

# HOUSE BILL No. 1434

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-2-25; IC 3-10; IC 3-11-2-12; IC 6-1.1-17-3; IC 12-20; IC 13-11-2-86; IC 15-16-8-0.5; IC 16-31-5-1; IC 16-41-19-7; IC 23-14; IC 32-26; IC 36-1; IC 36-6; IC 36-8; IC 36-9-17.5-1; IC 36-10; IC 36-12.

**Synopsis:** Township government. Provides that in a township containing one or more municipalities (other than a township located in Marion County), after December 31, 2012: (1) the municipal fiscal body and legislative body is the fiscal and legislative body of the township; (2) the township trustee may continue to exercise the powers and duties of the township trustee only in the unincorporated area of the township; (3) within each municipality located in the township, the municipal executive shall exercise the powers and duties otherwise granted to the township trustee; and (4) the functions, duties, and responsibilities of the township assessor (if any) are transferred to the county assessor. Specifies that the offices of township board and township assessor (if any) of such a township are abolished on January 1, 2013. Specifies that if such a township contains more than one municipality: (1) the legislative and fiscal body of each municipality shall act as the township legislative and fiscal body for purposes of carrying out township functions within that municipality; and (2) the legislative and fiscal body of the municipality containing the greatest part of the township's population shall act as the township legislative and fiscal body for purposes of carrying out township functions in that municipality and in the unincorporated parts of the township. Provides that in a township that has all of the township's territory located within  
(Continued next page)

**Effective:** July 1, 2011.

**Davis**

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

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only one municipality (other than a township in Marion County) after December 31, 2012: (1) the municipal fiscal and legislative body is the fiscal and legislative body of the township; (2) the municipal executive body is the executive of the township and shall exercise throughout the township the executive powers and duties assigned to township trustees; and (3) the functions, duties, and responsibilities of the township assessor (if any) are transferred to the county assessor. Specifies that the offices of township trustee, township board, and township assessor (if any) of such a township are abolished on January 1, 2013. Requires the department of local government finance 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 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.

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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. 1434

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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 3-5-2-25 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2011]; Sec. 25. "Fiscal body" means:  
3 (1) **the** county council, for a county not having a consolidated  
4 city;  
5 (2) **the** city-county council, for a consolidated city or county  
6 having a consolidated city;  
7 (3) **the** common council, for a second or third class city;  
8 (4) **the** town council, for a town;  
9 (5) ~~township board~~; for a township:  
10 (A) **except as provided in clause (B), the township board;**  
11 **and**  
12 (B) **after December 31, 2012, for a township described in**  
13 **IC 36-6-1.1-3 or IC 36-6-1.1-4, the municipal fiscal body**  
14 **designated as the fiscal body of the township; or**  
15 (6) **the** governing body or budget approval body, for any other



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

OFFICIAL PRIMARY BALLOT

\_\_\_\_\_ 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.

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

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1 primary election ballot in the following order after the offices described  
2 in subsection (c):

- 3 (1) School board offices to be elected at the primary election.
- 4 (2) Other local offices to be elected at the primary election.
- 5 (3) Local public questions.

6 (e) The offices and public questions described in subsection (d)  
7 shall be placed:

- 8 (1) in a separate column on the ballot if voting is by paper ballot;
- 9 (2) after the offices described in subsection (c) in the form  
10 specified in IC 3-11-13-11 if voting is by ballot card; or
- 11 (3) either:

- 12 (A) on a separate screen for each office or public question; or
- 13 (B) after the offices described in subsection (c) in the form  
14 specified in IC 3-11-14-3.5;
- 15 if voting is by an electronic voting system.

16 (f) A public question shall be placed on the primary election ballot  
17 in the following form:

18 (The explanatory text for the public question,  
19 if required by law.)  
20 "Shall (insert public question)?"

- 21  YES
- 22  NO

23 SECTION 3. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,  
24 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2011]: Sec. 13. (a) The following public officials shall be  
26 elected at the general election before their terms of office expire and  
27 every four (4) years thereafter:

- 28 (1) Clerk of the circuit court.
- 29 (2) County auditor.
- 30 (3) County recorder.
- 31 (4) County treasurer.
- 32 (5) County sheriff.
- 33 (6) County coroner.
- 34 (7) County surveyor.
- 35 (8) County assessor.
- 36 (9) County commissioner.
- 37 (10) County council member.
- 38 (11) Township trustee. **This subdivision does not apply to**  
39 **elections in 2012 and thereafter in a township described in**  
40 **IC 36-6-1.1-4.**
- 41 (12) Township board member. **This subdivision does not apply**  
42 **to elections in 2012 and thereafter in a township described in**

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1           **IC 36-6-1.1-3 or IC 36-6-1.1-4.**  
2           (13) Township assessor (only in a township referred to in  
3           IC 36-6-5-1(d)). **This subdivision does not apply to elections in**  
4           **2012 and thereafter in a township described in IC 36-6-1.1-3**  
5           **or IC 36-6-1.1-4.**  
6           (14) Judge of a small claims court.  
7           (15) Constable of a small claims court.  
8           **(b) This subsection applies only to a township described in**  
9           **IC 36-6-1.1-3. Notwithstanding subsection (a), the term of office of**  
10           **an individual elected to any of the following offices at the general**  
11           **election in 2010 expires January 1, 2013:**  
12                (1) Township board member.  
13                (2) Township assessor.  
14           **This subsection expires July 1, 2014.**  
15           **(c) This subsection applies only to a township described in**  
16           **IC 36-6-1.1-4. Notwithstanding subsection (a), the term of office of**  
17           **an individual elected to any of the following offices at the general**  
18           **election in 2010 expires January 1, 2013:**  
19                (1) Township trustee.  
20                (2) Township board member.  
21                (3) Township assessor.  
22           **This subsection expires July 1, 2014.**  
23           SECTION 4. IC 3-11-2-12, AS AMENDED BY P.L.146-2008,  
24           SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25           JULY 1, 2011]: Sec. 12. The following offices shall be placed on the  
26           general election ballot in the following order:  
27                (1) Federal and state offices:  
28                    (A) President and Vice President of the United States.  
29                    (B) United States Senator.  
30                    (C) Governor and lieutenant governor.  
31                    (D) Secretary of state.  
32                    (E) Auditor of state.  
33                    (F) Treasurer of state.  
34                    (G) Attorney general.  
35                    (H) Superintendent of public instruction.  
36                    (I) United States Representative.  
37                (2) Legislative offices:  
38                    (A) State senator.  
39                    (B) State representative.  
40                (3) Circuit offices and county judicial offices:  
41                    (A) Judge of the circuit court, and unless otherwise specified  
42                    under IC 33, with each division separate if there is more than

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- 1 one (1) judge of the circuit court.
- 2 (B) Judge of the superior court, and unless otherwise specified
- 3 under IC 33, with each division separate if there is more than
- 4 one (1) judge of the superior court.
- 5 (C) Judge of the probate court.
- 6 (D) Judge of the county court, with each division separate, as
- 7 required by IC 33-30-3-3.
- 8 (E) Prosecuting attorney.
- 9 (F) Clerk of the circuit court.
- 10 (4) County offices:
- 11 (A) County auditor.
- 12 (B) County recorder.
- 13 (C) County treasurer.
- 14 (D) County sheriff.
- 15 (E) County coroner.
- 16 (F) County surveyor.
- 17 (G) County assessor.
- 18 (H) County commissioner.
- 19 (I) County council member.
- 20 (5) Township offices:
- 21 (A) Township assessor (only in a township referred to in
- 22 IC 36-6-5-1(d)). **This clause does not apply to elections in**
- 23 **2012 and thereafter in a township described in**
- 24 **IC 36-6-1.1-3 or IC 36-6-1.1-4.**
- 25 (B) Township trustee. **This clause does not apply to elections**
- 26 **in 2012 and thereafter in a township described in**
- 27 **IC 36-6-1.1-4.**
- 28 (C) Township board member. **This clause does not apply to**
- 29 **elections in 2012 and thereafter in a township described in**
- 30 **IC 36-6-1.1-3 or IC 36-6-1.1-4.**
- 31 (D) Judge of the small claims court.
- 32 (E) Constable of the small claims court.
- 33 (6) City offices:
- 34 (A) Mayor.
- 35 (B) Clerk or clerk-treasurer.
- 36 (C) Judge of the city court.
- 37 (D) City-county council member or common council member.
- 38 (7) Town offices:
- 39 (A) Clerk-treasurer.
- 40 (B) Judge of the town court.
- 41 (C) Town council member.

42 SECTION 5. IC 6-1.1-17-3, AS AMENDED BY P.L.182-2009(ss),

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1 SECTION 114, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The proper officers of a  
 3 political subdivision shall formulate its estimated budget and its  
 4 proposed tax rate and tax levy on the form prescribed by the  
 5 department of local government finance and approved by the state  
 6 board of accounts. The political subdivision shall give notice by  
 7 publication to taxpayers of:

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

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

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

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

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

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

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

40 ~~A budget, tax rate, or tax levy adopted by a county fiscal body or~~  
 41 ~~approved or modified by a county board of tax adjustment that is less~~  
 42 ~~than the levy necessary to pay the costs described in subdivision (1) or~~

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1 (2) shall not be treated as a final budget, tax rate, or tax levy under  
2 section 11 of this chapter.

3 (d) This subsection applies to budgets for calendar years after  
4 2012 and to taxes first due and payable after 2012 for a township  
5 described in IC 36-6-1.1-3. In 2012 and each year thereafter, the  
6 township trustee of each township described in IC 36-6-1.1-3 shall  
7 estimate the amount necessary to meet the cost of providing  
8 township services for the ensuing calendar year in the  
9 unincorporated areas of the township. Subject to any applicable  
10 limits on the maximum permissible ad valorem property tax levies  
11 for the township, the municipal fiscal body designated as the fiscal  
12 body of the township shall adopt the budget for the township for  
13 calendar year 2012 and thereafter for purposes of providing  
14 township services in the unincorporated areas of the township. The  
15 fiscal body of each municipality located in the township shall adopt  
16 the budget for the township for calendar year 2012 and thereafter  
17 for purposes of providing township services within that  
18 municipality. The taxes collected as a result of the tax rate adopted  
19 under this subsection shall be credited to the appropriate township  
20 or municipal fund.

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

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

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

38 SECTION 6. IC 12-20-1-6 IS ADDED TO THE INDIANA CODE  
39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
40 1, 2011]: Sec. 6. (a) This section applies only to a municipality in  
41 which one (1) or more townships have had their powers and duties  
42 transferred to the municipality under IC 36-6-1.1-3 or

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**IC 36-6-1.1-4.**

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

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

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

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

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

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

**(4) The administrator has the same powers in the administration of township assistance within the municipality as a township trustee has in the administration of township assistance for a township under IC 12-20-4, IC 12-20-5, IC 12-20-15, IC 12-20-16, IC 12-20-17, IC 12-20-18, and IC 12-20-19.**

**(5) The same standards and requirements that:**

**(A) apply to; or**

**(B) may be imposed upon;**

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

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

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- 1           **(7) The administrator is subject to the same reporting**
- 2           **requirements with respect to township assistance as a**
- 3           **township trustee is subject to under IC 12-20-28.**
- 4           **(8) State and local agencies shall provide the administrator**
- 5           **with the information provided to a township trustee under**
- 6           **IC 12-20-7. The administrator is subject to the criminal**
- 7           **penalty set forth in IC 12-20-7-6 for disclosure of information.**
- 8           **(9) An applicant for township assistance and the**
- 9           **administrator may appeal a decision regarding township**
- 10           **assistance in the same manner that an appeal is taken under**
- 11           **IC 12-20-15.**

12           **(e) Any application for township assistance for which the**  
 13           **township has not entered a final decision regarding the granting or**  
 14           **denial of township assistance by the close of business on December**  
 15           **31, 2012, shall be treated as a new application filed with the**  
 16           **municipality on January 1, 2013. The administrator shall make a**  
 17           **decision on the application in accordance with the uniform**  
 18           **standards adopted under subsection (d)(3).**

19           **(f) Any application for township assistance that has been**  
 20           **granted before January 1, 2013, but for which assistance has not**  
 21           **been disbursed by the township, shall be disbursed and**  
 22           **administered by the administrator in accordance with the**  
 23           **township's grant of township assistance.**

24           **SECTION 7. IC 12-20-1-7 IS ADDED TO THE INDIANA CODE**  
 25           **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 26           **1, 2011]: Sec. 7. (a) This section applies after December 31, 2012,**  
 27           **and applies only to a township that:**

- 28           **(1) is described in IC 36-6-1.1-3; and**
- 29           **(2) contains unincorporated territory.**
- 30           **(b) In a township subject to this section:**
  - 31           **(1) the township trustee shall continue to administer township**
  - 32           **assistance in the unincorporated areas (if any) of the**
  - 33           **township; and**
  - 34           **(2) the municipal legislative body designated as the legislative**
  - 35           **body of the township shall adopt standards for the issuance of**
  - 36           **township assistance within the unincorporated areas of the**
  - 37           **township and the processing of applications for township**
  - 38           **assistance that meet the requirements of IC 12-20-5.5. The**
  - 39           **standards are effective upon being adopted by the municipal**
  - 40           **legislative body.**

41           **SECTION 8. IC 12-20-1-8 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. 8. (a) This section applies only to a municipality**  
2 **containing all or part of a township described in IC 36-6-1.1-3 or**  
3 **IC 36-6-1.1-4.**

4 **(b) As used in this section, "fund" means a township assistance**  
5 **fund established under subsection (c).**

6 **(c) A municipality described in subsection (a) shall establish a**  
7 **township assistance fund.**

8 **(d) The fund shall be raised by a tax levy that:**

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

17 **(e) The tax imposed under this section shall be collected as other**  
18 **municipal ad valorem taxes are collected.**

19 **(f) The following shall be paid into the fund:**

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

23 **(g) The fund is available to pay expenses and obligations set**  
24 **forth in the annual budget.**

25 **(h) Money in the fund at the end of a budget year does not**  
26 **revert to the municipal general fund.**

27 SECTION 9. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005,  
28 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2011]: Sec. 1. (a) The township trustee shall process all  
30 applications for township assistance according to uniform written  
31 standards and without consideration of the race, creed, nationality, or  
32 gender of the applicant or any member of the applicant's household.

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

- 35 **(1) governed by the requirements of this article;**
- 36 **(2) except as provided in subdivision (3), proposed by the**
- 37 **township trustee, adopted by the township board, and filed with**
- 38 **the board of county commissioners;**
- 39 **(3) after December 31, 2012:**
  - 40 **(A) proposed by the township trustee and adopted by**
  - 41 **ordinance of the municipal legislative body, in the case of**
  - 42 **a township described in IC 36-6-1.1-3; and**

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1                   **(B) proposed by the municipal executive and adopted by**  
 2                   **ordinance of the municipal legislative body, in the case of**  
 3                   **a township described in IC 36-6-1.1-4;**  
 4                   ~~(3)~~ **(4)** reviewed and updated annually to reflect changes in the  
 5                   cost of basic necessities in the township and changes in the law;  
 6                   ~~(4)~~ **(5)** published in a single written document, including addenda  
 7                   attached to the document; and  
 8                   ~~(5)~~ **(6)** posted in a place prominently visible to the public in all  
 9                   offices of the township trustee where township assistance  
 10                   applications are taken or processed.

11                   SECTION 10. IC 12-20-5.5-6 IS AMENDED TO READ AS  
 12                   FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) A township  
 13                   trustee **or (for standards applicable after December 31, 2012, in a**  
 14                   **municipality described in IC 36-6-1.1-3 or IC 36-6-1.1-4) municipal**  
 15                   **legislative body** shall set income standards for the township that  
 16                   provide for financial eligibility in an amount consistent with reasonable  
 17                   costs of basic necessities in the trustee's particular township.

18                   (b) A township trustee **or (for standards applicable after**  
 19                   **December 31, 2012, in a municipality described in IC 36-6-1.1-3 or**  
 20                   **IC 36-6-1.1-4) municipal legislative body** may not consider a  
 21                   Holocaust victim's settlement payment received by an eligible  
 22                   individual when setting income standards under this section.

23                   SECTION 11. IC 13-11-2-86 IS AMENDED TO READ AS  
 24                   FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 86. "Fiscal body"  
 25                   means:

- 26                   (1) the county council, for a county not having a consolidated city;
- 27                   (2) the city-county council of a consolidated city and county;
- 28                   (3) the common council of a city;
- 29                   (4) the town council of a town;
- 30                   (5) ~~the township board; or~~ **for a township:**  
                   31                   **(A) except as provided in clause (B), the township board;**  
                   32                   **and**  
                   33                   **(B) after December 31, 2012, for a township described in**  
                   34                   **IC 36-6-1.1-3 or IC 36-6-1.1-4, the municipal fiscal body**  
                   35                   **designated as the fiscal body of the township; or**  
                   36                   (6) the board of directors of a conservancy district.

37                   SECTION 12. IC 15-16-8-0.5 IS ADDED TO THE INDIANA  
 38                   CODE AS A NEW SECTION TO READ AS FOLLOWS  
 39                   [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. (a) In the case of a township**  
 40                   **described in IC 36-6-1.1-3:**

41                   **(1) the powers and duties of the township legislative and fiscal**  
 42                   **body under this chapter are transferred to the municipal**

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- 1 legislative and fiscal body on January 1, 2013;
- 2 (2) after December 31, 2012, the township trustee may
- 3 continue to exercise the powers and duties of the township
- 4 trustee under this chapter only in the unincorporated area of
- 5 the township; and
- 6 (3) within each municipality located in the township, the
- 7 municipal executive shall after December 31, 2012, exercise
- 8 the powers and duties of the township trustee under this
- 9 chapter.
- 10 (b) In the case of a township described in IC 36-6-1.1-4:
- 11 (1) the powers and duties of a township under this chapter are
- 12 transferred to the municipality on January 1, 2013;
- 13 (2) the powers and duties of the township legislative and fiscal
- 14 body under this chapter are transferred to the municipal
- 15 legislative and fiscal body on January 1, 2013; and
- 16 (3) the powers and duties of the township trustee under this
- 17 chapter are transferred to the municipal executive on January
- 18 1, 2013.
- 19 SECTION 13. IC 16-31-5-1 IS AMENDED TO READ AS
- 20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) In the case of a
- 21 township described in IC 36-6-1.1-3:
- 22 (1) the powers and duties of the township legislative and fiscal
- 23 body under this chapter are transferred to the municipal
- 24 legislative and fiscal body on January 1, 2013;
- 25 (2) after December 31, 2012, the township trustee may
- 26 continue to exercise the powers and duties of the township
- 27 trustee under this chapter only in the unincorporated area of
- 28 the township; and
- 29 (3) within each municipality located in the township, the
- 30 municipal executive shall after December 31, 2012, exercise
- 31 the powers and duties of the township trustee under this
- 32 chapter.
- 33 (b) In the case of a township described in IC 36-6-1.1-4:
- 34 (1) the powers and duties of a township under this chapter are
- 35 transferred to the municipality on January 1, 2013;
- 36 (2) the powers and duties of the township legislative and fiscal
- 37 body under this chapter are transferred to the municipal
- 38 legislative and fiscal body on January 1, 2013; and
- 39 (3) the powers and duties of the township trustee under this
- 40 chapter are transferred to the municipal executive on January
- 41 1, 2013.
- 42 (c) The governing body of a city, town, township, or county by the

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- 1 governing body's action or in any combination may do the following:
- 2 (1) Establish, operate, and maintain emergency medical services.
- 3 (2) Levy taxes under and limited by IC 6-3.5 and expend
- 4 appropriated funds of the political subdivision to pay the costs
- 5 and expenses of establishing, operating, maintaining, or
- 6 contracting for emergency medical services.
- 7 (3) Except as provided in section 2 of this chapter, authorize,
- 8 franchise, or contract for emergency medical services. However:
- 9 (A) a county may not provide, authorize, or contract for
- 10 emergency medical services within the limits of any city
- 11 without the consent of the city; and
- 12 (B) a city or town may not provide, authorize, franchise, or
- 13 contract for emergency medical services outside the limits of
- 14 the city or town without the approval of the governing body of
- 15 the area to be served.
- 16 (4) Apply for, receive, and accept gifts, bequests, grants-in-aid,
- 17 state, federal, and local aid, and other forms of financial
- 18 assistance for the support of emergency medical services.
- 19 (5) Establish and provide for the collection of reasonable fees for
- 20 emergency ambulance services the governing body provides
- 21 under this chapter.
- 22 (6) Pay the fees or dues for individual or group membership in
- 23 any regularly organized volunteer emergency medical services
- 24 association on their own behalf or on behalf of the emergency
- 25 medical services personnel serving that unit of government.

26 SECTION 14. IC 16-41-19-7, AS AMENDED BY P.L.73-2005,  
 27 SECTION 169, IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2011]: Sec. 7. **(a) In the case of a township**  
 29 **described in IC 36-6-1.1-3:**

- 30 **(1) the powers and duties of the township legislative and fiscal**
- 31 **body under this section are transferred to the municipal**
- 32 **legislative and fiscal body on January 1, 2013;**
- 33 **(2) after December 31, 2012, the township trustee may**
- 34 **continue to exercise the powers and duties of the township**
- 35 **trustee under this section only in the unincorporated area of**
- 36 **the township; and**
- 37 **(3) within each municipality located in the township, the**
- 38 **municipal executive shall after December 31, 2012, exercise**
- 39 **the powers and duties of the township trustee under this**
- 40 **section.**

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

- 42 **(1) the powers and duties of a township under this section are**

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1 transferred to the municipality on January 1, 2013;  
 2 (2) the powers and duties of the township legislative and fiscal  
 3 body under this section are transferred to the municipal  
 4 legislative and fiscal body on January 1, 2013; and  
 5 (3) the powers and duties of the township trustee under this  
 6 section are transferred to the municipal executive on January  
 7 1, 2013.

8 ~~(a)~~ (c) Except as provided in subsection ~~(b)~~; (d), all costs that are  
 9 incurred in furnishing biologicals under this chapter,  
 10 IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be paid: ~~by:~~

- 11 (1) ~~by~~ the appropriate county, city, or town against which the
- 12 application form is issued from general funds; ~~and~~
- 13 (2) ~~by~~ the appropriate township against which the application
- 14 form is issued from funds in the township assistance fund; ~~and~~
- 15 (3) ~~after December 31, 2012, in the case of a municipality~~
- 16 ~~containing all or part of township described in IC 36-6-1.1-3~~
- 17 ~~or IC 36-6-1.1-4, by the municipality against which the~~
- 18 ~~application form is issued from funds in the municipality's~~
- 19 ~~township assistance fund established under IC 12-20-1-8;~~

20 ~~and~~ not otherwise appropriated without appropriations.

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

24 ~~(c)~~ (e) After being presented with a legal claim for insulin being  
 25 furnished to the same individual a second time, a township trustee may  
 26 require the individual to complete and file a standard application for  
 27 township assistance in order to investigate the financial condition of the  
 28 individual claiming to be indigent. The trustee shall immediately notify  
 29 the individual's physician that:

- 30 (1) the financial ability of the individual claiming to be indigent
- 31 is in question; and
- 32 (2) a standard application for township assistance must be filed
- 33 with the township.

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

37 ~~(d)~~ (f) For purposes of this section, the township shall consider an  
 38 adult individual needing insulin as an individual and not as a member  
 39 of a household requesting township assistance.

40 SECTION 15. IC 23-14-31-26, AS AMENDED BY P.L.101-2010,  
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2011]: Sec. 26. (a) Except as provided in subsection (c), the

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1 following persons, in the priority listed, have the right to serve as an  
2 authorizing agent:

3 (1) An individual granted the authority to serve in a funeral  
4 planning declaration executed by the decedent under IC 29-2-19,  
5 or the person named in a United States Department of Defense  
6 form "Record of Emergency Data" (DD Form 93) or a successor  
7 form adopted by the United States Department of Defense, if the  
8 decedent died while serving in any branch of the United States  
9 Armed Forces (as defined in 10 U.S.C. 1481) and completed the  
10 form.

11 (2) An individual granted the authority to serve in a health care  
12 power of attorney executed by the decedent under IC 30-5-5-16.

13 (3) The individual who was the spouse of the decedent at the time  
14 of the decedent's death.

15 (4) The decedent's surviving adult children. If more than one (1)  
16 adult child is surviving, any adult child who confirms in writing  
17 that the other adult children have been notified, unless the  
18 crematory authority receives a written objection to the cremation  
19 from another adult child.

20 (5) The decedent's surviving parent. If the decedent is survived by  
21 both parents, either parent may serve as the authorizing agent  
22 unless the crematory authority receives a written objection to the  
23 cremation from the other parent.

24 (6) The individual in the next degree of kinship under IC 29-1-2-1  
25 to inherit the estate of the decedent. If more than one (1)  
26 individual of the same degree is surviving, any person of that  
27 degree may serve as the authorizing agent unless the crematory  
28 authority receives a written objection to the cremation from one  
29 (1) or more persons of the same degree.

30 (7) In the case of an indigent or other individual whose final  
31 disposition is the responsibility of the state, **or a township, or**  
32 **(after December 31, 2012, in a township described in**  
33 **IC 36-6-1.1-3 or IC 36-6-1.1-4) a municipality,** the following  
34 may serve as the authorizing agent:

35 (A) If none of the persons identified in subdivisions (1)  
36 through (6) are available:

37 (i) a public administrator, including a responsible township  
38 trustee or the trustee's designee **or (after December 31,**  
39 **2012, in a township described in IC 36-6-1.1-3 or**  
40 **IC 36-6-1.1-4) an administrator appointed under**  
41 **IC 12-20-1-6;** or

42 (ii) the coroner.

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(B) A state appointed guardian.

However, an indigent decedent may not be cremated if a surviving family member objects to the cremation or if cremation would be contrary to the religious practices of the deceased individual as expressed by the individual or the individual's family.

(8) In the absence of any person under subdivisions (1) through (7), any person willing to assume the responsibility as the authorizing agent, as specified in this article.

(b) When a body part of a nondeceased individual is to be cremated, a representative of the institution that has arranged with the crematory authority to cremate the body part may serve as the authorizing agent.

(c) If:

- (1) the death of the decedent appears to have been the result of:
  - (A) murder (IC 35-42-1-1);
  - (B) voluntary manslaughter (IC 35-42-1-3); or
  - (C) another criminal act, if the death does not result from the operation of a vehicle; and
- (2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not serve as the authorizing agent.

(d) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the crematory authority of the determination referred to in subsection (c)(2).

**SECTION 16. IC 23-14-33-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:**

**Sec. 3.5. (a) In the case of a township described in IC 36-6-1.1-3:**

- (1) the powers and duties of the township legislative and fiscal body under this chapter are transferred to the municipal legislative and fiscal body on January 1, 2013;**
- (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 the unincorporated area of the township; and**
- (3) within each municipality located in the township, the municipal executive shall after December 31, 2012, exercise the powers and duties of the township trustee under this chapter.**

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- 1           **(b) In the case of a township described in IC 36-6-1.1-4:**
- 2           **(1) the powers and duties of a township under this chapter are**
- 3           **transferred to the municipality on January 1, 2013;**
- 4           **(2) the powers and duties of the township legislative and fiscal**
- 5           **body under this chapter are transferred to the municipal**
- 6           **legislative and fiscal body on January 1, 2013; and**
- 7           **(3) the powers and duties of the township trustee under this**
- 8           **chapter are transferred to the municipal executive on January**
- 9           **1, 2013.**

10           SECTION 17. IC 32-26-4-2 IS AMENDED TO READ AS  
 11           FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The trustee of  
 12           each township, the county highway superintendent, the Indiana  
 13           department of transportation, or other officer in control of the  
 14           maintenance of a highway shall between January 1 and April 1 of each  
 15           year, examine all hedges, live fences, natural growths along highways,  
 16           and other obstructions described in section 1 of this chapter in their  
 17           respective jurisdictions. If there are hedges, live fences, other growths,  
 18           or obstructions along the highways that have not been cut, trimmed  
 19           down, and maintained in accordance with this chapter, the owner shall  
 20           be given written notice to cut or trim the hedge or live fence and to  
 21           burn the brush trimmed from the hedge or live fence and remove any  
 22           other obstructions or growths.

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

26           (c) If the owner is not a resident of the township, county, or state  
 27           where the hedge, live fence, or other obstructions or growth is located,  
 28           the notice shall be served upon the owner's agent or tenant residing in  
 29           the township. If an agent or a tenant of the owner does not reside in the  
 30           township, the notice shall be served by mailing a copy of the notice to  
 31           the owner, directed to the owner's last known post office address.

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

- 37           (1) cause the fences to be cut and trimmed or obstructions or
- 38           growths removed in accordance with this chapter; and
- 39           (2) burn the brush trimmed from the fences.

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

42           (e) The township trustee, county highway superintendent, or Indiana

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1 department of transportation having charge of the work performed  
 2 under subsection (d) shall prepare an itemized statement of the total  
 3 cost of the work of removing the obstructions or growths and shall sign  
 4 and certify the statement to the county auditor of the county in which  
 5 the land is located. The county auditor shall place the statement on the  
 6 tax duplicates. The county treasurer shall collect the costs entered on  
 7 the duplicates at the same time and in the same manner as road taxes  
 8 are collected. The treasurer may not issue a receipt for road taxes  
 9 unless the costs entered on the duplicates are paid in full at the same  
 10 time the road taxes are paid. If the costs are not paid when due, the  
 11 costs shall become delinquent, bear the same interest, be subject to the  
 12 same penalties, and be collected at the same time and in the same  
 13 manner as other unpaid and delinquent taxes.

14 **(f) In the case of a township described in IC 36-6-1.1-3:**

15 **(1) the powers and duties of the township legislative and fiscal**  
 16 **body under this chapter are transferred to the municipal**  
 17 **legislative and fiscal body on January 1, 2013;**

18 **(2) after December 31, 2012, the township trustee may**  
 19 **continue to exercise the powers and duties of the township**  
 20 **trustee under this chapter only in the unincorporated area of**  
 21 **the township; and**

22 **(3) within each municipality located in the township, the**  
 23 **municipal executive shall after December 31, 2012, exercise**  
 24 **the powers and duties of the township trustee under this**  
 25 **chapter.**

26 **(g) In the case of a township described in IC 36-6-1.1-4:**

27 **(1) the powers and duties of a township under this chapter are**  
 28 **transferred to the municipality on January 1, 2013;**

29 **(2) the powers and duties of the township legislative and fiscal**  
 30 **body under this chapter are transferred to the municipal**  
 31 **legislative and fiscal body on January 1, 2013; and**

32 **(3) the powers and duties of the township trustee under this**  
 33 **chapter are transferred to the municipal executive on January**  
 34 **1, 2013.**

35 SECTION 18. IC 32-26-9-0.7 IS ADDED TO THE INDIANA  
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2011]: **Sec. 0.7. (a) In the case of a township**  
 38 **described in IC 36-6-1.1-3:**

39 **(1) the powers and duties of the township legislative and fiscal**  
 40 **body under this chapter are transferred to the municipal**  
 41 **legislative and fiscal body on January 1, 2013;**

42 **(2) after December 31, 2012, the township trustee may**

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- 1           **continue to exercise the powers and duties of the township**
- 2           **trustee under this chapter only in the unincorporated area of**
- 3           **the township; and**
- 4           **(3) within each municipality located in the township, the**
- 5           **municipal executive shall after December 31, 2012, exercise**
- 6           **the powers and duties of the township trustee under this**
- 7           **chapter.**
- 8           **(b) In the case of a township described in IC 36-6-1.1-4:**
- 9           **(1) the powers and duties of a township under this chapter are**
- 10           **transferred to the municipality on January 1, 2013;**
- 11           **(2) the powers and duties of the township legislative and fiscal**
- 12           **body under this chapter are transferred to the municipal**
- 13           **legislative and fiscal body on January 1, 2013; and**
- 14           **(3) the powers and duties of the township trustee under this**
- 15           **chapter are transferred to the municipal executive on January**
- 16           **1, 2013.**

17           SECTION 19. IC 36-1-2-6, AS AMENDED BY P.L.186-2006,  
 18           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19           JULY 1, 2011]: Sec. 6. "Fiscal body" means:

- 20           (1) **the** county council, for a county not having a consolidated
- 21           city;
- 22           (2) **the** city-county council, for a consolidated city or county
- 23           having a consolidated city;
- 24           (3) **the** common council, for a city other than a consolidated city;
- 25           (4) **the** town council, for a town;
- 26           (5) ~~township board~~; for a township:
- 27           **(A) except as provided in clause (B), the township board;**
- 28           **and**
- 29           **(B) after December 31, 2012, for a township described in**
- 30           **described in IC 36-6-1.1-3 or IC 36-6-1.1-4, the municipal**
- 31           **fiscal body designated as the fiscal body of the township;**
- 32           (6) **the** governing body or budget approval body, for any other
- 33           political subdivision that has a governing body or budget approval
- 34           body; or
- 35           (7) **the** chief executive officer of any other political subdivision
- 36           that does not have a governing body or budget approval body.

37           SECTION 20. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,  
 38           SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39           JULY 1, 2011]: Sec. 9. "Legislative body" means: ~~the~~

- 40           (1) **the** board of county commissioners, for a county not subject
- 41           to IC 36-2-3.5 or IC 36-3-1;
- 42           (2) **the** county council, for a county subject to IC 36-2-3.5;

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- 1 (3) **the** city-county council, for a consolidated city or county
- 2 having a consolidated city;
- 3 (4) **the** common council, for a city other than a consolidated city;
- 4 (5) **the** town council, for a town;
- 5 (6) ~~township board~~; for a township:
- 6 (A) **except as provided in clause (B), the township board;**
- 7 **and**
- 8 (B) **after December 31, 2012, for a township described in**
- 9 **IC 36-6-1.1-3 or IC 36-6-1.1-4, the municipal legislative**
- 10 **body designated as the legislative body of the township;**
- 11 (7) **the** governing body of any other political subdivision that has
- 12 a governing body; or
- 13 (8) **the** chief executive officer of any other political subdivision
- 14 that does not have a governing body.

15 SECTION 21. IC 36-1-8-17 IS ADDED TO THE INDIANA CODE  
 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 17 1, 2011]: **Sec. 17. A township described in IC 36-6-1.1-3 or**  
 18 **IC 36-6-1.1-4 may not enter into a contract with a term that**  
 19 **extends beyond December 31, 2012, unless the contract has been**  
 20 **approved by the fiscal body of each municipality located in the**  
 21 **township.**

22 SECTION 22. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE  
 23 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2011]:

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

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

29 **Sec. 2. (a) This chapter does not apply to a township located in**  
 30 **Marion County.**

31 **(b) Except as provided in subsection (a), this chapter applies to**  
 32 **each township that has any of the township's territory located**  
 33 **within one (1) or more municipalities**

34 **Sec. 3. (a) This section does not apply to a township that has all**  
 35 **of the township's territory located within only one (1) municipality.**

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

37 **(1) subject to subsection (c), after December 31, 2012, the**  
 38 **municipal fiscal body is the fiscal body of the township and**  
 39 **shall exercise throughout the township the fiscal powers and**  
 40 **duties assigned in the Indiana Code or the Indiana**  
 41 **Administrative Code to township boards;**

42 **(2) subject to subsection (c), after December 31, 2012, the**

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1           municipal legislative body is the legislative body of the  
2           township and shall exercise throughout the township the  
3           legislative powers and duties assigned in the Indiana Code or  
4           the Indiana Administrative Code to township boards;  
5           (3) the offices of township board and township assessor (if  
6           any) in the township are abolished in the township on January  
7           1, 2013;  
8           (4) subject to subsection (c), on January 1, 2013, the legislative  
9           functions, duties, and responsibilities of the township board  
10          are transferred to the municipal legislative body, the fiscal  
11          functions, duties, and responsibilities of the township board  
12          are transferred to the municipal fiscal body, and the  
13          functions, duties, and responsibilities of the township assessor  
14          are transferred to the county assessor;  
15          (5) the terms of each township board member and township  
16          assessor (if any) expire January 1, 2013, and the officials are  
17          not entitled to any compensation for actions taken after  
18          December 31, 2012;  
19          (6) the township trustee may continue to exercise the powers  
20          and duties of the township trustee only in the unincorporated  
21          area of the township (if any); and  
22          (7) within each municipality located in the township, the  
23          municipal executive shall exercise the powers and duties of the  
24          township trustee.

25          (c) If a township subject to this section contains more than one  
26          (1) municipality:  
27               (1) the legislative and fiscal body of each municipality shall  
28               after December 31, 2012, act as the township legislative and  
29               fiscal body for purposes of the municipality carrying out  
30               township functions within that municipality; and  
31               (2) the legislative and fiscal body of the municipality  
32               containing the greatest part of the township's population shall  
33               after December 31, 2012, act as the township legislative and  
34               fiscal body for purposes of the municipality carrying out  
35               township functions in that municipality and in the  
36               unincorporated parts of the township (if any).

37          Sec. 4. (a) This section applies to a township that has all of the  
38          township's territory located within only one (1) municipality.

39          (b) In the case of a township subject to this section:  
40               (1) after December 31, 2012, the municipal fiscal body is the  
41               fiscal body of the township and shall exercise throughout the  
42               township the fiscal powers and duties assigned in the Indiana

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1 Code or the Indiana Administrative Code to township boards;  
 2 (2) after December 31, 2012, the municipal legislative body is  
 3 the legislative body of the township and shall exercise  
 4 throughout the township the legislative powers and duties  
 5 assigned in the Indiana Code or the Indiana Administrative  
 6 Code to township boards;  
 7 (3) after December 31, 2012, the municipal executive body is  
 8 the executive of the township and shall exercise throughout  
 9 the township the executive powers and duties assigned in the  
 10 Indiana Code or the Indiana Administrative Code to township  
 11 executives;  
 12 (4) on January 1, 2013, the legislative functions, duties, and  
 13 responsibilities of the township board are transferred to the  
 14 municipal legislative body, the fiscal functions, duties, and  
 15 responsibilities of the township board are transferred to the  
 16 municipal fiscal body, the functions, duties, and  
 17 responsibilities of the township assessor are transferred to the  
 18 county assessor, and the functions, duties, and responsibilities  
 19 of the township trustee are transferred to the municipal  
 20 executive;  
 21 (5) the offices of township trustee, township board, and  
 22 township assessor (if any) in the township are abolished in the  
 23 township on January 1, 2013; and  
 24 (6) the terms of each township trustee, township board  
 25 member, and township assessor (if any) expire January 1,  
 26 2013, and the officials are not entitled to any compensation  
 27 for actions taken after December 31, 2012.

28 **Sec. 5. (a) The abolishment of the office of a township trustee,**  
 29 **township board, or township assessor (if any) under section 3 or 4**  
 30 **of this chapter does not invalidate any resolutions, fees, schedules,**  
 31 **appointments, or other actions adopted, taken, or made by the**  
 32 **township trustee, township board, or township assessor before**  
 33 **January 1, 2013.**

34 (b) Except as specifically provided, if the powers and duties of  
 35 a township board or township assessor are transferred under  
 36 section 4 or 5 of this chapter to a municipal legislative body or  
 37 fiscal body or to a county assessor, after December 31, 2012, any  
 38 reference:  
 39 (1) in the Indiana Code;  
 40 (2) in the Indiana Administrative Code; or  
 41 (3) in any resolution or ordinance;  
 42 to the township board shall be considered a reference to the

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1 **municipal fiscal body for fiscal powers and duties, any reference to**  
2 **the township board for legislative powers and duties shall be**  
3 **considered a reference to the municipal legislative body, and any**  
4 **reference to the township assessor shall be considered a reference**  
5 **to the county assessor.**

6 **(c) Except as specifically provided, if the powers and duties of**  
7 **a township trustee are transferred under section 4 of this chapter**  
8 **to a municipal executive, after December 31, 2012, any reference:**

- 9 **(1) in the Indiana Code;**
  - 10 **(2) in the Indiana Administrative Code; or**
  - 11 **(3) in any resolution or ordinance;**
- 12 **to the township trustee shall be considered a reference to the**  
13 **municipal executive.**

14 **Sec. 6. The department of local government finance shall adjust**  
15 **the maximum permissible property tax levies, maximum**  
16 **permissible property tax rates, and budgets of:**

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

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

24 **SECTION 23. IC 36-6-5-1, AS AMENDED BY P.L.1-2009,**  
25 **SECTION 164, IS AMENDED TO READ AS FOLLOWS**  
26 **[EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Subject to subsection (g),**  
27 **before 2009, a township assessor shall be elected under IC 3-10-2-13**  
28 **by the voters of each township:**

- 29 **(1) having:**
  - 30 **(A) a population of more than eight thousand (8,000); or**
  - 31 **(B) an elected township assessor or the authority to elect a**  
32 **township assessor before January 1, 1979; and**
- 33 **(2) in which the number of parcels of real property on January 1,**  
34 **2008, is at least fifteen thousand (15,000).**

35 **(b) Subject to subsection (g), before 2009, a township assessor shall**  
36 **be elected under IC 3-10-2-14 (repealed effective July 1, 2008) in each**  
37 **township:**

- 38 **(1) having a population of more than five thousand (5,000) but**  
39 **not more than eight thousand (8,000), if:**
  - 40 **(A) the legislative body of the township, by resolution,**  
41 **declares that the office of township assessor is necessary; and**
  - 42 **(B) the resolution is filed with the county election board not**

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1 later than the first date that a declaration of candidacy may be  
2 filed under IC 3-8-2; 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 (c) Subject to subsection (g), a township government that is created  
6 by merger under IC 36-6-1.5 shall elect only one (1) township assessor  
7 under this section.

8 (d) Subject to subsection (g), after 2008 a township assessor shall  
9 be elected under IC 3-10-2-13 only by the voters of each township in  
10 which:

11 (1) the number of parcels of real property on January 1, 2008, is  
12 at least fifteen thousand (15,000); and

13 (2) the transfer to the county assessor of the assessment duties  
14 prescribed by IC 6-1.1 is disapproved in the referendum under  
15 IC 36-2-15.

16 (e) The township assessor must reside within the township as  
17 provided in Article 6, Section 6 of the Constitution of the State of  
18 Indiana. The assessor forfeits office if the assessor ceases to be a  
19 resident of the township.

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

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

28 (h) After June 30, 2008, the county assessor shall perform the  
29 assessment duties prescribed by IC 6-1.1 in a township in which the  
30 number of parcels of real property on January 1, 2008, is less than  
31 fifteen thousand (15,000).

32 **(i) Notwithstanding any other law, on January 1, 2013, in the**  
33 **case of a township described in IC 36-6-1.1-3 or IC 36-6-1.1-4:**

34 **(1) the powers and duties of the township assessor are**  
35 **transferred to the county assessor;**

36 **(2) the office of township assessor is eliminated; and**

37 **(3) the term of any township assessor is terminated.**

38 SECTION 24. IC 36-8-13-1, AS AMENDED BY P.L.227-2005,  
39 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2011]: Sec. 1. **(a)** This chapter applies to all townships.  
41 However, this chapter does not apply to a township in which the fire  
42 department of the township has been consolidated under IC 36-3-1-6.1.

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- 1           **(b) In the case of a township described in IC 36-6-1.1-3:**
- 2               (1) the powers and duties of the township legislative and fiscal
- 3               body under this chapter are transferred to the municipal
- 4               legislative and fiscal body on January 1, 2013;
- 5               (2) after December 31, 2012, the township trustee may
- 6               continue to exercise the powers and duties of the township
- 7               trustee under this chapter only in the unincorporated area of
- 8               the township; and
- 9               (3) within each municipality located in the township, the
- 10              municipal executive shall after December 31, 2012, exercise
- 11              the powers and duties of the township trustee under this
- 12              chapter.
- 13           **(c) In the case of a township described in IC 36-6-1.1-4:**
- 14               (1) the powers and duties of a township under this chapter are
- 15               transferred to the municipality on January 1, 2013;
- 16               (2) the powers and duties of the township legislative and fiscal
- 17               body under this chapter are transferred to the municipal
- 18               legislative and fiscal body on January 1, 2013; and
- 19               (3) the powers and duties of the township trustee under this
- 20               chapter are transferred to the municipal executive on January
- 21               1, 2013.
- 22           SECTION 25. IC 36-8-14-1 IS AMENDED TO READ AS
- 23           FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. **(a)** This chapter
- 24           applies to all units except counties.
- 25           **(b) In the case of a township described in IC 36-6-1.1-3:**
- 26               (1) the powers and duties of the township legislative and fiscal
- 27               body under this chapter are transferred to the municipal
- 28               legislative and fiscal body on January 1, 2013;
- 29               (2) after December 31, 2012, the township trustee may
- 30               continue to exercise the powers and duties of the township
- 31               trustee under this chapter only in the unincorporated area of
- 32               the township; and
- 33               (3) within each municipality located in the township, the
- 34               municipal executive shall after December 31, 2012, exercise
- 35               the powers and duties of the township trustee under this
- 36               chapter.
- 37           **(c) In the case of a township described in IC 36-6-1.1-4:**
- 38               (1) the powers and duties of a township under this chapter are
- 39               transferred to the municipality on January 1, 2013;
- 40               (2) the powers and duties of the township legislative and fiscal
- 41               body under this chapter are transferred to the municipal
- 42               legislative and fiscal body on January 1, 2013; and

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1 (3) the powers and duties of the township trustee under this  
2 chapter are transferred to the municipal executive on January  
3 1, 2013.

4 SECTION 26. IC 36-8-19-1, AS AMENDED BY P.L.227-2005,  
5 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2011]: Sec. 1. (a) Except as provided in section 1.5 of this  
7 chapter, this chapter applies to any geographic area that is established  
8 as a fire protection territory.

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

10 (1) the powers and duties of the township legislative and fiscal  
11 body under this chapter are transferred to the municipal  
12 legislative and fiscal body on January 1, 2013;

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

17 (3) within each municipality located in the township, the  
18 municipal executive shall after December 31, 2012, exercise  
19 the powers and duties of the township trustee under this  
20 chapter.

21 (c) In the case of a township described in IC 36-6-1.1-4:

22 (1) the powers and duties of a township under this chapter are  
23 transferred to the municipality on January 1, 2013;

24 (2) the powers and duties of the township legislative and fiscal  
25 body under this chapter are transferred to the municipal  
26 legislative and fiscal body on January 1, 2013; and

27 (3) the powers and duties of the township trustee under this  
28 chapter are transferred to the municipal executive on January  
29 1, 2013.

30 SECTION 27. IC 36-9-17.5-1 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) This chapter  
32 applies to all townships.

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

34 (1) the powers and duties of the township legislative and fiscal  
35 body under this chapter are transferred to the municipal  
36 legislative and fiscal body on January 1, 2013;

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

41 (3) within each municipality located in the township, the  
42 municipal executive shall after December 31, 2012, exercise

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- 1           the powers and duties of the township trustee under this
- 2           chapter.
- 3       **(c) In the case of a township described in IC 36-6-1.1-4:**
- 4           **(1) the powers and duties of a township under this chapter are**
- 5           **transferred to the municipality on January 1, 2013;**
- 6           **(2) the powers and duties of the township legislative and fiscal**
- 7           **body under this chapter are transferred to the municipal**
- 8           **legislative and fiscal body on January 1, 2013; and**
- 9           **(3) the powers and duties of the township trustee under this**
- 10          **chapter are transferred to the municipal executive on January**
- 11          **1, 2013.**

12       SECTION 28. IC 36-10-7-1 IS AMENDED TO READ AS  
 13       FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. **(a)** This chapter  
 14       applies to the townships indicated in each section.

- 15       **(b) In the case of a township described in IC 36-6-1.1-3:**
- 16           **(1) the powers and duties of the township legislative and fiscal**
- 17           **body under this chapter are transferred to the municipal**
- 18           **legislative and fiscal body on January 1, 2013;**
- 19           **(2) after December 31, 2012, the township trustee may**
- 20           **continue to exercise the powers and duties of the township**
- 21           **trustee under this chapter only in the unincorporated area of**
- 22           **the township; and**
- 23           **(3) within each municipality located in the township, the**
- 24           **municipal executive shall after December 31, 2012, exercise**
- 25           **the powers and duties of the township trustee under this**
- 26           **chapter.**

- 27       **(c) In the case of a township described in IC 36-6-1.1-4:**
- 28           **(1) the powers and duties of a township under this chapter are**
- 29           **transferred to the municipality on January 1, 2013;**
- 30           **(2) the powers and duties of the township legislative and fiscal**
- 31           **body under this chapter are transferred to the municipal**
- 32           **legislative and fiscal body on January 1, 2013; and**
- 33           **(3) the powers and duties of the township trustee under this**
- 34           **chapter are transferred to the municipal executive on January**
- 35           **1, 2013.**

36       SECTION 29. IC 36-10-7.5-1 IS AMENDED TO READ AS  
 37       FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. **(a)** This chapter  
 38       applies to all townships.

- 39       **(b) In the case of a township described in IC 36-6-1.1-3:**
- 40           **(1) the powers and duties of the township legislative and fiscal**
- 41           **body under this chapter are transferred to the municipal**
- 42           **legislative and fiscal body on January 1, 2013;**

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1 (2) after December 31, 2012, the township trustee may  
2 continue to exercise the powers and duties of the township  
3 trustee under this chapter only in the unincorporated area of  
4 the township; and

5 (3) within each municipality located in the township, the  
6 municipal executive shall after December 31, 2012, exercise  
7 the powers and duties of the township trustee under this  
8 chapter.

9 (c) In the case of a township described in IC 36-6-1.1-4:

10 (1) the powers and duties of a township under this chapter are  
11 transferred to the municipality on January 1, 2013;

12 (2) the powers and duties of the township legislative and fiscal  
13 body under this chapter are transferred to the municipal  
14 legislative and fiscal body on January 1, 2013; and

15 (3) the powers and duties of the township trustee under this  
16 chapter are transferred to the municipal executive on January  
17 1, 2013.

18 SECTION 30. IC 36-12-1-7.5 IS ADDED TO THE INDIANA  
19 CODE AS A NEW SECTION TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2011]: Sec. 7.5. (a) In the case of a township  
21 described in IC 36-6-1.1-3:

22 (1) the powers and duties of the township legislative and fiscal  
23 body under this chapter are transferred to the municipal  
24 legislative and fiscal body on January 1, 2013;

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

29 (3) within each municipality located in the township, the  
30 municipal executive shall after December 31, 2012, exercise  
31 the powers and duties of the township trustee under this  
32 chapter.

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

34 (1) the powers and duties of a township under this chapter are  
35 transferred to the municipality on January 1, 2013;

36 (2) the powers and duties of the township legislative and fiscal  
37 body under this chapter are transferred to the municipal  
38 legislative and fiscal body on January 1, 2013; and

39 (3) the powers and duties of the township trustee under this  
40 chapter are transferred to the municipal executive on January  
41 1, 2013.

42 SECTION 31. IC 36-12-2-13, AS ADDED BY P.L.1-2005,

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1 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2011]: Sec. 13. This section applies to the appointment of  
3 members to the library board of a public library serving a library  
4 district that is entirely located in one (1) township and includes part or  
5 all of only one (1) municipality. For a public library under this section,  
6 the appointments under section 9(4) and 9(5) of this chapter shall be  
7 made as follows:

8 (1) One (1) member appointed **as follows:**

9 (A) **Except as provided in clause (B), the member shall be**  
10 **appointed** by the legislative body of the township in which the  
11 library district is located.

12 (B) **After December 31, 2012, in the case of a township**  
13 **described in IC 36-6-1.1-3 or IC 36-6-1.1-4, the member**  
14 **shall be appointed by the legislative body of the**  
15 **municipality designated as the legislative body of the**  
16 **township.**

17 (2) One (1) member appointed by the legislative body of the  
18 municipality in which the library district is located.

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