7 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,  
 8 1981);  
 9 (3) was rehired after April 30, 1977, but before February 1, 1979;  
 10 and  
 11 (4) was made, before February 1, 1979, a member of a 1937 fund.  
 12 (d) A firefighter who:  
 13 (1) is covered by this chapter before a consolidation under  
 14 IC 36-3-1-6.1; and  
 15 (2) becomes a member of a fire department of a consolidated city  
 16 under IC 36-3-1-6.1;  
 17 is covered by this chapter after the effective date of the consolidation,  
 18 and the firefighter's service as a member of a fire department of a  
 19 consolidated city is considered active service under this chapter.  
 20 (e) A firefighter who:  
 21 (1) as of December 31, 2012, is a member of the 1937 fund as  
 22 a firefighter with a township fire department; and  
 23 (2) after the transfer of township government powers and  
 24 duties under IC 36-6-1.1, becomes a member of a municipal  
 25 fire department;  
 26 is covered by this chapter after the firefighter becomes a member  
 27 of the municipal fire department, and the firefighter's service as a  
 28 member of a township fire department that was covered under this  
 29 chapter before January 1, 2014, is considered active service under  
 30 this chapter.  
 31 SECTION 51. IC 36-8-8-1, AS AMENDED BY P.L.227-2005,  
 32 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2011]: Sec. 1. This chapter applies to:  
 34 (1) full-time police officers hired or rehired after April 30, 1977,  
 35 in all municipalities, or who converted their benefits under  
 36 IC 19-1-17.8-7 (repealed September 1, 1981);  
 37 (2) full-time fully paid firefighters hired or rehired after April 30,  
 38 1977, or who converted their benefits under IC 19-1-36.5-7  
 39 (repealed September 1, 1981);  
 40 (3) a police matron hired or rehired after April 30, 1977, and  
 41 before July 1, 1996, who is a member of a police department in a  
 42 second or third class city on March 31, 1996;

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- (4) a park ranger who:
    - (A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;
    - (B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and
    - (C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);
  - (5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1, provided that the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;
  - (6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;
  - (7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; ~~and~~
  - (8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1; ~~and~~
  - (9) a full-time, fully paid firefighter who:**
    - (A) as of December 31, 2012, is a member of the 1977 fund as a firefighter with a township fire department; and**
    - (B) after the transfer of township government powers and duties under IC 36-6-1.1, becomes a member of a municipal fire department;**
 except as provided by section 7 of this chapter.
- SECTION 52. IC 36-8-8-7, AS AMENDED BY P.L.1-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), ~~and~~ (m), **and (n):**

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- 1 (1) a police officer; or  
 2 (2) a firefighter;  
 3 who is less than thirty-six (36) years of age and who passes the baseline  
 4 statewide physical and mental examinations required under section 19  
 5 of this chapter shall be a member of the 1977 fund and is not a member  
 6 of the 1925 fund, the 1937 fund, or the 1953 fund.
- 7 (b) A police officer or firefighter with service before May 1, 1977,  
 8 who is hired or rehired after April 30, 1977, may receive credit under  
 9 this chapter for service as a police officer or firefighter prior to entry  
 10 into the 1977 fund if the employer who rehires the police officer or  
 11 firefighter chooses to contribute to the 1977 fund the amount necessary  
 12 to amortize the police officer's or firefighter's prior service liability over  
 13 a period of not more than forty (40) years, the amount and the period  
 14 to be determined by the PERF board. If the employer chooses to make  
 15 the contributions, the police officer or firefighter is entitled to receive  
 16 credit for the police officer's or firefighter's prior years of service  
 17 without making contributions to the 1977 fund for that prior service. In  
 18 no event may a police officer or firefighter receive credit for prior years  
 19 of service if the police officer or firefighter is receiving a benefit or is  
 20 entitled to receive a benefit in the future from any other public pension  
 21 plan with respect to the prior years of service.
- 22 (c) Except as provided in section 18 of this chapter, a police officer  
 23 or firefighter is entitled to credit for all years of service after April 30,  
 24 1977, with the police or fire department of an employer covered by this  
 25 chapter.
- 26 (d) A police officer or firefighter with twenty (20) years of service  
 27 does not become a member of the 1977 fund and is not covered by this  
 28 chapter, if the police officer or firefighter:  
 29 (1) was hired before May 1, 1977;  
 30 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
 31 of which were repealed September 1, 1981); and  
 32 (3) is rehired after April 30, 1977, by the same employer.
- 33 (e) A police officer or firefighter does not become a member of the  
 34 1977 fund and is not covered by this chapter if the police officer or  
 35 firefighter:  
 36 (1) was hired before May 1, 1977;  
 37 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
 38 of which were repealed September 1, 1981);  
 39 (3) was rehired after April 30, 1977, but before February 1, 1979;  
 40 and  
 41 (4) was made, before February 1, 1979, a member of a 1925,  
 42 1937, or 1953 fund.

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1 (f) A police officer or firefighter does not become a member of the  
2 1977 fund and is not covered by this chapter if the police officer or  
3 firefighter:

4 (1) was hired by the police or fire department of a unit before May  
5 1, 1977;

6 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
7 of which were repealed September 1, 1981);

8 (3) is rehired by the police or fire department of another unit after  
9 December 31, 1981; and

10 (4) is made, by the fiscal body of the other unit after December  
11 31, 1981, a member of a 1925, 1937, or 1953 fund of the other  
12 unit.

13 If the police officer or firefighter is made a member of a 1925, 1937, or  
14 1953 fund, the police officer or firefighter is entitled to receive credit  
15 for all the police officer's or firefighter's years of service, including  
16 years before January 1, 1982.

17 (g) As used in this subsection, "emergency medical services" and  
18 "emergency medical technician" have the meanings set forth in  
19 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

20 (1) is employed by a unit that is participating in the 1977 fund;

21 (2) was employed as an emergency medical technician by a  
22 political subdivision wholly or partially within the department's  
23 jurisdiction;

24 (3) was a member of the public employees' retirement fund during  
25 the employment described in subdivision (2); and

26 (4) ceased employment with the political subdivision and was  
27 hired by the unit's fire department due to the reorganization of  
28 emergency medical services within the department's jurisdiction;

29 shall participate in the 1977 fund. A firefighter who participates in the  
30 1977 fund under this subsection is subject to sections 18 and 21 of this  
31 chapter.

32 (h) A police officer or firefighter does not become a member of the  
33 1977 fund and is not covered by this chapter if the individual was  
34 appointed as:

35 (1) a fire chief under a waiver under IC 36-8-4-6(c); or

36 (2) a police chief under a waiver under IC 36-8-4-6.5(c);

37 unless the executive of the unit requests that the 1977 fund accept the  
38 individual in the 1977 fund and the individual previously was a  
39 member of the 1977 fund.

40 (i) A police matron hired or rehired after April 30, 1977, and before  
41 July 1, 1996, who is a member of a police department in a second or  
42 third class city on March 31, 1996, is a member of the 1977 fund.

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1 (j) A park ranger who:  
 2 (1) completed at least the number of weeks of training at the  
 3 Indiana law enforcement academy or a comparable law  
 4 enforcement academy in another state that were required at the  
 5 time the park ranger attended the Indiana law enforcement  
 6 academy or the law enforcement academy in another state;  
 7 (2) graduated from the Indiana law enforcement academy or a  
 8 comparable law enforcement academy in another state; and  
 9 (3) is employed by the parks department of a city having a  
 10 population of more than one hundred twenty thousand (120,000)  
 11 but less than one hundred fifty thousand (150,000);  
 12 is a member of the fund.

13 (k) Notwithstanding any other provision of this chapter, a police  
 14 officer or firefighter:  
 15 (1) who is a member of the 1977 fund before a consolidation  
 16 under IC 36-3-1-5.1 or IC 36-3-1-6.1;  
 17 (2) whose employer is consolidated into the consolidated law  
 18 enforcement department or the fire department of a consolidated  
 19 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and  
 20 (3) who, after the consolidation, becomes an employee of the  
 21 consolidated law enforcement department or the consolidated fire  
 22 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;  
 23 is a member of the 1977 fund without meeting the requirements under  
 24 sections 19 and 21 of this chapter.

25 (l) Notwithstanding any other provision of this chapter, if:  
 26 (1) before a consolidation under IC 8-22-3-11.6, a police officer  
 27 or firefighter provides law enforcement services or fire protection  
 28 services for an entity in a consolidated city;  
 29 (2) the provision of those services is consolidated into the law  
 30 enforcement department or fire department of a consolidated city;  
 31 and  
 32 (3) after the consolidation, the police officer or firefighter  
 33 becomes an employee of the consolidated law enforcement  
 34 department or the consolidated fire department under  
 35 IC 8-22-3-11.6;  
 36 the police officer or firefighter is a member of the 1977 fund without  
 37 meeting the requirements under sections 19 and 21 of this chapter.

38 (m) **Notwithstanding any other provision of this chapter, a**  
 39 **firefighter who:**  
 40 **(1) as of December 31, 2012, is a member of the 1977 fund as**  
 41 **a firefighter with a township fire department; and**  
 42 **(2) after the transfer of township government powers and**

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1            **duties under IC 36-6-1.1, becomes a member of a municipal**  
 2            **fire department;**  
 3            **is a member of the 1977 fund without meeting the requirements**  
 4            **under sections 19 and 21 of this chapter. A firefighter described in**  
 5            **this subsection is entitled to receive credit for all years of service as**  
 6            **a member of the 1977 fund before becoming a member of the**  
 7            **municipal fire department.**

8            ~~(m)~~ **(n)** A police officer or firefighter who is a member of the 1977  
 9 fund under subsection (k), ~~or~~ (l), **or (m)** may not be:

- 10            (1) retired for purposes of section 10 of this chapter; or
- 11            (2) disabled for purposes of section 12 of this chapter;
- 12            solely because of a change in employer under the consolidation.

13            SECTION 53. IC 36-8-13-1, AS AMENDED BY P.L.227-2005,  
 14            SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15            JULY 1, 2011]: Sec. 1. **(a)** This chapter applies to all townships.  
 16            However, this chapter does not apply to a township in which the fire  
 17            department of the township has been consolidated under IC 36-3-1-6.1.

18            **(b) In the case of a township described in IC 36-6-1.1-3 or**  
 19            **IC 36-6-1.1-4:**

20            **(1) after December 31, 2012, the township board may continue**  
 21            **to exercise the powers and duties of the township board under**  
 22            **this chapter only in:**

- 23            **(A) any unincorporated area of the township; and**
- 24            **(B) a municipality that is located in the township and has**  
 25            **a population of less than ten thousand (10,000);**

26            **(2) after December 31, 2012, the township trustee may**  
 27            **continue to exercise the powers and duties of the township**  
 28            **trustee under this chapter only in:**

- 29            **(A) any unincorporated area of the township; and**
- 30            **(B) a municipality that is located in the township and has**  
 31            **a population of less than ten thousand (10,000); and**

32            **(3) within each municipality that is located in the township**  
 33            **and to which township powers and duties have been**  
 34            **transferred under IC 36-6-1.1:**

35            **(A) the municipal executive shall after December 31, 2012,**  
 36            **exercise the powers and duties of the township trustee**  
 37            **under this chapter; and**

38            **(B) the municipal legislative body and fiscal body shall**  
 39            **after December 31, 2012, exercise the powers and duties of**  
 40            **the township board under this chapter.**

41            SECTION 54. IC 36-8-14-1 IS AMENDED TO READ AS  
 42            FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. **(a)** This chapter

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applies to all units except counties.

**(b) In the case of a township described in IC 36-6-1.1-3 or IC 36-6-1.1-4:**

**(1) after December 31, 2012, the township board may continue to exercise the powers and duties of the township board under this chapter only in:**

- (A) any unincorporated area of the township; and**
- (B) a municipality that is located in the township and has a population of less than ten thousand (10,000);**

**(2) after December 31, 2012, the township trustee may continue to exercise the powers and duties of the township trustee under this chapter only in:**

- (A) any unincorporated area of the township; and**
- (B) a municipality that is located in the township and has a population of less than ten thousand (10,000); and**

**(3) within each municipality that is located in the township and to which township powers and duties have been transferred under IC 36-6-1.1:**

- (A) the municipal executive shall after December 31, 2012, exercise the powers and duties of the township trustee under this chapter; and**
- (B) the municipal legislative body and fiscal body shall after December 31, 2012, exercise the powers and duties of the township board under this chapter.**

SECTION 55. IC 36-8-19-1, AS AMENDED BY P.L.227-2005, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. **(a)** Except as provided in section 1.5 of this chapter, this chapter applies to any geographic area that is established as a fire protection territory.

**(b) In the case of a township described in IC 36-6-1.1-3 or IC 36-6-1.1-4:**

**(1) after December 31, 2012, the township board may continue to exercise the powers and duties of the township board under this chapter only in:**

- (A) any unincorporated area of the township; and**
- (B) a municipality that is located in the township and has a population of less than ten thousand (10,000);**

**(2) after December 31, 2012, the township trustee may continue to exercise the powers and duties of the township trustee under this chapter only in:**

- (A) any unincorporated area of the township; and**
- (B) a municipality that is located in the township and has**

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1 a population of less than ten thousand (10,000); and  
2 (3) within each municipality that is located in the township  
3 and to which township powers and duties have been  
4 transferred under IC 36-6-1.1:

5 (A) the municipal executive shall after December 31, 2012,  
6 exercise the powers and duties of the township trustee  
7 under this chapter; and

8 (B) the municipal legislative body and fiscal body shall  
9 after December 31, 2012, exercise the powers and duties of  
10 the township board under this chapter.

11 SECTION 56. IC 36-9-17.5-1 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) This chapter  
13 applies to all townships.

14 (b) In the case of a township described in IC 36-6-1.1-3 or  
15 IC 36-6-1.1-4:

16 (1) after December 31, 2012, the township board may continue  
17 to exercise the powers and duties of the township board under  
18 this chapter only in:

19 (A) any unincorporated area of the township; and  
20 (B) a municipality that is located in the township and has  
21 a population of less than ten thousand (10,000);

22 (2) after December 31, 2012, the township trustee may  
23 continue to exercise the powers and duties of the township  
24 trustee under this chapter only in:

25 (A) any unincorporated area of the township; and  
26 (B) a municipality that is located in the township and has  
27 a population of less than ten thousand (10,000); and

28 (3) within each municipality that is located in the township  
29 and to which township powers and duties have been  
30 transferred under IC 36-6-1.1:

31 (A) the municipal executive shall after December 31, 2012,  
32 exercise the powers and duties of the township trustee  
33 under this chapter; and

34 (B) the municipal legislative body and fiscal body shall  
35 after December 31, 2012, exercise the powers and duties of  
36 the township board under this chapter.

37 SECTION 57. IC 36-10-7-1 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) This chapter  
39 applies to the townships indicated in each section.

40 (b) In the case of a township described in IC 36-6-1.1-3 or  
41 IC 36-6-1.1-4:

42 (1) after December 31, 2012, the township board may continue

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to exercise the powers and duties of the township board under this chapter only in:

- (A) any unincorporated area of the township; and
- (B) a municipality that is located in the township and has a population of less than ten thousand (10,000);

(2) after December 31, 2012, the township trustee may continue to exercise the powers and duties of the township trustee under this chapter only in:

- (A) any unincorporated area of the township; and
- (B) a municipality that is located in the township and has a population of less than ten thousand (10,000); and

(3) within each municipality that is located in the township and to which township powers and duties have been transferred under IC 36-6-1.1:

- (A) the municipal executive shall after December 31, 2012, exercise the powers and duties of the township trustee under this chapter; and
- (B) the municipal legislative body and fiscal body shall after December 31, 2012, exercise the powers and duties of the township board under this chapter.

SECTION 58. IC 36-10-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) This chapter applies to all townships.

(b) In the case of a township described in IC 36-6-1.1-3 or IC 36-6-1.1-4:

(1) after December 31, 2012, the township board may continue to exercise the powers and duties of the township board under this chapter only in:

- (A) any unincorporated area of the township; and
- (B) a municipality that is located in the township and has a population of less than ten thousand (10,000);

(2) after December 31, 2012, the township trustee may continue to exercise the powers and duties of the township trustee under this chapter only in:

- (A) any unincorporated area of the township; and
- (B) a municipality that is located in the township and has a population of less than ten thousand (10,000); and

(3) within each municipality that is located in the township and to which township powers and duties have been transferred under IC 36-6-1.1:

- (A) the municipal executive shall after December 31, 2012, exercise the powers and duties of the township trustee

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**under this chapter; and  
(B) the municipal legislative body and fiscal body shall  
after December 31, 2012, exercise the powers and duties of  
the township board under this chapter.**

**SECTION 59. IC 36-12-1-7.5 IS ADDED TO THE INDIANA  
CODE AS A NEW SECTION TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2011]: Sec. 7.5. In the case of a township  
described in IC 36-6-1.1-3 or IC 36-6-1.1-4:**

**(1) after December 31, 2012, the township board may continue  
to exercise the powers and duties of the township board under  
this chapter only in:**

- (A) any unincorporated area of the township; and**
- (B) a municipality that is located in the township and has  
a population of less than ten thousand (10,000);**

**(2) after December 31, 2012, the township trustee may  
continue to exercise the powers and duties of the township  
trustee under this chapter only in:**

- (A) any unincorporated area of the township; and**
- (B) a municipality that is located in the township and has  
a population of less than ten thousand (10,000); and**

**(3) within each municipality that is located in the township  
and to which township powers and duties have been  
transferred under IC 36-6-1.1:**

- (A) the municipal executive shall after December 31, 2012,  
exercise the powers and duties of the township trustee  
under this chapter; and**
- (B) the municipal legislative body and fiscal body shall  
after December 31, 2012, exercise the powers and duties of  
the township board under this chapter.**

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