
HOUSE BILL No. 1469

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-31; IC 3-5; IC 3-8; IC 3-10; IC 3-11-2-12; IC 4-3-22-14.5; IC 5-3-1-3; IC 5-4-1-4; IC 5-11; IC 5-22-22-12; IC 6-1.1; IC 12-7-2; IC 12-20; IC 12-30-4-0.5; IC 13-11-2; IC 15-16; IC 16-41-19-7; IC 20-23; IC 20-25-3-4; IC 23-14; IC 32-26; IC 33-33-53-5; IC 33-34; IC 34-30-2-58; IC 36.

Synopsis: Local government issues. Specifies that after December 31, 2012, in each county: (1) the county fiscal body is the fiscal body and legislative body of each township in the county; and (2) the county fiscal body shall exercise the legislative and fiscal powers assigned in the Indiana Code to township boards, including the authority to adopt the township's annual budget and to levy township property taxes for township funds. Requires a public question to be placed on the November 2012 general election ballot in each county regarding whether the voters want to abolish the township trustee and (if applicable) the township assessor. Provides that if a majority of voters in a county approve the public question, all township governments in the county are eliminated and the powers and duties of the: (1) township regarding township assistance, cemeteries, and weeds are transferred to the county executive; and (2) township assessor are transferred to the county assessor; on January 1, 2014. Specifies that for township budgets adopted for 2012 and 2013, the total amount appropriated for a particular year may not exceed the result of: (1) the total amount appropriated for the previous year; multiplied by (2) the assessed value growth quotient applicable to the township for the particular year. Provides that public funds from any source may not be expended by a political subdivision or by the state to promote a
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Effective: Upon passage; July 1, 2011.

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January 20, 2011, read first time and referred to Committee on Government and Regulatory Reform.



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position on the public question, and prohibits certain other actions by a political subdivision or the state in promoting a position on the public question. Provides that if a majority of voters in Marion County approve the public question, the responsibilities of the township trustee and township board concerning township small claims court are transferred to the: (1) mayor of the consolidated city; (2) city-county council of the consolidated city; and (3) clerk of the circuit court. Abolishes the office of small claims court constable in Marion County. Specifies that on January 1, 2014, personnel provided by the department of public safety of the consolidated city shall perform the duties formerly performed by the constables. Specifies that in counties (other than Marion County) that approve the local public question concerning elimination of township government, a fire protection district is established on January 1, 2014, in the unincorporated territory of each township. Specifies that such a fire protection district: (1) shall not be established in the territory of a township that is already included in a fire protection district as of January 1, 2014; (2) shall not have a board of fire trustees; and (3) shall have a single fire trustee appointed by the county executive. Provides that the county fiscal body shall by ordinance set the salary of a fire trustee in the county, and that the salary of a fire trustee shall be paid by the county. Provides that if the local public question is approved in Marion County, each township fire department that has not previously been consolidated is consolidated into the fire department of the consolidated city on the earlier of a date set by executive order of the county executive or January 1, 2014. Provides that, not later than January 1, 2014, each fire department within a county must enter into a mutual aid agreement with one or more other fire departments within the county. Provides that a transfer of powers and duties between a township and the county results in the transfer of that township's property, equipment, personnel, records, rights, contracts, and indebtedness. Provides that if a township board or (after December 31, 2012) a county fiscal body determines after a public hearing that the township cannot carry out its governmental functions for a year under these appropriation limitations, the county fiscal body may appeal to the department of local government finance for relief from the appropriation limitations for the year. Provides that if a township trustee or county trustee does not: (1) accept a completed application for township assistance; or (2) grant or deny a completed application for township assistance within the period required by law; the application is considered denied, and the denial may be appealed. Establishes a township assistance planning board (board) in each county. Provides that the board shall propose, for adoption by the county fiscal body, township standards that apply to all townships effective January 1, 2013. Specifies that in counties that approve the local public question, the board also prepares a county plan for delivery of township assistance services that: (1) must be approved by the county executive and county fiscal body; and (2) takes effect January 1, 2014. Provides that after December 31, 2013, in counties that approve a local public question, a county trustee administers township assistance in the county in accordance with the county plan. Specifies that, when formulating a proposed annual budget estimate for 2013 and thereafter, the township executive and the county fiscal body shall, with regard to a township capital improvement fund or cumulative building fund, consider the township capital improvement plan. Provides that after December 31, 2012, a township may collect property taxes for a capital improvement fund in a particular year only

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if the township trustee prepares and the county fiscal body approves a proposed or amended capital improvement plan in the immediately preceding year. Abolishes the Marion County board of commissioners effective July 1, 2011. Requires the office of management and budget to annually prepare a report that includes certain information regarding each township. Requires the report to be submitted to the executive director of the legislative services agency and to county councils. Specifies that an office of a political subdivision must include the address, phone number, and regular office hours (if any) of the office in at least one local telephone directory. Requires a public meeting or a public hearing of an official or governing body of a political subdivision to be held in a public place. Requires the annual report of a county, city, town, or township to list separately each expenditure that is made to reimburse the executive of that unit for the executive's use of real and personal property for public business, including any reimbursements made for the use of a private residence, personal telephone, or personal vehicle for public business. Specifies that an individual who is a relative of an officer of a political subdivision may not be employed by the political subdivision. Provides that an individual who is a relative of an employee of a political subdivision may not be employed in a position in which the individual would have a direct supervisory or subordinate relationship with the employee who is the individual's relative. Specifies that until January 1, 2012, this provision does not require the termination or reassignment of an employee from a position held by that individual before July 1, 2011. Prohibits a political subdivision from entering into or renewing contracts with certain individuals or firms. Provides that the annual report filed by a political subdivision with the state board of accounts must include a statement by the executive officer of the political subdivision certifying that the political subdivision is in compliance with the nepotism provisions. Provides that if the political subdivision is not in compliance: (1) the executive officer may be subject to prosecution for perjury; and (2) the department of local government finance (DLGF) may not approve the political subdivision's budget or additional appropriations for the ensuing calendar year until the state board of accounts certifies to the DLGF that the political subdivision is in compliance. Provides that the department of local government finance may not approve the budget or any additional appropriations of a political subdivision that fails to file: (1) an annual fiscal report; or (2) a personnel report; for the preceding year. Provides that an employee of a political subdivision is considered to have resigned from employment with the unit if the employee: (1) assumes the elected executive office of the political subdivision; or (2) becomes an elected member of the political subdivision's executive, legislative, or fiscal body. Makes this provision apply to an employee of a political subdivision who assumes an elected office after June 30, 2011. Provides that in the case of an individual who, on June 30, 2011, holds an elected office of the political subdivision that employs the individual, the individual may continue to hold that elected office and simultaneously be an employee of the political subdivision until the end of the term of office in which the individual was serving on June 30, 2011. Specifies that this provision does not prohibit an employee of a political subdivision from holding an elected office of a political subdivision other than the political subdivision that employs the employee. Provides that a member of a board, commission, committee, council, or any other body with the responsibility of administering the

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affairs of a unit may not participate in a decision or vote of the body if the member: (1) has a pecuniary interest in; or (2) derives a profit from a contract, purchase, sale, employment, or other transaction connected with the unit. Prohibits a member from participating in a decision or vote involving the merger, consolidation, or reorganization of the unit's functions or services, if the member is also an employee of a unit involved in the merger. Requires a member to: (1) disclose a pecuniary interest or profit in writing to the governmental body that the member serves on; and (2) provide a copy of the disclosure to the state board of accounts. Provides that in counties other than Marion County, the county executive may adopt an ordinance providing that the voters of the county shall elect a single county commissioner as the chief executive officer of the county and a county council that has the legislative and fiscal powers and duties of the county. Provides that such an ordinance may be adopted only during an odd-numbered year or before July 1 of an even-numbered year. Specifies that if such an ordinance is adopted unanimously, the county's government structure shall be changed as provided in the ordinance. Specifies that if such an ordinance is adopted, but not unanimously, the county's government structure shall be changed as provided in the ordinance only if the change is approved in a referendum by county voters. Provides that in a county with a single county chief executive officer: (1) the initial county chief executive officer is elected in the second general election after the ordinance to change the structure of county government is approved (if unanimous) or the change is approved in the referendum; (2) the board of county commissioners is abolished; and (3) the membership of the county council continues under existing law. Provides that if a school township exists in a township in which a public question to eliminate township government is approved, the school township shall reorganize under the school reorganization statutes before January 1, 2014. Provides that school board members selected by election must be elected at general elections beginning in 2012. Repeals provisions related to the election of school board members at the primary election. Establishes an interim study committee on township assistance reform to study: (1) the base level of township assistance that a township or county should be required to provide; and (2) changing references to "township assistance" in the Indiana Code to "emergency assistance".

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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. 1469

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 2-5-31 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]:

4 **Chapter 31. Township Assistance Committee**
5 **Sec. 1. (a) As used in this section, "committee" refers to the**
6 **interim study committee on township assistance reform established**
7 **by this section.**
8 **(b) The interim study committee on township assistance reform**
9 **is established. The committee shall study:**
10 **(1) the base level of township assistance that a township or**
11 **county should be required to provide; and**
12 **(2) changing "township assistance" references in the Indiana**
13 **Code to "emergency assistance".**
14 **(c) The committee shall operate under the policies governing**
15 **study committees adopted by the legislative council.**



1 (d) The affirmative votes of a majority of the voting members
2 appointed to the committee are required for the committee to take
3 action on any measure, including final reports.

4 (e) This chapter expires December 31, 2013.

5 SECTION 2. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2011]: Sec. 22. "Executive" means the:

7 (1) board of county commissioners, for a county ~~not having that:~~

8 (A) does not have a consolidated city; and

9 (B) is not subject to IC 36-2-2.5;

10 (2) chief executive officer elected under IC 36-2-2.5, for a
11 county that:

12 (A) does not have a consolidated city; and

13 (B) is subject to IC 36-2-2.5;

14 ~~(3)~~ (3) mayor of the consolidated city, for a county having a
15 consolidated city;

16 ~~(4)~~ (4) mayor, for a city;

17 ~~(5)~~ (5) president of the town council, for a town; or

18 ~~(6)~~ (6) trustee, for a township.

19 SECTION 3. IC 3-5-4-11 IS ADDED TO THE INDIANA CODE
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
21 1, 2011]: Sec. 11. (a) As used in this section, "governing body"
22 refers to the governing body of a school corporation that is subject
23 to any of the following:

24 (1) IC 20-23-4-30.

25 (2) IC 20-23-7-8 (before its repeal on July 1, 2011) and
26 IC 20-23-7-8.1 (after June 30, 2011).

27 (3) IC 20-23-8-8.

28 (4) IC 20-23-10-8.

29 (5) IC 20-23-12.

30 (6) IC 20-23-13.

31 (7) IC 20-23-14.

32 (8) IC 20-25-3-4.

33 (b) This subsection applies to a member of a governing body
34 elected at the 2008 primary election. The successor of such a
35 member shall:

36 (1) be elected at the 2012 general election; and

37 (2) take office January 1, 2013.

38 (c) This subsection applies to a member of a governing body
39 elected at the 2010 primary election. The successor of such a
40 member shall:

41 (1) be elected at the 2014 general election; and

42 (2) take office January 1, 2015.

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(d) This section expires July 1, 2016.
SECTION 4. IC 3-5-9 IS ADDED TO THE INDIANA CODE AS
A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2011]:

Chapter 9. Government Employees Holding Office

Sec. 1. This chapter applies to a government employee who, after June 30, 2011, assumes an elected office of the political subdivision that employs the individual.

Sec. 2. As used in this chapter, "elected office" refers only to the offices of the following:

- (1) The elected executive or an elected member of the executive body of a political subdivision.**
- (2) An elected member of the legislative body of a political subdivision.**
- (3) An elected member of the fiscal body of the political subdivision.**

Sec. 3. As used in this chapter, "government employee" refers to an employee of a political subdivision. The term does not include an individual who holds an elected office.

Sec. 4. (a) Except as provided in subsection (b), an individual is considered to have resigned as a government employee when the individual assumes an elected office of the political subdivision that employs the individual.

(b) In the case of an individual who, on June 30, 2011, holds an elected office of the political subdivision that employs the individual, the individual may, notwithstanding any other provision of this chapter, continue to hold that elected office and simultaneously be an employee of the political subdivision until the end of the term of office in which the individual was serving on June 30, 2011.

Sec. 5. This chapter does not prohibit a government employee from holding an elected office of a political subdivision other than the political subdivision that employs the government employee.

SECTION 5. IC 3-8-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 21. **(a)** A candidate for the office of county commissioner must:

- (1) have resided in the county for at least one (1) year before the election, as provided in Article 6, Section 4 of the Constitution of the State of Indiana; and**
- (2) have resided in the district in which seeking election, if applicable, for at least six (6) months before the election.**

(b) This subsection applies to elections in a county in which a

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1 **county chief executive officer is elected under IC 36-2-2.5. A**
2 **candidate for the office of county chief executive officer must have**
3 **resided in the county for at least one (1) year before the election, as**
4 **provided in Article 6, Section 4 of the Constitution of the State of**
5 **Indiana.**

6 SECTION 6. IC 3-8-1-31 IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2011]: Sec. 31. **(a) This section does not apply**
8 **after December 31, 2013, if the county approves a public question**
9 **under IC 36-6-1.1.**

10 **(b) A candidate for the office of constable of a small claims court**
11 **must:**

12 (1) have resided in the township for more than one (1) year upon
13 taking office; and

14 (2) be at least twenty-one (21) years old upon taking office.

15 SECTION 7. IC 3-8-2-15 IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) A person who files a
17 declaration of candidacy for an elected office for which a per diem or
18 salary is provided for by law is disqualified from filing a declaration of
19 candidacy for another office for which a per diem or salary is provided
20 for by law until the original declaration is withdrawn.

21 (b) A person may file both:

22 (1) a declaration of candidacy under this chapter for nomination
23 to a federal or state office; and

24 (2) a written request under IC 3-8-3-1 that the person's name be
25 placed on the ballot in a primary election as a candidate for
26 nomination for the office of President of the United States.

27 ~~(c) A person may not file:~~

28 ~~(1) a declaration of candidacy for a nomination; and~~

29 ~~(2) a petition of nomination or declaration of intent to be a~~
30 ~~write-in candidate for a school board office that is elected at the~~
31 ~~same time as the primary election.~~

32 If a person files both a declaration of candidacy and a petition of
33 nomination described in this subsection, the matter shall be referred to
34 the county election board under section 18 of this chapter. The board
35 shall determine which document was most recently filed and shall
36 consider the previously filed document to have been withdrawn.

37 SECTION 8. IC 3-8-2-19 IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2011]: Sec. 19. (a) Upon receipt of the certified
39 list under section 17 of this chapter, a county election board shall
40 immediately compile under the proper political party designation the
41 following:

42 (1) The title of each office.

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- 1 (2) The name of each individual who has filed a request to be
- 2 placed on the presidential primary ballot.
- 3 (3) The names and addresses of all persons for whom declarations
- 4 of candidacy have been filed for nomination to an office on the
- 5 primary election ballot.
- 6 ~~(4) The names and addresses of all persons who have filed a~~
- 7 ~~petition of nomination for election to a school board office to be~~
- 8 ~~chosen at the same time as the primary election:~~
- 9 ~~(5) (4) The text of any public question to be placed on the ballot.~~
- 10 ~~(6) (5) The date of the primary election.~~
- 11 ~~(7) (6) The hours during which the polls will be open.~~
- 12 (b) The county election board shall do the following:
- 13 (1) Publish the information described in subsection (a) before the
- 14 primary election in accordance with IC 5-3-1.
- 15 (2) File a copy of the information described in subsection (a):
- 16 (A) with the election division; and
- 17 (B) in the minutes of the county election board.
- 18 (c) The county election board shall file the copies required under
- 19 subsection (b)(2) not later than noon ten (10) days before election day.
- 20 (d) An election is not invalidated by the failure of the board to
- 21 comply with this section.
- 22 (e) If the county election board receives an amendment from the
- 23 election division under section 17 of this chapter after:
- 24 (1) compilation of the information described in subsection (a) has
- 25 occurred; or
- 26 (2) the board determines that it is impractical to recompile
- 27 completely revised information;
- 28 the board is only required to file a copy of the amendment with the
- 29 minutes of the board.
- 30 SECTION 9. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE AS
- 31 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 32 1, 2011]:
- 33 **Chapter 2.5. Nomination for School Board Office**
- 34 **Sec. 1. This chapter applies to a candidate for a school board**
- 35 **office.**
- 36 **Sec. 2. A candidate for a school board office must file a petition**
- 37 **of nomination in accordance with IC 3-8-6 and as required under**
- 38 **IC 20-23 or IC 20-25. The petition of nomination, once filed, serves**
- 39 **as the candidate's declaration of candidacy for a school board**
- 40 **office.**
- 41 **Sec. 3. A candidate for a school board office is not required to**
- 42 **file a statement of organization for the candidate's principal**

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1 committee unless the candidate has received contributions or made
2 expenditures requiring the filing of a statement under IC 3-9-1-5.5.
3 If a candidate for a school board office is required to file a
4 statement of organization for the candidate's principal committee,
5 the statement of organization must be filed by noon seven (7) days
6 after the final date for filing a petition of nomination or declaration
7 of intent to be a write-in candidate.

8 Sec. 4. (a) A petition of nomination for a school board office
9 must be filed:

- 10 (1) not earlier than one hundred four (104) days; and
 - 11 (2) not later than noon seventy-four (74) days;
- 12 before the general election. The petition must be subscribed and
13 sworn to before a person authorized to administer oaths.

14 (b) A declaration of intent to be a write-in candidate for a school
15 board office must be filed:

- 16 (1) not earlier than ninety (90) days before the general
17 election; and
- 18 (2) not later than noon five (5) days before the final date for
19 the delivery of absentee ballots under IC 3-11-4-15.

20 The declaration must be subscribed and sworn to before a person
21 authorized to administer oaths.

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

27 OFFICIAL PRIMARY BALLOT

28 _____ Party

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

39 Vote for one (1) only
40 Representative in Congress
41 (1) AB _____
42 (2) CD _____

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- 1 [] (3) EF _____
 2 [] (4) GH _____
 3 (b) The offices with candidates for nomination shall be placed on
 4 the primary election ballot in the following order:
 5 (1) Federal and state offices:
 6 (A) President of the United States.
 7 (B) United States Senator.
 8 (C) Governor.
 9 (D) United States Representative.
 10 (2) Legislative offices:
 11 (A) State senator.
 12 (B) State representative.
 13 (3) Circuit offices and county judicial offices:
 14 (A) Judge of the circuit court, and unless otherwise specified
 15 under IC 33, with each division separate if there is more than
 16 one (1) judge of the circuit court.
 17 (B) Judge of the superior court, and unless otherwise specified
 18 under IC 33, with each division separate if there is more than
 19 one (1) judge of the superior court.
 20 (C) Judge of the probate court.
 21 (D) Judge of the county court, with each division separate, as
 22 required by IC 33-30-3-3.
 23 (E) Prosecuting attorney.
 24 (F) Circuit court clerk.
 25 (4) County offices:
 26 (A) County auditor.
 27 (B) County recorder.
 28 (C) County treasurer.
 29 (D) County sheriff.
 30 (E) County coroner.
 31 (F) County surveyor.
 32 (G) County assessor.
 33 (H) County commissioner, **except in a county that is subject**
 34 **to IC 36-2-2.5.**
 35 (I) **County chief executive officer, in a county that is**
 36 **subject to IC 36-2-2.5.**
 37 ⊕ (J) County council member.
 38 (5) Township offices:
 39 (A) Township assessor (only in a township referred to in
 40 IC 36-6-5-1(d)). **This clause does not apply to elections in**
 41 **2014 and thereafter in a county that approves a public**
 42 **question under IC 36-6-1.1.**

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- 1 (B) Township trustee. **This clause does not apply to elections**
- 2 **in 2014 and thereafter in a county that approves a public**
- 3 **question under IC 36-6-1.1.**
- 4 (C) Township board member. **This clause does not apply to**
- 5 **elections in 2012 and thereafter.**
- 6 (D) Judge of the small claims court.
- 7 (E) Constable of the small claims court. **This clause does not**
- 8 **apply to elections in 2014 and thereafter in a county that**
- 9 **approves a public question under IC 36-6-1.1.**
- 10 (6) City offices:
- 11 (A) Mayor.
- 12 (B) Clerk or clerk-treasurer.
- 13 (C) Judge of the city court.
- 14 (D) City-county council member or common council member.
- 15 (7) Town offices:
- 16 (A) Clerk-treasurer.
- 17 (B) Judge of the town court.
- 18 (C) Town council member.
- 19 (c) The political party offices with candidates for election shall be
- 20 placed on the primary election ballot in the following order after the
- 21 offices described in subsection (b):
- 22 (1) Precinct committeeman.
- 23 (2) State convention delegate.
- 24 (d) The following offices and public questions shall be placed on the
- 25 primary election ballot in the following order after the offices described
- 26 in subsection (c):
- 27 ~~(1) School board offices to be elected at the primary election;~~
- 28 ~~(2) Other~~
- 29 (1) Local offices to be elected at the primary election.
- 30 ~~(3) (2) Local public questions.~~
- 31 (e) The offices and public questions described in subsection (d)
- 32 shall be placed:
- 33 (1) in a separate column on the ballot if voting is by paper ballot;
- 34 (2) after the offices described in subsection (c) in the form
- 35 specified in IC 3-11-13-11 if voting is by ballot card; or
- 36 (3) either:
- 37 (A) on a separate screen for each office or public question; or
- 38 (B) after the offices described in subsection (c) in the form
- 39 specified in IC 3-11-14-3.5;
- 40 if voting is by an electronic voting system.
- 41 (f) A public question shall be placed on the primary election ballot
- 42 in the following form:

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1 (The explanatory text for the public question,
2 if required by law.)
3 "Shall (insert public question)?"

4 YES

5 NO

6 SECTION 11. IC 3-10-1-19.2 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19.2. (a) Whenever
8 candidates are to be nominated for an office that includes more than
9 one (1) district, the districts shall be placed on the ballot in alphabetical
10 or numerical order, according to the designation given to the district.

11 (b) Whenever candidates are to be nominated for an office that
12 includes both an at-large member and a member representing a district,
13 the candidates seeking nomination as an at-large member shall be
14 placed on the ballot before candidates seeking nomination to represent
15 a district.

16 (c) ~~This subsection applies to a school board office or political~~
17 ~~office to be elected at the primary election ballot.~~ Candidates for a
18 school board office or a political party office shall be placed on the
19 ballot in accordance with the rules applicable to candidates for
20 nomination to an office under subsections (a) and (b).

21 SECTION 12. IC 3-10-1-32 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 32. Primary election
23 returns must contain the whole number of votes cast for **each of the**
24 **following:**

- 25 (1) Each candidate of each political party.
- 26 (2) Each public question voted on at the primary election. ~~and~~
- 27 (3) Each candidate for election to a ~~school board office or~~
28 ~~political party office.~~

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

- 34 (1) Clerk of the circuit court.
- 35 (2) County auditor.
- 36 (3) County recorder.
- 37 (4) County treasurer.
- 38 (5) County sheriff.
- 39 (6) County coroner.
- 40 (7) County surveyor.
- 41 (8) County assessor.
- 42 (9) County commissioner, **except in a county that is subject to**

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- 1 **IC 36-2-2.5.**
- 2 **(10) County chief executive officer in a county that is subject**
- 3 **to IC 36-2-2.5.**
- 4 ~~(10)~~ **(11) County council member.**
- 5 ~~(11)~~ **(12) Township trustee. This subdivision does not apply to**
- 6 **elections in 2014 and thereafter in a county that approves a**
- 7 **public question under IC 36-6-1.1.**
- 8 ~~(12)~~ **(13) Township board member. This subdivision does not**
- 9 **apply to elections in 2012 and thereafter.**
- 10 ~~(13)~~ **(14) Township assessor (only in a township referred to in**
- 11 **IC 36-6-5-1(d)). This subdivision does not apply to elections in**
- 12 **2014 and thereafter in a county that approves a public**
- 13 **question under IC 36-6-1.1.**
- 14 ~~(14)~~ **(15) Judge of a small claims court.**
- 15 ~~(15)~~ **(16) Constable of a small claims court. This subdivision**
- 16 **does not apply to elections in 2014 and thereafter in a county**
- 17 **that approves a public question under IC 36-6-1.1.**
- 18 **(b) Notwithstanding subsection (a), an individual elected to the**
- 19 **office of township board member at the general election in 2010**
- 20 **shall serve a two (2) year term. This subsection expires January 1,**
- 21 **2014.**
- 22 **(c) This subsection applies to a township in a county that**
- 23 **approves a public question under IC 36-6-1.1. Notwithstanding**
- 24 **subsection (a), an individual elected to the office of township**
- 25 **trustee at the general election in 2010 shall serve a three (3) year**
- 26 **term. This subsection expires January 1, 2014.**
- 27 **SECTION 14. IC 3-11-2-12, AS AMENDED BY P.L.146-2008,**
- 28 **SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
- 29 **JULY 1, 2011]: Sec. 12. The following offices shall be placed on the**
- 30 **general election ballot in the following order:**
- 31 **(1) Federal and state offices:**
 - 32 **(A) President and Vice President of the United States.**
 - 33 **(B) United States Senator.**
 - 34 **(C) Governor and lieutenant governor.**
 - 35 **(D) Secretary of state.**
 - 36 **(E) Auditor of state.**
 - 37 **(F) Treasurer of state.**
 - 38 **(G) Attorney general.**
 - 39 **(H) Superintendent of public instruction.**
 - 40 **(I) United States Representative.**
- 41 **(2) Legislative offices:**
 - 42 **(A) State senator.**

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- 1 (B) State representative.
- 2 (3) Circuit offices and county judicial offices:
- 3 (A) Judge of the circuit court, and unless otherwise specified
- 4 under IC 33, with each division separate if there is more than
- 5 one (1) judge of the circuit court.
- 6 (B) Judge of the superior court, and unless otherwise specified
- 7 under IC 33, with each division separate if there is more than
- 8 one (1) judge of the superior court.
- 9 (C) Judge of the probate court.
- 10 (D) Judge of the county court, with each division separate, as
- 11 required by IC 33-30-3-3.
- 12 (E) Prosecuting attorney.
- 13 (F) Clerk of the circuit court.
- 14 (4) County offices:
- 15 (A) County auditor.
- 16 (B) County recorder.
- 17 (C) County treasurer.
- 18 (D) County sheriff.
- 19 (E) County coroner.
- 20 (F) County surveyor.
- 21 (G) County assessor.
- 22 (H) County commissioner, **except in a county that is subject**
- 23 **to IC 36-2-2.5.**
- 24 **(I) County chief executive officer in a county that is subject**
- 25 **to IC 36-2-2.5.**
- 26 ~~(J)~~ **(J) County council member.**
- 27 (5) Township offices:
- 28 (A) Township assessor (only in a township referred to in
- 29 IC 36-6-5-1(d)). **This clause does not apply to elections in**
- 30 **2014 and thereafter in a township located in a county that**
- 31 **approves a public question under IC 36-6-1.1.**
- 32 (B) Township trustee. **This clause does not apply to elections**
- 33 **in 2014 and thereafter in a township located in a county**
- 34 **that approves a public question under IC 36-6-1.1.**
- 35 (C) Township board member. **This clause does not apply to**
- 36 **elections in 2012 and thereafter.**
- 37 (D) Judge of the small claims court.
- 38 (E) Constable of the small claims court. **This clause does not**
- 39 **apply to elections in 2014 and thereafter.**
- 40 (6) City offices:
- 41 (A) Mayor.
- 42 (B) Clerk or clerk-treasurer.

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- 1 (C) Judge of the city court.
- 2 (D) City-county council member or common council member.
- 3 (7) Town offices:
- 4 (A) Clerk-treasurer.
- 5 (B) Judge of the town court.
- 6 (C) Town council member.

7 SECTION 15. IC 4-3-22-14.5 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2011]: **Sec. 14.5. (a) The OMB shall annually**
 10 **prepare a report that includes the following information for each**
 11 **township for the preceding calendar year:**

- 12 (1) The population of the township.
- 13 (2) The budget, property tax levies, and property tax rates
- 14 adopted by the township and approved by the department of
- 15 local government finance.
- 16 (3) The assessed valuation in the township used to determine
- 17 property taxes first due and payable in the preceding calendar
- 18 year.
- 19 (4) The balance in each township fund as of the end of the
- 20 preceding calendar year.
- 21 (5) A summary of the township assistance information
- 22 submitted by the township trustee under IC 12-20-28-3.
- 23 (6) A summary of any statutory compliance issues or
- 24 exceptions noted by the state board of accounts in its
- 25 examination report for the township for the preceding
- 26 calendar year.
- 27 (7) A description of any interlocal agreements in effect
- 28 concerning the township's functions and duties.
- 29 (8) A description of any resolutions or petitions concerning
- 30 the township that were adopted or submitted under IC 36-1.5
- 31 (government modernization) during the preceding calendar
- 32 year.
- 33 (9) A description of the property owned or leased by the
- 34 township.
- 35 (b) To the extent that the information required by subsection (a)
- 36 has not been previously submitted to or certified by the OMB or
- 37 the department of local government finance, a township shall
- 38 submit the information to the OMB in an electronic format
- 39 prescribed by the state board of accounts on a schedule established
- 40 by the state board of accounts.
- 41 (c) The OMB shall do the following before July 1 of each year:
- 42 (1) Submit a copy of the report prepared under subsection (a)

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to the executive director of the legislative services agency in an electronic format under IC 5-14-6.

(2) Submit to the county council of each county a copy of the information compiled in the report for each township within the county.

SECTION 16. IC 5-3-1-3, AS AMENDED BY P.L.1-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) Within sixty (60) days after the expiration of each calendar year, the fiscal officer of each civil city and town in Indiana shall publish an annual report of the receipts and expenditures of the city or town during the preceding calendar year.

(b) The annual financial report of a city or town must separately list each expenditure that is made to reimburse the city or town executive for the executive's use of tangible property (as defined in IC 6-1.1-1-19) for public business, including any reimbursements made for the executive's use of a private residence, a personal telephone, or a personal vehicle for public business. As used in this section, "private residence" means a place that is not a public place.

~~(b)~~ (c) Not earlier than August 1 or later than August 15 of each year, the secretary of each school corporation in Indiana shall publish an annual financial report.

~~(c)~~ (d) In the annual financial report the school corporation shall include the following:

- (1) Actual receipts and expenditures by major accounts as compared to the budget advertised under IC 6-1.1-17-3 for the prior calendar year.
- (2) The salary schedule for all certificated employees (as defined in IC 20-29-2-4) as of June 30, with the number of employees at each salary increment. However, the listing of salaries of individual teachers is not required.
- (3) The extracurricular salary schedule as of June 30.
- (4) The range of rates of pay for all noncertificated employees by specific classification.
- (5) The number of employees who are full-time certificated, part-time certificated, full-time noncertificated, and part-time noncertificated.
- (6) The lowest, highest, and average salary for the administrative staff and the number of administrators without a listing of the names of particular administrators.
- (7) The number of students enrolled at each grade level and the total enrollment.

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1 (8) The assessed valuation of the school corporation for the prior
 2 and current calendar year.
 3 (9) The tax rate for each fund for the prior and current calendar
 4 year.
 5 (10) In the general fund, capital projects fund, and transportation
 6 fund, a report of the total payment made to each vendor for the
 7 specific fund in excess of two thousand five hundred dollars
 8 (\$2,500) during the prior calendar year. However, a school
 9 corporation is not required to include more than two hundred
 10 (200) vendors whose total payment to each vendor was in excess
 11 of two thousand five hundred dollars (\$2,500). A school
 12 corporation shall list the vendors in descending order from the
 13 vendor with the highest total payment to the vendor with the
 14 lowest total payment above the minimum listed in this
 15 subdivision.
 16 (11) A statement providing that the contracts, vouchers, and bills
 17 for all payments made by the school corporation are in its
 18 possession and open to public inspection.
 19 (12) The total indebtedness as of the end of the prior calendar
 20 year showing the total amount of notes, bonds, certificates, claims
 21 due, total amount due from such corporation for public
 22 improvement assessments or intersections of streets, and any and
 23 all other evidences of indebtedness outstanding and unpaid at the
 24 close of the prior calendar year.
 25 ~~(d)~~ (e) The school corporation may provide an interpretation or
 26 explanation of the information included in the financial report.
 27 ~~(e)~~ (f) The department of education shall do the following:
 28 (1) Develop guidelines for the preparation and form of the
 29 financial report.
 30 (2) Provide information to assist school corporations in the
 31 preparation of the financial report.
 32 ~~(f)~~ (g) The annual reports required by this section and IC 36-2-2-19
 33 and the abstract required by IC 36-6-4-13 shall each be published one
 34 (1) time only, in accordance with this chapter.
 35 ~~(g)~~ (h) Each school corporation shall submit to the department of
 36 education a copy of the financial report required under this section. The
 37 department of education shall make the financial reports available for
 38 public inspection.
 39 SECTION 17. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) As used in this section,
 41 "political subdivision" has the meaning set forth in IC 36-1-2-13.
 42 (b) The copy of the oath under section 2 of this chapter shall be

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deposited by the person as follows:

(1) **The oath** of all officers whose oath is endorsed on or attached to the commission and whose duties are not limited to a particular county or of a justice, judge, or prosecuting attorney, in the office of the secretary of state.

(2) **The oath** of the circuit court clerk, officers of a political subdivision or school corporation, and constables of a small claims court, in the circuit court clerk's office of the county containing the greatest percentage of the population of the political subdivision or school corporation. **This subdivision does not apply after December 31, 2013, if the county approves the public question under IC 36-6-1.1.**

(3) **This subdivision applies after December 31, 2013, if the county approves the public question under IC 36-6-1.1. The oath of the following shall be deposited by the person in the circuit court clerk's office of the county containing the greatest percentage of the population of the political subdivision or school corporation:**

(A) **The circuit court clerk.**

(B) **Officers of a political subdivision or school corporation.**

~~(3)~~ (4) **The oath** of a deputy prosecuting attorney, in the office of the clerk of the circuit court of the county in which the deputy prosecuting attorney resides or serves.

SECTION 18. IC 5-11-1-4, AS AMENDED BY P.L.176-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. The state examiner shall require from every municipality and every state or local governmental unit, entity, or instrumentality financial reports covering the full period of each fiscal year. These reports shall be prepared, verified, and filed with the state examiner not later than sixty (60) days after the close of each fiscal year. **However, the department of local government finance may not approve the budget or any additional appropriations of a political subdivision that fails to file a report required under this section for the preceding fiscal year.** The reports must be filed electronically, in a manner prescribed by the state examiner that is compatible with the technology employed by the political subdivision.

SECTION 19. IC 5-11-13-1, AS AMENDED BY P.L.169-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Every state, county, city, town, township, or school official, elective or appointive, who is the head of or in charge of any office, department, board, or commission of the state or of any

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1 county, city, town, or township, and every state, county, city, town, or
 2 township employee or agent who is the head of, or in charge of, or the
 3 executive officer of any department, bureau, board, or commission of
 4 the state, county, city, town, or township, and every executive officer
 5 by whatever title designated, who is in charge of any state educational
 6 institution or of any other state, county, or city institution, shall during
 7 the month of January of each year prepare, make, and sign a written or
 8 printed certified report, correctly and completely showing the names
 9 and business addresses of each and all officers, employees, and agents
 10 in their respective offices, departments, boards, commissions, and
 11 institutions, and the respective duties and compensation of each, and
 12 shall forthwith file said report in the office of the state examiner of the
 13 state board of accounts. However, no more than one (1) report covering
 14 the same officers, employees, and agents need be made from the state
 15 or any county, city, town, township, or school unit in any one (1) year.

16 **(b) This subsection applies to a unit (as defined in IC 36-1-2-23).
 17 The report must include a statement by the executive officer of the
 18 unit, certified under the penalties for perjury, that the unit is in
 19 compliance with IC 36-1-6.5. The executive officer and the unit are
 20 subject to the penalties set forth in IC 36-1-6.5 for failure to
 21 comply with this subsection.**

22 **(c) If a political subdivision fails to file a report under this
 23 section for the preceding year, the department of local government
 24 finance may not approve the budget or any additional
 25 appropriations of the political subdivision.**

26 SECTION 20. IC 5-22-22-12, AS AMENDED BY P.L.128-2008,
 27 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2011]: Sec. 12. (a) This section applies to the following
 29 surplus property:

- 30 (1) Fire trucks.
- 31 (2) Emergency service vehicles.
- 32 (3) Firefighting or emergency services equipment.

33 (b) As used in this section, "fire department" refers to any of the
 34 following:

- 35 (1) A volunteer fire department (as defined in IC 36-8-12-2).
- 36 (2) The board of fire trustees of a fire protection district
 37 established under IC 36-8-11.

38 **(3) After December 31, 2013, a fire trustee of a fire protection
 39 district established under IC 36-8-11.**

40 ~~(4)~~ **(4) The provider unit of a fire protection territory established
 41 under IC 36-8-19.**

42 (c) Notwithstanding section 4, 4.5, or 5 of this chapter, a

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1 governmental body may transfer title of surplus property to a fire
 2 department for the fire department's use in providing fire protection or
 3 emergency services.

4 (d) A fire department located in the same county as the
 5 governmental body offering the surplus property for transfer has the
 6 right of first refusal for all surplus property offered. Surplus property
 7 that is refused by the fire departments located in the same county as the
 8 governmental body may be transferred to any fire department in
 9 Indiana.

10 (e) A governmental body may transfer title of surplus property to a
 11 fire department under this section by:

- 12 (1) sale;
- 13 (2) gift; or
- 14 (3) another arrangement acceptable to the governmental body and
 15 the fire department.

16 SECTION 21. IC 6-1.1-17-2, AS AMENDED BY P.L.1-2006,
 17 SECTION 135, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) When formulating an annual
 19 budget estimate, the proper officers of a political subdivision shall
 20 prepare an estimate of the amount of revenue which the political
 21 subdivision will receive from the state for and during the budget year
 22 for which the budget is being formulated. These estimated revenues
 23 shall be shown in the budget estimate and shall be taken into
 24 consideration in calculating the tax levy which is to be made for the
 25 ensuing calendar year. However, this section does not apply to funds
 26 to be received from the state or the federal government for:

- 27 (1) township assistance;
- 28 (2) unemployment relief;
- 29 (3) old age pensions; or
- 30 (4) other funds which may at any time be made available under
 31 "The Economic Security Act" or under any other federal act
 32 which provides for civil and public works projects.

33 (b) When formulating an annual budget estimate, the proper officers
 34 of a political subdivision shall prepare an estimate of the amount of
 35 revenue that the political subdivision will receive under a development
 36 agreement (as defined in IC 36-1-8-9.5) for and during the budget year
 37 for which the budget is being formulated. Revenue received under a
 38 development agreement may not be used to reduce the political
 39 subdivision's maximum levy under IC 6-1.1-18.5 but may be used at
 40 the discretion of the political subdivision to reduce the property tax
 41 levy of the political subdivision for a particular year.

42 (c) **When formulating a proposed annual budget estimate for**

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1 **2013 and thereafter, the township executive and the county fiscal**
2 **body shall, with regard to a township capital improvement fund or**
3 **cumulative building fund, consider the township capital**
4 **improvement plan prepared under IC 36-6-10.**

5 **(d) After December 31, 2012, the county fiscal body shall fix the**
6 **budget, tax rate, and tax levy of each township in the county under**
7 **section 5 of this chapter.**

8 SECTION 22. IC 6-1.1-17-3, AS AMENDED BY P.L.182-2009(ss),
9 SECTION 114, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The proper officers of a
11 political subdivision shall formulate its estimated budget and its
12 proposed tax rate and tax levy on the form prescribed by the
13 department of local government finance and approved by the state
14 board of accounts. The political subdivision shall give notice by
15 publication to taxpayers of:

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

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

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

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

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

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

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- 1 (1) The cost of child services (as defined in IC 12-19-7-1) of the
- 2 county payable from the family and children's fund:
- 3 (2) The cost of children's psychiatric residential treatment
- 4 services (as defined in IC 12-19-7.5-1) of the county payable from
- 5 the children's psychiatric residential treatment services fund:
- 6 A budget, tax rate, or tax levy adopted by a county fiscal body or
- 7 approved or modified by a county board of tax adjustment that is less
- 8 than the levy necessary to pay the costs described in subdivision (1) or
- 9 (2) shall not be treated as a final budget, tax rate, or tax levy under
- 10 section 11 of this chapter.

11 (d) This subsection applies only to a county that approves a local
 12 public question under IC 36-6-1.1. This subsection applies to
 13 budgets for calendar years after 2013 and to property taxes first
 14 due and payable after 2013. In 2013 and each year thereafter, the
 15 county executive shall estimate the amount necessary to meet the
 16 cost of township assistance in the county for the ensuing calendar
 17 year. The county fiscal body shall adopt with the county budget a
 18 tax rate uniform throughout the county sufficient to meet the
 19 estimated cost of township assistance in the county. The taxes
 20 collected as a result of the tax rate adopted under this subsection
 21 shall be credited to the township assistance fund established under
 22 IC 12-20-21-6.

23 (e) The following apply to township budgets adopted for 2012
 24 and 2013:

- 25 (1) Except as provided in subdivision (2), the total amount
- 26 appropriated by the township board for a particular year
- 27 (including any additional appropriations made for that year)
- 28 may not exceed the result of:
- 29 (A) the total amount appropriated for the previous year
- 30 (including any additional appropriations made for that
- 31 year); multiplied by
- 32 (B) the assessed value growth quotient determined under
- 33 IC 6-1.1-18.5-2 and applicable to the township for the
- 34 particular year.
- 35 (2) If the township board or (after December 31, 2012) the
- 36 county fiscal body determines after a public hearing that the
- 37 township cannot carry out its governmental functions for an
- 38 ensuing year under the appropriation limitations imposed by
- 39 subdivision (1), the township board or (after December 31,
- 40 2012) the county fiscal body may appeal before October 20 of
- 41 the current year to the department of local government
- 42 finance for relief from the appropriation limitations for the

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1 ensuing year. In the appeal, the township board or (after
 2 December 31, 2012) the county fiscal body must state that the
 3 township will be unable to carry out the governmental
 4 functions committed to it by law unless the township is given
 5 relief from the appropriation limits. The township board or
 6 (after December 31, 2012) the county fiscal body must support
 7 the appeal by reasonably detailed statements of fact. The
 8 department of local government finance shall review the
 9 merits of the appeal. If the department of local government
 10 finance determines after reviewing the appeal that the
 11 township cannot carry out its governmental functions for a
 12 year under the appropriation limitations imposed by
 13 subdivision (1), the department of local government finance
 14 may grant relief from those appropriation limitations in the
 15 manner determined to be appropriate by the department of
 16 local government finance.

17 **This subsection expires January 1, 2015.**

18 SECTION 23. IC 6-1.1-17-16.2 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2011]: **Sec. 16.2.** The department of local
 21 government finance may not approve the budget of a political
 22 subdivision that fails to file a report required under IC 5-11-1-4 or
 23 IC 5-11-13-1 in the preceding calendar year, unless the political
 24 subdivision did not exist as of March 1 of the calendar year
 25 preceding the ensuing calendar year by two (2) years. However,
 26 this section applies to a political subdivision that is the successor to
 27 another political subdivision or the result of a consolidation or
 28 merger of one (1) or more political subdivision, if an annual report
 29 under IC 5-11-1-4 has not been filed for each predecessor political
 30 subdivision.

31 SECTION 24. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2011]: **Sec. 22. (a)** In the case of a county that
 34 approves a public question under IC 36-6-1.1 and that assumes
 35 township assistance duties from townships in the county, a separate
 36 maximum permissible ad valorem property tax levy for township
 37 assistance shall be determined as provided in this section for 2014
 38 and thereafter.

39 **(b)** In the case of a county that approves a public question under
 40 IC 36-6-1.1, the county's maximum permissible ad valorem
 41 property tax levy for township assistance for property taxes first
 42 due and payable in 2014 is equal to the result of:

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- 1 (1) the total amount of property taxes levied for township
- 2 assistance by all townships in the county for property taxes
- 3 first due and payable in 2013; multiplied by
- 4 (2) the assessed value growth quotient determined under
- 5 section 2 of this chapter for 2014.

6 (c) In the case of a county that approves a public question under
 7 IC 36-6-1.1, the county's maximum permissible ad valorem
 8 property tax levy for township assistance for property taxes for an
 9 ensuing calendar year after 2014 is equal to:

- 10 (1) the county's maximum permissible ad valorem property
- 11 tax levy for township assistance determined under this section
- 12 for the current calendar year; multiplied by
- 13 (2) the assessed value growth quotient determined under
- 14 section 2 of this chapter for the ensuing calendar year.

15 SECTION 25. IC 6-1.1-24-6.8, AS ADDED BY P.L.98-2010,
 16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2011]: Sec. 6.8. (a) For purposes of this section, in a county
 18 containing a consolidated city "county executive" refers to the ~~board of~~
 19 ~~commissioners of the county as provided in IC 36-3-3-10;~~ **county**
 20 **auditor.**

21 (b) As used in this section, "vacant parcel" refers to a parcel that
 22 satisfies all the following:

- 23 (1) A lien has been acquired on the parcel under section 6(a) of
- 24 this chapter.
- 25 (2) The parcel is unimproved on the date the parcel is offered for
- 26 sale under this chapter.
- 27 (3) The construction of a structure intended for residential use on
- 28 the parcel is permitted by law.
- 29 (4) On the date the parcel is offered for sale under this chapter,
- 30 the parcel is contiguous to one (1) or more parcels that satisfy the
- 31 following:

- 32 (A) One (1) or more of the following are located on the
- 33 contiguous parcel:
- 34 (i) A structure occupied for residential use.
- 35 (ii) A structure used in conjunction with a structure
- 36 occupied for residential use.
- 37 (B) The contiguous parcel is eligible for the standard
- 38 deduction under IC 6-1.1-12-37.

39 (c) The county legislative body may, by ordinance, establish criteria
 40 for the identification of vacant parcels to be offered for sale under this
 41 section. The criteria may include the following:

- 42 (1) Limitations on the use of the parcel under local zoning and

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1 land use requirements.

2 (2) Minimum parcel area sufficient for construction of

3 improvements.

4 (3) Any other factor considered appropriate by the county

5 legislative body.

6 In a county containing a consolidated city, the county legislative body

7 may adopt an ordinance under this subsection only upon

8 recommendation by the ~~board of commissioners provided in~~

9 ~~IC 36-3-3-10:~~ **county auditor.**

10 (d) If the county legislative body adopts an ordinance under

11 subsection (c), the county executive shall for each tax sale:

12 (1) by resolution, identify each vacant parcel that the county

13 executive desires to sell under this section; and

14 (2) subject to subsection (e), give written notice to the owner of

15 record of each parcel referred to in subsection (b)(4) that is

16 contiguous to the vacant parcel.

17 (e) The notice under subsection (d)(2) with respect to each vacant

18 parcel must include at least the following:

19 (1) A description of the vacant parcel by:

20 (A) legal description; and

21 (B) parcel number or street address, or both.

22 (2) Notice that the county executive will accept written

23 applications from owners of parcels described in subsection (b)(4)

24 as provided in subsection (f).

25 (3) Notice of the deadline for applications referred to in

26 subdivision (2) and of the information to be included in the

27 applications.

28 (4) Notice that the vacant parcel will be sold to the successful

29 applicant for one dollar (\$1).

30 (5) Notice of the exemption provisions of subsection (l).

31 (f) To be eligible to purchase a vacant parcel under this section, the

32 owner of a contiguous parcel referred to in subsection (b)(4) must file

33 a written application with the county executive. The application must:

34 (1) identify the vacant parcel that the applicant desires to

35 purchase; and

36 (2) include any other information required by the county

37 executive.

38 (g) If more than one (1) application to purchase a single vacant

39 parcel is filed with the county executive, the county executive shall

40 conduct a drawing between or among the applicants in which each

41 applicant has an equal chance to be selected as the transferee of the

42 vacant parcel.

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- 1 (h) The county executive shall by resolution make a final
- 2 determination concerning the vacant parcels that are to be sold under
- 3 this section.
- 4 (i) After the final determination of vacant parcels to be sold under
- 5 subsection (h), the county executive shall:
- 6 (1) on behalf of the county, cause all delinquent taxes, special
- 7 assessments, penalties, interest, and costs of sale with respect to
- 8 the vacant parcels to be removed from the tax duplicate;
- 9 (2) give notice of the final determination to:
- 10 (A) the successful applicant;
- 11 (B) the county auditor; and
- 12 (C) the township assessor, or the county assessor if there is no
- 13 township assessor for the township.
- 14 (j) Upon receipt of notice under subsection (i)(2):
- 15 (1) the county auditor shall:
- 16 (A) collect the purchase price from each successful applicant;
- 17 and
- 18 (B) subject to subsection (k), prepare a deed transferring each
- 19 vacant parcel to the successful applicant; and
- 20 (2) the township assessor or county assessor shall consolidate
- 21 each vacant parcel sold and the contiguous parcel owned by the
- 22 successful applicant into a single parcel.
- 23 (k) The county auditor shall include in the deed prepared under
- 24 subsection (j)(1)(B) reference to the exemption under subsection (l).
- 25 (l) Except as provided in subsection (m), each consolidated parcel
- 26 referred to in subsection (j)(2) is entitled to an exemption from property
- 27 taxation beginning on the assessment date that next succeeds the
- 28 consolidation in the amount of the assessed value at the time of
- 29 consolidation of the vacant parcel that was subject to the consolidation.
- 30 (m) The exemption under subsection (l) is terminated as of the
- 31 assessment date that next succeeds the earlier of the following:
- 32 (1) Five (5) years after the transfer of title to the successful
- 33 applicant.
- 34 (2) The first transfer of title to the consolidated parcel that occurs
- 35 after the consolidation.
- 36 SECTION 26. IC 12-7-2-22, AS AMENDED BY P.L.145-2006,
- 37 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2011]: Sec. 22. "Board" means the following:
- 39 (1) For purposes of IC 12-10-10 and IC 12-10-11, the community
- 40 and home options to institutional care for the elderly and disabled
- 41 board established by IC 12-10-11-1.
- 42 (2) For purposes of 12-12-7-5, the meaning set forth in

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1 IC 12-12-7-5(a).
 2 (3) For purposes of IC 12-15-35, the meaning set forth in
 3 IC 12-15-35-2.
 4 **(4) For purposes of IC 12-20, the meaning set forth in**
 5 **IC 12-20-1.5-2.**
 6 SECTION 27. IC 12-7-2-140.5, AS AMENDED BY P.L.3-2008,
 7 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2011]: Sec. 140.5. "Plan", for purposes of:
 9 (1) IC 12-15-44.2, has the meaning set forth in IC 12-15-44.2-1;
 10 **and**
 11 **(2) IC 12-20 and IC 12-30-4, has the meaning set forth in**
 12 **IC 12-20-1.6-3.**
 13 SECTION 28. IC 12-20-1-4, AS AMENDED BY P.L.73-2005,
 14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2011]: Sec. 4. (a) This section does not apply to an attorney
 16 who is admitted to practice law in Indiana.
 17 (b) A person who receives any item of value from an applicant or a
 18 recipient in connection with assisting that applicant or recipient in
 19 obtaining township assistance commits township assistance
 20 profiteering, a Class C misdemeanor.
 21 (c) A person who unfairly profits from the:
 22 (1) sale, lease, or rental of goods or shelter; or
 23 (2) provision of services;
 24 to a township assistance recipient commits township assistance fraud,
 25 a Class D felony. For purposes of this subsection, a person unfairly
 26 profits if the person receives payment from the township trustee **or**
 27 **(after December 31, 2013) the county trustee, in the case of a**
 28 **county that approves a public question under IC 36-6-1.1**, for goods
 29 or services that the person does not provide or the person charges the
 30 township trustee **or (after December 31, 2013) the county trustee, in**
 31 **the case of a county that approves a public question under**
 32 **IC 36-6-1.1**, more for the goods or services than the person would
 33 charge members of the public.
 34 (d) In addition to any other penalty imposed for a conviction under
 35 subsection (c), a person who is convicted of township assistance fraud
 36 is ineligible to participate in the township assistance program for thirty
 37 (30) years after the date of the conviction.
 38 SECTION 29. 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 county that**
 41 **approves a public question under IC 36-6-1.1.**
 42 **(b) The county shall establish in 2014 a township assistance fund**

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- 1 for the county.
- 2 (c) Beginning with property taxes first due and payable in 2014,
- 3 the fund shall be raised by a tax levy that:
- 4 (1) is in addition to all other tax levies authorized; and
- 5 (2) shall be levied annually by the county fiscal body on all
- 6 taxable property in the county in the amount necessary to pay
- 7 the items, awards, claims, allowances, assistance, and other
- 8 expenses set forth in the annual county township assistance
- 9 budget for the township.
- 10 (d) The tax imposed under this section shall be collected as other
- 11 county ad valorem taxes are collected.
- 12 (e) The following shall be paid into the fund:
- 13 (1) All receipts from the tax imposed under this section.
- 14 (2) Earnings on the money deposited in the fund shall be
- 15 deposited in the fund.
- 16 (3) Any other money required by law to be placed in the fund.
- 17 (f) The fund is available to pay expenses and obligations set
- 18 forth in the annual budget.
- 19 (g) Money in the fund at the end of a budget year does not
- 20 revert to the county general fund.
- 21 SECTION 30. IC 12-20-1.5 IS ADDED TO THE INDIANA CODE
- 22 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2011]:
- 24 **Chapter 1.5. Township Assistance Planning Board**
- 25 **Sec. 1. This chapter applies to all counties.**
- 26 **Sec. 2. As used in this chapter, "board" means the township**
- 27 **assistance planning board established for a county under section 3**
- 28 **of this chapter.**
- 29 **Sec. 3. (a) Each county shall establish a township assistance**
- 30 **planning board. The county executive shall appoint the members**
- 31 **of the board not later than January 1, 2012. The board consists of**
- 32 **the following members:**
- 33 (1) One (1) trustee from an unincorporated area of the county.
- 34 However, if there is no unincorporated area in the county, the
- 35 member appointed under this section shall be from an
- 36 incorporated area in the county.
- 37 (2) One (1) trustee from an incorporated area of the county.
- 38 (3) One (1) person employed by a faith based human services
- 39 provider agency.
- 40 (4) One (1) person employed by a government funded human
- 41 services provider agency.
- 42 (5) One (1) person employed by a nonprofit human services

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1 provider agency.

2 (6) Two (2) citizen members who:

3 (A) are not employed by; and

4 (B) are not a party to a contract with;

5 a township or a human services provider agency.

6 (7) One (1) member of the county fiscal body.

7 (8) One (1) member of the fiscal body of the municipality in
8 the county with the largest population.

9 (b) If the county approves a local public question under
10 IC 36-6-1.1, the county trustee appointed under IC 12-20-1.7 shall
11 serve as an advisory member to the board after December 31,
12 2013. The advisory member has all the privileges of membership,
13 except the right to vote.

14 (c) A majority of the voting members of the board constitutes a
15 quorum. An affirmative vote of a majority of the members of the
16 board is required for the board to take action.

17 Sec. 4. (a) The first meeting of the board shall be convened not
18 later than January 1, 2012, by the member of the county fiscal
19 body appointed to the board.

20 (b) The board shall select a chairperson from among its
21 members at the board's first meeting.

22 (c) The members of the board serve at the pleasure of the
23 appointing authority.

24 (d) Each county fiscal body shall determine, in the manner
25 provided by law, the compensation of the members of the board.

26 (e) The board is a public agency for purposes of IC 5-14-1.5 and
27 IC 5-14-3.

28 Sec. 5. The board has the duty and responsibility to propose and
29 annually review the county's township assistance standards. The
30 standards apply to all townships in the county.

31 Sec. 6. Before June 1, 2012, the board shall adopt a resolution
32 approving standards that meet the requirements of this article and
33 forward the resolution to the county fiscal body for adoption. The
34 standards adopted by the county fiscal body take effect January 1,
35 2013.

36 SECTION 31. IC 12-20-1.6 IS ADDED TO THE INDIANA CODE
37 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2011]:

39 **Chapter 1.6. Plan for Delivery of Township Assistance Services
40 Throughout the County**

41 Sec. 1. Except as specifically provided, this chapter applies after
42 December 31, 2013. This chapter applies only to a county that

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approves a public question under IC 36-6-1.1.

Sec. 2. As used in this chapter, "board" means the township assistance planning board established for a county under IC 12-20-1.5-3.

Sec. 3. As used in this chapter, "plan" means a township assistance plan prepared by a board under this chapter.

Sec. 4. (a) Before June 1, 2013, the board shall develop a plan for the delivery of township assistance services throughout the county that is consistent with the standards adopted under IC 12-20-1.5 and this article. The plan must apply to the provision of township assistance services after December 31, 2013.

(b) In preparing a plan, the board shall make the following determinations:

- (1) Whether the county will:**
 - (A)** provide township assistance services by means of its own workforce; or
 - (B)** contract with a service provider to provide some or all township assistance services.
- (2) Office hours, locations, and staffing levels.**

Sec. 5. (a) The board shall prepare and recommend a township assistance budget for calendar year 2014 to the county executive. The county executive may reduce and modify but not increase the budget.

(b) The department of local government finance shall review the budget for calendar year 2014. If the budget spends more than the combined budgets of the existing townships, the department of local government finance may reduce and modify but not increase the budget.

Sec. 6. (a) The board shall adopt a resolution approving the plan and forward the resolution to the county executive for adoption.

(b) If:

- (1)** the county executive adopts an ordinance approving the plan; and
- (2)** the ordinance is approved by the county fiscal body;

the plan and the transfer of township assistance responsibilities to the county take effect January 1, 2014.

SECTION 32. IC 12-20-1.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 1.7. County Trustee

Sec. 1. This chapter applies after December 31, 2013. This chapter applies only to a county that approves a public question

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under IC 36-6-1.1.

Sec. 2. (a) As used in this chapter, "relative" means:

- (1) a husband;**
- (2) a wife;**
- (3) a father, grandfather, or stepfather;**
- (4) a mother, grandmother, or stepmother;**
- (5) a son, grandson, stepson, or son-in-law;**
- (6) a daughter, granddaughter, stepdaughter, or daughter-in-law;**
- (7) a brother or stepbrother;**
- (8) a sister or stepsister;**
- (9) an aunt;**
- (10) an uncle;**
- (11) a niece;**
- (12) a nephew; or**
- (13) a first cousin.**

(b) A relative by adoption, half-blood, marriage, or remarriage shall be treated as a relative of whole kinship.

Sec. 3. (a) The county executive shall appoint a county trustee to administer township assistance. The county trustee shall carry out the county trustee's powers and duties as directed by the county executive.

(b) The county trustee serves at the pleasure of the county executive.

Sec. 4. The county trustee may not be a relative of any member of the county executive.

Sec. 5. The county trustee may not have a conviction for township assistance fraud under IC 12-20-1-4.

Sec. 6. (a) The county trustee shall perform all duties related to township assistance that were performed by township trustees in the county before township government was abolished.

(b) The county trustee shall perform the following duties and responsibilities in accordance with the county plan:

- (1) Administer emergency assistance within the standards adopted under IC 12-20-1.5, including:**
 - (A) accepting and processing applications for township assistance;**
 - (B) investigating applications for township assistance;**
 - (C) approving and denying applications for township assistance;**
 - (D) administering approved relief; and**
 - (E) working with other governmental and nonprofit**

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- 1 providers of assistance to direct applicants to other
- 2 resources.
- 3 (2) Hire and manage staff.
- 4 (3) Operate township assistance offices.
- 5 (4) Administer the township assistance fund established under
- 6 IC 12-20-21-6.
- 7 (5) Complete the annual township assistance statistical report
- 8 under IC12-20-28 and maintain data on township assistance.
- 9 (6) If provided for in the county plan, conduct rehabilitation,
- 10 training, and work programs.
- 11 (7) Manage contracts with human services providers for any
- 12 of the duties and responsibilities of the county trustee.

13 SECTION 33. IC 12-20-2-1, AS AMENDED BY P.L.73-2005,
 14 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2011]: Sec. 1. (a) **This section does not apply after**
 16 **December 31, 2013, in a county that approves a public question**
 17 **under IC 36-6-1.1.**

18 (b) A suit or proceeding in favor of or against a township trustee
 19 concerning township assistance shall be conducted in favor of or
 20 against the township in the township's corporate name.

21 SECTION 34. IC 12-20-3-3, AS AMENDED BY P.L.73-2005,
 22 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2011]: Sec. 3. (a) **This section does not apply after**
 24 **December 31, 2013, in a county that approves a public question**
 25 **under IC 36-6-1.1.**

26 (a) (b) If a township trustee, who serves as administrator of
 27 township assistance, is removed from office, resigns, or in any other
 28 way vacates the office of township trustee, the township trustee shall
 29 immediately deliver all books, papers, and other materials concerning
 30 the office to the trustee's successor upon the successor's appointment.

31 (b) (c) If a township trustee, who serves as administrator of
 32 township assistance, dies, the township trustee's executors or
 33 administrators shall, not more than forty (40) days after the trustee's
 34 death, deliver all materials belonging to the township trustee's office to
 35 the trustee's successor in office.

36 SECTION 35. IC 12-20-4-2, AS AMENDED BY P.L.73-2005,
 37 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2011]: Sec. 2. (a) **This subsection does not apply after**
 39 **December 31, 2013, in a county that approves a public question**
 40 **under IC 36-6-1.1.** The township trustee of each township, in the
 41 trustee's official capacity as chief executive officer within the township
 42 may do the following:

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- 1 (1) Employ supervisors, investigators, assistants, or other
- 2 necessary employees in discharging the township trustee's duties
- 3 concerning the provision of township assistance.
- 4 (2) Fix the salaries or wages to be paid to the supervisors,
- 5 investigators, assistants, and other necessary employees employed
- 6 by the township trustee.

7 **(b) This subsection applies after December 31, 2013. This**
 8 **subsection applies only in a county that approves a public question**
 9 **under IC 36-6-1.1. The county trustee:**

- 10 (1) shall hire employees and staff; and
- 11 (2) may establish offices throughout the county;
- 12 **for the provision of township assistance in accordance with the**
 13 **county plan.**

14 SECTION 36. IC 12-20-4-3, AS AMENDED BY P.L.73-2005,
 15 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2011]: Sec. 3. (a) **This subsection does not apply after**
 17 **December 31, 2013, in a county that approves a public question**
 18 **under IC 36-6-1.1.** The township trustee shall determine the number
 19 of township assistance supervisors, investigators, assistants, or other
 20 necessary employees that are employed by the township to administer
 21 township assistance.

22 **(b) This subsection applies after December 31, 2013. This**
 23 **subsection applies only to a county that approves a public question**
 24 **under IC 36-6-1.1. The county trustee may hire in accordance with**
 25 **the county plan, township assistance supervisors, investigators,**
 26 **assistants, or other necessary employees that are employed by the**
 27 **county.**

28 ~~(b)~~ **(c) This subsection does not apply after December 31, 2013,**
 29 **in a county that approves a public question under IC 36-6-1.1.** The
 30 pay of township assistance supervisors, investigators, assistants, and
 31 other necessary employees shall be fixed by the township trustee
 32 subject only to the total budgetary appropriation for personnel services
 33 for the administration of township assistance approved by the township
 34 board.

35 **(d) This subsection applies after December 31, 2013. This**
 36 **subsection applies only to a county that approves a public question**
 37 **under IC 36-6-1.1. The pay of township assistance employees shall**
 38 **be fixed in the manner provided by law for other county salaries.**

39 ~~(c)~~ **(e) This subsection does not apply after December 31, 2013,**
 40 **in a county that approves a public question under IC 36-6-1.1.** A
 41 township assistance supervisor, investigator, assistant, or other
 42 necessary employee who uses an automobile in the performance of the

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1 employee's work is entitled to the same mileage paid to state officers
2 and employees.

3 **(f) This subsection applies after December 31, 2013. This**
4 **subsection applies only to a county that approves a public question**
5 **under IC 36-6-1.1. A township assistance employee of a county is**
6 **entitled to a sum for mileage at a rate determined by the county**
7 **fiscal body.**

8 SECTION 37. IC 12-20-4-5, AS AMENDED BY P.L.73-2005,
9 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2011]: Sec. 5. (a) The number of supervisors of township
11 assistance investigators may not exceed one (1) supervisor for the first
12 four (4) township assistance investigators. If there are more than four
13 (4) township assistance investigators, the township trustee **or (after**
14 **December 31, 2013, in the case of a county that approves a public**
15 **question under IC 36-6-1.1) the county trustee** may employ one (1)
16 additional supervisor for each twelve (12) township assistance
17 investigators or major fraction of that number.

18 (b) The pay for supervisors of township assistance investigators
19 shall be fixed in the manner provided by law for other township salaries
20 **or (after December 31, 2013, in the case of a county that approves**
21 **a public question under IC 36-6-1.1) for other county salaries.**

22 SECTION 38. IC 12-20-4-7, AS AMENDED BY P.L.73-2005,
23 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2011]: Sec. 7. (a) ~~Two (2) or more townships in the same~~
25 ~~county. The following~~ may jointly employ an investigator to
26 investigate township assistance applicants and recipients:

- 27 **(1) Two (2) or more townships in the same county.**
- 28 **(2) After December 31, 2013, two (2) or more counties that**
- 29 **have approved a public question under IC 36-6-1.1.**

30 (b) Payment for investigations conducted under this section shall be
31 made on the basis of the number of cases handled for each township in
32 the same manner and at the same rate as otherwise provided for the
33 payment of investigators under this chapter. **This subsection does not**
34 **apply after December 31, 2013, to a county that approves a public**
35 **question under IC 36-6-1.1.**

36 SECTION 39. IC 12-20-4-11, AS AMENDED BY P.L.73-2005,
37 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2011]: Sec. 11. (a) A township assistance supervisor,
39 investigator, assistant, or other necessary employee shall be paid only
40 for the number of days the employee is actually engaged in
41 employment during each month.

42 (b) A township assistance supervisor, investigator, assistant, or other

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1 necessary employee shall be paid at the rate established by the
2 township trustee from an appropriation by the township board with no
3 deduction for legal holidays.

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

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

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

17 **(f) This section does not apply after December 31, 2013, in a**
18 **county that approves a public question under IC 36-6-1.1.**

19 SECTION 40. IC 12-20-4-13 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. The township
21 trustee may, with the approval of the township board **or (after**
22 **December 31, 2013, in the case of a county that approves a public**
23 **question under IC 36-6-1.1) the county trustee may, if permitted by**
24 **the county plan,** employ personnel to supervise rehabilitation, training,
25 retraining, and work programs as provided in IC 12-20-13.

26 SECTION 41. IC 12-20-5-4 IS ADDED TO THE INDIANA CODE
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2011]: **Sec. 4. This chapter does not apply after December 31,**
29 **2013, in a county that approves a public question under**
30 **IC 36-6-1.1.**

31 SECTION 42. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005,
32 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2011]: Sec. 1. (a) The township trustee shall process all
34 applications for township assistance according to uniform written
35 standards and without consideration of the race, creed, nationality, or
36 gender of the applicant or any member of the applicant's household.

37 (b) The township's standards for the issuance of township assistance
38 and the processing of applications must be:

- 39 (1) governed by the requirements of this article;
40 (2) **for standards applicable before January 1, 2013,** proposed
41 by the township trustee, adopted by the township board, and filed
42 with the board of county commissioners;

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- 1 **(3) for standards applicable after December 31, 2012,**
- 2 **proposed by the township assistance planning board and**
- 3 **adopted by ordinance of the county fiscal body;**
- 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; and**
- 11 **(7) posted on the county's Internet web site, if the county**
- 12 **maintains an Internet web site.**

13 SECTION 43. IC 12-20-5.5-2, AS AMENDED BY P.L.73-2005,
 14 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2011]: Sec. 2. (a) Standards for the administration of township
 16 assistance must ~~contain~~ **establish at a minimum** the following:

- 17 (1) Criteria for determining township assistance eligibility.
- 18 (2) Minimum requirements of township trustee accessibility.
- 19 (3) Other information as needed, including the following:
 - 20 (A) Township office locations, hours, and days of availability.
 - 21 (B) Initial eligibility criteria.
 - 22 (C) Continuing eligibility criteria.
 - 23 (D) Workfare requirements.
 - 24 (E) Essential and nonessential assets.
 - 25 (F) Available resources.
 - 26 (G) Income exemptions.
 - 27 (H) Application process.
 - 28 (I) Countable income.
 - 29 (J) Countable assets.
 - 30 (K) Wasted resources.

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

34 SECTION 44. IC 12-20-5.5-5, AS AMENDED BY P.L.73-2005,
 35 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2011]: Sec. 5. The township's **or (after December 31, 2012)**
 37 **county's** standards for the administration of township assistance must
 38 include all applicable standards governing the provision of basic
 39 necessities, including maximum amounts, special conditions, or other
 40 limitations on eligibility, if any have been established for one (1) or
 41 more basic necessities.

42 SECTION 45. IC 12-20-5.5-6 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) A township
2 trustee **or, for standards applicable after December 31, 2012, the**
3 **county fiscal body** shall set income standards for the township that
4 provide for financial eligibility in an amount consistent with reasonable
5 costs of basic necessities in the trustee's particular township.

6 (b) A township trustee **or, for standards applicable after**
7 **December 31, 2012, the county fiscal body** may not consider a
8 Holocaust victim's settlement payment received by an eligible
9 individual when setting income standards under this section.

10 SECTION 46. IC 12-20-6-0.5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 0.5. (a) As used in this
12 section, "member of the applicant's household" includes any person
13 who lives in the same residence as the applicant.

14 (b) The township trustee **or (after December 31, 2013, in the case**
15 **of a county that approves a public question under IC 36-6-1.1) the**
16 **county trustee** shall determine whether an applicant or a member of
17 the applicant's household has been denied assistance under
18 IC 12-14-1-1, IC 12-14-1-1.5, IC 12-14-2-5.1, IC 12-14-2-5.3,
19 IC 12-14-2-18, IC 12-14-2-20, IC 12-14-2-21, IC 12-14-2-24,
20 IC 12-14-2-26, IC 12-14-2.5, or IC 12-14-5.5.

21 (c) A township trustee has no obligation to extend aid to an
22 applicant or to a member of an applicant's household who has been
23 denied assistance as described in subsection (b). **This subsection does**
24 **not apply after December 31, 2013, in a county that approves a**
25 **public question under IC 36-6-1.1.**

26 (d) **This subsection applies after December 31, 2013. This**
27 **subsection applies only to a county that approves a public question**
28 **under IC 36-6-1.1. A county plan may provide that a county trustee**
29 **has no obligation to extend aid to an applicant or to a member of**
30 **an applicant's household who has been denied assistance as**
31 **described in subsection (b).**

32 (e) A township trustee **or (after December 31, 2013, in the case**
33 **of a county that approves a public question under IC 36-6-1.1) a**
34 **county trustee** shall not extend aid to an applicant or to a member of
35 an applicant's household if the applicant or the member of the
36 applicant's household has been convicted of an offense under
37 IC 35-43-5-7 or IC 35-43-5-7.1 as follows:

38 (1) If the conviction is a misdemeanor, a township trustee **or**
39 **(after December 31, 2013, in the case of a county that**
40 **approves a public question under IC 36-6-1.1) a county**
41 **trustee** shall not extend aid to the applicant or the member of the
42 applicant's household for one (1) year after the conviction.

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1 (2) If the conviction is a felony, a township trustee **or (after**
2 **December 31, 2013, in the case of a county that approves a**
3 **public question under IC 36-6-1.1) a county trustee** shall not
4 extend aid to the applicant or the member of the applicant's
5 household for ten (10) years after the conviction.

6 SECTION 47. IC 12-20-6-1, AS AMENDED BY P.L.73-2005,
7 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2011]: Sec. 1. (a) A township trustee **or (after December 31,**
9 **2013, in the case of a county that approves a public question under**
10 **IC 36-6-1.1) a county trustee** may not extend aid to an individual or
11 a household unless an application and affidavit setting forth the
12 personal condition of the individual or household has been filed with
13 the trustee within one hundred eighty (180) days before the date aid is
14 extended.

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

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

22 (d) The township trustee **or (after December 31, 2013, in the case**
23 **of a county that approves a public question under IC 36-6-1.1) a**
24 **county trustee** may not extend additional or continuing aid to an
25 individual or a household unless the individual or household files an
26 affidavit with the request for assistance affirming how, if at all, the
27 personal condition of the individual or the household has changed from
28 that set forth in the individual's or household's most recent application.

29 (e) The township trustee **or (after December 31, 2013, in the case**
30 **of a county that approves a public question under IC 36-6-1.1) a**
31 **county trustee** shall assist an applicant for township assistance in
32 completing a township assistance application if the applicant:

- 33 (1) has a mental or physical disability, including mental
34 retardation, cerebral palsy, blindness, or paralysis;
- 35 (2) has dyslexia; or
- 36 (3) cannot read or write the English language.

37 SECTION 48. IC 12-20-6-3, AS AMENDED BY P.L.145-2006,
38 SECTION 112, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) Each township trustee **or**
40 **(after December 31, 2013, in the case of a county that approves a**
41 **public question under IC 36-6-1.1) the county trustee** shall obtain
42 information about public assistance programs and services

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1 administered by the division of family resources and county offices
2 under this article, the Social Security Administration, the federal Food
3 Stamp program (7 U.S.C. 2011 et seq.), or by another federal or state
4 governmental entity.

5 **(b) If a township trustee or (after December 31, 2013, in the case**
6 **of a county that approves a public question under IC 36-6-1.1) a**
7 **county trustee** believes a township assistance applicant or a member
8 of the applicant's household may be eligible for a public assistance
9 program, the trustee may not extend aid to the applicant or the
10 applicant's household unless the applicant verifies that:

11 (1) the applicant has filed, within the one hundred eighty (180)
12 days preceding the application for township assistance, an
13 application for assistance under a federal or state public
14 assistance program administered by the division of family
15 resources and county offices or by another federal or state
16 governmental entity;

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

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

24 SECTION 49. IC 12-20-6-5, AS AMENDED BY P.L.145-2006,
25 SECTION 113, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2011]: Sec. 5. If the township trustee **or (after**
27 **December 31, 2013, in the case of a county that approves a public**
28 **question under IC 36-6-1.1) the county trustee** determines that an
29 applicant or a member of the applicant's household who is granted
30 emergency township assistance under section ~~3(3)~~ **3(b)(3)** of this
31 chapter may be eligible for public assistance other than township
32 assistance, the applicant shall, not more than fifteen (15) working days
33 after the date that emergency township assistance was granted, file an
34 application for public assistance and comply with all the requirements
35 necessary for completing the application process for public assistance
36 administered by the division of family resources and county offices or
37 another federal or state governmental entity. An applicant or a member
38 of the applicant's household who fails to file an application for public
39 assistance not more than fifteen (15) working days after the date that
40 emergency township assistance was granted may not be granted
41 township assistance for sixty (60) days following the grant of township
42 assistance on an emergency basis.

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1 SECTION 50. IC 12-20-6-5.5, AS AMENDED BY P.L.145-2006,
 2 SECTION 114, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2011]: Sec. 5.5. (a) This section does not apply
 4 in an emergency.

5 (b) If, before granting township assistance, the township trustee **or**
 6 **(after December 31, 2013, in the case of a county that approves a**
 7 **public question under IC 36-6-1.1) the county trustee** determines
 8 that an applicant or a member of an applicant's household may be
 9 eligible for public assistance other than township assistance, the
 10 applicant or household member shall, when referred by the township
 11 trustee **or the county trustee**, make an application and comply with all
 12 necessary requirements for completing the application process for
 13 public assistance administered by:

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

16 (c) An applicant or a household member who fails to:

- 17 (1) file an application as specified in subsection (b); and
 18 (2) show evidence that the application, as referred by the
 19 township trustee **or (after December 31, 2013, in the case of a**
 20 **county that approves a public question under IC 36-6-1.1) the**
 21 **county trustee** was filed not more than fifteen (15) working days
 22 after the ~~township~~ trustee's referral;

23 may be denied township assistance for not more than sixty (60) days.

24 SECTION 51. IC 12-20-6-6.5, AS AMENDED BY P.L.73-2005,
 25 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2011]: Sec. 6.5. (a) If an individual has been convicted of an
 27 offense under IC 35-43-5-7, a township trustee **or (after December 31,**
 28 **2013, in the case of a county that approves a public question under**
 29 **IC 36-6-1.1) a county trustee** may not extend aid to or for the benefit
 30 of that individual for the following periods:

- 31 (1) If the conviction is for a misdemeanor, for one (1) year after
 32 the conviction.
 33 (2) If the conviction is for a felony, for ten (10) years after the
 34 conviction.

35 (b) If a township trustee **or (after December 31, 2013, in the case**
 36 **of a county that approves a public question under IC 36-6-1.1) a**
 37 **county trustee** finds that an individual has obtained township
 38 assistance from any township **or (after December 31, 2013) county**
 39 by means of conduct described in IC 35-43-5-7, the township trustee
 40 **or county trustee** may refuse to extend aid to or for the benefit of that
 41 individual for sixty (60) days after the later of the:

- 42 (1) date of the improper conduct; or

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1 (2) date aid was last extended to the individual based on the
2 improper conduct.

3 SECTION 52. IC 12-20-6-6.6, AS AMENDED BY P.L.73-2005,
4 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2011]: Sec. 6.6. Notwithstanding any other provision of this
6 article:

7 (1) a township trustee **or (after December 31, 2013, in the case**
8 **of a county that approves a public question under IC 36-6-1.1)**
9 **a county trustee** may not extend aid to or for the benefit of an
10 individual if that aid would pay for goods or services provided to
11 or for the benefit of the individual; and

12 (2) a:
13 (A) township; or
14 (B) **after December 31, 2013, county that approves a public**
15 **question under IC 36-6-1.1 (if so provided in the county**
16 **plan);**

17 is not obligated to pay the cost of basic necessities incurred on
18 behalf of the household in which the individual resides;
19 during a period that the individual has previously applied for and been
20 denied township assistance.

21 SECTION 53. IC 12-20-6-7, AS AMENDED BY P.L.73-2005,
22 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2011]: Sec. 7. (a) In a case of emergency, a trustee shall
24 accept and promptly act upon a completed application from an
25 individual requesting assistance.

26 (b) **This subsection does not apply after December 31, 2013, in**
27 **a county that approves a public question under IC 36-6-1.1.** In a
28 nonemergency request for township assistance, the trustee shall act on
29 the completed application not later than seventy-two (72) hours after
30 receiving the application, excluding weekends and legal holidays listed
31 in IC 1-1-9. The trustee's office shall retain a copy of each application
32 and affidavit whether or not relief is granted.

33 (c) **This subsection applies after December 31, 2013. This**
34 **subsection applies only to a county that approves a public question**
35 **under IC 36-6-1.1. In a nonemergency request for township**
36 **assistance, the county trustee shall act on the completed application**
37 **not later than the earlier of the following:**

- 38 (1) **The time specified in the county plan.**
39 (2) **Seventy-two (72) hours after receiving the application,**
40 **excluding weekends and legal holidays listed in IC 1-1-9.**

41 **The trustee's office shall retain a copy of each application and**
42 **affidavit whether or not relief is granted.**

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1 **(b) (d)** The actions that a trustee may take on a completed
2 application for township assistance, except in a case of emergency, are
3 the following:

- 4 (1) Grant assistance.
- 5 (2) Deny assistance, including a partial denial of assistance
6 requested.
- 7 (3) Leave the decision pending. **After December 31, 2013, the**
8 **county trustee in a county that approves a public question**
9 **under IC 36-6-1.1, may leave the decision pending only if**
10 **permitted by the county plan.**

11 **(c) (e)** A decision pending determination under subsection ~~(b)(3)~~:
12 **(d)(3):**

- 13 (1) may not remain pending for more than seventy-two (72) hours
14 after the expiration of the period described in subsection ~~(a)~~; **(b)**;
15 and
- 16 (2) must include a statement listing the specific reasons that
17 assistance is not granted or denied within the period required
18 under subsection ~~(a)~~; **(b)**.

19 **This subsection does not apply after December 31, 2013, in a**
20 **county that approves a public question under IC 36-6-1.1.**

21 **(f)** This subsection applies after December 31, 2013. This
22 subsection applies only to a county that approves a public question
23 under IC 36-6-1.1. A decision pending determination under
24 subsection (d)(3):

- 25 (1) may not remain pending for more than the earlier of:
26 **(A) the time period specified in the county plan; or**
27 **(B) seventy-two (72) hours after the expiration of the**
28 **period described in subsection (c); and**
- 29 (2) must include a statement listing the specific reasons that
30 assistance is not granted or denied within the period required
31 under subsection (c).

32 **(g)** If a township trustee or (after December 31, 2013, in the case
33 of a county that approves a public question under IC 36-6-1.1) a
34 county trustee does not:

- 35 (1) accept a completed application for township assistance; or
 - 36 (2) grant or deny a completed application for township
37 assistance within the period required under this section;
- 38 **the application is considered denied, and the denial may be**
39 **appealed under IC 12-20-15.**

40 SECTION 54. IC 12-20-6-8, AS AMENDED BY P.L.73-2005,
41 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2011]: Sec. 8. (a) A township trustee or **(after December 31,**

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1 **2013, in the case of a county that approves a public question under**
 2 **IC 36-6-1.1) a county trustee** shall promptly notify in writing each
 3 applicant for township assistance of action taken upon a completed
 4 application for township assistance. The trustee shall do the following:

5 (1) Mail notice or provide personal notice not later than
 6 seventy-two (72) hours, excluding weekends and legal holidays
 7 listed in IC 1-1-9, after the completed application is received
 8 advising the applicant of the right to appeal an adverse decision
 9 of the trustee to the board of commissioners. **This subdivision**
 10 **does not apply after December 31, 2013, in a county that**
 11 **approves a public question under IC 36-6-1.1.**

12 (2) **This subdivision applies after December 31, 2013. This**
 13 **subdivision applies only to a county that approves a public**
 14 **question under IC 36-6-1.1. Mail notice or provide personal**
 15 **notice not later than the earlier of:**

16 (A) the time specified in the county plan; or

17 (B) seventy-two (72) hours, excluding weekends and legal
 18 holidays listed in IC 1-1-9, after the completed application
 19 is received;

20 **advising the applicant of the right to appeal an adverse**
 21 **decision of the trustee to the circuit court having jurisdiction**
 22 **in the county.**

23 ~~(2)~~ (3) Include in the notice required under ~~subdivision~~
 24 ~~subdivisions~~ (1) and (2) the following:

25 (A) The type and amount of assistance granted.

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

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

30 (D) Information advising the applicant of the procedures for
 31 appeal to the board of commissioners **or (after December 31,**
 32 **2013, in the case of a county that approves a public**
 33 **question under IC 36-6-1.1) to the circuit court having**
 34 **jurisdiction in the county.**

35 (E) **After December 31, 2013, in the case of a county that**
 36 **approves a public question under IC 36-6-1.1, any other**
 37 **information required by the county plan.**

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

40 (c) An application for township assistance is not considered
 41 complete until all adult members of the requesting household have
 42 signed:

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- 1 (1) the township assistance application; and
- 2 (2) any other form, instrument, or document:
 - 3 (A) required by law; or
 - 4 (B) determined necessary for investigative purposes by the
 - 5 trustee, as contained in the township's township assistance
 - 6 ~~guidelines: standards.~~

7 **This subsection does not apply after December 31, 2013, in a**
 8 **county that approves a public question under IC 36-6-1.1.**

9 SECTION 55. IC 12-20-6-9, AS AMENDED BY P.L.73-2005,
 10 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2011]: Sec. 9. (a) If an application for township assistance is
 12 made to the township trustee as administrator of township assistance
 13 **or (after December 31, 2013, in the case of a county that approves**
 14 **a public question under IC 36-6-1.1) the county trustee, the**
 15 ~~township trustee as administrator of township assistance,~~ shall carefully
 16 investigate the circumstances of the applicant and each member of the
 17 applicant's household.

18 (b) **A township trustee or (after December 31, 2013, in the case**
 19 **of a county that approves a public question under IC 36-6-1.1) a**
 20 **county trustee shall investigate** to ascertain the following:

- 21 (1) Legal residence.
- 22 (2) Names and ages.
- 23 (3) Physical condition relating to sickness or health.
- 24 (4) Present and previous occupation.
- 25 (5) Ability and capacity to perform labor.
- 26 (6) The cause of the applicant's or household member's condition
- 27 if the applicant or household member is found to be in need and
- 28 the cause can be ascertained.
- 29 (7) Whether the applicant or a member of the applicant's
- 30 household is entitled to income in the immediate future from any
- 31 source, including the following:
 - 32 (A) Past or present employment.
 - 33 (B) A pending claim or cause of action that may result in a
 - 34 monetary award being received by any member of the
 - 35 applicant's household claiming to be in need.
 - 36 (C) A pending determination for assistance from any other
 - 37 federal or state governmental entity.
- 38 (8) The family relationships of the township assistance applicant.
- 39 (9) Whether the township assistance applicant or members of the
- 40 applicant's household have relatives able and willing to assist the
- 41 applicant or a member of the applicant's household.

42 SECTION 56. IC 12-20-6-10, AS AMENDED BY P.L.73-2005,

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1 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2011]: Sec. 10. (a) As used in this section, "relative" includes
3 only the parent, stepparent, child, stepchild, sibling, stepsibling,
4 grandparent, stepgrandparent, grandchild, or stepgrandchild of a
5 township assistance applicant.

6 (b) If an applicant who applies for township assistance or a member
7 of the applicant's household has a relative living in the township **or**
8 **(after December 31, 2013, in the case of a county that approves a**
9 **public question under IC 36-6-1.1) the county** who is able to assist
10 the applicant or member of the applicant's household, the ~~township~~
11 trustee shall, as administrator of township assistance and before
12 granting aid a second time, ask the relative to help the applicant or
13 member of the applicant's household, either with material relief or by
14 furnishing employment.

15 (c) A township trustee **or (after December 31, 2013, in the case of**
16 **a county that approves a public question under IC 36-6-1.1) a**
17 **county trustee** may not use township assistance funds to pay the cost
18 of an applicant's shelter with a relative who is the applicant's landlord
19 if the applicant lives in:

- 20 (1) the same household as the relative; or
21 (2) housing separate from the relative and either:
22 (A) the housing is unencumbered by mortgage; or
23 (B) the housing has not been previously rented by the relative
24 to a different tenant at reasonable market rates for at least six
25 (6) months.

26 (d) If shelter payments are made to a relative of a township
27 assistance applicant on behalf of the applicant or a member of the
28 applicant's household, the **township trustee or (after December 31,**
29 **2013, in the case of a county that approves a public question under**
30 **IC 36-6-1.1) the county trustee** may file a lien against the relative's
31 real property for the amount of township shelter assistance granted.

32 SECTION 57. IC 12-20-7-0.5 IS ADDED TO THE INDIANA
33 CODE AS A NEW SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2011]: Sec. 0.5. (a) **After December 31, 2012,**
35 **any reference in this chapter to "township board" is considered a**
36 **reference to the county fiscal body.**

37 (b) **After December 31, 2013, any reference in this chapter to:**

- 38 (1) **"township" in the case of a township in a county that**
39 **approves a public question under IC 36-6-1.1 is considered a**
40 **reference to the county; and**
41 (2) **"township trustee" or "trustee" in the case of a township**
42 **trustee in a county that approves a public question under**

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1 **IC 36-6-1.1 is considered a reference to the county trustee**
 2 **appointed under IC 12-20-1.7.**

3 SECTION 58. IC 12-20-7-1, AS AMENDED BY P.L.145-2006,
 4 SECTION 115, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Each applicant and each adult
 6 member of the applicant's household seeking township assistance must
 7 consent to a disclosure and release of information about the applicant
 8 and the applicant's household before township assistance may be
 9 provided by the township trustee. The consent must be made by signing
 10 a form prescribed by the state board of accounts. The form must
 11 include the following:

- 12 (1) The applicant's name, case number, and address.
 13 (2) The types of information being solicited, including the
 14 following:
 15 (A) Countable income.
 16 (B) Countable assets.
 17 (C) Wasted resources.
 18 (D) Relatives capable of providing assistance.
 19 (E) Past or present employment.
 20 (F) Pending claims or causes of action.
 21 (G) A medical condition if relevant to work or workfare
 22 requirements.
 23 (H) Any other information required by law.

24 (3) The names of individuals, agencies, and township trustee
 25 offices that will receive the information.
 26 (4) The expiration date of the permission to disclose information.
 27 (b) Information that is declared to be confidential by state or federal
 28 statute may not be obtained under the consent form prescribed by this
 29 section.

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

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

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

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

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alternate arrangements to obtain the individual's signature.
SECTION 59. IC 12-20-8-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 1.5. Any reference in this chapter to:**

- (1) "township" in the case of a township in a county that approves a public question under IC 36-6-1.1 is considered a reference to the county; and
- (2) "township trustee" or "trustee" in the case of a county that approves a public question under IC 36-6-1.1 is considered a reference to the county trustee appointed under IC 12-20-1.7.

SECTION 60. IC 12-20-8-1.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 1.6. (a) This section applies after December 31, 2013. This section applies only to a county that approves a local public question under IC 36-6-1.1.**

(b) Notwithstanding any other law, a county may provide township assistance only to an individual who is a resident of the county or who intends to make the county the individual's sole place of residence.

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

SECTION 61. IC 12-20-8-3, AS AMENDED BY P.L.73-2005, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 3. (a) The township trustee may deny township assistance to an individual if the township trustee determines that the individual does not intend to make the township or county the individual's sole place of residence.**

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

(c) This section does not apply after December 31, 2013, to a county that approves a public question under IC 36-6-1.1.

SECTION 62. IC 12-20-9-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. (a) Notwithstanding any other law, after December 31, 2013, a county or county trustee is**

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not subject to sections 3 and 5 of this chapter unless the county includes the provision in the county plan.

- (b) After December 31, 2013, any reference in this chapter to:
 - (1) "township" in the case of a township in a county that approves a public question under IC 36-6-1.1 is considered a reference to the county; and
 - (2) "township trustee" or "trustee" in the case of a county that approves a public question under IC 36-6-1.1 is considered a reference to the county trustee appointed under IC 12-20-1.7.

SECTION 63. IC 12-20-10-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. After December 31, 2013, any reference in this chapter to "county trustee" refers to the county trustee appointed under IC 12-20-1.7.**

SECTION 64. IC 12-20-10-3.5, AS AMENDED BY P.L.73-2005, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 3.5.** If a township assistance applicant or a member of the applicant's household claims an inability to work due to health, the township trustee **or (after December 31, 2013, in the case of a county that approves a public question under IC 36-6-1.1) the county trustee, if permitted by the county plan,** may require and provide for any medical examination necessary for the township trustee to determine whether the applicant or household member is able to perform work.

SECTION 65. IC 12-20-10-4, AS AMENDED BY P.L.73-2005, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 4. (a)** The township trustee may call upon residents of the township to aid in finding employment for a township assistance applicant who is able to work. **This subsection does not apply after December 31, 2013 to a county that approves a public question under IC 36-6-1.1.**

(b) This subsection applies after December 31, 2013. This subsection applies only to a county that approves a public question under IC 36-6-1.1. The county trustee may call upon residents of the county to aid in finding employment for a township assistance applicant who is able to work.

SECTION 66. IC 12-20-11-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. (a) After December 31, 2013, any reference in this chapter to:**

- (1) "township" in the case of a township in a county in which

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1 a local public question is approved under IC 36-6-1.1 is
2 considered a reference to the county; and

3 (2) "township trustee" or "trustee" in the case of a township
4 in a county in which a local public question is approved under
5 IC 36-6-1.1 is considered a reference to the county trustee
6 appointed under IC 12-20-1.7.

7 SECTION 67. IC 12-20-12-1, AS AMENDED BY P.L.73-2005,
8 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2011]: Sec. 1. As a condition of continuing eligibility, a
10 township trustee or (after December 31, 2013, in the case of a county
11 that approves a public question under IC 36-6-1.1) a county trustee
12 may require a recipient of township assistance or any member of a
13 recipient's household to participate in an appropriate work training
14 program that is offered to the recipient or a member of the recipient's
15 household within the county or an adjoining township in another
16 county by a:

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

18 (2) nonprofit agency.

19 SECTION 68. IC 12-20-13-0.5 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2011]: Sec. 0.5. (a) Notwithstanding any
22 other law, after December 31, 2013, a county that approves a
23 public question under IC 36-6-1.1 is not subject to a provision of
24 this chapter unless the county includes the provision in the county
25 plan.

26 (b) After December 31, 2012, any reference in this chapter to
27 "township board" is considered a reference to the county fiscal
28 body.

29 (c) After December 31, 2013, any reference in this chapter to:

30 (1) "township" in the case of a township in a county in which
31 a local public question is approved under IC 36-6-1.1 is
32 considered a reference to the county; and

33 (2) "township trustee" or "trustee" in the case of a township
34 in a county in which a local public question is approved under
35 IC 36-6-1.1 is considered a reference to the county trustee
36 appointed under IC 12-20-1.7.

37 SECTION 69. IC 12-20-15-0.5 IS ADDED TO THE INDIANA
38 CODE AS A NEW SECTION TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2011]: Sec. 0.5. This chapter does not apply
40 after December 31, 2013, to a county that approves a local public
41 question under IC 36-6-1.1.

42 SECTION 70. IC 12-20-15.1 IS ADDED TO THE INDIANA

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1 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2011]:

3 **Chapter 15.1. Appeals**

4 **Sec. 1. This chapter applies after December 31, 2013. This**
5 **chapter applies only to a county that approves a public question**
6 **under IC 36-6-1.1.**

7 **Sec. 2. If an applicant for or recipient of township assistance is**
8 **not satisfied with the decision of the county trustee, the applicant**
9 **or recipient may appeal to the circuit court in the county.**

10 **Sec. 3. In hearing an appeal, the court is governed by the**
11 **county's township assistance standards for determining eligibility**
12 **for granting township assistance in the county. If legally sufficient**
13 **standards have not been established, the court is guided by the**
14 **circumstances of the case.**

15 SECTION 71. IC 12-20-16-0.6 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2011]: **Sec. 0.6. (a) After December 31, 2012,**
18 **any reference in this chapter to "township board" is considered a**
19 **reference to the county fiscal body.**

20 **(b) After December 31, 2013, any reference in this chapter to:**

- 21 (1) "township" in the case of a township in a county in which
22 a local public question is approved under IC 36-6-1.1 is
23 considered a reference to the county; and
24 (2) "township trustee" or "trustee" in the case of a township
25 in a county in which a local public question is approved under
26 IC 36-6-1.1 is considered a reference to the county trustee
27 appointed under IC 12-20-1.7.

28 SECTION 72. IC 12-20-17-0.5 IS ADDED TO THE INDIANA
29 CODE AS A NEW SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. (a) Notwithstanding any**
31 **other law, after December 31, 2013, a county or county trustee of**
32 **a county that approves a local public question under IC 36-6-1.1 is**
33 **not subject to section 2 or 4 of this chapter unless the county**
34 **includes the provision in the county plan.**

35 **(b) After December 31, 2012, any reference to "township**
36 **board" is considered a reference to the county fiscal body.**

37 **(c) After December 31, 2013, any reference in this chapter to:**

- 38 (1) "township" in the case of a township in a county in which
39 a local public question is approved under IC 36-6-1.1 is
40 considered a reference to the county; and
41 (2) "township trustee" or "trustee" in the case of a township
42 in a county in which a local public question is approved under

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1 **IC 36-6-1.1 is considered a reference to the county trustee**
2 **appointed under IC 12-20-1.7.**

3 SECTION 73. IC 12-20-18-0.5 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. (a) Notwithstanding any**
6 **other law, after December 31, 2013, a county or county trustee is**
7 **not subject to any provision of this chapter unless the county**
8 **includes the provision in the county plan.**

9 **(b) After December 31, 2013, any reference in this chapter to:**
10 **(1) "township" in the case of a township in a county in which**
11 **a local public question is approved under IC 36-6-1.1 is**
12 **considered a reference to the county; and**
13 **(2) "township trustee" or "trustee" in the case of a township**
14 **in a county in which a local public question is approved under**
15 **IC 36-6-1.1 is considered a reference to the county trustee**
16 **appointed under IC 12-20-1.7.**

17 SECTION 74. IC 12-20-19-0.5 IS ADDED TO THE INDIANA
18 CODE AS A NEW SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. (a) Notwithstanding any**
20 **other law, after December 31, 2013, a county or county trustee is**
21 **not subject to any provision of this chapter unless the county**
22 **includes the provision in the county's plan.**

23 **(b) After December 31, 2013, any reference in this chapter to:**
24 **(1) "township" in the case of a township in a county in which**
25 **a local public question is approved under IC 36-6-1.1 is**
26 **considered a reference to the county; and**
27 **(2) "township trustee" or "trustee" in the case of a township**
28 **in a county in which a local public question is approved under**
29 **IC 36-6-1.1 is considered a reference to the county trustee**
30 **appointed under IC 12-20-1.7.**

31 SECTION 75. IC 12-20-20-1, AS AMENDED BY P.L.73-2005,
32 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2011]: **Sec. 1. (a) After December 31, 2013, this subsection**
34 **applies only to a county that does not approve a public question**
35 **under IC 36-6-1.1.** If a township trustee, as administrator of township
36 assistance, grants township assistance to an indigent individual or to
37 any other person or agency on a township assistance order as provided
38 by law or obligates the township for an item properly payable from
39 township assistance money, the claim against the township must be:

- 40 (1) itemized and sworn to as provided by law;
41 (2) accompanied by the original township assistance order, which
42 must be itemized and signed; and

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1 (3) checked with the records of the township trustee, as
2 administrator of township assistance, and audited and certified by
3 the township trustee.

4 (b) **After December 31, 2013, this subsection applies only to a**
5 **county that does not approve a public question under IC 36-6-1.1.**
6 The township trustee shall pay claims against the township for
7 township assistance in the same manner that other claims against the
8 township are paid. The township trustee, when authorized to pay claims
9 directly to vendors, shall pay a claim within forty-five (45) days. The
10 township trustee shall pay the claim from:

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

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

15 (c) **This subsection applies after December 31, 2013. This**
16 **subsection applies only to a county that approves a public question**
17 **under IC 36-6-1.1. A county trustee shall pay claims against the**
18 **county for township assistance in the same manner that other**
19 **claims against the county are paid.**

20 SECTION 76. IC 12-20-20-2, AS AMENDED BY P.L.73-2005,
21 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2011]: Sec. 2. (a) If money is not available for the payment of
23 township assistance claims under section 1 of this chapter, the
24 township board shall appeal to borrow money under IC 12-20-24.

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

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

36 (2) The sale of county township assistance bonds or other county
37 obligations.

38 (3) Any other lawful method of obtaining money for the payment
39 of township assistance claims.

40 (c) This subsection applies only to a county having a consolidated
41 city. If a township board does not appeal to borrow money under
42 IC 12-20-24 or if an appeal fails, the board of commissioners shall

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1 borrow money or otherwise provide the money. The county fiscal body
2 shall promptly pass necessary ordinances and make the necessary
3 appropriations to enable this to be done, after determining whether to
4 borrow money by any of the following methods:

- 5 (1) A temporary loan against taxes levied and in the process of
- 6 collection.
- 7 (2) The sale of county township assistance bonds or other county
- 8 obligations.
- 9 (3) Any other lawful method of obtaining money for the payment
- 10 of township assistance claims.

11 **(d) After December 31, 2013, this section applies only to a**
12 **county that does not approve a public question under IC 36-6-1.1.**

13 SECTION 77. IC 12-20-20-4, AS AMENDED BY P.L.73-2005,
14 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2011]: Sec. 4. The state board of accounts shall prescribe the
16 forms for the purchase of and payment for township assistance items.
17 **After December 31, 2013, this section applies only to a county that**
18 **does not approve a public question under IC 36-6-1.1.**

19 SECTION 78. IC 12-20-21-2, AS AMENDED BY P.L.169-2006,
20 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2011]: Sec. 2. Township assistance money raised by
22 townships or **(after December 31, 2013) a county that has approved**
23 **a local public question under IC 36-6-1.1** may not be commingled.

24 SECTION 79. IC 12-20-21-3, AS AMENDED BY P.L.73-2005,
25 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2011]: Sec. 3. (a) A township trustee and township board may
27 levy a specific tax for the purpose of providing money for the payment
28 of township assistance expenses in the following year. The tax may be
29 sufficient to meet the entire requirement of the township in the
30 following year or the part that is determined to be proper.

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

39 **(c) After December 31, 2013, this section applies only to a**
40 **county that does not approve a public question under IC 36-6-1.1.**

41 SECTION 80. IC 12-20-21-6 IS ADDED TO THE INDIANA
42 CODE AS A NEW SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2011]: **Sec. 6. (a) This section applies after**
2 **December 31, 2013. This section applies only to a county that**
3 **approves a public question under IC 36-6-1.1. The county shall**
4 **establish a township assistance fund not later than January 1, 2014.**
5 **The fund shall be administered by the county trustee.**

6 (b) **The fund shall be raised by a tax levy that:**
7 (1) **is in addition to all other tax levies authorized; and**
8 (2) **shall be levied annually by the county fiscal body on all**
9 **taxable property in the county in the amount necessary to pay**
10 **the items, awards, claims, allowances, assistance, and other**
11 **expenses set forth in the annual county township assistance**
12 **budget.**

13 (c) **The tax imposed under this section shall be collected as other**
14 **state and county ad valorem taxes are collected.**

15 (d) **The following shall be paid into the fund:**
16 (1) **All receipts from the tax imposed under this section.**
17 (2) **Any other money required by law to be placed in the fund.**

18 (e) **The fund is available to pay expenses and obligations set**
19 **forth in the annual budget.**

20 (f) **Money in the fund at the end of a budget year does not revert**
21 **to the county general fund.**

22 SECTION 81. IC 12-20-22-0.5 IS ADDED TO THE INDIANA
23 CODE AS A NEW SECTION TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. After December 31, 2013, this**
25 **chapter applies only to a county that does not approve a public**
26 **question under IC 36-6-1.1.**

27 SECTION 82. IC 12-20-24-1, AS AMENDED BY P.L.169-2006,
28 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2011]: Sec. 1. (a) In addition to the other methods of township
30 assistance financing provided by this article, if a township trustee for
31 a township or (after December 31, 2013, in the case of a county that
32 approves a public question under IC 36-6-1.1) a county trustee
33 determines that a particular township's township assistance account or
34 the county's township assistance fund will be exhausted before the
35 end of a fiscal year, the township trustee or the county trustee shall
36 notify the township board or (after December 31, 2012) the county
37 fiscal body of that determination.

38 (b) After receiving notice under subsection (a) that a township's
39 township assistance account or (after December 31, 2013, in the case
40 of a county that approves a public question under IC 36-6-1.1) the
41 county's township assistance fund will be exhausted before the end
42 of a fiscal year, the township board shall or (after December 31, 2012)

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1 **the county fiscal body may** appeal to the department of local
2 government finance for the right to borrow money on a short term basis
3 to fund township assistance services in the township **or (after**
4 **December 31, 2013, in the case of a county that approves a public**
5 **question under IC 36-6-1.1) in the county.** In the appeal the township
6 board **or (after December 31, 2012) the county fiscal body** must do
7 the following:

8 (1) Show that the amount of money contained in the township
9 assistance account **or the township assistance fund** will not be
10 sufficient to fund services required to be provided within the
11 township **or (after December 31, 2013, in the case of a county**
12 **that approves a public question under IC 36-6-1.1) within the**
13 **county** by this article.

14 (2) Show the amount of money that the board **or (after December**
15 **31, 2012) the county fiscal body** estimates will be needed to fund
16 the deficit.

17 (3) Indicate a period, not to exceed five (5) years, during which
18 the township **or (after December 31, 2013, in the case of a**
19 **county that approves a public question under IC 36-6-1.1) the**
20 **county** would repay the loan.

21 SECTION 83. IC 12-20-24-5, AS AMENDED BY P.L.169-2006,
22 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2011]: Sec. 5. (a) If upon appeal under section 1 of this
24 chapter the department determines that a township board **or (after**
25 **December 31, 2012) a county fiscal body** should be allowed to
26 borrow money under this chapter, the department shall order the
27 township trustee **or (after December 31, 2013, in the case of a county**
28 **that approves a public question under IC 36-6-1.1) the county**
29 **executive** to borrow the money from a financial institution on behalf
30 of the township board **or (after December 31, 2012) the county fiscal**
31 **body** and to deposit the money borrowed in the township's township
32 assistance account **or the county's township assistance fund.**

33 (b) If upon appeal under section 1 of this chapter the department
34 determines that the township board **or (after December 31, 2012) a**
35 **county fiscal body** should not be allowed to borrow money, the board
36 **or (after December 31, 2012) the county fiscal body** may not do so
37 for that year.

38 SECTION 84. IC 12-20-24-6, AS AMENDED BY P.L.169-2006,
39 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2011]: Sec. 6. If a loan is approved under IC 12-2-4.5 (before
41 its repeal) or this chapter, the board of commissioners or county
42 council (for a loan approved by the board of commissioners or county

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1 council before July 1, 2006) or the department shall determine the
2 period during which the township **or (after December 31, 2013, in the**
3 **case of a county that approves a public question under IC 36-6-1.1)**
4 **the county** shall repay the loan. However, the period may not exceed
5 five (5) years.

6 SECTION 85. IC 12-20-24-7, AS AMENDED BY P.L.169-2006,
7 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2011]: Sec. 7. A board of commissioners or a county council
9 (for a loan approved by the board of commissioners or county council
10 before July 1, 2006) or the department may not do any of the following:

- 11 (1) Approve a request to borrow money made under IC 12-2-4.5
- 12 (before its repeal) or this chapter unless the body determines that
- 13 the township's township assistance account **or (after December**
- 14 **31, 2013, in the case of a county that approves a public**
- 15 **question under IC 36-6-1.1) the county's township assistance**
- 16 **fund** will be exhausted before the account **or fund** can fund all
- 17 township **or county** obligations incurred under this article.
- 18 (2) Recommend or approve a loan that will exceed the estimated
- 19 amount of the deficit.

20 SECTION 86. IC 12-20-24-8, AS AMENDED BY P.L.169-2006,
21 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2011]: Sec. 8. (a) If a township board **or (after December 31,**
23 **2012) a county fiscal body:**

- 24 (1) appeals before August 1 for permission to borrow money;
- 25 (2) receives permission from:
- 26 (A) the board of commissioners or the county council, before
- 27 July 1, 2006; or
- 28 (B) the department;
- 29 to borrow money before November 1 of that year; and
- 30 (3) borrows money under this chapter;

31 the township board **or (after December 31, 2012) the county fiscal**
32 **body** shall levy a property tax beginning in the next succeeding year
33 and continuing for the term of the loan in an amount each year that will
34 be sufficient to pay the principal and interest due on the loan for the
35 year.

36 (b) If a township board **or (after December 31, 2012) the county**
37 **fiscal body:**

- 38 (1) appeals after August 1 for permission to borrow money;
- 39 (2) receives permission from:
- 40 (A) the board of commissioners or the county council, before
- 41 July 1, 2006; or
- 42 (B) the department;

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to borrow money; and
(3) borrows money in the year of the appeal under this chapter;
the township board **or (after December 31, 2012) the county fiscal body** shall levy a property tax beginning in the second succeeding year and continuing for the term of the loan in an amount each year that will be sufficient to pay the principal and interest due on the loan for the year.

(c) The property taxes levied under this section shall be retained by the township trustee **or (after December 31, 2013, in the case of a county that approves a public question under IC 36-6-1.1) the county executive** and applied by the township trustee **or (after December 31, 2013, in the case of a county that approves a public question under IC 36-6-1.1) the county executive** to retire the debt.

SECTION 87. IC 12-20-24-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. A township board **or (after December 31, 2012) the county fiscal body** must make an additional appropriation before money borrowed under IC 12-2-4.5 (before its repeal) or this chapter may be spent.

SECTION 88. IC 12-20-25-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. This chapter does not apply after December 31, 2013, to a county that approves a local public question under IC 36-6-1.1.**

SECTION 89. IC 12-20-26-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. This chapter does not apply after December 31, 2013, to a county that approves a local public question under IC 36-6-1.1.**

SECTION 90. IC 12-20-27-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. Notwithstanding any other law, after December 31, 2013, any reference in this chapter to:**

- (1) "township" in the case of a township in a county that approves a local public question under IC 36-6-1.1 is considered a reference to the county; and
- (2) "township trustee" or "trustee" in the case of a township in a county that approves a local public question under IC 36-6-1.1 is considered a reference to the county trustee appointed under IC 12-20-1.7.

SECTION 91. IC 12-20-28-3, AS AMENDED BY P.L.1-2009, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. **(a) After December 31, 2013,**

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1 **this section applies only to a county that does not approve a public**
 2 **question under IC 36-6-1.1.**

3 ~~(a)~~ **(b)** The definitions in this section apply to a report that is
 4 required to be filed under this section.

5 ~~(b)~~ **(c)** As used in this section, "case contact" means any act of
 6 service in which a township employee has reason to enter a comment
 7 or narrative into the record of an application for township assistance
 8 under this article regardless of whether the applicant receives or does
 9 not receive township assistance funds.

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

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

- 22 (1) number of times assistance is provided; or
 23 (2) number of households in which the individual resides during
 24 a particular year.

25 ~~(e)~~ **(f)** As used in this section, "total number of requests for
 26 assistance" means the number of times an individual or a household
 27 separately requests any type of township assistance.

28 ~~(f)~~ **(g)** The township trustee shall file an annual statistical report on
 29 township housing, medical care, utility assistance, food assistance,
 30 burial assistance, food pantry assistance, services related to
 31 representative payee programs, services related to special
 32 nontraditional programs, and case management services with the state
 33 board of accounts. The township trustee shall provide a copy of the
 34 annual statistical report to the county auditor. The county auditor shall
 35 keep the copy of the report in the county auditor's office. Except as
 36 provided in subsection ~~(k)~~ **(l)**, the report must be made on a form
 37 provided by the state board of accounts. The report must contain the
 38 following information:

- 39 (1) The total number of requests for assistance.
 40 (2) The total number of each of the following:
 41 (A) Recipients of township assistance.
 42 (B) Households containing recipients of township assistance.

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- 1 (C) Case contacts made with or on behalf of:
- 2 (i) recipients of township assistance; or
- 3 (ii) members of a household receiving township assistance.
- 4 (3) The total value of benefits provided to recipients of township
- 5 assistance.
- 6 (4) The total value of benefits provided through the efforts of
- 7 township staff from sources other than township funds.
- 8 (5) The total number of each of the following:
- 9 (A) Recipients of township assistance and households
- 10 receiving utility assistance.
- 11 (B) Recipients assisted by township staff in receiving utility
- 12 assistance from sources other than township funds.
- 13 (6) The total value of benefits provided for the payment of
- 14 utilities, including the value of benefits of utility assistance
- 15 provided through the efforts of township staff from sources other
- 16 than township funds.
- 17 (7) The total number of each of the following:
- 18 (A) Recipients of township assistance and households
- 19 receiving housing assistance.
- 20 (B) Recipients assisted by township staff in receiving housing
- 21 assistance from sources other than township funds.
- 22 (8) The total value of benefits provided for housing assistance,
- 23 including the value of benefits of housing assistance provided
- 24 through the efforts of township staff from sources other than
- 25 township funds.
- 26 (9) The total number of each of the following:
- 27 (A) Recipients of township assistance and households
- 28 receiving food assistance.
- 29 (B) Recipients assisted by township staff in receiving food
- 30 assistance from sources other than township funds.
- 31 (10) The total value of food assistance provided, including the
- 32 value of food assistance provided through the efforts of township
- 33 staff from sources other than township funds.
- 34 (11) The total number of each of the following:
- 35 (A) Recipients of township assistance and households
- 36 provided health care.
- 37 (B) Recipients assisted by township staff in receiving health
- 38 care assistance from sources other than township funds.
- 39 (12) The total value of health care provided, including the value
- 40 of health care assistance provided through the efforts of township
- 41 staff from sources other than township funds.
- 42 (13) The total number of funerals, burials, and cremations.

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- 1 (14) The total value of funerals, burials, and cremations, including
- 2 the difference between the:
- 3 (A) actual value of the funerals, burials, and cremations; and
- 4 (B) amount paid by the township for the funerals, burials, and
- 5 cremations.
- 6 (15) The total of each of the following:
- 7 (A) Number of nights of emergency shelter provided to the
- 8 homeless.
- 9 (B) Number of nights of emergency shelter provided to
- 10 homeless individuals through the efforts of township staff from
- 11 sources other than township funds.
- 12 (C) Value of the nights of emergency shelter provided to
- 13 homeless individuals by the township and the value of the
- 14 nights of emergency shelter provided through the efforts of the
- 15 township staff from sources other than township funds.
- 16 (16) The total of each of the following:
- 17 (A) Number of referrals of township assistance applicants to
- 18 other programs.
- 19 (B) Value of the services provided by the township in making
- 20 referrals to other programs.
- 21 (17) The total number of training programs or job placements
- 22 found for recipients of township assistance with the assistance of
- 23 the township trustee.
- 24 (18) The number of hours spent by recipients of township
- 25 assistance at workfare.
- 26 (19) The total value of the services provided by workfare to the
- 27 township and other agencies.
- 28 (20) The total amount of reimbursement for assistance received
- 29 from:
- 30 (A) recipients;
- 31 (B) members of recipients' households; or
- 32 (C) recipients' estates;
- 33 under IC 12-20-6-10, IC 12-20-27-1, or IC 12-20-27-1.5.
- 34 (21) The total amount of reimbursement for assistance received
- 35 from medical programs under IC 12-20-16-2(e).
- 36 (22) The total of each of the following:
- 37 (A) Number of individuals assisted through a representative
- 38 payee program.
- 39 (B) Amount of funds processed through the representative
- 40 payee program that are not township funds.
- 41 (23) The total of each of the following:
- 42 (A) Number of individuals assisted through special

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1 nontraditional programs provided through the township
2 without the expenditure of township funds.

3 (B) Amount of funds used to provide the special nontraditional
4 programs that are not township funds.

5 (24) The total of each of the following:

6 (A) Number of hours an investigator of township assistance
7 spends providing case management services to a recipient of
8 township assistance or a member of a household receiving
9 township assistance.

10 (B) Value of the case management services provided.

11 (25) The total number of housing inspections performed by the
12 township.

13 If the total number or value of any item required to be reported under
14 this subsection is zero (0), the township trustee shall include the
15 notation "0" in the report where the total number or value is required
16 to be reported.

17 ~~(g)~~ (h) The state board of accounts shall compare and compile all
18 data reported under subsection ~~(f)~~ (g) into a statewide statistical report.
19 The department shall summarize the data compiled by the state board
20 of accounts that relate to the fixing of township budgets, levies, and tax
21 rates and shall include the department's summary within the statewide
22 statistical report prepared under this subsection. Before July 1 of each
23 year, the state board of accounts shall file the statewide statistical
24 report prepared under this subsection with the executive director of the
25 legislative services agency in an electronic format under IC 5-14-6.

26 ~~(h)~~ (i) The state board of accounts shall forward a copy of:

27 (1) each annual report forwarded to the board under subsection
28 ~~(f)~~; (g); and

29 (2) the statewide statistical report under subsection ~~(g)~~; (h);
30 to the department and the division of family resources.

31 ~~(i)~~ (j) The division of family resources shall include in the division's
32 periodic reports made to the United States Department of Health and
33 Human Services concerning the Temporary Assistance for Needy
34 Families (TANF) and Supplemental Security Income (SSI) programs
35 information forwarded to the division under subsection ~~(h)~~ (i)
36 concerning the total number of recipients of township assistance and
37 the total dollar amount of benefits provided.

38 ~~(j)~~ (k) The department may not approve the budget of a township
39 trustee who fails to file an annual report under subsection ~~(f)~~ (g) in the
40 preceding calendar year.

41 ~~(k)~~ (l) This section does not prevent the electronic transfer of data
42 required to be reported under IC 12-2-1-40 (before its repeal) or this

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1 section if the following conditions are met:

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

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

8 (⊕) **(m)** The information required to be reported by the township
9 trustee under this section shall be maintained by the township trustee
10 in accordance with IC 5-15-6.

11 SECTION 92. IC 12-20-28-4 IS ADDED TO THE INDIANA
12 CODE AS A NEW SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2011]: **Sec. 4. (a) This section applies after
14 December 31, 2013. This section applies only to a county that
15 approves a public question under IC 36-6-1.1.**

16 **(b) The definitions in section 3 of this chapter apply to a report
17 that is required to be filed under this section.**

18 **(c) As used in this section, "county trustee" means the county
19 trustee appointed under IC 12-20-1.7.**

20 **(d) The county trustee shall file an annual statistical report on
21 county housing, medical care, utility assistance, food assistance,
22 burial assistance, food pantry assistance, services related to
23 representative payee programs, services related to special
24 nontraditional programs, and case management services with the
25 state board of accounts. The county trustee shall provide a copy of
26 the annual statistical report to the county auditor. The county
27 auditor shall keep the copy of the report in the county auditor's
28 office. Except as provided in subsection (i), the report must be
29 made on a form provided by the state board of accounts. The
30 report must contain the following information:**

31 **(1) The total number of requests for assistance.**

32 **(2) The total number of each of the following:**

33 **(A) Recipients of township assistance.**

34 **(B) Households containing recipients of township
35 assistance.**

36 **(C) Case contacts made with or on behalf of:**

37 **(i) recipients of township assistance; or**

38 **(ii) members of a household receiving township
39 assistance.**

40 **(3) The total value of benefits provided to recipients of
41 township assistance.**

42 **(4) The total value of benefits provided through the efforts of**

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- the county from sources other than county funds.
- (5) The total number of each of the following:
 - (A) Recipients of township assistance and households receiving utility assistance.
 - (B) Recipients assisted by township staff in receiving utility assistance from sources other than county funds.
- (6) The total value of benefits provided for the payment of utilities, including the value of benefits of utility assistance provided through the efforts of the county from sources other than county funds.
- (7) The total number of each of the following:
 - (A) Recipients of township assistance and households receiving housing assistance.
 - (B) Recipients assisted by the county in receiving housing assistance from sources other than county funds.
- (8) The total value of benefits provided for housing assistance, including the value of benefits of housing assistance provided through the efforts of the county, from sources other than county funds.
- (9) The total number of each of the following:
 - (A) Recipients of township assistance and households receiving food assistance.
 - (B) Recipients assisted by the county in receiving food assistance from sources other than county funds.
- (10) The total value of food assistance provided, including the value of food assistance provided through the efforts of the county from sources other than county funds.
- (11) The total number of each of the following:
 - (A) Recipients of township assistance and households provided health care.
 - (B) Recipients assisted by the county in receiving health care assistance from sources other than county funds.
- (12) The total value of health care provided, including the value of health care assistance provided through the efforts of the county from sources other than county funds.
- (13) The total number of funerals, burials, and cremations.
- (14) The total value of funerals, burials, and cremations, including the difference between the actual value of the funerals, burials, and cremations and amount paid by the county for the funerals, burials, and cremations.
- (15) The total of each of the following:
 - (A) Number of nights of emergency shelter provided to

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- homeless individuals.
- (B) Number of nights of emergency shelter provided to homeless individuals through the efforts of the county from sources other than county funds.
- (C) Value of the nights of emergency shelter provided to homeless individuals by the county and the value of the nights of emergency shelter provided through the efforts of the county from sources other than county funds.
- (16) The total of each of the following:
 - (A) Number of referrals of township assistance applicants to other programs.
 - (B) Value of the services provided by the county in making referrals to other programs.
- (17) The total number of training programs or job placements found for recipients of township assistance with the assistance of the county trustee.
- (18) The number of hours spent by recipients of township assistance at workfare.
- (19) The total value of the services provided by workfare to the county and other agencies.
- (20) The total amount of reimbursement for assistance received from:
 - (A) recipients;
 - (B) members of recipients' households; or
 - (C) recipients' estates;
 under IC 12-20-6-10, IC 12-20-27-1, or IC 12-20-27-1.5.
- (21) The total amount of reimbursement for assistance received from medical programs under IC 12-20-16-2(e).
- (22) The total of each of the following:
 - (A) Number of individuals assisted through a representative payee program.
 - (B) Amount of funds processed through the representative payee program that are not county funds.
- (23) The total of each of the following:
 - (A) Number of individuals assisted through special nontraditional programs provided through the township or the county without the expenditure of county funds.
 - (B) Amount of funds used to provide the special nontraditional programs that are not county funds.
- (24) The total of each of the following:
 - (A) Number of hours an investigator of township assistance spends providing case management services to a recipient

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1 of township assistance or a member of a household
 2 receiving township assistance.
 3 (B) Value of the case management services provided.
 4 (25) The total number of housing inspections performed by
 5 the county.
 6 If the total number or value of any item required to be reported
 7 under this subsection is zero (0), the board shall include the
 8 notation "0" in the report where the total number or value is
 9 required to be reported.
 10 (e) The state board of accounts shall compare and compile all
 11 data reported under subsection (d) into a statewide statistical
 12 report. The department shall summarize the data compiled by the
 13 state board of accounts that relates to the fixing of county budgets,
 14 levies, and tax rates and shall include the department's summary
 15 within the statewide statistical report prepared under this
 16 subsection. Before July 1 of each year, the state board of accounts
 17 shall file the statewide statistical report prepared under this
 18 subsection with the executive director of the legislative services
 19 agency in an electronic format under IC 5-14-6.
 20 (f) The state board of accounts shall forward a copy of:
 21 (1) each annual report forwarded to the board under
 22 subsection (d); and
 23 (2) the statewide statistical report under subsection (e);
 24 to the department and the division of family resources.
 25 (g) The division of family resources shall include in the
 26 division's periodic reports made to the United States Department
 27 of Health and Human Services concerning the Temporary
 28 Assistance for Needy Families (TANF) and Supplemental Security
 29 Income (SSI) programs information forwarded to the division
 30 under subsection (f) concerning the total number of recipients of
 31 township assistance and the total dollar amount of benefits
 32 provided.
 33 (h) The department may not approve the budget of a county
 34 that failed to file an annual report under subsection (d) in the
 35 preceding calendar year.
 36 (i) This section does not prevent the electronic transfer of data
 37 required to be reported under IC 12-2-1-40 (before its repeal) or
 38 this section if the following conditions are met:
 39 (1) The method of reporting is acceptable to both the board
 40 reporting the information and the governmental entity to
 41 which the information is reported.
 42 (2) A written copy of information reported by electronic

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1 transfer is on file with the board reporting information by
2 electronic means.

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

6 SECTION 93. IC 12-30-4-0.5 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2011]: Sec. 0.5. Notwithstanding any other
9 law, after December 31, 2013, any reference in this chapter to:

10 (1) "township" in the case of a township in a county that
11 approves a local public question under IC 36-6-1.1 is
12 considered a reference to the county; and

13 (2) "township trustee" or "trustee" in the case of a township
14 in a county that approves a local public question under
15 IC 36-6-1.1 is considered a reference to the county trustee
16 appointed under IC 12-20-1.7.

17 SECTION 94. IC 13-11-2-74 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 74. "Executive" means
19 the:

20 (1) board of commissioners of a county ~~not having that:~~

21 (A) does not have a consolidated city; and

22 (B) is not subject to IC 36-2-2.5;

23 (2) chief executive officer elected under IC 36-2-2.5, for a
24 county that:

25 (A) does not have a consolidated city; and

26 (B) is subject to IC 36-2-2.5;

27 ~~(2)~~ (3) mayor of the consolidated city, for a county having a
28 consolidated city;

29 ~~(3)~~ (4) mayor of a city; or

30 ~~(4)~~ (5) president of the town council of a town.

31 SECTION 95. IC 13-11-2-86 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 86. "Fiscal body"
33 means:

34 (1) the county council, for a county not having a consolidated city;

35 (2) the city-county council of a consolidated city and county;

36 (3) the common council of a city;

37 (4) the town council of a town;

38 (5) ~~the township board; or~~ for a township:

39 (A) the township board, before January 1, 2013; and

40 (B) the county fiscal body, after December 31, 2012; or

41 (6) the board of directors of a conservancy district.

42 SECTION 96. IC 15-16-7-4, AS ADDED BY P.L.2-2008,

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1 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2011]: Sec. 4. (a) The weed control board consists of the
3 following members to be appointed by the authorizing body:

- 4 (1) One (1) **member who is:**
 - 5 (A) a township trustee of a township in the county; or
 - 6 (B) after December 31, 2013, in the case of a county that
 - 7 approves a public question under IC 36-6-1.1, the county
 - 8 officer or employee responsible for the destruction of
 - 9 detrimental plants described in this chapter or their
 - 10 designee.
- 11 (2) One (1) soil and water conservation district supervisor.
- 12 (3) One (1) representative from the agricultural community of the
- 13 county.
- 14 (4) One (1) representative from the county highway department
- 15 or an appointee of the county commissioners.
- 16 (5) One (1) cooperative extension service agent from the county
- 17 to serve in a nonvoting advisory capacity.

18 (b) Each board member shall be appointed for a term of four (4)
19 years. All vacancies in the membership of the board shall be filled for
20 the unexpired term in the same manner as initial appointments.

21 (c) The board shall elect a chairperson and a secretary. The
22 members of the board are not entitled to receive any compensation, but
23 are entitled to any traveling and other expenses that are necessary in the
24 discharge of the members' duties.

25 SECTION 97. IC 15-16-8-0.5 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. (a) After December 31, 2013,**
28 **the powers and duties established by this chapter are conferred**
29 **and imposed on the county executive or the county executive's**
30 **designee with respect to property in a township in a county that**
31 **approves a public question under IC 36-6-1.1.**

32 (b) After December 31, 2012, any reference in this chapter to
33 "township board" is considered a reference to the county fiscal
34 body.

- 35 (c) After December 31, 2013, any reference in this chapter to:
 - 36 (1) "township" in the case of a township in a county that
 - 37 approves a local public question under IC 36-6-1.1 is
 - 38 considered a reference to the geographic area of a dissolved
 - 39 township in a county; and
 - 40 (2) "township trustee" or "trustee" in the case of a township
 - 41 in a county that approves a local public question under
 - 42 IC 36-6-1.1, is considered a reference to the county executive

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1 **or the county executive's designee to administer this chapter.**
2 SECTION 98. IC 16-41-19-7, AS AMENDED BY P.L.73-2005,
3 SECTION 169, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2011]: Sec. 7. **(a) As used in this section,**
5 **"county trustee" means a county trustee appointed under**
6 **IC 12-20-1.7.**

7 **(b) As used in this section, "plan" has the meaning set forth in**
8 **IC 12-20-1.6-3.**

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

- 12 (1) **by** the appropriate county, city, or town against which the
- 13 application form is issued from general funds; ~~and~~
- 14 (2) **by** the appropriate township against which the application
- 15 form is issued from funds in the township assistance fund; **and**
- 16 (3) **after December 31, 2013, in the case of a county that**
- 17 **approves a local public question under IC 36-6-1.1, from**
- 18 **funds in the county's township assistance fund;**

19 not otherwise appropriated without appropriations.

20 ~~(b)~~ **(d)** A:

- 21 (1) township; **or**
- 22 (2) **(after December 31, 2013) county that approves a local**
- 23 **public question under IC 36-6-1.1;**

24 is not responsible for paying for biologicals as provided in subsection
25 ~~(a)(2)~~ **(c)(2) or (c)(3)** if the township trustee **or (after December 31,**
26 **2013) county trustee** has evidence that the individual has the financial
27 ability to pay for the biologicals.

28 ~~(c)~~ **(e)** After being presented with a legal claim for insulin being
29 furnished to the same individual a second time, a township trustee **or**
30 **(after December 31, 2013) a county trustee, if provided in the**
31 **county plan,** may require the individual to complete and file a standard
32 application for township assistance in order to investigate the financial
33 condition of the individual claiming to be indigent. The trustee shall
34 immediately notify the individual's physician that:

- 35 (1) the financial ability of the individual claiming to be indigent
- 36 is in question; **and**
- 37 (2) a standard application for township assistance must be filed
- 38 with the township **or (after December 31, 2013, in the case of**
- 39 **a county that approves a public question under IC 36-6-1.1)**
- 40 **the county.**

41 The township **or (after December 31, 2013, in the case of a county**
42 **that approves a public question under IC 36-6-1.1) the county** shall

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1 continue to furnish insulin under this section until the township trustee
2 **or the county trustee** completes an investigation and makes a
3 determination as to the individual's financial ability to pay for insulin.

4 ~~(d)~~ **(f)** For purposes of this section, the township **or (after**
5 **December 31, 2013, in the case of a county that approves a public**
6 **question under IC 36-6-1.1) the county** shall consider an adult
7 individual needing insulin as an individual and not as a member of a
8 household requesting township assistance.

9 SECTION 99. IC 20-23-3-1.5 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. (a) If a school township**
12 **exists in a township in which a public question is approved under**
13 **IC 36-6-1.1, the school township shall reorganize under IC 20-23**
14 **before January 1, 2014. The governing body shall hold public**
15 **hearings to discuss the methods of reorganization available to the**
16 **school township and seek testimony from the public, community**
17 **and business leaders, teachers, administrators, and other school**
18 **employees concerning the appropriate form for the reorganization.**

19 **(b) This subsection applies if a governing body does not develop,**
20 **before July 1, 2013, a reorganization plan under IC 20-23 that will**
21 **be implemented before January 1, 2014. After June 30, 2013, the**
22 **state board shall develop a reorganization plan for a school**
23 **township to which this subsection applies and require the**
24 **governing body to implement the plan.**

25 **(c) This section expires January 1, 2017.**

26 SECTION 100. IC 20-23-4-12, AS AMENDED BY P.L.2-2006,
27 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2011]: **Sec. 12. (a) In formulating a preliminary reorganization**
29 **plan and with respect to each of the community school corporations**
30 **that are a part of the reorganization plan, the county committee shall**
31 **determine the following:**

- 32 (1) The name of the community school corporation.
- 33 (2) Subject to subsection (e), a general description of the
34 boundaries of the community school corporation.
- 35 (3) With respect to the board of school trustees, **the following:**
 - 36 (A) Whether the number of members is:
 - 37 (i) three (3);
 - 38 (ii) five (5); or
 - 39 (iii) seven (7).
 - 40 (B) Whether the members are elected or appointed.
 - 41 (C) If the members are appointed:
 - 42 (i) when the appointments are made; and

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- 1 (ii) who makes the appointments.
- 2 (D) If the members are elected, ~~whether that~~ the election is at
- 3 (i) ~~the primary election at which county officials are~~
- 4 ~~nominated; or~~
- 5 (ii) the general election at which county officials are elected.
- 6 ~~and~~
- 7 (E) Subject to sections 21 and 22 of this chapter, the manner
- 8 in which members are elected or appointed.
- 9 (4) The compensation, if any, of the members of the regular and
- 10 interim board of school trustees, which may not exceed the
- 11 amount provided in IC 20-26-4-7.
- 12 (5) Subject to subsection (f), qualifications required of the
- 13 members of the board of school trustees, including limitations on:
- 14 (A) residence; and
- 15 (B) term of office.
- 16 (6) If an existing school corporation is divided in the
- 17 reorganization, the disposition of assets and liabilities.
- 18 (7) The disposition of school aid bonds, if any.
- 19 (b) If existing school corporations are not divided in the
- 20 reorganization, the:
- 21 (1) assets;
- 22 (2) liabilities; and
- 23 (3) obligations;
- 24 of the existing school corporations shall be transferred to and assumed
- 25 by the new community school corporation of which they are a part,
- 26 regardless of whether the plan provides for transfer and assumption.
- 27 (c) The preliminary plan must be supported by a summary statement
- 28 of **the following**:
- 29 (1) The educational improvements the plan's adoption will make
- 30 possible.
- 31 (2) Data showing the:
- 32 (A) assessed valuation;
- 33 (B) number of resident students in ADA in grades 1 through
- 34 12;
- 35 (C) assessed valuation per student referred to in clause (B);
- 36 and
- 37 (D) property tax levies;
- 38 of each existing school corporation to which the plan applies.
- 39 (3) The:
- 40 (A) assessed valuation;
- 41 (B) resident ADA; and
- 42 (C) assessed valuation per student;

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1 data referred to in subdivision 2(A) through 2(C) that would have
2 applied for each proposed community school corporation if the
3 corporation existed in the year the preliminary plan is prepared or
4 notice of a hearing or hearings on the preliminary plan is given by
5 the county committee. ~~and~~

6 (4) Any other data or information the county committee considers
7 appropriate or that may be required by the state board in its rules.

8 (d) The county committee:

9 (1) shall base the assessed valuations and tax levies referred to in
10 subsection (c)(2) through (c)(3) on the valuations applying to
11 taxes collected in:

12 (A) the year the preliminary plan is prepared; or

13 (B) the year notice of a hearing or hearings on the preliminary
14 plan is given by the county committee;

15 (2) may base the resident ADA figures on the calculation of the
16 figures under the rules under which they are submitted to the state
17 superintendent by existing school corporations; and

18 (3) shall set out the resident ADA figures for:

19 (A) the school year in progress if the figures are available for
20 that year; or

21 (B) the immediately preceding school year if the figures are
22 not available for the school year in progress.

23 The county committee may obtain the data and information referred to
24 in this subsection from any source the committee considers reliable. If
25 the county committee attempts in good faith to comply with this
26 subsection, the summary statement referred to in subsection (c) is
27 sufficient regardless of whether the statement is exactly accurate.

28 (e) The general description referred to in subsection (a)(2) may
29 consist of an identification of an existing school corporation that is to
30 be included in its entirety in the community school corporation. If a
31 boundary does not follow the boundary of an existing civil unit of
32 government or school corporation, the description must set out the
33 boundary:

34 (1) as near as reasonably possible by:

35 (A) streets;

36 (B) rivers; and

37 (C) other similar boundaries;

38 that are known by common names; or

39 (2) if descriptions as described in subdivision (1) are not possible,
40 by section lines or other legal description.

41 The description is not defective if there is a good faith effort by the
42 county committee to comply with this subsection or if the boundary

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1 may be ascertained with reasonable certainty by a person skilled in the
 2 area of real estate description. The county committee may require the
 3 services of the county surveyor in preparing a description of a boundary
 4 line.

5 (f) A member of the board of school trustees:

6 (1) may not serve an appointive or elective term of more than four

7 (4) years; and

8 (2) may serve more than one (1) consecutive appointive or
 9 elective term.

10 SECTION 101. IC 20-23-4-29.1 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2011]: **Sec. 29.1. (a) This section applies to**
 13 **each school corporation.**

14 (b) **If a plan provides for election of members of the governing**
 15 **body, the members of the governing body shall be elected at a**
 16 **general election. Each candidate must, in accordance with**
 17 **IC 3-8-2.5, file a petition of nomination that is signed by the**
 18 **candidate and by ten (10) registered voters residing within the**
 19 **boundaries of the community school corporation. The filing must**
 20 **be made within the time specified by IC 3-8-2.5-4.**

21 (c) **All nominations shall be listed for each office in the form**
 22 **prescribed by IC 3-11-2, but without party designation. Voting and**
 23 **tabulation of votes shall be conducted in the same manner as voting**
 24 **and tabulation in general elections are conducted. The precinct**
 25 **election boards serving in each county shall conduct the election**
 26 **for members of the governing body. If a school corporation is**
 27 **located in more than one (1) county, each county election board**
 28 **shall print the ballots required for voters in that county to vote for**
 29 **candidates for members of the governing body.**

30 (d) **If the plan provides that the members of the governing body**
 31 **shall be elected by all the voters of the community school**
 32 **corporation, candidates shall be placed on the ballot in the form**
 33 **prescribed by IC 3-11-2, without party designation. The candidates**
 34 **who receive the most votes are elected.**

35 (e) **If the plan provides that members of the governing body are**
 36 **to be elected from residence districts by all voters in the**
 37 **community school corporation, nominees for the governing body**
 38 **shall be placed on the ballot in the form prescribed by IC 3-11-2,**
 39 **by residence districts without party designation. The ballot must**
 40 **state the number of members to be voted on and the maximum**
 41 **number of members that may be elected from each residence**
 42 **district as provided in the plan. A ballot is not valid if more than**

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1 the maximum number of members are voted on from a board
 2 member residence district. The candidates who receive the most
 3 votes are elected. However, if more than the maximum number
 4 that may be elected from a residence district are among those
 5 receiving the most votes, the candidates from the residence districts
 6 exceeding the maximum number who receive the fewest votes shall
 7 be eliminated in determining the candidates who are elected.

8 (f) If the plan provides that members of the governing body are
 9 to be elected from electoral districts solely by the voters of each
 10 district, nominees residing in each electoral district shall be placed
 11 on the ballot in the form prescribed by IC 3-11-2, without party
 12 designation. The ballot must state the number of members to be
 13 voted on from the electoral district. The candidates residing in the
 14 electoral district who receive the most votes are elected.

15 SECTION 102. IC 20-23-4-30, AS ADDED BY P.L.230-2005,
 16 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2011]: Sec. 30. (a) This section applies to each school
 18 corporation.

19 ~~(b)~~ If the governing body is to be elected at the primary election,
 20 each registered voter may vote in the governing body election without
 21 otherwise voting in the primary election.

22 ~~(c)~~ (b) If a tie vote occurs among any of the candidates, the tie vote
 23 shall be resolved under IC 3-12-9-4.

24 ~~(d)~~ (c) If after the first governing body takes office, there is a
 25 vacancy on the governing body for any reason, including the failure of
 26 the sufficient number of petitions for candidates being filed, whether
 27 the vacating member was elected or appointed, the remaining members
 28 of the governing body, whether or not a majority of the governing body,
 29 shall by a majority vote fill the vacancy by appointing a person from
 30 within the boundaries of the community school corporation to serve for
 31 the term or balance of the term. An individual appointed under this
 32 subsection must possess the qualifications provided for a regularly
 33 elected or appointed governing body member filling the office. If:

34 (1) a tie vote occurs among the members of the governing body
 35 under this subsection or IC 3-12-9-4; or

36 (2) the governing body fails to act within thirty (30) days after any
 37 vacancy occurs;

38 the judge of the circuit court in the county where the majority of
 39 registered voters of the school corporation reside shall make the
 40 appointment.

41 ~~(e)~~ (d) A vacancy in the governing body occurs if a member ceases
 42 to be a resident of any community school corporation. A vacancy does

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1 not occur when the member moves from a district of the school
2 corporation from which the member was elected or appointed if the
3 member continues to be a resident of the school corporation.

4 ~~(f)~~ (e) At the first primary or general election in which members of
5 the governing body are elected:

6 (1) a simple majority of the candidates elected as members of the
7 governing body who receive the ~~highest~~ greatest number of votes
8 shall be elected for four (4) year terms; and

9 (2) the balance of the candidates elected as members of the
10 governing body receiving the next ~~highest~~ greatest number of
11 votes shall be elected for two (2) year terms.

12 Thereafter, all school board members shall be elected for four (4) year
13 terms.

14 ~~(g)~~ (f) Elected governing body members ~~elected~~:

15 ~~(1) in November~~ take office and assume their duties on January
16 1 or July 1 after their election, as determined by the board of
17 school trustees before the election. ~~and~~

18 ~~(2) in May~~ take office and assume their duties on July 1 after their
19 election.

20 SECTION 103. IC 20-23-7-6, AS ADDED BY P.L.1-2005,
21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2011]: Sec. 6. (a) The first metropolitan board of education
23 shall be composed of the:

24 (1) trustees; and
25 (2) members of school boards;
26 of the school corporations forming the metropolitan board of education.

27 (b) The members of the metropolitan board of education shall serve
28 ex officio as members subject to the laws concerning length of terms,
29 powers of election, or appointment and filling vacancies applicable to
30 their respective offices.

31 (c) If a metropolitan school district is comprised of only two (2)
32 board members, the two (2) members shall appoint a third board
33 member not more than ten (10) days after the creation of the
34 metropolitan school district. If the two (2) members are unable to agree
35 on or do not make the appointment of a third board member within the
36 ten (10) day period after the creation of the metropolitan school district,
37 the third member shall be appointed not more than twenty (20) days
38 after the creation of the metropolitan school district by the judge of the
39 circuit court of the county in which the metropolitan school district is
40 located. If the metropolitan school district is located in two (2) or more
41 counties, the judge of the circuit court of the county containing that part
42 of the metropolitan school district having more students than the part

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1 or parts located in another county or counties shall appoint the third
 2 member. The members of the metropolitan board of education serve
 3 until their successors are elected or appointed and qualified.

4 (d) The first meeting of the first metropolitan board of education
 5 shall be held not more than one (1) month after the creation of the
 6 metropolitan school district. The first meeting shall be called by the
 7 superintendent of schools, or township trustee of a school township, of
 8 the school corporation in the district having the ~~largest~~ **greatest**
 9 number of students. At the first meeting, the board shall organize, and
 10 **each year** during the first ten (10) days ~~of each July~~ **after the board**
 11 **members that are elected or appointed to a new term take office,**
 12 the board shall reorganize, by electing a president, a vice president, a
 13 secretary, and a treasurer.

14 (e) The secretary of the board shall keep an accurate record of the
 15 minutes of the metropolitan board of education, and the minutes shall
 16 be kept in the superintendent's office. When a metropolitan school
 17 district is formed, the metropolitan superintendent shall act as
 18 administrator of the board and shall carry out the acts and duties as
 19 designated by the board. A quorum consists of a majority of the
 20 members of the board. A quorum is required for the transaction of
 21 business. The vote of a majority of those present is required for a:

- 22 (1) motion;
- 23 (2) ordinance; or
- 24 (3) resolution;

25 to pass.

26 (f) The board shall conduct its affairs in the manner described in this
 27 section. Except in unusual cases, the board shall hold its meetings at
 28 the office of the metropolitan superintendent or at a place mutually
 29 designated by the board and the superintendent. Board records are to
 30 be maintained and board business is to be conducted from the office of
 31 the metropolitan superintendent or a place designated by the board and
 32 the superintendent.

33 (g) The metropolitan board of education shall have the power to pay
 34 to a member of the board:

- 35 (1) a reasonable per diem for service on the board not to exceed
 36 one hundred twenty-five dollars (\$125) per year; and
- 37 (2) for travel to and from a member's home to the place of the
 38 meeting within the district, a sum for mileage equal to the amount
 39 per mile paid to state officers and employees. The rate per mile
 40 shall change when the state government changes its rate per mile.

41 SECTION 104. IC 20-23-7-8.1 IS ADDED TO THE INDIANA
 42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2011]: **Sec. 8.1. (a) The registered voters of**
2 **the metropolitan school district shall elect the members of the**
3 **metropolitan board of education at general elections held**
4 **biennially, beginning with the next general election that is held**
5 **more than sixty (60) days after the creation of the metropolitan**
6 **school district as provided in this chapter.**

7 (b) Each nominee for the board must file a petition of
8 nomination signed by the nominee and by ten (10) registered voters
9 residing in the same board member district as the nominee. The
10 petition must be filed in accordance with IC 3-8-2.5 with the circuit
11 court clerk of each county in which the metropolitan school district
12 is located.

13 (c) Nominees for the board shall be listed on the general election
14 ballot:

- 15 (1) in the form prescribed by IC 3-11-2;
- 16 (2) by board member districts; and
- 17 (3) without party designation.

18 The ballot must state the number of board members to be voted on
19 and the maximum number of members that may be elected from
20 each board member district as provided under section 5 of this
21 chapter. A ballot that contains more votes than the maximum
22 number allowed from a board member district is invalid.

23 (d) The precinct election boards in each county serving at the
24 general election shall conduct the election for school board
25 members.

26 (e) Voting and tabulation of votes shall be conducted in
27 accordance with IC 3, and the candidates who receive the most
28 votes are elected to the board.

29 (f) If there are more candidates from a particular board
30 member district than may be elected from the board member
31 district under section 5 of this chapter:

- 32 (1) the number of candidates elected is the greatest number
33 that may be elected from the board member district;
- 34 (2) the candidates elected are those who, among the
35 candidates from the board member district, receive the most
36 votes; and
- 37 (3) the other candidates from the board member district are
38 eliminated.

39 (g) If there is a tie vote among the candidates for the board, the
40 judge of the circuit court in the county where the majority of the
41 registered voters of the metropolitan school district reside shall
42 select one (1) of the candidates, who shall be declared and certified

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elected.
(h) If, at any time after the first board member election a vacancy on the board occurs for any reason, including an insufficient number of petitions for candidates being filed, and regardless of whether the vacating member was elected or appointed, the remaining members of the board, whether or not a majority of the board, shall by a majority vote fill the vacancy by:

- (1) appointing a person from the board member district from which the person who vacated the board was elected; or
- (2) if the person was appointed, appointing a person from the board member district from which the last elected predecessor of the person was elected.

If a majority of the remaining members of the board is unable to agree or the board fails to act within thirty (30) days after a vacancy occurs, the judge of the circuit court in the county where the majority of registered voters of the metropolitan school district reside shall make the appointment.

(i) A successor to a board member appointed under subsection (h) shall be elected at a general election held on the earlier of the following:

- (1) More than sixty (60) days after an elected board member vacates membership on the board.
- (2) Immediately before the end of the term for which the vacating member was elected.

Unless the successor takes office at the end of the term of the vacating member, the member shall serve only for the balance of the vacating member's term. In an election for a successor board member to fill a vacancy for a two (2) year balance of a term, candidates for board membership need not file for or with reference to the vacancy. However, as required by IC 3-11-2, candidates for at-large seats must be distinguished on the ballot from candidates for district seats. If there is more than one (1) at-large seat on the ballot due to this vacancy, the elected candidate who receives the fewest votes at the election at which the successor is elected serves a two (2) year term.

(j) At the first general election in which members of the board are elected under this section, the elected candidates who constitute a simple majority of the elected candidates and who receive the most votes shall be elected for four (4) year terms, and the other elected candidates shall be elected for two (2) year terms.

(k) After the first general election referred to in subsection (j), board members shall be elected for four (4) year terms and shall

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1 **take office January 1 following their election.**

2 SECTION 105. IC 20-23-7-12, AS AMENDED BY P.L.1-2007,
3 SECTION 143, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) As used in this section,
5 "county" means the county in which the school township is located.

6 (b) As used in this section, "school township" means a school
7 township in Indiana that:

8 (1) for the last full school semester immediately preceding:
9 (A) the adoption of a preliminary resolution by the township
10 trustee and the township board under subsection (f); or
11 (B) the adoption of a resolution of disapproval by the township
12 trustee and the township board under subsection (g);
13 had an ADM of at least six hundred (600) students in
14 kindergarten through grade 12 in the public schools of the school
15 township; or

16 (2) is part of a township in which there were more votes cast for
17 township trustee outside the school township than inside the
18 school township in the general election at which the trustee was
19 elected and that preceded the adoption of the preliminary or
20 disapproving resolution.

21 (c) As used in this section, "township board" means the township
22 board of a township in which the school township is located.

23 (d) As used in this section, "township trustee" means the township
24 trustee of the township in which the school township is located.

25 (e) In a school township, a metropolitan school district may be
26 created by complying with this section. A metropolitan school district
27 created under this section shall have the same boundaries as the school
28 township. After a district has been created under this section, the
29 school township that preceded the metropolitan school district is
30 abolished. The procedures or provisions governing the creation of a
31 metropolitan school district under another section of this chapter do not
32 apply to the creation of a district under this section. After a
33 metropolitan school district is created under this section, the district
34 shall, except as otherwise provided in this section, be governed by and
35 operate in accordance with this chapter governing the operation of a
36 metropolitan school district as established under section 2 of this
37 chapter.

38 (f) Except as provided in subsection (g), a metropolitan school
39 district provided for in subsection (e) may be created in the following
40 manner:

41 (1) The township trustee shall call a meeting of the township
42 board. At the meeting, the township trustee and a majority of the

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1 township board shall adopt a resolution that a metropolitan school
 2 district shall be created in the school township. The township
 3 trustee shall then give notice:
 4 (A) by two (2) publications one (1) week apart in a newspaper
 5 of general circulation published in the school township; or
 6 (B) if there is no newspaper as described in clause (A), in a
 7 newspaper of general circulation in the county;
 8 of the adoption of the resolution setting forth the text of the
 9 resolution.
 10 (2) On the thirtieth day after the date of the last publication of the
 11 notice under subdivision (1) and if a protest has not been filed, the
 12 township trustee and a majority of the township board shall
 13 confirm their preliminary resolution. If, however, on or before the
 14 twenty-ninth day after the date of the last publication of the
 15 notice, a number of registered voters of the school township,
 16 equal to five percent (5%) or more of the number of votes cast in
 17 the school township for secretary of state at the last preceding
 18 general election for that office, sign and file with the township
 19 trustee a petition requesting an election in the school township to
 20 determine whether or not a metropolitan school district must be
 21 created in the township in accordance with the preliminary
 22 resolution, then an election must be held as provided in
 23 subsection (h). The preliminary resolution and confirming
 24 resolution provided in this subsection shall both be adopted at a
 25 meeting of the township trustee and township board in which the
 26 township trustee and each member of the township board received
 27 or waived a written notice of the date, time, place, and purpose of
 28 the meeting. The resolution and the proof of service or waiver of
 29 the notice shall be made a part of the records of the township
 30 board.
 31 (g) Except as provided in subsection (f), a metropolitan school
 32 district may also be created in the following manner:
 33 (1) A number of registered voters of the school township, equal
 34 to five percent (5%) or more of the votes cast in the school
 35 township for secretary of state at the last general election for that
 36 office, shall sign and file with the township trustee a petition
 37 requesting the creation of a metropolitan school district under this
 38 section.
 39 (2) The township trustee and a majority of the township board
 40 shall, not more than ten (10) days after the filing of a petition:
 41 (A) adopt a preliminary resolution that a metropolitan school
 42 district shall be created in the school township and proceed as

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provided in subsection (f); or
(B) adopt a resolution disapproving the creation of the district.
(3) If either the township trustee or a majority of township board members vote in favor of disapproving the resolution, an election must be held to determine whether or not a metropolitan school district shall be created in the school township in the same manner as is provided in subsection (f) if an election is requested by petition.

(h) An election required under subsection (f) or (g) may, at the option of the township trustee, be held either as a special election or in conjunction with a primary or general election to be held not more than one hundred twenty (120) days after the filing of a petition under subsection (f) or the adoption of the disapproving resolution under subsection (g). The township trustee shall certify the question to the county election board under IC 3-10-9-3 and give notice of an election:

- (1) by two (2) publications one (1) week apart in a newspaper of general circulation in the school township; or
- (2) if a newspaper described in subdivision (1) does not exist, in a newspaper of general circulation published in the county.

The notice must provide that on a day and time named in the notice, the polls shall be opened at the usual voting places in the various precincts in the school township for the purpose of taking the vote of the registered voters of the school township regarding whether a metropolitan school district shall be created in the township. The election shall be held not less than twenty (20) days and not more than thirty (30) days after the last publication of the notice unless a primary or general election will be conducted not more than six (6) months after the publication. In that case, the county election board shall place the public question on the ballot at the primary or general election. If the election is to be a special election, the township trustee shall give notice not more than thirty (30) days after the filing of the petition or the adoption of the disapproving resolution.

(i) On the day and time named in the notice, the polls shall be opened and the votes of the voters shall be taken regarding whether a metropolitan school district shall be created in the school township. IC 3 governs the election except as otherwise provided in this chapter. The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state, "Shall a metropolitan school district under IC 20-23-7 be formed in the _____ School Township of _____ County, Indiana?". The name of the school township shall be inserted in the blanks.

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1 (j) The votes cast in the election shall be canvassed at a place in the
 2 school township determined by the county election board. The
 3 certificate of the votes cast for and against the creation of a
 4 metropolitan school district shall be filed in the records of the township
 5 board and recorded with the county recorder. If the special election is
 6 not conducted at a primary or general election, the school township
 7 shall pay the expense of holding the election out of the school general
 8 fund that is appropriated for this purpose.

9 (k) A metropolitan school district shall, subject to section 7 of this
 10 chapter, be created on the thirtieth day after the date of the adoption of
 11 the confirming resolution under subsection (f) or an election held under
 12 subsection (h). If a public official fails to do the official's duty within
 13 the time prescribed in this section, the failure does not invalidate the
 14 proceedings taken under this section. An action to contest the validity
 15 of the creation of a metropolitan school district under this section or to
 16 enjoin the operation of a metropolitan school district may not be
 17 instituted later than the thirtieth day following the date of the adoption
 18 of the confirming resolution under subsection (f) or of the election held
 19 under subsection (h). Except as provided in this section, an election
 20 under this subsection may not be held sooner than twelve (12) months
 21 after another election held under subsection (h).

22 (l) A metropolitan school district is known as "The Metropolitan
 23 School District of _____ Township, _____ County,
 24 Indiana". The first metropolitan board of education in a metropolitan
 25 school district created under this section consists of five (5) members.
 26 The township trustee and the township board members are ex officio
 27 members of the first board, subject to the laws concerning length of
 28 their respective terms of office, manner of election or appointment, and
 29 the filling of vacancies applicable to their respective offices. The ex
 30 officio members serve without compensation or reimbursement for
 31 expenses, other than that which they may receive from their respective
 32 offices. The township board shall, by a resolution recorded in its
 33 records, appoint the fifth member of the metropolitan board of
 34 education. The fifth member shall meet the qualifications of a member
 35 of a metropolitan board of education under this chapter, with the
 36 exception of the board member district requirements provided in
 37 sections 4, 5, and § 8.1 of this chapter.

38 (m) A fifth board member shall be appointed not more than fifteen
 39 (15) days after the date of the adoption of the confirming resolution
 40 under subsection (f)(2) or an election held under subsection (h). The
 41 first board shall hold its first meeting not more than fifteen (15) days
 42 after the date when the fifth board member is appointed or elected, on

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1 a date established by the township board in the resolution in which it
 2 appoints the fifth board member. The first board shall serve until ~~July~~
 3 ~~† January 1~~ following the election of a metropolitan school board at
 4 the first **primary general** election held more than sixty (60) days
 5 following the creation of the metropolitan school district.

6 (n) After the creation of a metropolitan school district under this
 7 section, the president of the metropolitan school board of the district
 8 shall serve as a member of the county board of education and perform
 9 the duties on the county board of education that were previously
 10 performed by the township trustee. The metropolitan school board and
 11 superintendent of the district may call upon the assistance of and use
 12 the services provided by the county superintendent of schools. This
 13 subsection does not limit or take away the powers, rights, privileges, or
 14 duties of the metropolitan school district or the board or superintendent
 15 of the district provided in this chapter.

16 SECTION 106. IC 20-23-8-7, AS ADDED BY P.L.1-2005,
 17 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2011]: Sec. 7. (a) A plan or proposed plan must contain the
 19 following items:

20 (1) The number of members of the governing body, which shall
 21 be:

22 (A) three (3);

23 (B) five (5); or

24 (C) seven (7);

25 members.

26 (2) Whether the governing board shall be elected or appointed.

27 (3) If appointed, when and by whom, and a general description of
 28 the manner of appointment that conforms with the requirements
 29 of IC 20-23-4-28.

30 ~~(4) If elected; whether the election shall be at the primary or at the~~
 31 ~~general election that county officials are nominated or elected;~~
 32 ~~and a general description of the manner of election that conforms~~
 33 ~~with the requirements of IC 20-23-4-27.~~

34 **(4) A provision that the members of an elected governing**
 35 **board shall be elected at the general election at which county**
 36 **officials are elected.**

37 (5) The limitations on:

38 (A) residence;

39 (B) term of office; and

40 (C) other qualifications;

41 required by members of the governing body.

42 (6) The time the plan takes effect.

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1 A plan or proposed plan may have additional details to make the
2 provisions of the plan workable. The details may include provisions
3 relating to the commencement or length of terms of office of the
4 members of the governing body taking office under the plan.

5 (b) Except as provided in subsection (a)(1), in a city having a
6 population of more than fifty-nine thousand seven hundred (59,700)
7 but less than sixty-five thousand (65,000), the governing body
8 described in a plan may have up to nine (9) members.

9 SECTION 107. IC 20-23-8-21, AS ADDED BY P.L.1-2005,
10 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2011]: Sec. 21. An election may not be held under this chapter
12 more than once each eighteen (18) months. A plan for a governing
13 body may not be adopted more than once each six (6) years, except if
14 **either of the following applies:**

15 ~~(1) the plan only changes the time of voting for board members~~
16 ~~from the primary to the general election or from the general to the~~
17 ~~primary election;~~

18 ~~(2) (1) A plan adopted is declared or held to be invalid by a~~
19 ~~binding judgment or order in a United States or an Indiana court~~
20 ~~that no appeal or further approval can be taken. or~~

21 ~~(3) (2) The plan provides solely for changes in items specified in~~
22 ~~section 7(a)(5) of this chapter.~~

23 SECTION 108. IC 20-23-10-8, AS ADDED BY P.L.1-2005,
24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2011]: Sec. 8. (a) The board members of a merged school
26 corporation shall be elected at the first **primary general** election
27 following the merged school corporation's creation, and vacancies shall
28 be filled in accordance with IC 20-23-4-30.

29 (b) Until the first election under subsection (a), the board of trustees
30 of the merged school corporation consists of:

31 (1) the members of the governing body of a school corporation in
32 the county other than a school township; and

33 (2) the township trustee of a school township in the county.

34 (c) The first board of trustees shall select the name of the merged
35 school corporation by a majority vote. The name may be changed by
36 unanimous vote of the governing body of the merged school
37 corporation.

38 SECTION 109. IC 20-23-12-3, AS ADDED BY P.L.1-2005,
39 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2011]: Sec. 3. (a) The governing body of the school
41 corporation consists of seven (7) members elected as follows:

42 (1) On a nonpartisan basis.

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1 (2) In a **primary general** election ~~held~~ in the county.
2 (b) Six (6) of the members shall be elected from the school districts
3 drawn under section 4 of this chapter. Each member:
4 (1) is elected from the school district in which the member
5 resides; and
6 (2) upon election and in conducting the business of the governing
7 body, represents the interests of the entire school corporation.
8 (c) One (1) of the members elected:
9 (1) is the at-large member of the governing body;
10 (2) may reside in any of the districts drawn under section 4 of this
11 chapter; and
12 (3) upon election and in conducting the business of the governing
13 body, represents the interests of the entire school corporation.
14 SECTION 110. IC 20-23-12-8, AS ADDED BY P.L.1-2005,
15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2011]: Sec. 8. (a) The term of each person elected to serve on
17 the governing body
18 ~~(1) is four (4) years. and~~
19 ~~(2) begins~~
20 (b) **The term of each person elected to serve on the governing**
21 **body begins** the ~~July~~ **January 1** that next follows the person's
22 election.
23 SECTION 111. IC 20-23-12-9, AS ADDED BY P.L.1-2005,
24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2011]: Sec. 9. The members are elected as follows:
26 (1) Three (3) of the members elected under section 3(b) of this
27 chapter are elected at the **primary general** election to be held in
28 ~~2008~~ **2012** and every four (4) years thereafter.
29 (2) Three (3) of the members elected under section 3(b) of this
30 chapter are elected at the **primary general** election to be held in
31 ~~2006~~ **2014** and every four (4) years thereafter.
32 (3) The at-large member elected under section 3(c) of this chapter
33 is elected at the **primary general** election to be held in ~~2008~~ **2012**
34 and every four (4) years thereafter.
35 SECTION 112. IC 20-23-13-1, AS ADDED BY P.L.230-2005,
36 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2011]: Sec. 1. (a) In a community school corporation
38 established under IC 20-23-4 that:
39 (1) has a population of more than seventy-five thousand (75,000)
40 but less than ninety thousand (90,000); and
41 (2) is the successor in interest to a school city having the same
42 population;

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1 the governing body consists of a board of trustees of five (5) members
2 elected in the manner provided in this chapter.

3 (b) At the 2008 primary election and at each primary election every
4 four (4) years thereafter, there shall be elected in each school
5 corporation covered by this chapter two (2) governing body members,
6 each of whom shall serve for four (4) years. The two (2) candidates for
7 the office of school trustee receiving the highest number of votes at the
8 election take office on July 1 next following the election.

9 (c) At the 2006 primary election and at each primary election every
10 four (4) years thereafter, there shall be elected in each school city
11 covered by this chapter three (3) governing body members, each of
12 whom shall serve for four (4) years. The three (3) candidates for the
13 office of school trustee receiving the highest number of votes at the
14 election take office on July 1 next following the election.

15 (d) (b) The governing body members shall be elected at the times
16 provided and shall succeed the retiring members in the order and
17 manner as set forth in this ~~section~~ chapter.

18 SECTION 113. IC 20-23-13-2.1 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2011]: Sec. 2.1. (a) As used in this section,
21 "county election board" includes a board of elections and
22 registration established under IC 3-6-5.2.

23 (b) The voters of the school corporation shall elect the members
24 of the governing body at a general election for a term of four (4)
25 years. The members shall be elected from the city at large without
26 reference to district.

27 (c) Each candidate for election to the governing body must file
28 a petition of nomination with the county election board in each
29 county in which a school corporation subject to this chapter is
30 located. The petition of nomination must comply with IC 3-8-2.5
31 and the following requirements:

- 32 (1) The petition must be signed by at least two hundred (200)
- 33 legal voters of the school corporation.
- 34 (2) Each petition may nominate only one (1) candidate.
- 35 (3) The number of petitions signed by a legal voter may not
- 36 exceed the number of school trustees to be elected.

37 (d) After all petitions described in subsection (c) are filed with
38 the county election board, the board shall publish the names of
39 those nominated in accordance with IC 5-3-1 and shall certify the
40 nominations in the manner required by law. IC 3 governs the
41 election to the extent that it is not inconsistent with this chapter.

42 (e) The county election board shall prepare the ballot for the

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1 general election at which members of the governing body are to be
2 elected so that the names of the candidates nominated appear on
3 the ballot:

- 4 (1) in alphabetical order;
- 5 (2) without party designation; and
- 6 (3) in the form prescribed by IC 3-11-2.

7 (f) The county election board shall not publish or place on the
8 ballot the name of a candidate who is not eligible under this
9 chapter for membership on the governing body.

10 (g) Each voter may vote for as many candidates as there are
11 members of the governing body to be elected.

12 SECTION 114. IC 20-23-13-3, AS ADDED BY P.L.1-2005,
13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2011]: Sec. 3. The intent of this chapter is to provide that the
15 governing body of the school corporations to which it relates shall be
16 elected as provided in:

- 17 (1) IC 20-23-4-27; and ~~IC 20-23-4-29~~ through
- 18 (2) IC 20-23-4-29.1;
- 19 (3) IC 20-23-4-30; and
- 20 (4) IC 20-23-4-31;

21 but this chapter prevails over any conflicting provisions of IC 20-23-4
22 relating to any school corporation.

23 SECTION 115. IC 20-23-14-5, AS ADDED BY P.L.230-2005,
24 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2011]: Sec. 5. To be eligible to be a candidate for the
26 governing body under this chapter, the following apply:

27 (1) Each prospective candidate must file a **petition** of nomination
28 ~~petition~~ with the board of elections and registration not earlier
29 than one hundred four (104) days and not later than noon
30 seventy-four (74) days before the **primary general** election at
31 which the members are to be elected. ~~that includes~~ **The petition**
32 **of nomination must include** the following: ~~information:~~

- 33 (A) The name of the prospective candidate.
- 34 (B) Whether the prospective candidate is a district candidate
35 or an at-large candidate.
- 36 (C) A certification that the prospective candidate meets the
37 qualifications for candidacy imposed under this chapter.
- 38 (D) The signatures of at least one hundred (100) registered
39 voters residing in the school corporation.
- 40 (2) Each prospective candidate for a district position must:
 - 41 (A) reside in the district; and
 - 42 (B) have resided in the district for at least the three (3) years

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- 1 immediately preceding the election.
- 2 (3) Each prospective candidate for an at-large position must:
- 3 (A) reside in the school corporation; and
- 4 (B) have resided in the school corporation for at least the three
- 5 (3) years immediately preceding the election.
- 6 (4) Each prospective candidate (regardless of whether the
- 7 candidate is a district candidate or an at-large candidate) must:
- 8 (A) be a registered voter;
- 9 (B) have been a registered voter for at least the three (3) years
- 10 immediately preceding the election; and
- 11 (C) be a high school graduate or have received a:
- 12 (i) high school equivalency certificate; or
- 13 (ii) state general educational development (GED) diploma
- 14 under IC 20-20-6.
- 15 (5) A prospective candidate may not:
- 16 (A) hold any other elective or appointive office; or
- 17 (B) have a pecuniary interest in any contract with the school
- 18 corporation or its governing body;
- 19 as prohibited by law.
- 20 SECTION 116. IC 20-23-14-8, AS ADDED BY P.L.1-2005,
- 21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2011]: Sec. 8. (a) The term of each person elected to serve on
- 23 the governing body
- 24 (1) is four (4) years. and
- 25 (2) begins
- 26 (b) The term of each person elected to serve on the governing
- 27 body begins on the July 1 January 1 that next follows the person's
- 28 election.
- 29 SECTION 117. IC 20-23-14-9, AS ADDED BY P.L.1-2005,
- 30 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2011]: Sec. 9. The members are elected as follows:
- 32 (1) Three (3) of the members are elected at the primary general
- 33 election to be held in 2008 2012 and every four (4) years
- 34 thereafter.
- 35 (2) Two (2) of the members are elected at the primary general
- 36 election to be held in 2006 2014 and every four (4) years
- 37 thereafter.
- 38 SECTION 118. IC 20-25-3-4, AS AMENDED BY P.L.1-2006,
- 39 SECTION 322, IS AMENDED TO READ AS FOLLOWS
- 40 [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The board consists of seven
- 41 (7) members. A member:
- 42 (1) must be elected on a nonpartisan basis in primary general

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1 elections held in the county as specified in this section; and
 2 (2) serves a four (4) year term.
 3 (b) Five (5) members shall be elected from the school board districts
 4 in which the members reside, and two (2) members must be elected at
 5 large. Not more than two (2) of the members who serve on the board
 6 may reside in the same school board district.
 7 (c) If a candidate runs for one (1) of the district positions on the
 8 board, only eligible voters residing in the candidate's district may vote
 9 for that candidate. If a person is a candidate for one (1) of the at-large
 10 positions, eligible voters from all the districts may vote for that
 11 candidate.
 12 (d) If a candidate files to run for a position on the board, the
 13 candidate must specify whether the candidate is running for a district
 14 or an at-large position.
 15 (e) A candidate who runs for a district or an at-large position wins
 16 if the candidate receives the greatest number of votes of all the
 17 candidates for the position.
 18 (f) Districts shall be established within the school city by the state
 19 board. The districts must be drawn on the basis of precinct lines, and
 20 as nearly as practicable, of equal population with the population of the
 21 largest district not to exceed the population of the smallest district by
 22 more than five percent (5%). District lines must not cross precinct
 23 lines. The state board shall establish:
 24 (1) balloting procedures for the election under IC 3; and
 25 (2) other procedures required to implement this section.
 26 (g) A member of the board serves under section 3 of this chapter.
 27 (h) In accordance with subsection (k), a vacancy in the board shall
 28 be filled temporarily by the board as soon as practicable after the
 29 vacancy occurs. The member chosen by the board to fill a vacancy
 30 holds office until the member's successor is elected and qualified. The
 31 successor shall be elected at the next regular school board election
 32 occurring after the date on which the vacancy occurs. The successor
 33 fills the vacancy for the remainder of the term.
 34 (i) An individual elected to serve on the board begins the
 35 individual's term on ~~July 1 of the year of~~ **January 1 immediately**
 36 **following** the individual's election.
 37 (j) Notwithstanding any law to the contrary, each voter must cast a
 38 vote for a school board candidate or school board candidates by voting
 39 system or paper ballot. However, the same method used to cast votes
 40 for all other offices for which candidates have qualified to be on the
 41 election ballot must be used for the board offices.
 42 (k) If a vacancy in the board exists because of the death of a

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1 member, the remaining members of the board shall meet and select an
2 individual to fill the vacancy in accordance with subsection (h) after
3 the secretary of the board receives notice of the death under IC 5-8-6.

4 SECTION 119. IC 23-14-31-26, AS AMENDED BY P.L.101-2010,
5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2011]: Sec. 26. (a) Except as provided in subsection (c), the
7 following persons, in the priority listed, have the right to serve as an
8 authorizing agent:

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

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

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

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

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

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

36 (7) In the case of an indigent or other individual whose final
37 disposition is the responsibility of the state, ~~or township,~~ **or (after**
38 **December 31, 2013) county, in the case of a county that**
39 **approves a local public question under IC 36-6-1.1,** the
40 following may serve as the authorizing agent:

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

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1 (i) a public administrator, including a responsible township
2 trustee or the trustee's designee **or (after December 31,**
3 **2013) a county trustee in the case of a county that**
4 **approves a local public question under IC 36-6-1.1; or**
5 (ii) the coroner.

6 (B) A state appointed guardian.
7 However, an indigent decedent may not be cremated if a
8 surviving family member objects to the cremation or if cremation
9 would be contrary to the religious practices of the deceased
10 individual as expressed by the individual or the individual's
11 family.

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

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

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

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

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

33 SECTION 120. IC 23-14-33-3.5 IS ADDED TO THE INDIANA
34 CODE AS A NEW SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2011]: **Sec. 3.5. (a) After December 31, 2013,**
36 **in a county that approves a local public question under IC 36-6-1.1**
37 **the powers and duties established by this chapter through**
38 **IC 23-14-76 are conferred and imposed on the county executive or**
39 **the county executive's designee with respect to property in the**
40 **county.**

41 (b) After December 31, 2012, any reference in this chapter
42 through IC 23-14-76 to "township board" is considered a reference

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to the county fiscal body.

(c) After December 31, 2013, any reference in this chapter through IC 23-14-76 to:

(1) "township" in the case of a township in a county that approves a local public question under IC 36-6-1.1 is considered a reference to the geographic area of a dissolved township in a county; and

(2) "township trustee" or "trustee" in the case of a township in a county that approves a local public question under IC 36-6-1.1, is considered a reference to the county executive or the county executive's designee to administer this chapter.

SECTION 121. IC 32-26-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The trustee of each township, the county highway superintendent, the Indiana department of transportation, or other officer in control of the maintenance of a highway shall between January 1 and April 1 of each year, examine all hedges, live fences, natural growths along highways, and other obstructions described in section 1 of this chapter in their respective jurisdictions. **However, after December 31, 2013, in the case of a township in a county that approves a local public question under IC 36-6-1.1, the duties and obligations of a township trustee under this chapter are transferred to the appropriate county executive or the county executive's designee.** If there are hedges, live fences, other growths, or obstructions along the highways that have not been cut, trimmed down, and maintained in accordance with this chapter, the owner shall be given written notice to cut or trim the hedge or live fence and to burn the brush trimmed from the hedge or live fence and remove any other obstructions or growths.

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

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

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

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

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

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

SECTION 122. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2011]: **Sec. 0.6. (a) After December 31, 2013, the powers and duties established by this chapter are conferred and imposed on the county executive or the county executive's designee with respect to property in a county that approves a local public question under IC 36-6-1.1.**

(b) After December 31, 2012, any reference in this chapter to "township board" is considered a reference to the county fiscal body.

(c) After December 31, 2013, any reference in this chapter to:
(1) "township" in the case of a township in a county that approves a local public question under IC 36-6-1.1 is considered a reference to the geographic area of a dissolved township in a county; and
(2) "township trustee" or "trustee" in the case of a township in a county that approves a local public question under IC 36-6-1.1, is considered a reference to the county executive or the county executive's designee to administer this chapter.

SECTION 123. IC 33-33-53-5, AS AMENDED BY P.L.2-2006, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 5. In accordance with rules adopted by the judges of the court under section 6 of this chapter, the presiding**

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1 judge shall do the following:

2 (1) Ensure that the court operates efficiently and judicially under

3 rules adopted by the court.

4 (2) Annually submit to the fiscal body of Monroe County a budget

5 for the court, including amounts necessary for:

6 (A) the operation of the circuit's probation department;

7 (B) the defense of indigents; and

8 (C) maintaining an adequate law library.

9 (3) Make the appointments or selections required of a circuit or

10 superior court judge under the following statutes:

11 IC 8-4-21-2

12 IC 11-12-2-2

13 IC 16-22-2-4

14 IC 16-22-2-11

15 IC 16-22-7

16 IC 20-23-4

17 IC 20-23-7-6

18 ~~IC 20-23-7-8~~ **IC 20-23-7-8.1**

19 IC 20-26-7-8

20 IC 20-26-7-14

21 IC 20-47-2-15

22 IC 20-47-3-13

23 IC 36-9

24 IC 36-10

25 IC 36-12-10-10.

26 (4) Make appointments or selections required of a circuit or

27 superior court judge by any other statute, if the appointment or

28 selection is not required of the court because of an action before

29 the court.

30 SECTION 124. IC 33-34-1-8 IS AMENDED TO READ AS

31 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. The township trustee

32 **or (after December 31, 2013, if the county approves a local public**

33 **question under IC 36-6-1.1) the clerk of the circuit court**, shall give

34 ten (10) days notice of all hearings held under section 7 of this chapter

35 in one (1) or more newspapers of general circulation in the county.

36 SECTION 125. IC 33-34-1-9, AS AMENDED BY P.L.174-2006,

37 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

38 JULY 1, 2011]: Sec. 9. Not more than two (2) weeks after a hearing is

39 conducted under section 7 of this chapter, the township board **or (after**

40 **December 31, 2013, if the county approves a public question under**

41 **IC 36-6-1.1) the city-county council of the consolidated city** shall,

42 after considering the evidence, opinions, advice, and suggestions

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presented at the hearing, enter an order concerning:
(1) whether a small claims court shall be established or abolished in the township if the township has a population of less than fifteen thousand (15,000) persons;
(2) whether the small claims court if any, shall function full time or part time;
(3) the location of the small claims court courtroom and offices under IC 33-34-6-1; and
(4) other relevant matters.

SECTION 126. IC 33-34-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) The salary of a judge who serves full time must be in an amount determined by the township board of the township in which the small claims court is located **or (after December 31, 2013, if the county approves a public question under IC 36-6-1.1) by the city-county council.**

(b) The salary of each judge who serves part time must be in an amount:

- (1) determined by the township board and approved by the city-county council; **or**
- (2) **after December 31, 2013, determined by the city-county council, if the county approves a public question under IC 36-6-1.1.**

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

(d) At any other time, salaries of any full-time or part-time judge may be increased or decreased by the:

- (1) township board of the township in which the small claims court is located; **or**
- (2) **after December 31, 2013, the city-county council, if the county approves a public question under IC 36-6-1.1.**

SECTION 127. IC 33-34-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) The annual salary of a judge shall be paid in twelve (12) equal monthly installments by the township trustee **or (after December 31, 2013, if the county approves a public question under IC 36-6-1.1) the executive of the consolidated city.**

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

SECTION 128. IC 33-34-5-4, AS AMENDED BY P.L.174-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) If a judge is unable to preside over the

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1 judge's small claims court during any number of days, the judge may
 2 appoint in writing a person qualified to be a small claims judge under
 3 IC 33-34-2-2 to preside in place of the judge.

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

9 (c) The appointee is entitled to the same compensation ~~from the~~
 10 ~~township trustee~~ as accruable to the small claims judge in whose place
 11 the appointee is serving.

12 SECTION 129. IC 33-34-6-1, AS AMENDED BY P.L.174-2006,
 13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2011]: Sec. 1. The township trustee **or (after December 31,**
 15 **2013, if the county approves a public question under IC 36-6-1.1)**
 16 **the executive of the consolidated city** shall provide a courtroom and
 17 an office for each judge in a convenient location within the township
 18 that has:

- 19 (1) adequate access;
- 20 (2) sufficient parking facilities;
- 21 (3) a separate and appropriate courtroom;
- 22 (4) proper space and facilities for the bailiff, clerks, and other
 23 employees; and
- 24 (5) enough room for files and supplies.

25 SECTION 130. IC 33-34-6-2, AS AMENDED BY P.L.174-2006,
 26 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2011]: Sec. 2. A township **or (after December 31, 2013, if**
 28 **the county approves a public question under IC 36-6-1.1) the**
 29 **executive of the consolidated city** shall:

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

38 SECTION 131. IC 33-34-6-3 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. **(a) This subsection**
 40 **does not apply after December 31, 2013, if the county approves a**
 41 **local public question under IC 36-6-1.1.** Each township shall provide
 42 an appropriate and competitive salary of at least five thousand six

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1 hundred dollars (\$5,600) for the number of clerks for the small claims
2 court sufficient to:

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

5 **(b) This section applies after December 31, 2013. This section**
6 **applies only to a county that approves a public question under**
7 **IC 36-6-1.1. The judges shall establish with the approval of the**
8 **city-county council an appropriate and competitive salary of at**
9 **least five thousand six hundred dollars (\$5,600) for the number of**
10 **clerks for the small claims court sufficient to:**

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

13 SECTION 132. IC 33-34-6-4 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) **This subsection**
15 **does not apply after December 31, 2013, if the county approves a**
16 **local public question under IC 36-6-1.1.** The voters of each township
17 having a small claims court shall elect a constable for the small claims
18 court at the general election every four (4) years for a term of office of
19 four (4) years, beginning January 1 after election and continuing until
20 a successor is elected and qualified. The ballot must state the:

- 21 (1) name of the candidate; and
22 (2) court for which the candidate is to serve.
23 (b) Each small claims court shall have a constable who:
24 (1) acts as the bailiff of the court;
25 (2) serves the court's personal service of process;
26 (3) has police powers to:
27 (A) make arrests;
28 (B) keep the peace; and
29 (C) carry out the orders of the court;
30 (4) must meet the qualifications prescribed by IC 3-8-1-31;
31 (5) is compensated for each process that is delivered to effect
32 personal service when serving as the bailiff for the court;
33 (6) is responsible for:
34 (A) the preparation and mailing of all registered or certified
35 service and is compensated for each process served by mail;
36 and
37 (B) all the official acts of the deputies;
38 (7) is compensated solely from the service of process fees
39 collected under IC 33-34-8-1; and
40 (8) may require a deputy to give a bond for the proper discharge
41 of the deputy's duties for an amount fixed by the constable.
42 (c) The elected constable may appoint full-time and part-time

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1 deputies for assistance in the performance of official duties who:

- 2 (1) perform all the official duties required to be performed by the
3 constable;
4 (2) possess the same statutory and common law powers and
5 authority as the constable;
6 (3) must take the same oath required of the constable;
7 (4) are compensated solely from the service of process fees
8 collected under IC 33-34-8-1; and
9 (5) serve at the pleasure of the constable and may be dismissed at
10 any time with or without cause.

11 (d) If there is an:

- 12 (1) emergency; or
13 (2) inability of a constable to carry out the constable's duties;

14 the judge may appoint a special constable to carry out the duties of the
15 constable during the emergency or inability.

16 SECTION 133. IC 33-34-6-4.5 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2011]: **Sec. 4.5. (a) This section applies after
19 December 31, 2013. This section applies only to a county that
20 approves a public question under IC 36-6-1.1.**

21 **(b) Not later than June 30, 2013, a designee of the executive of
22 a county having a consolidated city shall begin a transition process
23 with the constables of the small claims courts in the county to
24 properly transfer the functions, duties, and responsibilities of the
25 constables to the executive. The designee of the executive shall
26 present to the executive a report on the status of the transition. The
27 report is a public record for purposes of IC 5-14-3 and shall be
28 made available to the public upon request. The transfer of the
29 functions, duties, and responsibilities of each constable to the
30 executive is effective January 1, 2014. On January 1, 2014, all:**

- 31 (1) assets;
32 (2) debts;
33 (3) property rights;
34 (4) equipment;
35 (5) records; and
36 (6) contracts;

37 **connected with the operations of each constable are transferred to
38 the executive.**

39 **(c) On January 1, 2014, the department of public safety of the
40 consolidated city established in IC 36-3-5-4(a)(3) shall provide to
41 each small claims court adequate personnel to:**

- 42 (1) act as bailiffs of the court;

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1 (2) serve the court's personal service of process;
 2 (3) carry out the orders of the court; and
 3 (4) prepare and mail all registered or certified service.
 4 (d) As part of the annual budget process of the county having a
 5 consolidated city, the legislative body of the county shall establish
 6 an appropriate salary for each county employee responsible for
 7 constable duties, including the constable, for 2014 and thereafter.
 8 SECTION 134. IC 33-34-7-3 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The judge of the
 10 circuit court, with the assistance of the clerk of the circuit court, the
 11 judges of the small claims courts, and the state board of accounts, shall,
 12 at the expense of the townships or (after December 31, 2013, if the
 13 county approves a public question under IC 36-6-1.1) at the
 14 expense of the county:
 15 (1) provide the forms, blanks, court calendar books, judgment
 16 dockets, and fee books; and
 17 (2) make rules and instructions to direct the judges in keeping
 18 records and making reports.
 19 The clerk of the circuit court shall keep full and permanent records and
 20 reports of each judge's past and current proceedings, indexed and
 21 available for reference as a public record.
 22 SECTION 135. IC 33-34-8-1, AS AMENDED BY P.L.176-2005,
 23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2011]: Sec. 1. (a) The following fees and costs apply to cases
 25 in the small claims court:
 26 (1) A township docket fee of five dollars (\$5) plus forty-five
 27 percent (45%) of the infraction or ordinance violation costs fee
 28 under IC 33-37-4-2.
 29 (2) The bailiff's service of process by registered or certified mail
 30 fee of thirteen dollars (\$13) for each service. **This subdivision**
 31 **does not apply after December 31, 2013, if the county**
 32 **approves a local public question under IC 36-6-1.1.**
 33 (3) **After December 31, 2013, if the county approves a local**
 34 **public question under IC 36-6-1.1, a fee for service of process**
 35 **by registered or certified mail of thirteen dollars (\$13) for**
 36 **each service.**
 37 (4) The cost for the personal service of process by the bailiff
 38 or other process server of thirteen dollars (\$13) for each service.
 39 **This subdivision does not apply after December 31, 2013, if**
 40 **the county approves a local public question under IC 36-6-1.1.**
 41 (5) **After December 31, 2013, if the county approves a local**
 42 **public question under IC 36-6-1.1, the cost for the personal**

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1 **service of process by the process server of thirteen dollars**
 2 **(\$13) for each service.**

3 ~~(4)~~ **(6)** Witness fees, if any, in the amount provided by
 4 IC 33-37-10-3 to be taxed and charged in the circuit court.

5 ~~(5)~~ **(7)** A redocketing fee, if any, of five dollars (\$5).

6 ~~(6)~~ **(8)** A document storage fee under IC 33-37-5-20.

7 ~~(7)~~ **(9)** An automated record keeping fee under IC 33-37-5-21.

8 ~~(8)~~ **(10)** A late fee, if any, under IC 33-37-5-22.

9 ~~(9)~~ **(11)** A public defense administration fee under
 10 IC 33-37-5-21.2.

11 ~~(10)~~ **(12)** A judicial insurance adjustment fee under
 12 IC 33-37-5-25.

13 ~~(11)~~ **(13)** A judicial salaries fee under IC 33-37-5-26.

14 ~~(12)~~ **(14)** A court administration fee under IC 33-37-5-27.

15 The docket fee and the cost for the initial service of process shall be
 16 paid at the institution of a case. The cost of service after the initial
 17 service shall be assessed and paid after service has been made. The
 18 cost of witness fees shall be paid before the witnesses are called.

19 (b) If the amount of the township docket fee computed under
 20 subsection (a)(1) is not equal to a whole number, the amount shall be
 21 rounded to the next highest whole number.

22 SECTION 136. IC 33-34-8-3, AS AMENDED BY
 23 P.L.182-2009(ss), SECTION 391, IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) Payment for all
 25 costs made as a result of proceedings in a small claims court shall be
 26 to the _____ Township of Marion County Small Claims Court (with
 27 the name of the township inserted). The court shall issue a receipt for
 28 all money received on a form numbered serially in duplicate. All
 29 township docket fees and late fees received by the court shall be paid
 30 to the township trustee **or (after December 31, 2013) the clerk of the**
 31 **circuit court, if the county approves a local public question under**
 32 **IC 36-6-1.1**, at the close of each month.

33 (b) The court shall:

34 (1) semiannually distribute to the auditor of state:

35 (A) all automated record keeping fees (IC 33-37-5-21)
 36 received by the court for deposit in the homeowner protection
 37 unit account established by IC 4-6-12-9 and the state user fee
 38 fund established under IC 33-37-9;

39 (B) all public defense administration fees collected by the
 40 court under IC 33-37-5-21.2 for deposit in the state general
 41 fund;

42 (C) sixty percent (60%) of all court administration fees

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- 1 collected by the court under IC 33-37-5-27 for deposit in the
 2 state general fund;
- 3 (D) all judicial insurance adjustment fees collected by the
 4 court under IC 33-37-5-25 for deposit in the judicial branch
 5 insurance adjustment account established by IC 33-38-5-8.2;
 6 and
- 7 (E) seventy-five percent (75%) of all judicial salaries fees
 8 collected by the court under IC 33-37-5-26 for deposit in the
 9 state general fund; and
- 10 (2) distribute monthly to the county auditor all document storage
 11 fees received by the court.
- 12 **(c)** The remaining twenty-five percent (25%) of the judicial salaries
 13 fees described in ~~subdivision (1)(E)~~ **subsection (b)(1)(E)** shall be
 14 deposited monthly in the **following**:
- 15 **(1)** The township general fund of the township in which the court
 16 is located. The county auditor shall deposit fees distributed under
 17 ~~subdivision (2)~~ **subsection (b)(2)** into the clerk's record
 18 perpetuation fund under IC 33-37-5-2. **This subdivision does not**
 19 **apply after December 31, 2013, if the county approves a local**
 20 **public question under IC 36-6-1.1.**
- 21 **(2)** After December 31, 2013, if the county approves a local
 22 public question under IC 36-6-1.1, the county general fund.
 23 Deposits made under this subdivision shall be credited to the
 24 township small claims courts account described in section 5 of
 25 this chapter.
- 26 ~~(c)~~ **(d)** The court semiannually shall **do the following**:
- 27 **(1)** pay to the township trustee of the township in which the court
 28 is located the remaining forty percent (40%) of the court
 29 administration fees described under subsection (b)(1)(C) to fund
 30 the operations of the small claims court in the trustee's township.
 31 **This subdivision does not apply after December 31, 2013, if**
 32 **the county approves a local public question under IC 36-6-1.1.**
- 33 **(2)** After December 31, 2013, if the county approves a local
 34 public question under IC 36-6-1.1, pay to the clerk of the
 35 circuit court the remaining forty percent (40%) of the court
 36 administration fees described under subsection (b)(1)(C) to
 37 fund the operations of the small claims court. The court
 38 administration fees shall be deposited in the county general
 39 fund and credited to the township small claims courts account
 40 described in section 5 of this chapter.
- 41 SECTION 137. IC 33-34-8-5 IS ADDED TO THE INDIANA
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2011]: **Sec. 5. (a) This section applies after**
2 **December 31, 2013, if the county approves a local public question**
3 **under IC 36-6-1.1.**

4 **(b) Fees and costs paid and collected under sections 1 and 3 of**
5 **this chapter shall be deposited in the county general fund and**
6 **credited to a separate account identified as the township small**
7 **claims courts account.**

8 **(c) The executive of the consolidated city may expend funds**
9 **credited to the township small claims courts account, without**
10 **appropriation, only for the purpose of administering this article.**

11 SECTION 138. IC 34-30-2-58, AS AMENDED BY P.L.2-2008,
12 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2011]: Sec. 58. IC 15-16-8-4 (Concerning township trustees,
14 **county officers or employees**, or persons hired by them for the
15 removal of detrimental plants upon another person's real property).

16 SECTION 139. IC 36-1-2-5 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. "Executive" means
18 **the:**

- 19 (1) board of commissioners, for a county ~~not having that:~~
- 20 **(A) does not have a consolidated city; and**
- 21 **(B) is not subject to IC 36-2-2.5;**
- 22 **(2) chief executive officer elected under IC 36-2-2.5, for a**
- 23 **county that:**
- 24 **(A) does not have a consolidated city; and**
- 25 **(B) is subject to IC 36-2-2.5;**
- 26 ~~(2)~~ **(3) mayor of the consolidated city, for a county having a**
- 27 **consolidated city;**
- 28 ~~(3)~~ **(4) mayor, for a city;**
- 29 ~~(4)~~ **(5) president of the town council, for a town;**
- 30 ~~(5)~~ **(6) trustee, for a township;**
- 31 ~~(6)~~ **(7) superintendent, for a school corporation; or**
- 32 ~~(7)~~ **(8) chief executive officer, for any other political subdivision.**

33 SECTION 140. IC 36-1-2-6, AS AMENDED BY P.L.186-2006,
34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2011]: Sec. 6. "Fiscal body" means:

- 36 (1) county council, for a county not having a consolidated city;
- 37 (2) city-county council, for a consolidated city or county having
- 38 a consolidated city;
- 39 (3) common council, for a city other than a consolidated city;
- 40 (4) town council, for a town;
- 41 (5) ~~township board~~, for a township:
- 42 **(A) the township board, before January 1, 2013; and**

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- 1 **(B) the county fiscal body, after December 31, 2012;**
- 2 (6) governing body or budget approval body, for any other
- 3 political subdivision that has a governing body or budget approval
- 4 body; or
- 5 (7) chief executive officer of any other political subdivision that
- 6 does not have a governing body or budget approval body.

7 SECTION 141. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,
 8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2011]: Sec. 9. "Legislative body" means: ~~the:~~

- 10 (1) ~~the~~ board of county commissioners, for a county not subject
- 11 to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1;
- 12 (2) ~~the~~ county council, for a county subject to **IC 36-2-2.5** or
- 13 IC 36-2-3.5;
- 14 (3) ~~the~~ city-county council, for a consolidated city or county
- 15 having a consolidated city;
- 16 (4) ~~the~~ common council, for a city other than a consolidated city;
- 17 (5) ~~the~~ town council, for a town;
- 18 (6) ~~township board;~~ for a township:

- 19 **(A) the township board, before January 1, 2013; and**
- 20 **(B) the county fiscal body, after December 31, 2012;**
- 21 (7) ~~the~~ governing body of any other political subdivision that has
- 22 a governing body; or
- 23 (8) ~~the~~ chief executive officer of any other political subdivision
- 24 that does not have a governing body.

25 SECTION 142. IC 36-1-3-6 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) If there is a
 27 constitutional or statutory provision requiring a specific manner for
 28 exercising a power, a unit wanting to exercise the power must do so in
 29 that manner.

30 (b) If there is no constitutional or statutory provision requiring a
 31 specific manner for exercising a power, a unit wanting to exercise the
 32 power must either:

- 33 (1) if the unit is a county or municipality, adopt an ordinance
- 34 prescribing a specific manner for exercising the power;
- 35 (2) if the unit is a township, adopt a resolution prescribing a
- 36 specific manner for exercising the power; or
- 37 (3) comply with a statutory provision permitting a specific manner
- 38 for exercising the power.

39 (c) An ordinance under subsection (b)(1) must be adopted as
 40 follows:

- 41 (1) In a municipality, by the legislative body of the municipality.
- 42 (2) In a county subject to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1,

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1 by the legislative body of the county.

2 (3) In any other county, by the executive of the county.

3 (d) A resolution under subsection (b)(2) must be adopted by the
4 legislative body of the township.

5 SECTION 143. IC 36-1-6.5 IS ADDED TO THE INDIANA CODE
6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2011]:

8 **Chapter 6.5. Employment of Relatives; Contracting With**
9 **Relatives**

10 **Sec. 1. This chapter applies to all political subdivisions.**

11 **Sec. 2. As used in this chapter, "employee" means an individual**
12 **who is employed by a political subdivision on a full-time, a**
13 **part-time, a temporary, an intermittent, or an hourly basis.**

14 **Sec. 3. (a) As used in this chapter, "relative" means any of the**
15 **following:**

- 16 (1) A husband.
- 17 (2) A wife.
- 18 (3) A father, grandfather, or stepfather.
- 19 (4) A mother, grandmother, or stepmother.
- 20 (5) A son, grandson, stepson, or son-in-law.
- 21 (6) A daughter, granddaughter, stepdaughter, or
- 22 daughter-in-law.
- 23 (7) A brother or stepbrother.
- 24 (8) A sister or stepsister.
- 25 (9) An aunt.
- 26 (10) An uncle.
- 27 (11) A niece.
- 28 (12) A nephew.
- 29 (13) A first cousin.

30 **(b) A relative by adoption, half-blood, marriage, or remarriage**
31 **is considered a relative of whole kinship for purposes of this**
32 **chapter.**

33 **Sec. 4. (a) An individual who is a relative of an officer of a**
34 **political subdivision may not be an employee of the political**
35 **subdivision.**

36 **(b) An individual who is a relative of an employee of a political**
37 **subdivision may not be employed by the political subdivision in a**
38 **position in which the individual would have a direct supervisory or**
39 **subordinate relationship with the employee who is the individual's**
40 **relative.**

41 **Sec. 5. (a) A political subdivision may not enter into a contract**
42 **or renew a contract with:**

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- 1 **(1) an individual to provide goods or services to the political**
- 2 **subdivision, if the individual is a relative of an officer of**
- 3 **member of the fiscal or legislative body of the political**
- 4 **subdivision; or**
- 5 **(2) a business entity to provide goods or services, if a relative**
- 6 **of an officer or member of the fiscal or legislative body of the**
- 7 **political subdivision has an ownership interest in the business**
- 8 **entity.**

9 **(b) This section does not prohibit a political subdivision from**
 10 **entering into a contract or renewing a contract if an employee of:**

- 11 **(1) an individual contractor under subsection (a)(1); or**
- 12 **(2) a business entity under subsection (a)(2);**
- 13 **is a relative of an officer of the political subdivision.**

14 **(c) This section does not affect the initial term of a contract in**
 15 **existence at the time an officer of the political subdivision's term of**
 16 **office begins.**

17 **Sec. 6. This chapter does not require the termination or**
 18 **reassignment of any employee of a political subdivision from any**
 19 **position held by that individual before July 1, 2011. This section**
 20 **expires January 1, 2012.**

21 **Sec. 7. The annual report filed by a political subdivision with the**
 22 **state board of accounts under IC 5-11-13-1 must include a**
 23 **statement by the executive officer of the political subdivision that**
 24 **the political subdivision is in compliance with this chapter. The**
 25 **executive officer's statement must be certified under penalties for**
 26 **perjury.**

27 **Sec. 8. If the state board of accounts finds that a political**
 28 **subdivision is not in compliance with this chapter, the state board**
 29 **of accounts shall forward the information to:**

- 30 **(1) the prosecuting attorney of each county where the political**
- 31 **subdivision is located; and**
- 32 **(2) the department of local government finance.**

33 **Sec. 9. If a political subdivision fails to comply with this chapter:**

- 34 **(1) the executive officer of the political subdivision may be**
- 35 **subject to prosecution for perjury under IC 35-44-2-1; and**
- 36 **(2) the department of local government finance may not**
- 37 **approve:**

- 38 **(A) the political subdivision's budget; or**
- 39 **(B) any additional appropriations for the political**
- 40 **subdivision;**
- 41 **for the ensuing calendar year until the state board of accounts**
- 42 **certifies to the department of local government finance that**

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1 **the political subdivision is in compliance with this chapter.**
2 SECTION 144. IC 36-1-6.6 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]:

5 **Chapter 6.6. Conflict of Interest**

6 **Sec. 1. This chapter applies to all units.**

7 **Sec. 2. As used in this chapter, "member" means an appointed**
8 **or elected member of a body of a unit.**

9 **Sec. 3. As used in this chapter, "governmental body" means a**
10 **board, commission, committee, council, or any other body with the**
11 **responsibility of administering the affairs of a unit.**

12 **Sec. 4. A member may not participate in any decision or vote of**
13 **the governmental body if the member:**

- 14 **(1) has a pecuniary interest in; or**
- 15 **(2) derives a profit from;**

16 **a contract, purchase, sale, employment, or other matter connected**
17 **with the unit.**

18 **Sec. 5. A member is prohibited under this chapter from**
19 **participating in any decision involving the merger, consolidation,**
20 **or reorganization of the unit's functions or services, if the member**
21 **is also an employee of a unit involved in the merger.**

22 **Sec. 6. A member shall:**

- 23 **(1) disclose any pecuniary interest or profit in writing to the**
24 **governmental body that the member serves on; and**
- 25 **(2) provide a copy of the disclosure to the state board of**
26 **accounts.**

27 **The member shall abstain from participating in any decision or**
28 **voting on any matter that affects the interest or profit.**

29 **Sec. 7. (a) This section applies if a governmental body has the**
30 **responsibility to fix the salaries, wages, or remuneration of the**
31 **members for serving on the governmental body.**

32 **(b) This chapter does not prohibit a member from participating**
33 **in a decision or vote of the governmental body regarding a matter**
34 **in subsection (a).**

35 SECTION 145. IC 36-1-8-17 IS ADDED TO THE INDIANA
36 CODE AS A NEW SECTION TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2011]: **Sec. 17. (a) Each office of a political**
38 **subdivision must include the address, phone number, and regular**
39 **office hours (if any) of the office in at least one (1) local telephone**
40 **directory.**

41 **(b) A public meeting or a public hearing of an official or**
42 **governing body of a political subdivision must be held in a public**

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1 **place and not in a private residence.**

2 SECTION 146. IC 36-1-11-5.7, AS AMENDED BY P.L.128-2008,
3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]: Sec. 5.7. (a) As used in this section, "fire department"
5 refers to any of the following:

6 (1) A volunteer fire department (as defined in IC 36-8-12-2).

7 (2) The board of fire trustees of a fire protection district
8 established under IC 36-8-11.

9 **(3) After December 31, 2013, a fire trustee of a fire protection**
10 **district established under IC 36-8-11.**

11 ~~(4)~~ **(4)** The provider unit of a fire protection territory established
12 under IC 36-8-19.

13 (b) Notwithstanding IC 5-22-22 and sections 4, 4.1, 4.2, and 5 of
14 this chapter, a disposing agent of a political subdivision may sell or
15 transfer:

16 (1) real property; or

17 (2) tangible or intangible personal property, licenses, or any
18 interest in the tangible or intangible personal property or licenses;
19 without consideration or for a nominal consideration to a fire
20 department for construction of a fire station or other purposes related
21 to firefighting.

22 SECTION 147. IC 36-1.5-1-10 IS ADDED TO THE INDIANA
23 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2011]: **Sec. 10. (a) This section applies if:**

25 **(1) a township reorganizes under this article with one (1) or**
26 **more townships; and**

27 **(2) the new political subdivision that results from the**
28 **reorganization is not a city or town.**

29 **(b) After December 31, 2012, the fiscal body of the resulting new**
30 **political subdivision is the county fiscal body, which shall fix the**
31 **budget, tax rate, and tax levy of the new political subdivision under**
32 **IC 6-1.1-17-5.**

33 SECTION 148. IC 36-2-2-1 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. **Except as**
35 **specifically provided, this chapter applies to all counties not does not**
36 **apply to the following:**

37 **(1) A county** having a consolidated city.

38 **(2) A county in which a county chief executive officer has been**
39 **elected and is serving under IC 36-2-2.5.**

40 SECTION 149. IC 36-2-2-4, AS AMENDED BY P.L.230-2005,
41 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2011]: Sec. 4. (a) This subsection does not apply to a county

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- 1 having a population of:
 2 (1) more than four hundred thousand (400,000) but less than
 3 seven hundred thousand (700,000); or
 4 (2) more than two hundred thousand (200,000) but less than three
 5 hundred thousand (300,000).

6 The executive shall divide the county into three (3) districts that are
 7 composed of contiguous territory and are reasonably compact. The
 8 district boundaries drawn by the executive must not cross precinct
 9 boundary lines and must divide townships only when a division is
 10 clearly necessary to accomplish redistricting under this section. If
 11 necessary, the county auditor shall call a special meeting of the
 12 executive to establish or revise districts.

13 (b) This subsection applies to a county having a population of more
 14 than four hundred thousand (400,000) but less than seven hundred
 15 thousand (700,000). A county redistricting commission shall divide the
 16 county into three (3) single-member districts that comply with
 17 subsection (d). The commission is composed of:

- 18 (1) the members of the Indiana election commission;
 19 (2) two (2) members of the senate selected by the president pro
 20 tempore, one (1) from each political party; and
 21 (3) two (2) members of the house of representatives selected by
 22 the speaker, one (1) from each political party.

23 The legislative members of the commission have no vote and may act
 24 only in an advisory capacity. A majority vote of the voting members is
 25 required for the commission to take action. The commission may meet
 26 as frequently as necessary to perform its duty under this subsection.
 27 The commission's members serve without additional compensation
 28 above that provided for them as members of the Indiana election
 29 commission, the senate, or the house of representatives. **If a county to
 30 which this subsection applies adopts a county government
 31 structure in which a chief executive officer is elected under
 32 IC 36-2-2.5, the county redistricting commission under this
 33 subsection is not abolished and continues in existence for purposes
 34 of dividing, as necessary, the county into county council districts.**

35 (c) This subsection applies to a county having a population of more
 36 than two hundred thousand (200,000) but less than three hundred
 37 thousand (300,000). The executive shall divide the county into three
 38 (3) single-member districts that comply with subsection (d).

39 (d) Single-member districts established under subsection (b) or (c)
 40 must:

- 41 (1) be compact, subject only to natural boundary lines (such as
 42 railroads, major highways, rivers, creeks, parks, and major

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- 1 industrial complexes);
- 2 (2) contain, as nearly as is possible, equal population; and
- 3 (3) not cross precinct lines.
- 4 (e) A division under subsection (a), (b), or (c) shall be made:
- 5 (1) during the first year after a year in which a federal decennial
- 6 census is conducted; and
- 7 (2) when the county adopts an order declaring a county boundary
- 8 to be changed under IC 36-2-1-2.
- 9 (f) A division under subsection (a), (b), or (c) may be made in any
- 10 odd-numbered year not described in subsection (e).

11 SECTION 150. IC 36-2-2-19 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19. **(a)** At its second
 13 regular meeting each year, the executive shall make an accurate
 14 statement of the county's receipts and expenditures during the
 15 preceding calendar year. The statement must include the name of and
 16 total compensation paid to each county officer, deputy, and employee.
 17 **The statement must separately list each expenditure that is made**
 18 **to reimburse the county executive for the executive's use of**
 19 **tangible property (as defined in IC 6-1.1-1-19) for public business,**
 20 **including any reimbursements made for the executive's use of a**
 21 **private residence, a personal telephone, or a personal vehicle for**
 22 **public business. As used in this section, "private residence" means**
 23 **a place that is not a public place.**

24 **(b)** The executive shall post this statement at the courthouse door
 25 and two (2) other places in the county and shall publish it in the
 26 manner prescribed by IC 5-3-1.

27 SECTION 151. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE
 28 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 29 UPON PASSAGE]:

30 **Chapter 2.4. Determination of County Government Structure**
 31 **Sec. 1. This chapter does not apply to a county having a**
 32 **consolidated city.**

33 **Sec. 2. (a) Subject to subsection (b), the county executive may**
 34 **adopt an ordinance providing that the voters of the county shall**
 35 **elect:**

- 36 (1) a single county commissioner under IC 36-2-2.5 who has
- 37 the executive powers and duties of the county; and
- 38 (2) a county council that has the legislative and fiscal powers
- 39 and duties of the county.
- 40 **(b) An ordinance may be adopted under this chapter only:**
- 41 (1) during an odd-numbered year; or
- 42 (2) before July 1 of an even-numbered year.

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1 (c) If the vote on the adoption of the ordinance is unanimous, the
2 executive and legislative structure and functions of the county are
3 reorganized under IC 36-2-2.5.

4 (d) If the ordinance is adopted, but the vote on the ordinance is
5 not unanimous, a public question shall be held in the county on
6 whether or not the executive and legislative structure and functions
7 of the county should be reorganized under IC 36-2-2.5.

8 (e) If an ordinance described in subsection (d) is adopted, the
9 county auditor shall certify the adoption of the ordinance to the
10 county election board as provided in IC 3-10-9.

11 Sec. 3. If an ordinance is certified under section 2(e) of this
12 chapter, the county election board shall place the following public
13 question on the ballot at the next general election held in the
14 county:

15 "Shall the county government of _____ (insert the
16 name of the county) County be reorganized to place all
17 executive powers in a single elected county commissioner and
18 to place all legislative and fiscal powers in the county
19 council?".

20 Sec. 4. IC 3, except where inconsistent with this chapter, applies
21 to a public question placed on the ballot under this chapter.

22 Sec. 5. If a majority of the voters of a county who vote on a
23 public question vote in favor of the public question, the following
24 apply:

- 25 (1) IC 36-2-2.5 applies to the county instead of IC 36-2-2.
- 26 (2) The county executive consists of one (1) commissioner.
- 27 (3) The county may not subsequently be governed under
- 28 IC 36-2-2.
- 29 (4) The county commissioner described in subdivision (2)
- 30 shall:

31 (A) be elected at the second general election held after the
32 year the public question is approved; and

33 (B) take office January 1 after the individual's election.

34 (5) The term of office of each member of the county executive
35 elected under IC 36-2-2 is as follows:

36 (A) The term of a member elected at the general election
37 held in the year the public question is approved:

- 38 (i) is four (4) years; and
- 39 (ii) expires at the end of the day on December 31 after
- 40 the election described in subdivision (4).

41 (B) The term of a member elected at the first general
42 election held after the year the public question is

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approved:

(i) is two (2) years; and

(ii) expires at the end of the day on December 31 after the election described in subdivision (4).

(6) IC 36-2-3.7 applies to the county.

SECTION 152. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 2.5. County Commissioner as the Chief Executive Officer

Sec. 1. Except as specifically provided by law, this chapter applies to each county:

(1) that does not have a consolidated city; and

(2) in which:

(A) an ordinance has been adopted unanimously by the county executive as described in IC 36-2-2.4-2(c) to reorganize all executive powers in a single elected county commissioner and to place all legislative and fiscal powers in the county council; or

(B) an ordinance has been adopted by the county executive as described in IC 36-2-2.4-2(d) to reorganize all executive powers in a single elected county commissioner and to place all legislative and fiscal powers in the county council, and a public question to reorganize all executive powers in a single elected county commissioner and to place all legislative and fiscal powers in the county council has been approved by the voters of the county under IC 36-2-2.4.

Sec. 2. As used in this chapter, "chief executive officer" means the single county commissioner who is elected as the county chief executive officer under IC 3-10-2-13.

Sec. 3. In a county to which this chapter applies:

(1) the voters of the county:

(A) shall elect one (1) chief executive officer in the second general election after:

(i) the ordinance described in IC 36-2-2.4-2(c) is adopted; or

(ii) the public question has been approved by the voters of the county under IC 36-2-2.4;

and every four (4) years thereafter; and

(B) beginning with the second general election after:

(i) the ordinance described in IC 36-2-2.4-2(c) is adopted; or

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1 (ii) the public question has been approved by the voters
 2 of the county under IC 36-2-2.4;
 3 shall not elect a board of county commissioners;
 4 (2) the board of county commissioners for the county is
 5 abolished January 1 of the year following the year in which
 6 the first county chief executive officer is elected; and
 7 (3) notwithstanding IC 36-2-2-3, the term of each county
 8 commissioner serving on December 31 of the year in which
 9 the first county chief executive officer is elected expires
 10 January 1 of the year following the year in which the first
 11 county chief executive officer is elected.

12 Sec. 4. (a) The term of office of a chief executive officer is four
 13 (4) years, beginning January 1 after election and continuing until
 14 a successor is elected and qualified.

15 (b) To be eligible for election as the chief executive officer, an
 16 individual must meet the qualifications prescribed by IC 3-8-1-21.
 17 If an individual does not remain a resident of the county after
 18 taking office as the chief executive officer, the individual forfeits
 19 the office. The county legislative body shall declare the office
 20 vacant whenever the chief executive officer forfeits office under
 21 this subsection.

22 Sec. 5. (a) On January 1 following the year in which the first
 23 county chief executive officer is elected, all of the property, assets,
 24 funds, equipment, records, rights, contracts, obligations, and
 25 liabilities of the board of county commissioners of a county are
 26 transferred to or assumed by the chief executive officer.

27 (b) The abolishment of the board of county commissioners of a
 28 county on January 1 following the year in which the first county
 29 chief executive officer is elected does not invalidate:

- 30 (1) any ordinances, resolutions, fees, schedules, or other
- 31 actions adopted or taken by the board of county
- 32 commissioners before the board is abolished; or
- 33 (2) any appointments made by the board of county
- 34 commissioners before the board is abolished.

35 Sec. 6. (a) All powers and duties of the county that are executive
 36 or administrative in nature (including any power of appointment
 37 related to executive or administrative functions) shall be exercised
 38 or performed by the chief executive officer, except to the extent
 39 that these powers and duties are expressly assigned by law to
 40 another elected or appointed officer. The chief executive officer
 41 shall transact the business of the county in the name of "The Chief
 42 Executive Officer of the County of _____".

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1 (b) For purposes of a county subject to this chapter, after
2 December 31 of the year in which the first county chief executive
3 officer is elected, any reference:

- 4 (1) in the Indiana Code;
- 5 (2) in the Indiana Administrative Code;
- 6 (3) in an ordinance or resolution; or
- 7 (4) in any deed, lease, contract, or other official document or
8 instrument;

9 to the board of commissioners pertaining to the executive powers
10 of a county is considered a reference to the chief executive officer
11 of the county.

12 (c) For purposes of a county subject to this chapter, after
13 December 31 of the year in which the first county chief executive
14 officer is elected, any reference:

- 15 (1) in the Indiana Code;
- 16 (2) in the Indiana Administrative Code;
- 17 (3) in an ordinance or resolution; or
- 18 (4) in any deed, lease, contract, or other official document or
19 instrument;

20 related to the executive powers and duties of the board of county
21 commissioners is considered a reference to the powers and duties
22 of the chief executive officer of the county.

23 (d) For purposes of a county subject to this chapter, after
24 December 31 of the year in which the first county chief executive
25 officer is elected, the county council has the legislative and fiscal
26 powers and duties of the county as provided in IC 36-2-3.7.

27 **Sec. 7. The chief executive officer shall do the following:**

- 28 (1) Report on the condition of the county before March 1 of
29 each year to the county legislative body and to the residents of
30 the county.
- 31 (2) Recommend before March 1 of each year to the county
32 legislative body any action or program the chief executive
33 officer considers necessary for the improvement of the county
34 and the welfare of county residents.
- 35 (3) Submit to the county legislative body an annual budget in
36 accordance with IC 36-2-5.
- 37 (4) Establish the procedures to be followed by all county
38 departments, offices, and agencies under the chief executive
39 officer's jurisdiction to the extent these procedures are not
40 expressly assigned by law to another elected or appointed
41 officer.
- 42 (5) Administer all statutes, ordinances, and regulations

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applicable to the county, to the extent the administration of these matters is not expressly assigned by law to another elected or appointed officer.

(6) Supervise the care and custody of all county property.

(7) Supervise the collection of revenues and control all disbursements and expenditures, and prepare a complete account of all expenditures, to the extent these matters are not expressly assigned by law to another elected or appointed officer.

(8) Review, analyze, and forecast trends for county services and finances and programs of all county governmental entities, and report and recommend on these to the county legislative body by March 15 of each year.

(9) Negotiate contracts for the county.

(10) Make recommendations concerning the nature and location of county improvements, and provide for the execution of those improvements.

(11) Supervise county administrative offices, except for the offices of elected officers.

(12) Do the following in January of each year:

(A) Make a settlement with the county treasurer for the preceding calendar year and include a copy of the settlement sheet in the order book of the chief executive officer.

(B) Make an accurate statement of the county's receipts and expenditures during the preceding calendar year. The statement must include the name of and total compensation paid to each county officer, deputy, and employee. The statement must separately list each expenditure that is made to reimburse the chief executive officer for the chief executive officer's use of tangible property (as defined in IC 6-1.1-1-19) for public business, including any reimbursements made for the chief executive officer's use of a private residence, a personal telephone, or a personal vehicle for public business. As used in this section, "private residence" means a place that is not a public place. The chief executive officer shall post this statement at the courthouse door and two (2) other places in the county and shall publish it in the manner prescribed by IC 5-3-1.

(13) Perform other duties and functions that are assigned to the chief executive officer by statute or ordinance.

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Sec. 8. The chief executive officer may do any of the following:

(1) Order any department, office, or agency under the chief executive officer's jurisdiction to undertake any task for another department, office, or agency under the chief executive officer's jurisdiction on a temporary basis, if necessary for the proper and efficient administration of county government.

(2) Establish and administer centralized budgeting, centralized personnel selection, and centralized purchasing.

(3) Audit the accounts of officers who deal with money belonging to or appropriated for the benefit of the county.

(4) Approve accounts chargeable against the county and direct the raising of money necessary for county expenses.

(5) Make orders concerning county property, including orders for:

(A) the sale of the county's public buildings and the acquisition of land in the county seat on which to build new public buildings; and

(B) the acquisition of land for a public square and the maintenance of that square.

However, a conveyance or purchase by a county of land having a value of one thousand dollars (\$1,000) or more must be authorized by an ordinance of the county legislative body fixing the terms and conditions of the transaction.

Sec. 9. (a) The chief executive officer shall establish and maintain a county courthouse, county jail, and public offices for the county clerk, the county auditor, the county recorder, the county treasurer, the county sheriff, and the county surveyor.

(b) Offices for the surveyor must be in the courthouse or at the county seat.

(c) Offices for the sheriff may be located:

(1) in the courthouse;

(2) inside the corporate limits of the county seat; or

(3) outside the corporate limits of the county seat but within the limits of the county.

Sec. 10. (a) The chief executive officer may grant licenses, permits, or franchises for the use of county property if the licenses, permits, or franchises:

(1) are not exclusive;

(2) are of a definite duration; and

(3) are assignable only with the consent of the chief executive officer.

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1 (b) If a public utility or municipally owned or operated utility
 2 that carries on business outside the corporate boundaries of
 3 municipalities in the county is engaged in an activity substantially
 4 similar to that for which a license, permit, or franchise for the use
 5 of county property is sought, the chief executive officer may grant
 6 the license, permit, or franchise only with the consent of the utility
 7 regulatory commission. The commission may give its consent only
 8 if it determines, after a public hearing of all interested parties, that
 9 public necessity and convenience require the substantially similar
 10 activity.

11 (c) The provisions of this section that concern securing the
 12 consent of the utility regulatory commission do not apply to
 13 municipally owned or operated utilities.

14 Sec. 11. Notwithstanding any other law, if a statute requires a
 15 county executive to take an executive action by ordinance or
 16 resolution, a chief executive officer shall instead take the action by
 17 issuing an executive order.

18 Sec. 12. (a) If the chief executive officer is disqualified from
 19 acting in a quasi-judicial proceeding, the chief executive officer
 20 shall cease to act in that proceeding. Not later than ten (10) days
 21 after the finding that the chief executive officer is disqualified to
 22 act in a proceeding, the county auditor shall send a certified copy
 23 of the record of the proceeding to the judge of the circuit court for
 24 the county. If the judge affirms the disqualification of the chief
 25 executive officer, the judge shall appoint a disinterested and
 26 competent person to serve as a special executive in the proceeding.

27 (b) A person who consents to serve as a special executive must
 28 have the same qualifications as an elected chief executive officer.
 29 The person's appointment and oath shall be filed with the county
 30 auditor and entered on the records of the chief executive officer. A
 31 person appointed as a special executive may conduct the
 32 proceeding until a final determination is reached.

33 Sec. 13. The chief executive officer shall keep the chief executive
 34 officer's office open on each business day.

35 Sec. 14. Appointments made by the chief executive officer shall
 36 be certified by the county auditor, under the seal of the chief
 37 executive officer.

38 Sec. 15. (a) The chief executive officer may employ a person:

- 39 (1) to perform a duty required of a county officer by statute;
 40 or
 41 (2) on a commission or percentage basis;

42 only if the employment is expressly authorized by statute or is

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1 found by the chief executive officer to be necessary to the public
2 interest.

3 (b) If a person's employment under subsection (a) is not
4 expressly authorized by statute, the contract for the person's
5 employment must be filed with the circuit court for the county, and
6 the person must file the person's claims for compensation with that
7 court. Any taxpayer may contest a claim under this section.

8 (c) A chief executive officer who recklessly violates this section
9 commits a Class C misdemeanor and forfeits the person's office.

10 Sec. 16. The chief executive officer shall appear before the
11 legislative body of the county at least once each month and at other
12 times as needed to conduct all necessary county business.

13 Sec. 17. (a) A party to a proceeding before the chief executive
14 officer who is aggrieved by a decision of the chief executive officer
15 may appeal that decision to the circuit court for the county.

16 (b) A person who is not a party to a proceeding before the chief
17 executive officer may appeal a decision of the chief executive
18 officer only if the person files with the county auditor an affidavit:

19 (1) specifically setting forth the person's interest in the matter
20 decided; and

21 (2) alleging that the person is aggrieved by the decision of the
22 chief executive officer.

23 (c) An appeal under this section must be taken not later than
24 thirty (30) days after the chief executive officer makes the decision
25 by which the appellant is aggrieved.

26 (d) An appellant under this section must file with the county
27 auditor a bond conditioned on due prosecution of the appeal. The
28 bond is subject to approval by the county auditor and must be in
29 an amount sufficient to provide security for court costs.

30 (e) Not later than twenty (20) days after the county auditor
31 receives the appeal bond, the county auditor shall prepare a
32 complete transcript of the proceedings of the chief executive officer
33 related to the decision appealed from and shall deliver the
34 transcript, all documents filed during the proceedings, and the
35 appeal bond to the clerk of the circuit court.

36 Sec. 18. (a) An appeal under section 17 of this chapter shall be
37 docketed among the other causes pending in the circuit court and
38 shall be tried as an original cause.

39 (b) A court may decide an appeal under section 17 of this
40 chapter by:

41 (1) affirming the decision of the chief executive officer; or

42 (2) remanding the cause to the chief executive officer with

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1 **directions as to how to proceed;**
2 **and may require the chief executive officer to comply with this**
3 **decision.**

4 **Sec. 19. (a) The county auditor or the chief executive officer may**
5 **administer any oaths required by this chapter.**

6 **(b) The county sheriff or a county police officer shall attend the**
7 **meetings of the chief executive officer, if requested by the chief**
8 **executive officer, and shall execute the chief executive officer's**
9 **orders.**

10 **Sec. 20. (a) Appointments made by the chief executive officer**
11 **shall be certified by the county auditor, under the seal of the chief**
12 **executive officer.**

13 **(b) If a copy of the chief executive officer's proceedings has been**
14 **signed and sealed by the county auditor and introduced into**
15 **evidence in court, that copy is presumed to be an accurate record**
16 **of the chief executive officer's proceedings.**

17 **Sec. 21. If publication of a notice, report, or statement of any**
18 **kind is required and a county is liable for the cost of that**
19 **publication, the chief executive officer may not make or pay for**
20 **publication in more than one (1) newspaper unless publication in**
21 **two (2) newspapers is required. A person who violates this section**
22 **commits a Class C infraction.**

23 **Sec. 22. (a) The chief executive officer may employ and fix the**
24 **compensation of an attorney to represent and advise the executive.**

25 **(b) For purposes of Article 2, Section 9 of the Constitution of the**
26 **State of Indiana, employment by a chief executive officer as an**
27 **attorney does not constitute a lucrative office.**

28 SECTION 153. IC 36-2-3-4, AS AMENDED BY P.L.230-2005,
29 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2011]: Sec. 4. (a) This subsection does not apply to a county
31 having a population of:

- 32 (1) more than four hundred thousand (400,000) but less than
- 33 seven hundred thousand (700,000); or
- 34 (2) more than two hundred thousand (200,000) but less than three
- 35 hundred thousand (300,000).

36 The county executive shall by ordinance **or, in a county subject to**
37 **IC 36-2-2.5, by resolution** divide the county into four (4) contiguous,
38 single-member districts that comply with subsection (d). If necessary,
39 the county auditor shall call a special meeting of the executive to
40 establish or revise districts. One (1) member of the fiscal body shall be
41 elected by the voters of each of the four (4) districts. Three (3) at-large
42 members of the fiscal body shall be elected by the voters of the whole

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1 county.

2 (b) This subsection applies to a county having a population of more
3 than four hundred thousand (400,000) but less than seven hundred
4 thousand (700,000). The county redistricting commission established
5 under IC 36-2-2-4 shall divide the county into seven (7) single-member
6 districts that comply with subsection (d). One (1) member of the fiscal
7 body shall be elected by the voters of each of these seven (7)
8 single-member districts.

9 (c) This subsection applies to a county having a population of more
10 than two hundred thousand (200,000) but less than three hundred
11 thousand (300,000). The fiscal body shall divide the county into nine
12 (9) single-member districts that comply with subsection (d). Three (3)
13 of these districts must be contained within each of the three (3) districts
14 established under IC 36-2-2-4(c). One (1) member of the fiscal body
15 shall be elected by the voters of each of these nine (9) single-member
16 districts.

17 (d) Single-member districts established under subsection (a), (b), or
18 (c) must:

- 19 (1) be compact, subject only to natural boundary lines (such as
20 railroads, major highways, rivers, creeks, parks, and major
21 industrial complexes);
22 (2) not cross precinct boundary lines;
23 (3) contain, as nearly as possible, equal population; and
24 (4) include whole townships, except when a division is clearly
25 necessary to accomplish redistricting under this section.

26 (e) A division under subsection (a), (b), or (c) shall be made:

- 27 (1) during the first year after a year in which a federal decennial
28 census is conducted; and
29 (2) when the county executive adopts an order declaring a county
30 boundary to be changed under IC 36-2-1-2.

31 (f) A division under subsection (a), (b), or (c) may be made in any
32 odd-numbered year not described in subsection (e).

33 SECTION 154. IC 36-2-3.5-1 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) **Except as**
35 **provided in subsection (b)**, this chapter applies to:

- 36 (1) a county having a population of:
37 (A) more than four hundred thousand (400,000) but less than
38 seven hundred thousand (700,000); or
39 (B) more than two hundred thousand (200,000) but less than
40 three hundred thousand (300,000); and
41 (2) any other county not having a consolidated city, if both the
42 county executive and the county fiscal body adopt identical

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ordinances providing for the county to be governed by this chapter beginning on a specified effective date.

(b) Except as provided in section 6(c) of this chapter, this chapter does not apply to a county beginning after December 31 of the year in which a chief executive officer is first elected under IC 36-2-2.5.

SECTION 155. IC 36-2-3.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) A court may issue an order, before final hearing, to stay an election if there is sufficient evidence to withstand a motion for summary judgment that the county has not been divided into districts that comply with IC 36-2-2-4 or IC 36-2-3-4. A preliminary hearing on the question may be held upon the court's own motion.

(b) Final judgment on the merits in such a case shall be made within thirty (30) days of the stay of election order. If the redistricting is found not to be in compliance with law, the court shall retain jurisdiction and shall order the proper officials to submit within thirty (30) days a redistricting plan complying with law. If the proper officials fail to comply with the order, the court shall order the Indiana election commission to divide the county into districts in compliance with law.

(c) If this chapter applied to a county at the time a chief executive officer is first elected under IC 36-2-2.5, this section continues to apply to the county after the election of the chief executive officer.

SECTION 156. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 3.7. County Council as the County Legislative Body

Sec. 1. Except as specifically provided by law, this chapter applies to each county:

(1) that does not have a consolidated city; and

(2) in which:

(A) an ordinance has been adopted unanimously by the county executive as described in IC 36-2-2.4-2(c) to reorganize all executive powers in a single elected county executive and to place all legislative and fiscal powers in the county council; or

(B) an ordinance has been adopted by the county executive as described in IC 36-2-2.4-2(d) to reorganize all executive powers in a single elected county executive and to place all legislative and fiscal powers in the county council, and a public question to reorganize all executive powers in a

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1 single elected county executive and to place all legislative
2 and fiscal powers in the county council has been approved
3 by the voters of the county under IC 36-2-2.4.

4 Sec. 2. As used in this chapter, "chief executive officer" means
5 the county chief executive officer elected under IC 3-10-2-13.

6 Sec. 3. In a county to which this chapter applies:
7 (1) the voters of the county shall continue to elect members of
8 the county council; and
9 (2) beginning on January 1 following the year in which the
10 first county chief executive officer is elected:

11 (A) the executive and legislative powers of the county are
12 divided between separate branches of county government,
13 and a power belonging to one (1) branch of county
14 government may not be exercised by the other branch of
15 county government;

16 (B) the county council is the county legislative body as well
17 as the county fiscal body; and

18 (C) the chief executive officer is the county executive of the
19 county and has the executive and administrative powers
20 and duties of the county as provided in IC 36-2-2.5.

21 Sec. 4. (a) All powers and duties of the county that are legislative
22 in nature (including any power of appointment related to
23 legislative functions) shall be exercised or performed by the county
24 council functioning as the county legislative body.

25 (b) The county council has the same legislative powers and
26 duties that the board of county commissioners in the county had
27 before the board of county commissioners was abolished.

28 (c) For purposes of a county subject to this chapter, after
29 December 31 of the year in which the first county chief executive
30 officer is elected, any reference:

- 31 (1) in the Indiana Code;
32 (2) in the Indiana Administrative Code;
33 (3) in an ordinance or resolution; or
34 (4) in any deed, lease, contract, or other official document or
35 instrument;

36 to the board of commissioners pertaining to the legislative powers
37 of a county is considered a reference to the county council of the
38 county.

39 (d) For purposes of a county subject to this chapter, after
40 December 31 of the year in which the first county chief executive
41 officer is elected, any reference:

- 42 (1) in the Indiana Code;

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- 1 **(2) in the Indiana Administrative Code;**
- 2 **(3) in an ordinance or resolution; or**
- 3 **(4) in any deed, lease, contract, or other official document or**
- 4 **instrument;**
- 5 **related to the legislative powers and duties of the board of county**
- 6 **commissioners is considered a reference to the powers and duties**
- 7 **of the county council of the county.**

8 **Sec. 5. The county council may do any of the following:**

- 9 **(1) Establish committees that are necessary to carry out the**
- 10 **county council's functions.**
- 11 **(2) Employ legal and administrative personnel necessary to**
- 12 **carry out the county council's functions.**
- 13 **(3) Pass all ordinances, orders, resolutions, and motions for**
- 14 **the government of the county, in the manner prescribed by**
- 15 **IC 36-2-4.**
- 16 **(4) Receive gifts, bequests, and grants from public or private**
- 17 **sources.**
- 18 **(5) Conduct investigations into the conduct of county business**
- 19 **for the purpose of correcting deficiencies and ensuring**
- 20 **adherence to law and county ordinances and policies.**
- 21 **(6) Establish, by ordinance, new county departments,**
- 22 **divisions, or agencies whenever necessary to promote efficient**
- 23 **county government.**

24 SECTION 157. IC 36-2-4-8, AS AMENDED BY P.L.78-2009,
25 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2011]: Sec. 8. (a) An ordinance, order, or resolution is
27 considered adopted when it is signed by the presiding officer. If
28 required, an adopted ordinance, order, or resolution must be
29 promulgated or published according to statute before it takes effect.

30 (b) An ordinance prescribing a penalty or forfeiture for a violation
31 must, before it takes effect, be published once each week for two (2)
32 consecutive weeks, according to IC 5-3-1. However, if such an
33 ordinance is adopted by the legislative body of a county subject to
34 **IC 36-2-2.5 or IC 36-2-3.5** and there is an urgent necessity requiring
35 its immediate effectiveness, it need not be published if:

- 36 (1) the county executive proclaims the urgent necessity; and
- 37 (2) copies of the ordinance are posted in three (3) public places in
38 each of the districts of the county before it takes effect.

39 (c) The following apply in addition to the other requirements of this
40 section:

- 41 (1) An ordinance or resolution passed by the legislative body of
42 a county subject to IC 36-2-3.5 is considered adopted only if it is:

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1 (A) approved by signature of a majority of the county
 2 executive;
 3 (B) neither approved nor vetoed by a majority of the executive,
 4 within ten (10) days after passage by the legislative body; or
 5 (C) passed over the veto of the executive by a two-thirds (2/3)
 6 vote of the legislative body, within sixty (60) days after
 7 presentation of the ordinance or resolution to the executive.
 8 (2) The legislative body of a county shall:
 9 (A) subject to subdivision (3), give written notice to the
 10 department of environmental management not later than sixty
 11 (60) days before amendment or repeal of an environmental
 12 restrictive ordinance; and
 13 (B) give written notice to the department of environmental
 14 management not later than thirty (30) days after passage,
 15 amendment, or repeal of an environmental restrictive
 16 ordinance.
 17 (3) Upon written request by the legislative body, the department
 18 of environmental management may waive the notice requirement
 19 of subdivision (2)(A).
 20 (4) An environmental restrictive ordinance passed or amended
 21 after 2009 by the legislative body must state the notice
 22 requirements of subdivision (2).
 23 (5) The failure of an environmental restrictive ordinance to
 24 comply with subdivision (4) does not void the ordinance.
 25 (d) After an ordinance or resolution passed by the legislative body
 26 of a county subject to IC 36-2-3.5 has been signed by the presiding
 27 officer, the county auditor shall present it to the county executive, and
 28 record the time of the presentation. Within ten (10) days after an
 29 ordinance or resolution is presented to it, the executive shall:
 30 (1) approve the ordinance or resolution, by signature of a majority
 31 of the executive, and send the legislative body a message
 32 announcing its approval; or
 33 (2) veto the ordinance or resolution, by returning it to the
 34 legislative body with a message announcing its veto and stating
 35 its reasons for the veto.
 36 (e) This section does not apply to a zoning ordinance or amendment
 37 to a zoning ordinance, or a resolution approving a comprehensive plan,
 38 that is adopted under IC 36-7.
 39 (f) An ordinance increasing a building permit fee on new
 40 development must:
 41 (1) be published:
 42 (A) one (1) time in accordance with IC 5-3-1; and

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- 1 (B) not later than thirty (30) days after the ordinance is
- 2 adopted by the legislative body in accordance with IC 5-3-1;
- 3 and
- 4 (2) delay the implementation of the fee increase for ninety (90)
- 5 days after the date the ordinance is published under subdivision
- 6 (1).

7 SECTION 158. IC 36-3-1-5 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) When a first class
 9 city becomes a consolidated city, the officers who become the
 10 executive and legislative body of the consolidated city under section
 11 4(c) of this chapter also become the executive and legislative body of
 12 the county.

13 (b) The members of the board of commissioners of the county are
 14 entitled to remain in office until their terms expire, although the board
 15 is no longer the executive of the county. ~~As their terms expire or their~~
 16 ~~positions become vacant, they shall be replaced by the following~~
 17 ~~officers in the following order:~~

- 18 ~~(1) The county treasurer.~~
- 19 ~~(2) The county auditor.~~
- 20 ~~(3) The county assessor.~~

21 ~~These three (3) officers then serve ex officio as commissioners under~~
 22 ~~IC 36-3-3-10.~~

23 SECTION 159. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
 24 SECTION 560, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2011]: Sec. 6.1. (a) This section applies only in
 26 a county containing a consolidated city. If the requirements of
 27 subsection (g) are satisfied, the fire departments of the following are
 28 consolidated into the fire department of a consolidated city (referred to
 29 as "the consolidated fire department"):

- 30 (1) A township for which the consolidation is approved by the
- 31 township legislative body and trustee and the legislative body and
- 32 mayor of the consolidated city.
- 33 (2) Any fire protection territory established under IC 36-8-19 that
- 34 is located in a township described in subdivision (1).

35 (b) If the requirements of subsection (g) are satisfied, the
 36 consolidated fire department shall provide fire protection services
 37 within an entity described in subsection (a)(1) or (a)(2) in which the
 38 requirements of subsection (g) are satisfied on the date agreed to in the
 39 resolution of the township legislative body and the ordinance of the
 40 legislative body of the consolidated city.

41 (c) If the requirements of subsection (g) are satisfied and the fire
 42 department of an entity listed in subsection (a) is consolidated into the

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1 fire department of the consolidated city, all of the property, equipment,
2 records, rights, and contracts of the department consolidated into the
3 fire department of the consolidated city are:

- 4 (1) transferred to; or
 - 5 (2) assumed by;
- 6 the consolidated city on the effective date of the consolidation.
7 However, real property other than real property used as a fire station
8 may be transferred only on terms mutually agreed to by the legislative
9 body and mayor of the consolidated city and the trustee and legislative
10 body of the township in which that real property is located.

11 (d) If the requirements of subsection (g) are satisfied and the fire
12 department of an entity listed in subsection (a) is consolidated into the
13 fire department of the consolidated city, the employees of the fire
14 department consolidated into the fire department of the consolidated
15 city cease employment with the department of the entity listed in
16 subsection (a) and become employees of the consolidated fire
17 department on the effective date of the consolidation. The consolidated
18 city shall assume all agreements with labor organizations that:

- 19 (1) are in effect on the effective date of the consolidation; and
- 20 (2) apply to employees of the department consolidated into the
21 fire department of the consolidated city who become employees
22 of the consolidated fire department.

23 (e) If the requirements of subsection (g) are satisfied and the fire
24 department of an entity listed in subsection (a) is consolidated into the
25 fire department of a consolidated city, the indebtedness related to fire
26 protection services incurred before the effective date of the
27 consolidation by the entity or a building, holding, or leasing
28 corporation on behalf of the entity whose fire department is
29 consolidated into the consolidated fire department under subsection (a)
30 shall remain the debt of the entity and does not become and may not be
31 assumed by the consolidated city. Indebtedness related to fire
32 protection services that is incurred by the consolidated city before the
33 effective date of the consolidation shall remain the debt of the
34 consolidated city, and property taxes levied to pay the debt may only
35 be levied by the fire special service district.

36 (f) If the requirements of subsection (g) are satisfied and the fire
37 department of an entity listed in subsection (a) is consolidated into the
38 fire department of a consolidated city, the merit board and the merit
39 system of the fire department that is consolidated are dissolved on the
40 effective date of the consolidation, and the duties of the merit board are
41 transferred to and assumed by the merit board for the consolidated fire
42 department on the effective date of the consolidation.

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1 (g) A township legislative body, after approval by the township
 2 trustee, may adopt a resolution approving the consolidation of the
 3 township's fire department with the fire department of the consolidated
 4 city. A township legislative body may adopt a resolution under this
 5 subsection only after the township legislative body has held a public
 6 hearing concerning the proposed consolidation. The township
 7 legislative body shall hold the hearing not earlier than thirty (30) days
 8 after the date the resolution is introduced. The hearing shall be
 9 conducted in accordance with IC 5-14-1.5, and notice of the hearing
 10 shall be published in accordance with IC 5-3-1. If the township
 11 legislative body has adopted a resolution under this subsection, the
 12 township legislative body shall, after approval from the township
 13 trustee, forward the resolution to the legislative body of the
 14 consolidated city. If such a resolution is forwarded to the legislative
 15 body of the consolidated city and the legislative body of the
 16 consolidated city adopts an ordinance, approved by the mayor of the
 17 consolidated city, approving the consolidation of the fire department of
 18 the township into the fire department of the consolidated city, the
 19 requirements of this subsection are satisfied. The consolidation shall
 20 take effect on the date agreed to by the township legislative body in its
 21 resolution and by the legislative body of the consolidated city in its
 22 ordinance approving the consolidation.

23 (h) The following apply if the requirements of subsection (g) are
 24 satisfied:

25 (1) The consolidation of the fire department of that township is
 26 effective on the date agreed to by the township legislative body in
 27 the resolution and by the legislative body of the consolidated city
 28 in its ordinance approving the consolidation.

29 (2) Notwithstanding any other provision, a firefighter:

30 (A) who is a member of the 1977 fund before the effective
 31 date of a consolidation under this section; and

32 (B) who, after the consolidation, becomes an employee of the
 33 fire department of a consolidated city under this section;

34 remains a member of the 1977 fund without being required to
 35 meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The
 36 firefighter shall receive credit for any service as a member of the
 37 1977 fund before the consolidation to determine the firefighter's
 38 eligibility for benefits under IC 36-8-8.

39 (3) Notwithstanding any other provision, a firefighter:

40 (A) who is a member of the 1937 fund before the effective
 41 date of a consolidation under this section; and

42 (B) who, after the consolidation, becomes an employee of the

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fire department of a consolidated city under this section;
remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.
(4) For property taxes first due and payable in the year in which the consolidation is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:
(A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section; and
(B) is reduced for the township whose fire department is consolidated into the fire department of the consolidated city under this section by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township.
(5) The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for the township's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.
(6) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the township are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's

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1 local board to reflect the consolidation.

2 (7) The consolidated city may levy property taxes within the
 3 consolidated city's maximum permissible ad valorem property tax
 4 levy limit to provide for the payment of the expenses for the
 5 operation of the consolidated fire department. However, property
 6 taxes to fund the pension obligation under IC 36-8-7 for members
 7 of the 1937 firefighters fund who were employees of the
 8 consolidated city at the time of the consolidation may be levied
 9 only by the fire special service district within the fire special
 10 service district. The fire special service district established under
 11 IC 36-3-1-6 may levy property taxes to provide for the payment
 12 of expenses for the operation of the consolidated fire department
 13 within the territory of the fire special service district. Property
 14 taxes to fund the pension obligation under IC 36-8-8 for members
 15 of the 1977 police officers' and firefighters' pension and disability
 16 fund who were members of the fire department of the
 17 consolidated city on the effective date of the consolidation may be
 18 levied only by the fire special service district within the fire
 19 special service district. Property taxes to fund the pension
 20 obligation for members of the 1937 firefighters fund who were
 21 not members of the fire department of the consolidated city on the
 22 effective date of the consolidation and members of the 1977
 23 police officers' and firefighters' pension and disability fund who
 24 were not members of the fire department of the consolidated city
 25 on the effective date of the consolidation may be levied by the
 26 consolidated city within the city's maximum permissible ad
 27 valorem property tax levy. However, these taxes may be levied
 28 only within the fire special service district and any townships that
 29 have consolidated fire departments under this section.

30 (8) The executive of the consolidated city shall provide for an
 31 independent evaluation and performance audit, due before March
 32 1 of the year in which the consolidation is effective and before
 33 March 1 in each of the following two (2) years, to determine:

34 (A) the amount of any cost savings, operational efficiencies, or
 35 improved service levels; and

36 (B) any tax shifts among taxpayers;

37 that result from the consolidation. The independent evaluation
 38 and performance audit must be provided to the legislative council
 39 in an electronic format under IC 5-14-6 and to the state budget
 40 committee.

41 **(i) If a local public question is approved under IC 36-6-1.1 in the**
 42 **county having a consolidated city, the fire department of a**

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1 township described in IC 36-6-1.2-3(b) is consolidated into the fire
2 department of the consolidated city under this section on the
3 earlier of the following:

- 4 (1) The date the mayor of the consolidated city establishes by
5 executive order.
- 6 (2) January 1, 2014.

7 To ensure an orderly transition, the mayor may order the
8 consolidation of one (1) or more such fire departments into the
9 consolidated fire department with each executive order. The mayor
10 shall, by certified mail, provide at least sixty (60) days notice of the
11 effective date of the consolidation to the trustee of the township
12 affected.

13 SECTION 160. IC 36-3-3-10 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) The board of
15 commissioners of the county is composed of the county treasurer, the
16 county auditor, and the county assessor. These officers shall serve ex
17 officio as commissioners without additional compensation for
18 performing the duties of the board.

- 19 (b) The board of commissioners:
 - 20 (1) shall make the appointments required by statute to be made by
 - 21 the board of commissioners of a county;
 - 22 (2) shall perform the duties and exercise the powers prescribed by
 - 23 statutes pertaining to the issuance and payment of bonds of the
 - 24 county and the expenditure of the unexpended proceeds of those
 - 25 bonds; and
 - 26 (3) may exercise the powers granted it by Article 9, Section 3 of
 - 27 the Constitution of the State of Indiana and by IC 12-30-3.

28 **(c) Notwithstanding any other provision, an act enacted by the**
29 **general assembly during the first regular session of the one**
30 **hundred seventeenth general assembly to allow for a single elected**
31 **county chief executive officer under IC 36-2-2.5 in counties not**
32 **containing a consolidated city does not affect the rights, powers,**
33 **and duties of the board of commissioners in a county containing a**
34 **consolidated city.**

35 SECTION 161. IC 36-3-5-2.8, AS ADDED BY P.L.227-2005,
36 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2011]: Sec. 2.8. (a) Except as provided in subsections (b) and
38 (c), the controller:

- 39 (1) has all the powers; and
- 40 (2) performs all the duties;
- 41 of the county auditor under law.
- 42 (b) The controller:

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- 1 (1) does not have the powers; and
- 2 (2) may not perform the duties;
- 3 of the county auditor under IC 36-2-9.5 and IC 36-3-6. ~~or as a member~~
- 4 ~~of the board of commissioners of the county under IC 36-3-3-10.~~
- 5 (c) Notwithstanding subsection (a) or any other law, the executive,
- 6 with the approval of the legislative body, may allocate the duties of the
- 7 county auditor, except the duties referred to in subsection (b), among:
- 8 (1) the controller;
- 9 (2) the county assessor;
- 10 (3) the county auditor; or
- 11 (4) other appropriate city or county officials.

12 SECTION 162. IC 36-5-1-20 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 20. (a) This section
 14 does not apply to a town described by IC 36-5-1-11.5.

15 (b) A town subject to this chapter may be dissolved if the county
 16 election board of the county in which the greatest percentage of
 17 population of the town is located conducts a public hearing and finds
 18 that the town has not elected town officers or had a functioning town
 19 government during the preceding ten (10) years.

20 (c) The county election board shall certify the board's findings to the
 21 county executive, who may adopt an ordinance or (in a county subject
 22 to **IC 36-2-2.5 or IC 36-2-3.5**) issue an order to dissolve the town.

23 SECTION 163. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE
 24 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2011]:

26 **Chapter 1.1. Local Public Question on Eliminating Township**
 27 **Government; Transfer of Duties and Responsibilities; Transfer of**
 28 **Property**

29 **Sec. 1. This chapter applies to all counties.**

30 **Sec. 2. (a) The following question shall be submitted to the**
 31 **registered voters of Marion County at the general election in**
 32 **November 2012:**

33 **"Shall the duties of township government be transferred to**
 34 **Marion County? (A "yes" vote on the public question**
 35 **eliminates the township trustee in all townships in the county,**
 36 **transfers township fire protection duties to the fire**
 37 **department of the consolidated city, and transfers other**
 38 **township powers and duties to the county. A "no" vote on the**
 39 **public question retains the township trustees in the county.)"**

40 **(b) The following question shall be submitted to the registered**
 41 **voters of each county (other than Marion County) at the general**
 42 **election in November 2012:**

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1 "Shall the duties of township government be transferred to
 2 _____ (insert the name of the county)? (A "yes" vote on
 3 the public question eliminates the township trustee and
 4 township assessor (if any) in all townships in the county,
 5 transfers township fire protection duties to a fire protection
 6 district, and transfers other township powers and duties to the
 7 county. A "no" vote on the public question retains the
 8 township trustees in the county.)".

9 Sec. 3. (a) The county auditor shall certify a public question
 10 described in section 2 of this chapter under IC 3-10-9-3 to the
 11 county election board of the county. After the public question is
 12 certified, the public question shall be placed on the ballot at the
 13 general election in November 2012.

14 (b) Only the registered voters who are residents of the county
 15 may vote on the public question.

16 Sec. 4. Public funds from any source may not be expended by a
 17 political subdivision or by the state to promote a position on a
 18 public question under this chapter. A political subdivision or the
 19 state may not promote a position on a public question under this
 20 chapter by doing any of the following:

21 (1) Allowing facilities or equipment, including mail and
 22 messaging systems, owned by the political subdivision or state
 23 to be used for public relations purposes to promote a position
 24 on the public question.

25 (2) Making an expenditure of money from a fund controlled
 26 by the political subdivision or the state to promote a position
 27 on the public question.

28 (3) Using an employee to promote a position on the public
 29 question during the employee's normal working hours or paid
 30 overtime, or otherwise compelling an employee to promote a
 31 position on the public question at any time.

32 Sec. 5. The circuit court clerk shall certify the results of a public
 33 question under this chapter to the following:

34 (1) The secretary of state.

35 (2) The county auditor.

36 (3) The department of local government finance.

37 (4) The department of state revenue.

38 (5) The state board of accounts.

39 Sec. 6. If a majority of the voters voting on a public question
 40 under this chapter in the county vote "yes" to the public question,
 41 beginning on January 1, 2014:

42 (1) the office of township trustee in each township in the

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- 1 county is abolished;
- 2 (2) the county executive is the executive of all townships in the
- 3 county and shall exercise the executive powers and duties
- 4 assigned in the Indiana Code or the Indiana Administrative
- 5 Code to the township executive;
- 6 (3) the office of township assessor, if a township has a
- 7 township assessor, is abolished; and
- 8 (4) the county assessor has the powers and duties of the
- 9 township assessor (if any).

10 Sec. 7. (a) The abolishment of the office of a township trustee
 11 and township assessor (if any) under section 6 of this chapter does
 12 not invalidate:

- 13 (1) any resolutions, fees, schedules, or other actions adopted
- 14 or taken by the township trustee or township assessor before
- 15 January 1, 2014; or
- 16 (2) any appointments made by the township trustee or
- 17 township assessor before January 1, 2014.

18 (b) In a county in which a township trustee or township assessor
 19 is abolished under section 6 of this chapter, after December 31,
 20 2013, any reference:

- 21 (1) in the Indiana Code;
- 22 (2) in the Indiana Administrative Code; or
- 23 (3) in any resolution;

24 to the township trustee is considered a reference to the county
 25 executive and to the township assessor is considered a reference to
 26 the county assessor.

27 Sec. 8. Beginning January 1, 2013, in a county in which a local
 28 public question under this chapter is approved, a designee of the
 29 executive shall meet at least every other month with each township
 30 trustee to effectuate the proper transition of the township's duties,
 31 obligations, and responsibilities relating to cemeteries, high weeds
 32 and grass, detrimental plants, and parks. In a county in which a
 33 local public question under this chapter is approved, the following
 34 shall occur:

- 35 (1) Beginning January 1, 2013, a designee of the county
- 36 executive shall meet at least monthly with each township
- 37 trustee to effectuate the proper transition of the duties,
- 38 obligations, and responsibilities of the trustees relating to
- 39 township assistance. The designee shall prepare and maintain
- 40 a report regarding the transition, and the report shall be
- 41 made available to the public upon request.
- 42 (2) Beginning January 1, 2013, a designee of the county

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1 executive in a county having a consolidated city shall meet at
2 least every other month with each township trustee to
3 effectuate the proper transition of the duties, obligations, and
4 responsibilities of the trustees relating to small claims courts
5 to the county executive. The designee shall prepare and
6 maintain a report regarding the transition, and the report
7 shall be made available to the public upon request.

8 **Sec. 9. (a) Except as provided in subsection (b), if a local public**
9 **question under this chapter is approved, on January 1, 2014, all:**

- 10 (1) assets;
- 11 (2) debts;
- 12 (3) property rights;
- 13 (4) equipment;
- 14 (5) records;
- 15 (6) personnel; and
- 16 (7) contracts;

17 **connected with the operations of a township in the county related**
18 **to fire services are transferred to the fire protection district**
19 **established under IC 36-8-11-4.5.**

20 **(b) If a local public question under this chapter is approved, on**
21 **January 1, 2014, all:**

- 22 (1) assets;
- 23 (2) debts;
- 24 (3) property rights;
- 25 (4) equipment;
- 26 (5) records;
- 27 (6) personnel; and
- 28 (7) contracts;

29 **connected with the operations related to fire services of a township**
30 **that is wholly contained within a fire protection district as of**
31 **December 31, 2013, are transferred to the fire protection district.**

32 **(c) If a local public question under this chapter is approved, on**
33 **January 1, 2014, all:**

- 34 (1) assets;
- 35 (2) debts;
- 36 (3) property rights;
- 37 (4) equipment;
- 38 (5) records;
- 39 (6) personnel; and
- 40 (7) contracts;

41 **connected with the operations of a township in the county related**
42 **to township functions other than those specified under subsection**

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(a) are transferred to the county executive.
Sec. 10. (a) Except as provided in subsection (b), if a local public question under this chapter is approved in a county, the balance on January 1, 2014, in a debt service fund related to fire protection of a township located in the county:

- (1) is transferred to the fire protection district established under IC 36-8-11-4.5 in which the township is located; and
- (2) shall be used by the fire protection district to pay indebtedness or lease rentals for which the fund was established.

Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the general fund of the fire protection district.

(b) If a local public question under this chapter is approved, the balance on January 1, 2014, in a debt service fund related to fire protection of a township that is wholly contained within a fire protection district as of December 31, 2013:

- (1) is transferred to the fire protection district in which the township is wholly contained; and
- (2) shall be used by the fire protection district to pay indebtedness or lease rentals for which the fund was established.

Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the general fund of the fire protection district.

(c) If a local public question under this chapter is approved in a county, the balance on January 1, 2014, in a debt service fund related to township functions other than those specified under subsection (a) or (b):

- (1) is transferred to the county in which the township is located; and
- (2) shall be used by the county to pay indebtedness or lease rentals for which the fund was established.

Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the county general fund.

Sec. 11. (a) If a local public question under this chapter is approved in a county, on January 1, 2014, the balance in the general fund of a township in the county attributable to the duties of the township trustee under IC 36-6-4-3, other than the duties

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1 concerning fire protection transferred under IC 36-3-1-6.1, is
2 transferred to the executive.

3 (b) If a local public question under this chapter is approved in
4 a county having a consolidated city, on January 1, 2014, the
5 balance in the general fund of a township in the county attributable
6 to the duties of the township trustee related to administering small
7 claims courts is transferred to the county executive.

8 (c) The department of local government finance shall determine
9 the amounts to be transferred under subsections (a) and (b).

10 (d) IC 36-1-8-5 does not apply to a balance referred to in
11 subsection (a).

12 Sec. 12. (a) If a local public question under this chapter is
13 approved in a county, the balance in the township assistance fund
14 of a township in the county attributable to the duties of the
15 township trustee on January 1, 2014:

- 16 (1) is transferred to the county; and
- 17 (2) shall be deposited in the township assistance fund
- 18 established under IC 12-20-1-6.

19 (b) The department of local government finance shall determine
20 the amounts to be transferred under this section.

21 (c) IC 36-1-8-5 does not apply to a balance referred to in this
22 section.

23 Sec. 13. If a local public question under this chapter is approved
24 in a county:

- 25 (1) effective January 1, 2014, the operations of the township
 - 26 constable in a township located in the county; and
 - 27 (2) effective January 1, 2014, the operations of the small
 - 28 claims courts in a township located in the county;
- 29 shall be accounted for in the county budget.

30 Sec. 14. Effective January 1, 2014, in a county that approves a
31 local public question under this chapter, a municipality has the
32 right of first refusal for park land and buildings that are located
33 within the municipality. If the municipality agrees to the transfer
34 of some or all of the township's park land and buildings that are
35 located in the municipality, the property (and all obligations
36 related to the property) shall be transferred to the municipality. If
37 the municipality does not agree to the transfer of some or all of the
38 township's park land and buildings that are located in the
39 municipality, the property (and all obligations related to the
40 property) that are not accepted by the municipality shall be
41 transferred to the county.

42 Sec. 15. Indebtedness that was incurred by a township before

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the township government is abolished under this chapter:
(1) may not be imposed on taxpayers that were not responsible for payment of the indebtedness before the abolishment of the township government; and
(2) must be paid by the taxpayers that were responsible for payment of the indebtedness before the abolishment of the township government.

Sec. 16. The department of local government finance shall adjust maximum permissible property tax levies and property tax rates of units of local government as necessary to account for transfers of duties, powers, and obligations under this chapter.

SECTION 164. IC 36-6-1.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 1.2. Fire Protection Districts in Abolished Townships

Sec. 1. This chapter applies to all counties in which a local public question is approved under IC 36-6-1.1.

Sec. 2. Except as provided in section 3 of this chapter, if a local public question is approved under IC 36-6-1.1 in a county, the functions, duties, and responsibilities of the township with respect to providing fire protection and related services are transferred on January 1, 2014, to a fire protection district established for that township as provided in IC 36-8-11-4.5.

Sec. 3. (a) If a local public question is approved under IC 36-6-1.1 in the county having a consolidated city, in the case of a township in the county that has not consolidated its fire department under IC 36-3-1-6.1:

(1) the township fire department is consolidated into the fire department of the consolidated city as provided in IC 36-3-1-6.1(i); and

(2) a fire protection district is not established under this chapter in that township.

(b) Notwithstanding IC 36-3-1-6.1, if a local public question is approved under IC 36-6-1.1 in the county having a consolidated city, the consolidation of the fire department of a township described in subsection (b) into the fire department of the consolidated city occurs as provided in IC 36-3-1-6.1(i), without any action required by the township executive, the township legislative body, or the legislative body of the consolidated city.

Sec. 4. (a) Except as provided in section 3 of this chapter and except as otherwise provided by law, if a local public question is approved under IC 36-6-1.1 in a county, on January 1, 2014, all:

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- 1 (1) assets;
- 2 (2) debts;
- 3 (3) property rights;
- 4 (4) equipment;
- 5 (5) records;
- 6 (6) personnel (except as otherwise provided for by statute);
- 7 and
- 8 (7) contracts;

9 connected with the fire protection and related operations of a
 10 township in which a fire protection district is established under
 11 IC 36-8-11-4.5 are transferred to the fire protection district.

12 (b) In the case of a township that is located in a county in which
 13 a local public question is approved under IC 36-6-1.1 and that is a
 14 participating unit in a fire protection territory as of January 1,
 15 2014:

16 (1) the powers and duties of the township related to the fire
 17 protection territory are transferred to the fire protection
 18 district established under IC 36-8-11-4.5; and

19 (2) the fire protection district established under
 20 IC 36-8-11-4.5 assumes all of the assets, debts, property
 21 rights, equipment, records, personnel, and contracts related
 22 to the township's participation as a participating unit in the
 23 fire protection territory.

24 Sec. 5. This chapter does not affect the rights, powers, and
 25 responsibilities of a fire protection district in existence as of
 26 January 1, 2014.

27 Sec. 6. A fire protection district shall not be established under
 28 this section in the territory of a township that is included in a fire
 29 protection district as of January 1, 2014.

30 Sec. 7. Except as otherwise provided by law, IC 36-8-11 governs
 31 a fire protection district established as provided in IC 36-8-11-4.5.

32 Sec. 8. The department of local government finance shall adjust
 33 maximum permissible property tax levies and property tax rates
 34 of units of local government as necessary to account for transfers
 35 of duties, powers, and obligations under this chapter.

36 SECTION 165. IC 36-6-4-12 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. (a) At the annual
 38 meeting of the township legislative body under IC 36-6-6-9 the
 39 executive shall present a complete report of all receipts and
 40 expenditures of the preceding calendar year, including the balance to
 41 the credit of each fund controlled by the executive. If the executive
 42 controls any money that is not included in a particular fund, then the

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1 executive shall state all the facts concerning that money in the report.

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

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

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

10 **(c) The report must separately list each expenditure that is**
11 **made to reimburse the executive for the executive's use of tangible**
12 **property (as defined in IC 6-1.1-1-19) for public business, including**
13 **any reimbursements made for the executive's use of a private**
14 **residence, a personal telephone, or a personal vehicle for public**
15 **business. As used in this section, "private residence" means a place**
16 **that is not a public place.**

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

- 18 (1) the report shows all sums received by ~~him~~; **the executive**;
19 (2) the expenditures credited have been fully paid in the sums
20 stated, without express or implied agreement that any part of the
21 sums is to be retained by or returned to the executive or any other
22 person; and
23 (3) the executive has received no money or other property in
24 consideration of any contract entered into on behalf of the
25 township.

26 ~~(d)~~ (e) Within ten (10) days after the legislative body's action under
27 IC 36-6-6-9, the executive shall file a copy of the report and its
28 accompanying vouchers, as adopted by the legislative body, in the
29 county auditor's office. The legislative body may, for the benefit of the
30 township, bring a civil action against the executive if the executive fails
31 to file the report within ten (10) days after the legislative body's action.
32 The legislative body may recover five dollars (\$5) for each day beyond
33 the time limit for filing the report, until the report is filed.

34 SECTION 166. IC 36-6-5-1, AS AMENDED BY P.L.1-2009,
35 SECTION 164, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Subject to subsection (g),
37 before 2009, a township assessor shall be elected under IC 3-10-2-13
38 by the voters of each township:

- 39 (1) having:
40 (A) a population of more than eight thousand (8,000); or
41 (B) an elected township assessor or the authority to elect a
42 township assessor before January 1, 1979; and

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- 1 (2) in which the number of parcels of real property on January 1,
- 2 2008, is at least fifteen thousand (15,000).
- 3 (b) Subject to subsection (g), before 2009, a township assessor shall
- 4 be elected under IC 3-10-2-14 (repealed effective July 1, 2008) in each
- 5 township:
- 6 (1) having a population of more than five thousand (5,000) but
- 7 not more than eight thousand (8,000), if:
- 8 (A) the legislative body of the township, by resolution,
- 9 declares that the office of township assessor is necessary; and
- 10 (B) the resolution is filed with the county election board not
- 11 later than the first date that a declaration of candidacy may be
- 12 filed under IC 3-8-2; and
- 13 (2) in which the number of parcels of real property on January 1,
- 14 2008, is at least fifteen thousand (15,000).
- 15 (c) Subject to subsection (g), a township government that is created
- 16 by merger under IC 36-6-1.5 shall elect only one (1) township assessor
- 17 under this section.
- 18 (d) Subject to subsection (g), after 2008 a township assessor shall
- 19 be elected under IC 3-10-2-13 only by the voters of each township in
- 20 which:
- 21 (1) the number of parcels of real property on January 1, 2008, is
- 22 at least fifteen thousand (15,000); and
- 23 (2) the transfer to the county assessor of the assessment duties
- 24 prescribed by IC 6-1.1 is disapproved in the referendum under
- 25 IC 36-2-15.
- 26 (e) The township assessor must reside within the township as
- 27 provided in Article 6, Section 6 of the Constitution of the State of
- 28 Indiana. The assessor forfeits office if the assessor ceases to be a
- 29 resident of the township.
- 30 (f) The term of office of a township assessor is four (4) years,
- 31 beginning January 1 after election and continuing until a successor is
- 32 elected and qualified. However, the term of office of a township
- 33 assessor elected at a general election in which no other township
- 34 officer is elected ends on December 31 after the next election in which
- 35 any other township officer is elected.
- 36 (g) A person who runs for the office of township assessor in an
- 37 election after June 30, 2008, is subject to IC 3-8-1-23.6.
- 38 (h) After June 30, 2008, the county assessor shall perform the
- 39 assessment duties prescribed by IC 6-1.1 in a township in which the
- 40 number of parcels of real property on January 1, 2008, is less than
- 41 fifteen thousand (15,000).
- 42 (i) **Notwithstanding any other law, on January 1, 2014, in the**

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- 1 case of a county that approves a public question under IC 36-6-1.1:
- 2 (1) the powers and duties of the township assessor are
- 3 transferred to the county assessor;
- 4 (2) the office of township assessor is eliminated; and
- 5 (3) the term of any township assessor is terminated.

6 The transfer of powers and duties under this subsection does not
 7 affect any assessment, assessment appeal, or other official action
 8 of a township assessor relating to property assessment made before
 9 the transfer of powers and duties of the township assessor. Any
 10 assessment, assessment appeal, or other official action made by a
 11 township assessor within the scope of the township assessor's
 12 official duties under IC 6-1.1 or this chapter before the transfer of
 13 powers and duties to the county assessor is considered to have been
 14 made by the county assessor.

15 (j) Each township assessor whose powers and duties are
 16 transferred to the county assessor under subsection (i) shall
 17 organize the records of the township assessor's office relating to
 18 those duties in a manner prescribed by the department of local
 19 government finance and transfer the records to the county assessor
 20 in the manner and at the time directed by the department of local
 21 government finance. The department of local government finance
 22 shall determine a procedure and schedule for the transfer of the
 23 records. A township assessor whose powers and duties are
 24 transferred to the county assessor under subsection (i) and the
 25 county assessor to whom the powers and duties are transferred
 26 shall assist each other and coordinate their efforts to ensure an
 27 orderly transfer of all township assessor records to the county
 28 assessor and to provide for an uninterrupted and professional
 29 transition of powers and duties from the township assessor to the
 30 county assessor consistent with the directions of the department of
 31 local government finance.

32 SECTION 167. IC 36-6-6-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) This chapter
 34 applies to all townships.

35 (b) On January 1, 2013, the township boards in each county are
 36 abolished.

- 37 (c) After December 31, 2012:
- 38 (1) the county fiscal body is the fiscal body and legislative
 - 39 body of each township in the county; and
 - 40 (2) the county fiscal body shall exercise the legislative and
 - 41 fiscal powers assigned in the Indiana Code to township
 - 42 boards, including the authority to adopt the township's annual

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1 **budget and to levy township property taxes for township**
2 **funds.**

3 **(d) The abolishment of a township board under subsection (b)**
4 **does not invalidate:**

5 **(1) any resolutions, fees, or schedules adopted or other actions**
6 **taken by the township board before January 1, 2013; or**

7 **(2) any appointments made by the township board before**
8 **January 1, 2013.**

9 **(e) After December 31, 2012, any reference in the Indiana Code,**
10 **in the Indiana Administrative Code, or in any resolution to the**
11 **township board of a county is considered a reference to the county**
12 **fiscal body.**

13 SECTION 168. IC 36-6-10 IS ADDED TO THE INDIANA CODE
14 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2011]:

16 **Chapter 10. Township Capital Improvement Plan**

17 **Sec. 1. This chapter applies after December 31, 2012.**

18 **Sec. 2. As used in this chapter, "capital improvement" means:**

19 **(1) acquisition of land;**

20 **(2) site improvements;**

21 **(3) infrastructure improvements;**

22 **(4) construction of buildings or structures;**

23 **(5) rehabilitation, renovation, or enlargement of buildings or**
24 **structures; or**

25 **(6) acquisition or improvement of machinery, equipment,**
26 **furnishings, or facilities.**

27 **Sec. 3. As used in this chapter, "capital improvement fund"**
28 **means a township fund in which the money in the fund may be used**
29 **for the payment of capital improvements. The term includes:**

30 **(1) a cumulative firefighting building and equipment fund**
31 **under IC 36-8-14;**

32 **(2) an equipment replacement fund under IC 36-8-19-8.5;**

33 **(3) a cumulative township vehicle and building fund under**
34 **IC 36-9-17.5;**

35 **(4) a cumulative building fund under IC 36-10-7.5-19; and**

36 **(5) any other fund established by a township for the payment**
37 **of capital improvements.**

38 **Sec. 4. As used in this chapter, "plan" refers to a township**
39 **capital improvement plan adopted or amended under this chapter.**

40 **Sec. 5. Before a township may collect property taxes for a**
41 **capital improvement fund in a particular year, the township**
42 **trustee must prepare a proposed or amended plan in the**

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1 immediately preceding year. The county fiscal body, not later than
2 August 1, shall hold a public hearing on a proposed or amended
3 plan and adopt the proposed or amended plan.

4 Sec. 6. (a) The department of local government finance shall
5 prescribe the format of the plan.

6 (b) A plan must:

7 (1) apply to at least the three (3) years immediately following
8 the year the plan is adopted;

9 (2) estimate for each year to which the plan applies the nature
10 and amount of proposed expenditures from the capital
11 improvement fund; and

12 (3) estimate:

13 (A) the source of all revenue to be dedicated to the
14 proposed expenditures in the upcoming calendar year; and

15 (B) the amount of property taxes to be collected in the
16 upcoming calendar year and retained in the fund for
17 expenditures proposed for a later year.

18 Sec. 7. A township trustee, with the approval of the county fiscal
19 body, may amend a plan to:

20 (1) provide money for the purposes of the fund; or

21 (2) supplement money accumulated in the fund for the
22 purposes of the fund.

23 Sec. 8. The plan shall be considered by:

24 (1) the county fiscal body in making the annual budget
25 estimate under IC 6-1.1-17-2; and

26 (2) the department of local government finance when
27 reviewing a budget, tax rate, and tax levy of a township under
28 IC 6-1.1-17-16.

29 SECTION 169. IC 36-8-2-14 IS ADDED TO THE INDIANA
30 CODE AS A NEW SECTION TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2011]: Sec. 14. Not later than January 1,
32 2014, each fire department within a county must enter into a
33 mutual aid agreement with one (1) or more other fire departments
34 within the county.

35 SECTION 170. IC 36-8-11-2 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. As used in this
37 chapter:

38 (1) "Board" refers to the board of fire trustees of a fire protection
39 district.

40 (2) "Fire trustee" means, after December 31, 2013, the fire
41 trustee of a fire protection district established under section
42 4.5 of this chapter.

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- 1 (3) "Fiscal officer" means a bonded employee of the fire
- 2 protection district charged with the faithful receipt and
- 3 disbursement of the funds of the district.
- 4 (4) "Freeholder" means an individual who holds land in fee, for
- 5 life, or for some indeterminate period of time, whether or not in
- 6 joint title.
- 7 (5) "Interested person" includes a freeholder or corporation
- 8 owning lands within the proposed or established fire protection
- 9 district, a person whose property may be condemned or injured by
- 10 the district, the proper officer of a municipality, an affected state
- 11 agency, and all local plan commissions.
- 12 (6) "Joint title" means joint tenancy, tenancy in common, or
- 13 tenancy by the entireties.
- 14 (7) "Primary county" refers to the county where the largest portion
- 15 of a municipality is located if the municipality is located in two
- 16 (2) counties.
- 17 (8) "Secondary county" refers to the county where the smallest
- 18 portion of a municipality is located if the municipality is located
- 19 in two (2) counties.
- 20 SECTION 171. IC 36-8-11-4.5 IS ADDED TO THE INDIANA
- 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 22 [EFFECTIVE JULY 1, 2011]: **Sec. 4.5. (a) This section does not**
- 23 **apply in a county having a consolidated city.**
- 24 **(b) Notwithstanding any other law and except as provided in**
- 25 **this section, a fire protection district is established effective**
- 26 **January 1, 2014, in the territory of each township in which**
- 27 **township government is abolished under IC 36-6-1.1.**
- 28 **(c) The following apply to a fire protection district established**
- 29 **under this section:**
- 30 (1) **The fire protection district consists of all unincorporated**
- 31 **area that is located in the township and that as of December**
- 32 **31, 2013, is not included in a fire protection district. A**
- 33 **municipality located within the fire protection district may be**
- 34 **included in the fire protection district, but only if the**
- 35 **municipality consents by ordinance.**
- 36 (2) **No action by a county legislative body, freeholders, or any**
- 37 **other entity is necessary to establish the fire protection**
- 38 **district.**
- 39 (3) **The fire protection district may merge with one (1) or**
- 40 **more other fire protection districts as provided in this**
- 41 **chapter.**
- 42 (4) **The fire protection district may be a participating unit in**

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1 **a fire protection territory under IC 36-8-19.**
2 **(5) The assets, liabilities, and obligations of the township**
3 **government that is abolished under IC 36-6-1.1 concerning**
4 **fire protection are transferred to the fire protection district as**
5 **provided in IC 36-6-1.2.**
6 **(6) Except as specifically provided by law, a fire protection**
7 **district established under this section is governed by and**
8 **subject to this chapter and all other laws and rules governing**
9 **fire protection districts.**
10 **(d) This section does not affect the rights, powers, and**
11 **responsibilities of a fire protection district in existence as of**
12 **January 1, 2014.**
13 **(e) A fire protection district shall not be established under this**
14 **section in the territory of a township that is included in a fire**
15 **protection district as of January 1, 2014.**
16 SECTION 172. IC 36-8-11-12 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. **(a) This section**
18 **does not apply to a fire protection district established under section**
19 **4.5 of this chapter.**
20 ~~(a)~~ **(b)** Within thirty (30) days after the ordinance or resolution
21 establishing the district becomes final, the county legislative body shall
22 appoint a board of fire trustees. The trustees must be qualified by
23 knowledge and experience in matters pertaining to fire protection and
24 related activities in the district. A person who:
25 (1) is a party to a contract with the district; or
26 (2) is a member, an employee, a director, or a shareholder of any
27 corporation or association that has a contract with the district;
28 may not be appointed or serve as a trustee. The legislative body shall
29 appoint one (1) trustee from each township or part of a township
30 contained in the district and one (1) trustee from each municipality
31 contained in the district. If the number of trustees selected by this
32 method is an even number, the legislative body shall appoint one (1)
33 additional trustee so that the number of trustees is always an odd
34 number. If the requirements of this section do not provide at least three
35 (3) trustees, the legislative body shall make additional appointments so
36 that there is a minimum of three (3) trustees.
37 ~~(b)~~ **(c)** The original trustees shall be appointed as follows:
38 (1) One (1) for a term of one (1) year.
39 (2) One (1) for a term of two (2) years.
40 (3) One (1) for a term of three (3) years.
41 (4) All others for a term of four (4) years.
42 The terms expire on the first Monday of January of the year their

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1 appointments expire. As the terms expire, each new appointment is for
2 a term of four (4) years.

3 ~~(c)~~ **(d)** If a vacancy occurs on the board, the county legislative body
4 shall appoint a trustee with the qualifications specified in subsection ~~(a)~~
5 **(b)** for the unexpired term.

6 SECTION 173. IC 36-8-11-12.5 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2011]: **Sec. 12.5. (a) This section applies only**
9 **to a fire protection district established under section 4.5 of this**
10 **chapter.**

11 **(b) The following apply to a fire protection district to which this**
12 **section applies:**

13 **(1) The fire protection district shall not have a board of fire**
14 **trustees.**

15 **(2) The county executive shall appoint a fire trustee to manage**
16 **the operation of the fire protection district.**

17 **(3) A fire trustee:**

18 **(A) must be a resident of the fire protection district; and**

19 **(B) may not be an employee of the fire protection district.**

20 **(4) A fire trustee shall be appointed for a four (4) year term,**
21 **beginning on January 1 of the first year of the fire trustee's**
22 **term.**

23 **(5) The initial fire trustee shall be appointed for a four (4)**
24 **year term, beginning on January 1, 2014.**

25 **(6) The county fiscal body shall by ordinance set the salary of**
26 **each fire trustee in the county. The salary of a fire trustee**
27 **shall be paid by the fire protection district.**

28 **(7) A fire trustee:**

29 **(A) may not be a relative (as defined in IC 14-33-5.4-2) of**
30 **a member of the county fiscal body, county legislative**
31 **body, or county executive body; and**

32 **(B) may not be a member of the fire department serving**
33 **the fire protection district.**

34 **(8) Except as specifically provided by law, after December 31,**
35 **2013:**

36 **(A) the fire trustee of a fire protection district to which this**
37 **section applies has the powers, duties, rights, and**
38 **responsibilities that a board of fire trustees has in a fire**
39 **protection district to which this section does not apply; and**

40 **(B) a reference in this chapter or in any law to a board of**
41 **fire trustees is considered a reference to the fire trustee in**
42 **the case of a fire protection district to which this section**

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applies.

(9) The fire trustee shall arrange for office space and keep a record of all transactions and minutes of all hearings or meetings of the fire trustee. All records and minutes must be available for public inspection.

SECTION 174. IC 36-8-11-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. **(a) This section does not apply to a fire trustee appointed under section 12.5 of this chapter.**

~~(a)~~ **(b)** At the first regular meeting each year, the trustees of the board shall elect a chairman and vice chairman from their number. The vice chairman shall act as chairman during the absence or disability of the chairman.

~~(b)~~ **(c)** A majority of the trustees constitutes a quorum. An action of the board is official, however, only if it is authorized by a majority of the trustees at a regular or properly called special meeting.

~~(c)~~ **(d)** Each trustee may receive not more than twenty dollars (\$20) a day for each day devoted to the work of the district. In addition, each trustee may be reimbursed for actual expenses, including traveling expense at a rate equivalent to that provided by statute for state employees. Claims for expense reimbursement must be accompanied by an itemized written statement and approved by a recorded motion of the board.

~~(d)~~ **(e)** At the time the county legislative body initially appoints the board, it shall order where the board will maintain its offices. The offices may not be changed without approval of the legislative body. The board shall arrange for office space and keep a record of all transactions and minutes of all meetings in the office. All records and minutes shall be kept available for public inspection.

SECTION 175. IC 36-8-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) The board:

(1) has the same powers and duties as a township executive with respect to fire protection functions, including those duties and powers prescribed by IC 36-8-13, although all cooperative and joint actions permitted by that chapter must be undertaken according to this chapter;

(2) has the same powers and duties as a township executive relative to contracting with volunteer firefighting companies, as prescribed by IC 36-8-12 and IC 36-8-13;

(3) shall appoint, fix the compensation, and prescribe the duties of a fiscal officer, secretarial staff, persons performing special and temporary services or providing legal counsel, and other

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- 1 personnel considered necessary for the proper functioning of the
 2 district; however, a person appointed as fiscal officer must be
 3 bonded by good and sufficient sureties in an amount ordered by
 4 the county legislative body to protect the district from financial
 5 loss;
 6 (4) shall exercise general supervision of and make regulations for
 7 the administration of the district's affairs;
 8 (5) shall prescribe uniform rules pertaining to investigations and
 9 hearings;
 10 (6) shall supervise the fiscal affairs and responsibilities of the
 11 district;
 12 (7) may delegate to employees of the district the authority to
 13 perform ministerial acts, except in cases in which final action of
 14 the board is necessary;
 15 (8) shall keep accurate and complete records of all departmental
 16 proceedings, record and file all bonds and contracts, and assume
 17 responsibility for the custody and preservation of all papers and
 18 documents of the district;
 19 (9) shall make an annual report to the executive and the fiscal
 20 body of the county that at least lists the financial transactions of
 21 the district and a statement of the progress in accomplishing the
 22 purposes for which the district has been established;
 23 (10) shall adopt a seal and certify all official acts;
 24 (11) may sue and be sued collectively by its legal name ("Board
 25 of Fire Trustees, _____ Fire Protection District"), with
 26 service of process made on the chairman of the board, but costs
 27 may not be taxed against the members individually in an action;
 28 (12) may invoke any legal, equitable, or special remedy for the
 29 enforcement of this chapter or of proper action of the board taken
 30 in a court;
 31 (13) shall prepare and submit to the fiscal body of the county an
 32 annual budget for operation and maintenance expenses and for the
 33 retirement of obligations of the district, subject to review and
 34 approval by the fiscal body;
 35 (14) may, if advisable, establish one (1) or more advisory
 36 committees;
 37 (15) may enter into agreements with and accept money from a
 38 federal or state agency and enter into agreements with a
 39 municipality located within or outside the district, whether or not
 40 the municipality is a part of the district, for a purpose compatible
 41 with the purposes for which the district exists and with the
 42 interests of the municipality;

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- 1 (16) may accept gifts of money or other property to be used for
 2 the purposes for which the district is established;
 3 (17) may levy taxes at a uniform rate on the real and personal
 4 property within the district;
 5 (18) may issue bonds and tax anticipation warrants;
 6 (19) may incur other debts and liabilities;
 7 (20) may purchase or rent property;
 8 (21) may sell services or property that are produced incident to
 9 the operations of the district making a fair and reasonable charge
 10 for it;
 11 (22) may make contracts or otherwise enter into agreements with
 12 public or private persons and federal or state agencies for
 13 construction, maintenance, or operations of or in part of the
 14 district;
 15 (23) may receive and disburse money; and
 16 (24) may impose a false alarm fee or service charge under
 17 IC 36-8-13-4.

18 (b) Powers granted by this chapter may be used only to accomplish
 19 the purpose or purposes as stated in the ordinance or resolution
 20 establishing the district. However, an act of the board necessary and
 21 proper to accomplish the purposes for which the district is established
 22 is not invalid because it incidentally accomplishes a purpose other than
 23 one for which the district is established.

24 **(c) Except as provided in subsection (d), in a fire protection**
 25 **district established under section 4.5 of this chapter, the fire trustee**
 26 **has after December 31, 2013, all the powers, duties, rights, and**
 27 **responsibilities of a board of fire trustees under this section.**

28 **(d) In a fire protection district established under section 4.5 of**
 29 **this chapter, the fire trustee may:**

- 30 (1) **levy taxes at a uniform rate on the real and personal**
 31 **property within the district;**
 32 (2) **issue bonds and tax anticipation warrants; and**
 33 (3) **incur other debts and liabilities;**
 34 **only after approval by the county fiscal body.**

35 SECTION 176. IC 36-8-11-17 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. Bonds may be
 37 issued only against the taxable property of a fire protection district and
 38 may be paid in part by revenues derived from reasonable charges for
 39 services or property produced incident to the operation of the district.
 40 Bonds shall be issued in the same manner as conservancy district bonds
 41 are issued under IC 14-33-11. **Bonds issued after December 31, 2013,**
 42 **by a fire protection district established under section 4.5 of this**

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1 **chapter must be approved by the county fiscal body.**

2 SECTION 177. IC 36-8-11-18, AS AMENDED BY P.L.146-2008,
3 SECTION 780, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2011]: Sec. 18. (a) The board shall annually
5 budget the necessary money to meet the expenses of operation and
6 maintenance of the district, including repairs, fees, salaries,
7 depreciation on all depreciable assets, rents, supplies, contingencies,
8 bond redemption, and all other expenses lawfully incurred by the
9 district. After estimating expenses and receipts of money, the board
10 shall establish the tax levy required to fund the estimated budget. **In a**
11 **fire protection district established under section 4.5 of this chapter,**
12 **the tax levy required to fund the estimated budget must be**
13 **approved by the county council.**

14 (b) The budget must be approved by the fiscal body of the county,
15 the county board of tax adjustment, and the department of local
16 government finance.

17 (c) Upon approval by the department of local government finance,
18 the board shall certify the approved tax levy to the auditor of the county
19 having land within the district. The auditor shall have the levy entered
20 on the county treasurer's tax records for collection. After collection of
21 the taxes the auditor shall issue a warrant on the treasurer to transfer
22 the revenues collected to the board, as provided by statute.

23 SECTION 178. IC 36-8-11-21 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 21. (a) This chapter
25 does not require a municipality or **(before January 1, 2014) a**
26 township to disband its fire department unless its legislative body
27 consents by ordinance.

28 **(b) IC 36-6-1.2 applies after December 31, 2013, to a township**
29 **located in a county that has approved a local public question under**
30 **IC 36-6-1.1.**

31 SECTION 179. IC 36-8-11-23, AS AMENDED BY P.L.146-2008,
32 SECTION 782, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2011]: Sec. 23. (a) Any fire protection district
34 may merge with one (1) or more protection districts to form a single
35 district if at least one-eighth (1/8) of the aggregate external boundaries
36 of the districts coincide.

37 (b) The legislative body of the county where at least two (2) districts
38 are located (or if the districts are located in more than one (1) county,
39 the legislative body of each county) shall, if petitioned by freeholders
40 in the two (2) districts, adopt an ordinance merging the districts into a
41 single fire protection district.

42 (c) Freeholders who desire the merger of at least two (2) fire

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1 protection districts must initiate proceedings by filing a petition in the
2 office of the county auditor of each county where a district is located.

3 The petition must be signed:

4 (1) by at least twenty percent (20%), with a minimum of five
5 hundred (500) from each district, of the freeholders owning land
6 within the district; or

7 (2) by a majority of the freeholders from the districts;

8 whichever is less.

9 (d) The petition described in subsection (c) must state the same
10 items listed in section 7 of this chapter. Sections 6, 8, and 9 of this
11 chapter apply to the petition and to the legislative body of each county
12 in the proposed district.

13 (e) The board of fire trustees for each district shall form a single
14 board, which shall continue to be appointed as prescribed by section 12
15 of this chapter. **In the case of a merger of fire protection districts
16 that includes one (1) or more fire protection districts established
17 under section 4.5 of this chapter, the county legislative body (or
18 county legislative bodies acting jointly, if the merger involves fire
19 protection districts from more than one (1) county) shall appoint
20 an individual to serve as fire trustee of the merged fire protection
21 district.** In addition, sections 13, 14, and 15 of this chapter relating to
22 the board of fire trustees apply to the board of the merged district,
23 except that if the merged district lies in more than one (1) county, the
24 county legislative bodies serving the combined district shall jointly
25 decide where the board shall locate (or approve relocation of) its office.

26 (f) Sections 16, 17, 18, 19, and 21 of this chapter relating to the
27 taxing district, bonds, annual budget, tax levies, and disbanding of fire
28 departments apply to a merged district. However, the budget must be
29 approved by the county fiscal body and county board of tax adjustment
30 in each county in the merged district. In addition, the auditor of each
31 county in the district shall perform the duties described in section 18(c)
32 of this chapter.

33 SECTION 180. IC 36-8-11-24 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 24. (a) Proceedings to
35 dissolve a fire protection district may be instituted by the filing of a
36 petition with the county legislative body that formed the district. If the
37 proceedings are for dissolution of a district to which section 5.1 of this
38 chapter applies, the proceedings may be instituted by the filing of a
39 petition with the primary county or the secondary county, or both.

40 (b) The petition must be signed:

41 (1) by at least twenty percent (20%), with a minimum of five
42 hundred (500), of the freeholders owning land within the district;

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1 or
 2 (2) by a majority of those freeholders owning land within the
 3 district;
 4 whichever is less.
 5 (c) Except as provided in subsection (d), the provisions of section
 6 8 of this chapter concerning a petition to establish a district apply to a
 7 dissolution petition.
 8 (d) If the district is established under section 5.1 of this chapter, the
 9 provisions of section 5.1 of this chapter apply to a petition to dissolve
 10 the district.
 11 (e) Except as provided in subsection (f), a petition against the
 12 dissolution of the fire protection district may be presented to the county
 13 legislative body at or after a hearing on the petition to dissolve a district
 14 and before the adoption of an ordinance or resolution dissolving the
 15 district. If the legislative body finds that it contains the signatures of
 16 fifty-one percent (51%) of the freeholders within the district or of the
 17 freeholders who own two-thirds (2/3) of the real property within the
 18 district, determined by assessed valuation, the legislative body shall
 19 dismiss the petition for the dissolution of the district.
 20 (f) If a district is established under section 5.1 of this chapter, the
 21 provisions of section 9.5 of this chapter apply to a petition to dissolve
 22 the district.
 23 (g) If, after the public hearing, the legislative body determines that
 24 dissolution should occur, it shall adopt an ordinance dissolving the
 25 district. If the district is established under section 5.1 of this chapter,
 26 both legislative bodies of the counties containing the district must
 27 adopt ordinances dissolving the district after determining in a public
 28 hearing that the district should be dissolved.
 29 (h) A dissolution takes effect three (3) months after the later of the
 30 adoption of the ordinance under subsection (g) or the payment of the
 31 district's debts and liabilities, including its liabilities under IC 34-13-2
 32 and IC 34-13-3. The property owned by the district after payment of
 33 debts and liabilities shall be disposed of in the manner chosen by the
 34 county legislative body or county legislative bodies. Dissolution of a
 35 district does not affect the validity of any contract to which the district
 36 is a party.
 37 (i) A person aggrieved by a decision made by the county legislative
 38 body or county legislative bodies under this section may, within thirty
 39 (30) days, appeal the decision to the circuit court for any county in
 40 which the district is located. The appeal is instituted by giving written
 41 notice to each county legislative body within which the district is
 42 located and filing with the circuit court clerk a bond in the sum of five

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1 hundred dollars (\$500), with surety approved by the legislative body or
 2 legislative bodies. The bond must provide that the appeal will be duly
 3 prosecuted and that the appellants will pay all costs if the appeal is
 4 decided against them. When an appeal is instituted, the county
 5 legislative body or county legislative bodies shall file with the circuit
 6 court clerk a transcript of all proceedings in the case, together with all
 7 papers filed in the case. The county legislative body or county
 8 legislative bodies may not take further action in the case until the
 9 appeal is heard and determined. An appeal under this subsection shall
 10 be heard by the circuit court without a jury. Change of venue from the
 11 judge may be granted, but change of venue from the county may not be
 12 granted.

13 **(j) This section expires January 1, 2014.**

14 SECTION 181. IC 36-8-14-2 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) As used in this
 16 section, "emergency medical services" has the meaning set forth in
 17 IC 16-18-2-110.

18 (b) As used in this section, "volunteer fire department" has the
 19 meaning set forth in IC 36-8-12-2.

20 (c) The legislative body of a unit, ~~or~~ the board of fire trustees of a
 21 fire protection district, **or (after December 31, 2013) the fire trustee**
 22 **of a fire protection district** may provide a cumulative building and
 23 equipment fund under IC 6-1.1-41 for the following purposes:

24 (1) The:

25 (A) purchase, construction, renovation, or addition to
 26 buildings; or

27 (B) purchase of land;

28 used by the fire department or a volunteer fire department serving
 29 the unit.

30 (2) The purchase of firefighting equipment for use of the fire
 31 department or a volunteer fire department serving the unit,
 32 including making the required payments under a lease rental with
 33 option to purchase agreement made to acquire the equipment.

34 (3) In a municipality, the purchase of police radio equipment.

35 (4) The:

36 (A) purchase, construction, renovation, or addition to a
 37 building;

38 (B) purchase of land; or

39 (C) purchase of equipment;

40 for use of a provider of emergency medical services under
 41 IC 16-31-5 to the unit establishing the fund.

42 (d) In addition to the requirements of IC 6-1.1-41, before a

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1 cumulative fund may be established by a township fire protection
 2 district, the county legislative body which appoints the trustees of the
 3 fire protection district **or (after December 31, 2013) the county**
 4 **executive that appoints the fire trustee of the fire protection district**
 5 must approve the establishment of the fund.

6 SECTION 182. IC 36-8-19-5 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) Subject to
 8 subsections (b) and (c), the legislative bodies of at least two (2)
 9 contiguous units may establish a fire protection territory for any of the
 10 following purposes:

11 (1) Fire protection, including the capability for extinguishing all
 12 fires that might be reasonably expected because of the types of
 13 improvements, personal property, and real property within the
 14 boundaries of the territory.

15 (2) Fire prevention, including identification and elimination of all
 16 potential and actual sources of fire hazard.

17 (3) Other purposes or functions related to fire protection and fire
 18 prevention.

19 (b) Not more than one (1) unit within the proposed territory may be
 20 designated as the provider unit for the territory.

21 (c) The boundaries of a territory need not coincide with those of
 22 other political subdivisions.

23 **(d) A fire protection district established under IC 36-8-11-4.5:**

24 **(1) may be a participating unit after December 31, 2013, in a**
 25 **fire protection territory; and**

26 **(2) is considered after December 31, 2013, to be a unit for**
 27 **purposes of this chapter.**

28 **(e) In the case of a fire protection district established under**
 29 **IC 36-8-11-4.5, the legislative body of the county in which the fire**
 30 **protection territory is located is considered for purposes of this**
 31 **chapter to be the legislative body of the fire protection district.**

32 SECTION 183. IC 36-9-13-2 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. For purposes of this
 34 chapter, the following are considered the governing bodies of their
 35 respective eligible entities:

36 (1) Board of commissioners, for a county not subject to
 37 IC 36-2-3.5 or IC 36-3-1.

38 (2) County council, for a county subject to **IC 36-2-2.5 or**
 39 **IC 36-2-3.5.**

40 (3) City-county council, for a consolidated city or county having
 41 a consolidated city.

42 (4) Common council, for a city other than a consolidated city.

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- 1 (5) Town council, for a town.
- 2 (6) Trustee and township board, for a civil or school township.
- 3 (7) Board of school trustees, board of school commissioners, or
- 4 school board, for a school corporation.
- 5 (8) Board of trustees, for a health and hospital corporation.

6 SECTION 184. IC 36-10-7-1 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. **(a) Subject to**
 8 **subsections (b) and (c)**, this chapter applies to the townships indicated
 9 in each section.

10 **(b) After December 31, 2012, any reference in this chapter to**
 11 **"township board" is considered a reference to the county fiscal**
 12 **body.**

13 **(c) After December 31, 2013, in a county that approves a local**
 14 **public question under IC 36-6-1.1:**

- 15 **(1) the powers and duties of a township trustee concerning**
 16 **parcs and recreation under this chapter are transferred to the**
 17 **county executive;**
- 18 **(2) any reference in this chapter to "township trustee" or**
 19 **"trustee" is considered a reference to the county executive or**
 20 **the county executive's designee to administer this chapter;**
 21 **and**
- 22 **(3) this chapter does not apply to a township located in the**
 23 **county.**

24 SECTION 185. IC 36-10-7.5-1 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. **(a) Except as**
 26 **provided in subsections (b) and (c)**, this chapter applies to all
 27 townships.

28 **(b) After December 31, 2012, any reference in this chapter to**
 29 **"township board" is considered a reference to the county fiscal**
 30 **body.**

31 **(c) After December 31, 2013, in a county that approves a local**
 32 **public question under IC 36-6-1.1:**

- 33 **(1) the powers and duties of a township trustee concerning**
 34 **parcs and recreation under this chapter are transferred to the**
 35 **county executive;**
- 36 **(2) any reference in this chapter to "township trustee" or**
 37 **"trustee" is considered a reference to the county executive or**
 38 **the county executive's designee to administer this chapter;**
 39 **and**
- 40 **(3) this chapter does not apply to a township located in the**
 41 **county.**

42 SECTION 186. IC 36-12-1-7.5 IS ADDED TO THE INDIANA

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2011]: **Sec. 7.5. (a) After December 31, 2012,**
3 **any reference in this chapter to "township board" is considered a**
4 **reference to the county fiscal body.**

5 **(b) After December 31, 2013, in a county that approves a local**
6 **public question under IC 36-6-1.1:**

7 **(1) the powers and duties of a township trustee concerning**
8 **parks and recreation under this chapter are transferred to the**
9 **county executive;**

10 **(2) any reference in this chapter to "township trustee" or**
11 **"trustee" is considered a reference to the county executive or**
12 **the county executive's designee to administer this chapter;**

13 **(3) all responsibilities and obligations of a township**
14 **government with respect to a public library, library district,**
15 **or provision or receipt of library services by contract are**
16 **terminated, and the township government's responsibilities**
17 **and obligations are assumed by the county;**

18 **(4) the elimination of township government under IC 36-6-1.1**
19 **does not terminate a public library, library district, or**
20 **contract for provision or receipt of library services in**
21 **existence on December 31, 2013; and**

22 **(5) this chapter does not apply to a township located in the**
23 **county.**

24 SECTION 187. IC 36-12-2-13, AS ADDED BY P.L.1-2005,
25 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2011]: Sec. 13. This section applies to the appointment of
27 members to the library board of a public library serving a library
28 district that is entirely located in one (1) township and includes part or
29 all of only one (1) municipality. For a public library under this section,
30 the appointments under section 9(4) and 9(5) of this chapter shall be
31 made as follows:

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

33 **(A) By the legislative body of the township in which the**
34 **library district is located. This clause expires January 1,**
35 **2013.**

36 **(B) After December 31, 2012, the member is appointed by**
37 **the legislative body of the county.**

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

40 SECTION 188. THE FOLLOWING ARE REPEALED
41 [EFFECTIVE JULY 1, 2011]: IC 3-8-2-2.2; IC 20-23-4-29;
42 IC 20-23-7-8; IC 20-23-13-2.

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1 SECTION 189. IC 36-3-3-10 IS REPEALED [EFFECTIVE JULY
2 1, 2011].

3 SECTION 190. [EFFECTIVE JULY 1, 2011] **(a) The legislative
4 services agency shall prepare, as directed by the legislative council,
5 legislation for introduction in the 2012 regular session of the
6 general assembly to organize and correct statutes affected by this
7 act, if necessary.**

8 **(b) This SECTION expires July 1, 2012.**

9 SECTION 191. **An emergency is declared for this act.**

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