

HOUSE BILL No. 1534

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5; IC 3-10; IC 3-11-2-12; IC 6-1.1; IC 12-7-2; IC 12-20; IC 12-30-4; IC 13-11-2-86; IC 13-25-6; IC 15-16-8; IC 16-31-5-1; IC 16-41-19-7; IC 22-11-14; IC 22-12-1-18.7; IC 23-14; IC 36-1; IC 36-2; IC 36-4-4-2; IC 36-6; IC 36-8.

Synopsis: Township reorganization and government employees. Provides that an employee of a political subdivision is considered to have resigned from employment with the political subdivision if the employee assumes the elected executive office of the political subdivision or becomes an elected member of the political subdivision's legislative or fiscal body. Provides that the restriction applies to an employee of a political subdivision who assumes an elected office after June 30, 2012. Provides that the restriction 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 government employee. Eliminates township boards in all counties other than Marion County effective January 1, 2015. Specifies that after December 31, 2014, in all counties other than Marion County: (1) the county fiscal body is the fiscal body and legislative body of the township; 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. Establishes a board of trustees (board) in each county, consisting of all township trustees in the county. Requires the board to prepare a county plan (plan) for providing township assistance in the county. Provides that
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Effective: 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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the board annually reviews and updates the county's township assistance standards, subject to the approval of the county legislative body. Requires the plan and township assistance standards to be adopted by the county legislative body. Provides that after December 31, 2014: (1) the provision of township assistance is transferred to the county; (2) a uniform township assistance tax rate is applied throughout the county; and (3) each township trustee administers township assistance in the trustee's township, in accordance with the county plan and subject to the county board of trustees. Provides that after December 31, 2014, in a county not having a consolidated city, the county executive assumes the township trustee's duties concerning weed control and cemetery maintenance. Maintains the township's duties and responsibilities regarding fence viewing, parks and recreation, and libraries. Requires the county board of trustees (in counties other than Marion County) to prepare a county fire protection and emergency services plan (county fire plan) and submit the county fire plan to the county legislative body before July 1, 2012, for review and approval. Provides that a county legislative body that receives a county fire plan shall review the county fire plan during at least two public meetings at which the public and any interested parties have the opportunity to comment. Requires each county legislative body to adopt before January 1, 2013, an ordinance finally approving the county fire plan as submitted by the county board of trustees or as submitted by the county board of trustees and amended by the county legislative body. Requires that the county fire plan must include the following: (1) A comprehensive plan providing for fire protection, emergency medical services, and hazardous materials response in the unincorporated area of the county. (2) A description of the facilities, equipment, and personnel that will be used to provide fire protection and emergency services in the unincorporated area of the county. (3) A description of the standards of service and protocols for fire protection and emergency service. (4) A plan specifying the transition of fire protection and emergency services from existing township fire departments and other providers of fire protection and emergency service to county administered fire protection and emergency services. (5) A description of the organization of the county fire department and any residency requirements that will apply to members of the county fire department. (6) A description of any fire protection districts, fire protection territories, volunteer fire departments, or other units of government that will be established or used to provide fire protection or emergency service. Specifies that after December 31, 2014, in a county other than Marion County: (1) the county executive is responsible for providing fire protection and emergency services in the unincorporated areas of the county as provided in the county fire plan; and (2) the powers and duties of township government and the township trustee related to providing fire protection and emergency services in the unincorporated areas of the county are transferred to the county. Provides that on January 1, 2015, all assets, debts, and contracts of a township connected with firefighting operations are transferred to the county. Requires the county to assume all township indebtedness related to fire protection and emergency services. Provides that the county may levy property taxes to pay township indebtedness or lease rental obligations incurred by a township only in the geographic area of the township that originally issued the debt or entered into the lease rental agreement. Requires the county board of trustees to act as the safety board of the county for purposes of the

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county fire department. Provides that if a township in a county not having a consolidated city is a participating unit in a fire protection territory as of January 1, 2015, the county shall on January 1, 2015, assume the powers, duties, rights, responsibilities, and obligations of the township for purposes of the fire protection territory law. Provides that a township may not after December 31, 2011, establish a fire protection territory without the approval of the county legislative body. Establishes a county firefighting fund and levy. Enacts provisions specifying county firefighting powers and duties similar to township firefighting powers and duties. Specifies the maximum property tax levy for a county's firefighting fund. Authorizes the department of local government finance to adjust the maximum permissible property tax levies of any political subdivision as necessary and proper to account for the transfer of fire protection and emergency services powers and duties from townships to counties. Specifies that after December 31, 2014, in each county not having a consolidated city: (1) a county cumulative firefighting building and equipment fund is established; and (2) each township's cumulative firefighting building and equipment fund is abolished, and the balances in those funds are transferred to the county's cumulative firefighting building and equipment fund. Specifies that a township may not enter into a contract related to township assistance or fire protection or emergency services with a term that extends beyond December 31, 2014, unless the contract has been approved by the county legislative body. Provides that in a county other than Marion County, the county may not contain more than one public safety answering point (PSAP) after December 31, 2014. Specifies that in a county other than Marion County, PSAP operators must adopt an interlocal agreement: (1) specifying the funding and staffing of the PSAP that after December 31, 2014, will serve the county; (2) providing that to the extent property taxes are used to fund the PSAP, those property taxes shall (beginning with property taxes first due and payable after December 31, 2014) be imposed at a uniform rate throughout the county; and (3) specifying the protocols to be followed by the PSAP.

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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. 1534

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

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

1 SECTION 1. IC 3-5-2-25 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2011]; Sec. 25. "Fiscal body" means:
3 (1) county council, for a county not having a consolidated city;
4 (2) city-county council, for a consolidated city or county having
5 a consolidated city;
6 (3) common council, for a second or third class city;
7 (4) town council, for a town;
8 (5) township board, for a township **in a county having a**
9 **consolidated city;**
10 **(6) for a township in a county not having a consolidated city:**
11 **(A) the township board, before January 1, 2015; and**
12 **(B) the county fiscal body, after December 31, 2014; or**
13 ~~(6)~~ (7) governing body or budget approval body, for any other
14 political subdivision.
15 SECTION 2. IC 3-5-9 IS ADDED TO THE INDIANA CODE AS



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

3 **Chapter 9. Government Employees Holding Office**

4 **Sec. 1. This chapter applies to a government employee who,**
5 **after June 30, 2012, assumes an elected office of the political**
6 **subdivision that employs the individual.**

7 **Sec. 2. As used in this chapter, "elected office" refers only to the**
8 **following:**

- 9 (1) **The elected executive of a political subdivision.**
- 10 (2) **An elected member of the legislative body of a political**
11 **subdivision.**
- 12 (3) **An elected member of the fiscal body of a political**
13 **subdivision.**

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

17 **Sec. 4. An individual is considered to have resigned as a**
18 **government employee when the individual assumes an elected**
19 **office of the political subdivision that employs the individual.**

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

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

28 OFFICIAL PRIMARY BALLOT

29 _____ Party

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

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

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

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1 (D) Judge of the small claims court.
 2 (E) Constable of the small claims court.
 3 (6) City offices:
 4 (A) Mayor.
 5 (B) Clerk or clerk-treasurer.
 6 (C) Judge of the city court.
 7 (D) City-county council member or common council member.
 8 (7) Town offices:
 9 (A) Clerk-treasurer.
 10 (B) Judge of the town court.
 11 (C) Town council member.
 12 (c) The political party offices with candidates for election shall be
 13 placed on the primary election ballot in the following order after the
 14 offices described in subsection (b):
 15 (1) Precinct committeeman.
 16 (2) State convention delegate.
 17 (d) The following offices and public questions shall be placed on the
 18 primary election ballot in the following order after the offices described
 19 in subsection (c):
 20 (1) School board offices to be elected at the primary election.
 21 (2) Other local offices to be elected at the primary election.
 22 (3) Local public questions.
 23 (e) The offices and public questions described in subsection (d)
 24 shall be placed:
 25 (1) in a separate column on the ballot if voting is by paper ballot;
 26 (2) after the offices described in subsection (c) in the form
 27 specified in IC 3-11-13-11 if voting is by ballot card; or
 28 (3) either:
 29 (A) on a separate screen for each office or public question; or
 30 (B) after the offices described in subsection (c) in the form
 31 specified in IC 3-11-14-3.5;
 32 if voting is by an electronic voting system.
 33 (f) A public question shall be placed on the primary election ballot
 34 in the following form:
 35 (The explanatory text for the public question,
 36 if required by law.)
 37 "Shall (insert public question)?"
 38 YES
 39 NO
 40 SECTION 4. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,
 41 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2011]: Sec. 13. The following public officials shall be elected

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- 1 at the general election before their terms of office expire and every four
- 2 (4) years thereafter:
- 3 (1) Clerk of the circuit court.
- 4 (2) County auditor.
- 5 (3) County recorder.
- 6 (4) County treasurer.
- 7 (5) County sheriff.
- 8 (6) County coroner.
- 9 (7) County surveyor.
- 10 (8) County assessor.
- 11 (9) County commissioner.
- 12 (10) County council member.
- 13 (11) Township trustee.
- 14 (12) Township board member. **This subdivision does not apply**
- 15 **to elections in 2014 and thereafter in a county not having a**
- 16 **consolidated city.**
- 17 (13) Township assessor (only in a township referred to in
- 18 IC 36-6-5-1(d)).
- 19 (14) Judge of a small claims court.
- 20 (15) Constable of a small claims court.

21 SECTION 5. IC 3-11-2-12, AS AMENDED BY P.L.146-2008,
 22 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2011]: Sec. 12. The following offices shall be placed on the
 24 general election ballot in the following order:

- 25 (1) Federal and state offices:
- 26 (A) President and Vice President of the United States.
- 27 (B) United States Senator.
- 28 (C) Governor and lieutenant governor.
- 29 (D) Secretary of state.
- 30 (E) Auditor of state.
- 31 (F) Treasurer of state.
- 32 (G) Attorney general.
- 33 (H) Superintendent of public instruction.
- 34 (I) United States Representative.
- 35 (2) Legislative offices:
- 36 (A) State senator.
- 37 (B) State representative.
- 38 (3) Circuit offices and county judicial offices:
- 39 (A) Judge of the circuit court, and unless otherwise specified
- 40 under IC 33, with each division separate if there is more than
- 41 one (1) judge of the circuit court.
- 42 (B) Judge of the superior court, and unless otherwise specified

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- 1 under IC 33, with each division separate if there is more than
- 2 one (1) judge of the superior court.
- 3 (C) Judge of the probate court.
- 4 (D) Judge of the county court, with each division separate, as
- 5 required by IC 33-30-3-3.
- 6 (E) Prosecuting attorney.
- 7 (F) Clerk of the circuit court.
- 8 (4) County offices:
- 9 (A) County auditor.
- 10 (B) County recorder.
- 11 (C) County treasurer.
- 12 (D) County sheriff.
- 13 (E) County coroner.
- 14 (F) County surveyor.
- 15 (G) County assessor.
- 16 (H) County commissioner.
- 17 (I) County council member.
- 18 (5) Township offices:
- 19 (A) Township assessor (only in a township referred to in
- 20 IC 36-6-5-1(d)).
- 21 (B) Township trustee.
- 22 (C) Township board member. **This clause does not apply to**
- 23 **elections in 2014 and thereafter in a county not having a**
- 24 **consolidated city.**
- 25 (D) Judge of the small claims court.
- 26 (E) Constable of the small claims court.
- 27 (6) City offices:
- 28 (A) Mayor.
- 29 (B) Clerk or clerk-treasurer.
- 30 (C) Judge of the city court.
- 31 (D) City-county council member or common council member.
- 32 (7) Town offices:
- 33 (A) Clerk-treasurer.
- 34 (B) Judge of the town court.
- 35 (C) Town council member.

36 SECTION 6. IC 6-1.1-11-4, AS AMENDED BY P.L.182-2009(ss),
 37 SECTION 107, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The exemption application
 39 referred to in section 3 of this chapter is not required if the exempt
 40 property is owned by the United States, the state, an agency of this
 41 state, or a political subdivision (as defined in IC 36-1-2-13). However,
 42 this subsection applies only when the property is used, and in the case

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1 of real property occupied, by the owner.

2 (b) The exemption application referred to in section 3 of this chapter

3 is not required if the exempt property is a cemetery:

4 (1) described by IC 6-1.1-2-7; or

5 (2) maintained by a township executive **or (after December 31,**

6 **2014, in a county not having a consolidated city) the county**

7 **executive** under IC 23-14-68.

8 (c) The exemption application referred to in section 3 of this chapter

9 is not required if the exempt property is owned by the bureau of motor

10 vehicles commission established under IC 9-15-1.

11 (d) The exemption application referred to in section 3 or 3.5 of this

12 chapter is not required if:

13 (1) the exempt property is:

14 (A) tangible property used for religious purposes described in

15 IC 6-1.1-10-21;

16 (B) tangible property owned by a church or religious society

17 used for educational purposes described in IC 6-1.1-10-16; or

18 (C) other tangible property owned, occupied, and used by a

19 person for educational, literary, scientific, religious, or

20 charitable purposes described in IC 6-1.1-10-16;

21 (2) the exemption application referred to in section 3 or 3.5 of this

22 chapter was filed properly at least once for a religious use under

23 IC 6-1.1-10-21 or an educational, literary, scientific, religious, or

24 charitable use under IC 6-1.1-10-16; and

25 (3) the property continues to meet the requirements for an

26 exemption under IC 6-1.1-10-16 or IC 6-1.1-10-21.

27 A change in ownership of property does not terminate an exemption of

28 the property if after the change in ownership the property continues to

29 meet the requirements for an exemption under IC 6-1.1-10-16 or

30 IC 6-1.1-10-21. However, if title to any of the real property subject to

31 the exemption changes or any of the tangible property subject to the

32 exemption is used for a nonexempt purpose after the date of the last

33 properly filed exemption application, the person that obtained the

34 exemption or the current owner of the property shall notify the county

35 assessor for the county where the tangible property is located of the

36 change in the year that the change occurs. The notice must be in the

37 form prescribed by the department of local government finance. If the

38 county assessor discovers that title to property granted an exemption

39 described in IC 6-1.1-10-16 or IC 6-1.1-10-21 has changed, the county

40 assessor shall notify the persons entitled to a tax statement under

41 IC 6-1.1-22-8.1 for the property of the change in title and indicate that

42 the county auditor will suspend the exemption for the property until the

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1 persons provide the county assessor with an affidavit, signed under
2 penalties of perjury, that identifies the new owners of the property and
3 indicates that the property continues to meet the requirements for an
4 exemption under IC 6-1.1-10-21 or IC 6-1.1-10-16. Upon receipt of the
5 affidavit, the county assessor shall reinstate the exemption for the years
6 for which the exemption was suspended and each year thereafter that
7 the property continues to meet the requirements for an exemption under
8 IC 6-1.1-10-21 or IC 6-1.1-10-16.

9 SECTION 7. IC 6-1.1-17-3, AS AMENDED BY P.L.182-2009(ss),
10 SECTION 114, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The proper officers of a
12 political subdivision shall formulate its estimated budget and its
13 proposed tax rate and tax levy on the form prescribed by the
14 department of local government finance and approved by the state
15 board of accounts. The political subdivision shall give notice by
16 publication to taxpayers of:

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

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

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

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

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

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

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1 the levy necessary to pay the following:

2 (1) The cost of child services (as defined in IC 12-19-7-1) of the

3 county payable from the family and children's fund.

4 (2) The cost of children's psychiatric residential treatment

5 services (as defined in IC 12-19-7.5-1) of the county payable from

6 the children's psychiatric residential treatment services fund.

7 A budget, tax rate, or tax levy adopted by a county fiscal body or

8 approved or modified by a county board of tax adjustment that is less

9 than the levy necessary to pay the costs described in subdivision (1) or

10 (2) shall not be treated as a final budget, tax rate, or tax levy under

11 section 11 of this chapter.

12 (d) This subsection applies only to a county not having a

13 consolidated city. This subsection applies to budgets for calendar

14 years after 2014 and to property taxes first due and payable after

15 2014. Notwithstanding any other law, in 2014 and each year

16 thereafter, the county fiscal body shall estimate the amount

17 necessary to meet the cost of township assistance in the county for

18 the ensuing calendar year. The county fiscal body shall adopt with

19 the county budget for property taxes due in 2015 and thereafter a

20 tax rate uniform throughout the county sufficient to meet the

21 estimated cost of township assistance in the county. The taxes

22 collected as a result of the tax rate adopted under this subsection

23 shall be credited to the township assistance fund established under

24 IC 12-20-21-6.

25 (e) This subsection applies only to a county not having a

26 consolidated city. The county fiscal body shall in 2014 adopt the

27 budget for each township in the county.

28 (f) This subsection applies to budgets for calendar years after

29 2014 and to property taxes first due and payable after 2014.

30 Notwithstanding any other law, in 2014 and each year thereafter,

31 the county fiscal body shall adopt with the county budget for 2015

32 and thereafter:

- 33 (1) the budget to carry out the county's firefighting and
- 34 emergency services powers and duties in unincorporated
- 35 areas of the county; and
- 36 (2) the property tax levy for the county firefighting fund
- 37 under IC 6-1.1-18.5-18.5 and IC 36-8-13.7.

38 SECTION 8. IC 6-1.1-18.5-10.2 IS AMENDED TO READ AS

39 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10.2. (a) For purposes

40 of determining the property tax levy limit imposed on a township under

41 section 3 of this chapter, the township ad valorem property tax levy for

42 a particular calendar year does not include the amount, if any, of ad

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1 valorem property taxes that would be first due and payable to the
2 township during the ensuing calendar year under the authority of
3 IC 36-8-13-4. The amount of ad valorem property taxes levied by the
4 township under the authority of IC 36-8-13-4 shall, for purposes of the
5 property tax levy limits imposed under section 3 of this chapter, be
6 treated as if that levy were made by a separate civil taxing unit.

7 **(b) For purposes of determining the property tax levy limit**
8 **imposed on a county under section 3 of this chapter, the county ad**
9 **valorem property tax levy for a particular calendar year does not**
10 **include the amount, if any, of ad valorem property taxes imposed**
11 **under IC 36-8-13.7-5 that would be first due and payable to the**
12 **county during the ensuing calendar year. The amount of ad**
13 **valorem property taxes levied by the county under IC 36-8-13.7-5**
14 **shall, for purposes of the property tax levy limits imposed under**
15 **section 3 of this chapter, be treated as if that levy were made by a**
16 **separate civil taxing unit.**

17 SECTION 9. IC 6-1.1-18.5-18.5 IS ADDED TO THE INDIANA
18 CODE AS A NEW SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2011]: **Sec. 18.5. (a) This section does not**
20 **apply to a county having a consolidated city.**

21 **(b) Subject to subsection (d), the maximum permissible ad**
22 **valorem property tax levy for the county's firefighting fund under**
23 **IC 36-8-13.7-5 for property taxes first due and payable after the**
24 **powers and duties for fire protection and emergency services in**
25 **unincorporated areas of the county have been transferred from**
26 **townships to the county is the amount determined in STEP TWO**
27 **of the following STEPS:**

28 **STEP ONE: Determine:**

29 **(A) for ad valorem property taxes first due and payable in**
30 **2015:**

31 **(i) the combined maximum ad valorem property tax levy**
32 **under IC 6-1.1-18.5 of all the townships in the county for**
33 **the townships' firefighting funds established under**
34 **IC 36-8-13-4 for property taxes first due and payable in**
35 **the preceding year; plus**

36 **(ii) the combined maximum ad valorem property tax**
37 **levy for property taxes first due and payable for all fire**
38 **protection territories and fire protection districts in the**
39 **county that are abolished in the first year in which the**
40 **county is responsible for providing fire protection and**
41 **emergency services; or**

42 **(B) for ad valorem property taxes first due and payable**

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1 **after 2015, the maximum permissible ad valorem property**
 2 **tax levy for the county's firefighting fund determined**
 3 **under this section for ad valorem property taxes first due**
 4 **and payable in the immediately preceding calendar year.**
 5 **STEP TWO: Multiply the amount determined in STEP ONE**
 6 **by the amount determined in the last STEP of section 2(b) of**
 7 **this chapter.**

8 **(c) Notwithstanding any other law, the county fiscal body shall**
 9 **impose the first property tax levy for the county's firefighting fund**
 10 **under IC 36-8-13.7-5 beginning with property taxes first due and**
 11 **payable in 2015.**

12 **(d) Notwithstanding any other law, the department of local**
 13 **government finance may adjust the maximum permissible ad**
 14 **valorem property tax levy of any political subdivision as necessary**
 15 **and proper to account for the transfer of fire protection and**
 16 **emergency services powers and duties from townships to counties**
 17 **after December 31, 2014.**

18 SECTION 10. IC 12-7-2-22, AS AMENDED BY P.L.145-2006,
 19 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2011]: Sec. 22. "Board" means the following:

- 21 (1) For purposes of IC 12-10-10 and IC 12-10-11, the community
 22 and home options to institutional care for the elderly and disabled
 23 board established by IC 12-10-11-1.
- 24 (2) For purposes of 12-12-7-5, the meaning set forth in
 25 IC 12-12-7-5(a).
- 26 (3) For purposes of IC 12-15-35, the meaning set forth in
 27 IC 12-15-35-2.
- 28 **(4) For purposes of IC 12-20, the meaning set forth in**
 29 **IC 12-20-1.5-2.**

30 SECTION 11. IC 12-7-2-24.9, AS ADDED BY P.L.180-2005,
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2011]: Sec. 24.9. "Case contact", for purposes of
 33 IC 12-20-28-3 **and IC 12-20-28-4**, has the meaning set forth in
 34 ~~IC 12-20-28-3(b)~~ **IC 12-20-28-3(c).**

35 SECTION 12. IC 12-7-2-140.5, AS AMENDED BY P.L.3-2008,
 36 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2011]: Sec. 140.5. "Plan", for purposes of:

- 38 **(1) IC 12-15-44.2, has the meaning set forth in IC 12-15-44.2-1;**
 39 **and**
- 40 **(2) IC 12-20 and IC 12-30-4, has the meaning set forth in**
 41 **IC 12-20-1.5-3.**

42 SECTION 13. IC 12-7-2-192.3, AS AMENDED BY P.L.1-2006,

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1 SECTION 184, IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2011]: Sec. 192.3. "Total number of households
3 containing township assistance recipients", for purposes of
4 IC 12-20-28-3 **and IC 12-20-28-4**, has the meaning set forth in
5 ~~IC 12-20-28-3(c)~~. **IC 12-20-28-3(d)**.

6 SECTION 14. IC 12-7-2-192.4, AS AMENDED BY P.L.180-2005,
7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2011]: Sec. 192.4. "Total number of recipients", for purposes
9 of IC 12-20-28-3 **and IC 12-20-28-4**, has the meaning set forth in
10 ~~IC 12-20-28-3(d)~~. **IC 12-20-28-3(e)**.

11 SECTION 15. IC 12-7-2-192.5, AS AMENDED BY P.L.180-2005,
12 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2011]: Sec. 192.5. "Total number of requests for assistance",
14 for purposes of IC 12-20-28-3 **and IC 12-20-28-4**, has the meaning set
15 forth in ~~IC 12-20-28-3(e)~~. **IC 12-20-28-3(f)**.

16 SECTION 16. IC 12-20-1.5 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2011]:

19 **Chapter 1.5. Township Assistance Plan**

20 **Sec. 1. This chapter does not apply to a county having a**
21 **consolidated city.**

22 **Sec. 2. As used in this chapter, "board" means the county board**
23 **of trustees established under IC 36-2-3.6.**

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

26 **Sec. 4. The board shall prepare a plan for the delivery of**
27 **township assistance throughout the county.**

28 **Sec. 5. (a) In preparing a plan, the board shall:**

29 (1) **consider whether areas are overserved or underserved in**
30 **the delivery of township assistance; and**

31 (2) **create uniformity in the delivery to areas in the county of**
32 **township assistance services.**

33 **(b) In preparing the plan, the board shall consider the township**
34 **assistance budget.**

35 **(c) The plan must meet the requirements of this chapter.**

36 **Sec. 6. The board shall adopt a resolution approving the plan**
37 **and submit the resolution and the plan to the county legislative**
38 **body for approval.**

39 **Sec. 7. (a) The board shall submit a resolution and plan to the**
40 **county legislative body for approval under section 6 of this chapter**
41 **not later than July 1, 2013.**

42 **(b) If the board fails to prepare and submit a resolution and**

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1 plan to the county legislative body by July 1, 2013, the county
2 legislative body shall prepare the plan.

3 (c) After a county legislative body receives a plan submitted
4 under subsection (a) or prepares a plan under subsection (b), the
5 county legislative body shall review the plan during at least two (2)
6 public meetings at which the public and any interested parties shall
7 have the opportunity to comment on the plan.

8 (d) The county legislative body shall by ordinance adopted
9 before January 1, 2014:

10 (1) approve the plan as submitted by the board under
11 subsection (a) or as prepared by the county legislative body
12 under subsection (b); or

13 (2) modify the plan as submitted by the board under
14 subsection (a) or as prepared by the county legislative body
15 under subsection (b), and then approve the plan.

16 Sec. 8. A plan adopted under this chapter must include the
17 following:

18 (1) A plan specifying any necessary requirements in the
19 transition to the delivery of township assistance throughout
20 the county.

21 (2) The county's procedures for application and review of
22 township assistance requests.

23 (3) The forms of township assistance relief.

24 (4) A description of the supervisors, investigators, assistants,
25 or other necessary employees that will be employed in
26 discharging the township trustees' duties concerning the
27 provision of township assistance, and a recommendation
28 concerning the compensation of these employees.

29 (5) A description of the offices that shall be maintained in the
30 county to carry out the trustees' duties concerning the
31 provision of township assistance.

32 (6) A description of the proposed standards under
33 IC 12-20-1.6 for township assistance.

34 (7) In the case of any service, program, limitation, power, or
35 duty that may under IC 12-20 be included in the plan, a
36 description of whether or not that service, program,
37 limitation, power, or duty is included in the plan.

38 (8) Any other provisions necessary to address the provision of
39 township assistance under IC 12-20.

40 Sec. 9. After a plan is approved by the county legislative body,
41 the plan and the transfer of township assistance responsibilities to
42 the county as provided in the plan take effect January 1, 2015.

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1 **Sec. 10. The board shall annually review a plan adopted under**
2 **this chapter and may propose amendments to the plan to the**
3 **county legislative body for adoption.**

4 SECTION 17. IC 12-20-1.6 IS ADDED TO THE INDIANA CODE
5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2011]:

7 **Chapter 1.6. Standards for Township Assistance**

8 **Sec. 1. This chapter applies only to a county not having a**
9 **consolidated city.**

10 **Sec. 2. (a) Standards for the issuance of township assistance and**
11 **the processing of applications apply after December 31, 2014.**

12 **(b) The standards must meet or exceed the requirements of this**
13 **chapter.**

14 **(c) A county is not required to establish standards under this**
15 **chapter that are uniform among the townships in the county. A**
16 **county may establish different standards for each of the townships**
17 **in the county.**

18 **Sec. 3. A county's standards for the issuance of township**
19 **assistance and the processing of applications must be:**

- 20 **(1) in compliance with the requirements of this article;**
- 21 **(2) proposed by the board and adopted by the county**
22 **legislative body;**
- 23 **(3) reviewed by the board and updated annually by the board**
24 **and county legislative body to reflect changes in the cost of**
25 **basic necessities in the county and changes in the law;**
- 26 **(4) published in a single written document, including addenda**
27 **attached to the document; and**
- 28 **(5) posted in a place prominently visible to the public in all**
29 **offices of a township trustee where township assistance**
30 **applications are taken or processed.**

31 **Sec. 4. County standards for the administration of township**
32 **assistance must establish, at a minimum, the following:**

- 33 **(1) Criteria for determining township assistance eligibility.**
- 34 **(2) Minimum requirements of trustee accessibility.**
- 35 **(3) Provision of township assistance in a manner that does not**
36 **discriminate against applicants based on race, religion, color,**
37 **sex, disability, national origin, or ancestry.**
- 38 **(4) Subject to subdivision (5), income standards for the county**
39 **that provide for financial eligibility in an amount consistent**
40 **with reasonable costs of basic necessities in the particular**
41 **county.**
- 42 **(5) A provision specifying that a Holocaust victim's settlement**

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- 1 **payment received by an eligible individual:**
- 2 **(A) must be excluded from countable assets and countable**
- 3 **income; and**
- 4 **(B) may not be considered when setting income standards.**
- 5 **(6) Other information as needed, including the following:**
- 6 **(A) Township assistance office locations, hours, and days**
- 7 **of availability.**
- 8 **(B) Initial eligibility criteria.**
- 9 **(C) Continuing eligibility criteria.**
- 10 **(D) Workfare requirements.**
- 11 **(E) Essential and nonessential assets.**
- 12 **(F) Available resources.**
- 13 **(G) Income exemptions.**
- 14 **(H) Application process.**
- 15 **(I) Countable income.**
- 16 **(J) Countable assets.**
- 17 **(K) Wasted resources.**

18 **Sec. 5. (a) The board shall ensure adequate access to township**
 19 **assistance services, including a published telephone number for the**
 20 **township assistance offices in the name of the county.**

21 **(b) A township assistance office, if separate from the township**
 22 **trustee's residence, must be designated by a clearly visible sign that**
 23 **conforms to all local zoning and signage restrictions and that lists**
 24 **the:**

- 25 **(1) township trustee's name;**
- 26 **(2) availability of township assistance; and**
- 27 **(3) township assistance office's telephone number.**

28 **Sec. 6. (a) This section does not apply to a township trustee who**
 29 **has assisted fewer than fifty-one (51) households during each of the**
 30 **two (2) years immediately preceding the date of the township**
 31 **trustee's annual report under IC 12-20-28-4.**

32 **(b) To ensure minimum accessibility, a township trustee**
 33 **operating a township assistance office in a township with a**
 34 **population of at least ten thousand (10,000) shall provide scheduled**
 35 **office hours for township assistance. Each office must be staffed**
 36 **with an individual qualified to:**

- 37 **(1) determine eligibility; and**
- 38 **(2) issue relief sufficient to meet the township assistance needs**
 39 **of the township.**

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

- 42 **(1) Provide township assistance office hours for at least**

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

16 **Sec. 7. County standards for the administration of township**
 17 **assistance must include all applicable standards governing the**
 18 **provision of basic necessities, including maximum amounts, special**
 19 **conditions, or other limitations on eligibility, if any have been**
 20 **established for one (1) or more basic necessities.**

21 SECTION 18. IC 12-20-2-1, AS AMENDED BY P.L.73-2005,
 22 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2011]: Sec. 1. **(a) After December 31, 2014, this subsection**
 24 **applies only to a county having a consolidated city.** A suit or
 25 proceeding in favor of or against a township trustee concerning
 26 township assistance shall be conducted in favor of or against the
 27 township in the township's corporate name.

28 **(b) This subsection applies after December 31, 2014. This**
 29 **subsection applies only to a county not having a consolidated city.**
 30 **A suit or proceeding in favor of or against a township trustee or**
 31 **board concerning township assistance shall be conducted in favor**
 32 **of or against the county in the county's corporate name.**

33 SECTION 19. IC 12-20-4-2, AS AMENDED BY P.L.73-2005,
 34 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2011]: Sec. 2. **(a) After December 31, 2014, this subsection**
 36 **applies only to a county having a consolidated city.** The township
 37 trustee of each township, in the trustee's official capacity as chief
 38 executive officer within the township may do the following:

- 39 (1) Employ supervisors, investigators, assistants, or other
- 40 necessary employees in discharging the township trustee's duties
- 41 concerning the provision of township assistance.
- 42 (2) Fix the salaries or wages to be paid to the supervisors,

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1 investigators, assistants, and other necessary employees employed
2 by the township trustee.

3 **(b) This subsection applies after December 31, 2014. This**
4 **subsection applies only to a county not having a consolidated city.**
5 **The board, subject to the approval of the county fiscal body:**

6 **(1) shall employ supervisors, investigators, assistants, or other**
7 **necessary employees in discharging the township trustee's**
8 **duties concerning the provision of township assistance; and**

9 **(2) may establish offices in the county for the provision of**
10 **township assistance;**

11 **in accordance with the county plan.**

12 SECTION 20. IC 12-20-4-3, AS AMENDED BY P.L.73-2005,
13 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2011]: Sec. 3. (a) The township trustee shall determine the
15 number of township assistance supervisors, investigators, assistants, or
16 other necessary employees that are employed by the township to
17 administer township assistance. **After December 31, 2014, in a county**
18 **not having a consolidated city, the board may in accordance with**
19 **the county plan hire township assistance supervisors, investigators,**
20 **assistants, or other necessary employees that are employed by the**
21 **county.**

22 (b) The pay of township assistance supervisors, investigators,
23 assistants, and other necessary employees shall be fixed by the
24 township trustee subject only to the total budgetary appropriation for
25 personnel services for the administration of township assistance
26 approved by the township board. **After December 31, 2014, in a**
27 **county not having a consolidated city, the pay of township**
28 **assistance employees shall be fixed in the manner provided by law**
29 **for other county salaries.**

30 (c) A township assistance supervisor, investigator, assistant, or other
31 necessary employee who uses an automobile in the performance of the
32 employee's work is entitled to the same mileage paid to state officers
33 and employees. **After December 31, 2014, in a county not having a**
34 **consolidated city, a township assistance employee of a county is**
35 **entitled to a sum for mileage at a rate determined by the county**
36 **fiscal body.**

37 SECTION 21. IC 12-20-4-5, AS AMENDED BY P.L.73-2005,
38 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2011]: Sec. 5. (a) The number of supervisors of township
40 assistance investigators may not exceed one (1) supervisor for the first
41 four (4) township assistance investigators. If there are more than four
42 (4) township assistance investigators, the township trustee may employ

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1 one (1) additional supervisor for each twelve (12) township assistance
2 investigators or major fraction of that number. **After December 31,**
3 **2014, in a county not having a consolidated city, if there are more**
4 **than four (4) township assistance investigators, the board may, if**
5 **provided by the county plan, employ one (1) additional supervisor**
6 **for each twelve (12) township assistance investigators or major**
7 **fraction of that number.**

8 (b) The pay for supervisors of township assistance investigators
9 shall be fixed in the manner provided by law for other township
10 salaries. **After December 31, 2014, in a county not having a**
11 **consolidated city, the pay of township assistance investigators shall**
12 **be fixed in the manner provided by law for other county salaries.**

13 SECTION 22. IC 12-20-4-7, AS AMENDED BY P.L.73-2005,
14 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2011]: Sec. 7. (a) **After December 31, 2014, this subsection**
16 **applies only in a county having a consolidated city.** Two (2) or more
17 townships in the same county may jointly employ an investigator to
18 investigate township assistance applicants and recipients.

19 (b) **This subsection applies after December 31, 2014. This**
20 **subsection applies only to a county not having a consolidated city.**
21 **A county may employ an investigator to investigate township**
22 **assistance applicants and recipients in two (2) or more townships**
23 **in the county.**

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

28 SECTION 23. IC 12-20-4-11, AS AMENDED BY P.L.73-2005,
29 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2011]: Sec. 11. (a) A township assistance supervisor,
31 investigator, assistant, or other necessary employee shall be paid only
32 for the number of days the employee is actually engaged in
33 employment during each month.

34 (b) A township assistance supervisor, investigator, assistant, or other
35 necessary employee shall be paid at the rate established by the
36 township trustee from an appropriation by the township board with no
37 deduction for legal holidays. **After December 31, 2014, in a county**
38 **not having a consolidated city, the pay of a township assistance**
39 **supervisor, investigator, assistant, or other necessary employee**
40 **shall be fixed in the manner provided by law for other county**
41 **salaries with no deduction for legal holidays.**

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

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1 necessary employee shall be paid out of the same money as claims for
2 township assistance are paid. Claims for pay are payable upon
3 presentation of a sworn claim itemizing each day for which pay is
4 requested. Claims are to be made and filed in the same manner as other
5 claims for township assistance expenditures are payable, at least once
6 each month.

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

10 (e) **After December 31, 2014, this subsection applies only to a**
11 **county having a consolidated city.** The township trustee of a township
12 having a population of at least ten thousand (10,000) may appoint a
13 chief deputy. A chief deputy may be paid from any township funds.

14 (f) **After December 31, 2014, in a county not having a**
15 **consolidated city, the board may appoint a chief deputy of a**
16 **township having a population of at least ten thousand (10,000) if**
17 **provided for in the county plan. A chief deputy may be paid from**
18 **any county funds.**

19 SECTION 24. IC 12-20-4-13 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. (a) **After**
21 **December 31, 2014, this subsection applies only to a county having**
22 **a consolidated city.** The township trustee may, with the approval of
23 the township board employ personnel to supervise rehabilitation,
24 training, retraining, and work programs as provided in IC 12-20-13.

25 (b) **This subsection applies after December 31, 2014. This**
26 **subsection applies only to a county not having a consolidated city.**
27 **The board may, if permitted by the county plan, and with the**
28 **approval of the county fiscal body, employ personnel to supervise**
29 **rehabilitation, training, retraining, and work programs as**
30 **provided in IC 12-20-13.**

31 SECTION 25. IC 12-20-5-0.5 IS ADDED TO THE INDIANA
32 CODE AS A NEW SECTION TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. After December 31, 2014, this**
34 **chapter applies only to a county having a consolidated city.**

35 SECTION 26. IC 12-20-5.1 IS ADDED TO THE INDIANA CODE
36 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2011]:

38 **Chapter 5.1. Powers and Duties of Township Trustee in**
39 **Counties Other Than Marion County**

40 **Sec. 1. This chapter applies after December 31, 2014. This**
41 **chapter applies only to a county not having a consolidated city.**

42 **Sec. 2. (a) The township trustee is the executive and**

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1 administrative officer for township assistance in the trustee's
2 township.

3 (b) The board is the chief executive and administrative body for
4 township assistance in the county.

5 Sec. 3. A township trustee shall perform all duties with
6 reference to the poor of the trustee's township as prescribed by law
7 and in accordance with the county plan. A township trustee shall
8 perform the following duties and responsibilities with respect to
9 the trustee's township, subject to the supervision of the board:

10 (1) Administer township assistance within the standards
11 adopted under IC 12-20-1.6, including:

- 12 (A) accepting and processing applications for township
13 assistance;
- 14 (B) investigating applications for township assistance;
- 15 (C) approving and denying applications for township
16 assistance;
- 17 (D) administering approved relief; and
- 18 (E) working with other governmental and nonprofit
19 providers of assistance to direct applicants to other
20 resources.

21 (2) Manage staff.

22 (3) Operate township assistance offices.

23 (4) Complete and submit to the board the annual township
24 assistance statistical report under IC 12-20-28 and maintain
25 data on township assistance.

26 (5) If provided for in the county plan, conduct rehabilitation,
27 training, and work programs.

28 (6) Manage contracts with human service providers.

29 Sec. 4. A township trustee is entitled to the annual salary fixed
30 by the county fiscal body in the same manner that salaries are fixed
31 for other county officers and employees.

32 Sec. 5. The annual appropriations to a township trustee for the
33 expenses of renting an office and telephone expenses must, as
34 nearly as is possible, be equal to the actual cost of those items. If
35 the township trustee uses a part of the trustee's residence for an
36 office, the county fiscal body shall appropriate a reasonable sum
37 for that office space.

38 SECTION 27. IC 12-20-5.5-7 IS ADDED TO THE INDIANA
39 CODE AS A NEW SECTION TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2011]: Sec. 7. After December 31, 2014, this
41 chapter applies only to a county having a consolidated city.

42 SECTION 28. IC 12-20-6-0.5 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 0.5. (a) As used in this
 2 section, "member of the applicant's household" includes any person
 3 who lives in the same residence as the applicant.

4 (b) The township trustee shall determine whether an applicant or a
 5 member of the applicant's household has been denied assistance under
 6 IC 12-14-1-1, IC 12-14-1-1.5, IC 12-14-2-5.1, IC 12-14-2-5.3,
 7 IC 12-14-2-18, IC 12-14-2-20, IC 12-14-2-21, IC 12-14-2-24,
 8 IC 12-14-2-26, IC 12-14-2.5, or IC 12-14-5.5.

9 (c) **After December 31, 2014, this subsection applies only to a**
 10 **county having a consolidated city.** A township trustee has no
 11 obligation to extend aid to an applicant or to a member of an applicant's
 12 household who has been denied assistance as described in subsection
 13 (b).

14 (d) **This subsection applies after December 31, 2014. This**
 15 **subsection applies only to a county not having a consolidated city.**
 16 **A county plan may provide that a township trustee has no**
 17 **obligation to extend aid to an applicant or to a member of an**
 18 **applicant's household who has been denied assistance as described**
 19 **in subsection (b).**

20 (d) (e) A township trustee shall not extend aid to an applicant or to
 21 a member of an applicant's household if the applicant or the member
 22 of the applicant's household has been convicted of an offense under
 23 IC 35-43-5-7 or IC 35-43-5-7.1 as follows:

24 (1) If the conviction is a misdemeanor, a township trustee shall
 25 not extend aid to the applicant or the member of the applicant's
 26 household for one (1) year after the conviction.

27 (2) If the conviction is a felony, a township trustee shall not
 28 extend aid to the applicant or the member of the applicant's
 29 household for ten (10) years after the conviction.

30 SECTION 29. IC 12-20-6-1, AS AMENDED BY P.L.73-2005,
 31 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2011]: Sec. 1. (a) A township trustee may not extend aid to an
 33 individual or a household unless an application and affidavit setting
 34 forth the personal condition of the individual or household has been
 35 filed with the trustee within one hundred eighty (180) days before the
 36 date aid is extended.

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

42 (c) An applicant for utility assistance under IC 12-20-16-3(a) or

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1 **IC 12-20-16-3(b)** must comply with ~~IC 12-20-16-3(d)~~.
2 **IC 12-20-16-3(h)**.

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

9 (e) The township trustee shall assist an applicant for township
10 assistance in completing a township assistance application if the
11 applicant:

- 12 (1) has a mental or physical disability, including mental
- 13 retardation, cerebral palsy, blindness, or paralysis;
- 14 (2) has dyslexia; or
- 15 (3) cannot read or write the English language.

16 SECTION 30. IC 12-20-6-6.5, AS AMENDED BY P.L.73-2005,
17 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2011]: Sec. 6.5. (a) If an individual has been convicted of an
19 offense under IC 35-43-5-7, a township trustee may not extend aid to
20 or for the benefit of that individual for the following periods:

- 21 (1) If the conviction is for a misdemeanor, for one (1) year after
- 22 the conviction.
- 23 (2) If the conviction is for a felony, for ten (10) years after the
- 24 conviction.

25 (b) **After December 31, 2014, this subsection applies only to a**
26 **county having a consolidated city.** If a township trustee finds that an
27 individual has obtained township assistance from any township by
28 means of conduct described in IC 35-43-5-7, the township trustee may
29 refuse to extend aid to or for the benefit of that individual for sixty (60)
30 days after the later of the:

- 31 (1) date of the improper conduct; or
- 32 (2) date aid was last extended to the individual based on the
- 33 improper conduct.

34 (c) **This subsection applies after December 31, 2014. This**
35 **subsection applies only to a county not having a consolidated city.**
36 **If a township trustee finds that an individual has obtained**
37 **township assistance from any township by means of conduct**
38 **described in IC 35-43-5-7, the township trustee may, if provided**
39 **for in the county plan, refuse to extend aid to or for the benefit of**
40 **the individual for sixty (60) days after the later of the following:**

- 41 (1) **The date of the improper conduct.**
- 42 (2) **The date aid was last extended to the individual based on**

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the improper conduct.
SECTION 31. IC 12-20-6-6.6, AS AMENDED BY P.L.73-2005,
SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2011]: Sec. 6.6. **(a) After December 31, 2014, this
subsection applies only to a county having a consolidated city.**
Notwithstanding any other provision of this article:

- (1) a township trustee may not extend aid to or for the benefit of an individual if that aid would pay for goods or services provided to or for the benefit of the individual; and
- (2) a township is not obligated to pay the cost of basic necessities incurred on behalf of the household in which the individual resides;
during a period that the individual has previously applied for and been denied township assistance.

(b) This subsection applies after December 31, 2014. This subsection applies only to a county not having a consolidated city.
Notwithstanding any other provision of this article:

- (1) a township trustee may not extend aid to or for the benefit of an individual if that aid would pay for goods or services provided to or for the benefit of the individual; and
- (2) a county, if provided for in the county plan, is not obligated to pay the cost of basic necessities incurred on behalf of the household in which the individual resides;
during a period that the individual has previously applied for and been denied township assistance.

SECTION 32. IC 12-20-6-8, AS AMENDED BY P.L.73-2005,
SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2011]: Sec. 8. (a) A township trustee shall promptly notify in writing each applicant for township assistance of action taken upon a completed application for township assistance. The trustee shall do the following:

- (1) Mail notice or provide personal notice not later than seventy-two (72) hours, excluding weekends and legal holidays listed in IC 1-1-9, after the completed application is received advising the applicant of the right to appeal an adverse decision of the trustee to:
 - (A) the board of commissioners, in the case of a county having a consolidated city; or**
 - (B) in the case of a county not having a consolidated city:**
 - (i) before January 1, 2015, the board of commissioners;**
 - or**
 - (ii) after December 31, 2014, the circuit court having**

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jurisdiction in the county.

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

- (A) The type and amount of assistance granted.
- (B) The type and amount of assistance denied or partially granted.
- (C) Specific reasons for denying all or part of the assistance requested.
- (D) Information advising the applicant of the procedures for appeal to the:
 - (i) board of commissioners, **in the case of a county having a consolidated city; or**
 - (ii) **in the case of a county not having a consolidated city, (before January 1, 2015) the board of commissioners, and (after December 31, 2014) the circuit court having jurisdiction in the county.**
- (E) **After December 31, 2014, in a county not having a consolidated city, any other information required by the county plan.**

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

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

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

SECTION 33. IC 12-20-6-10, AS AMENDED BY P.L.73-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) As used in this section, "relative" includes only the parent, stepparent, child, stepchild, sibling, stepsibling, grandparent, stepgrandparent, grandchild, or stepgrandchild of a township assistance applicant.

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

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by furnishing employment.

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

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

(d) **After December 31, 2014, this subsection applies only to a county having a consolidated city.** If shelter payments are made to a relative of a township assistance applicant on behalf of the applicant or a member of the applicant's household, the **township** trustee may file a lien against the relative's real property for the amount of township shelter assistance granted.

(e) **This subsection applies after December 31, 2014. This subsection applies only to a county not having a consolidated city. If shelter payments are made to a relative of a township assistance applicant on behalf of the applicant or a member of the applicant's household, the township trustee may, if authorized by the county plan, file a lien against the relative's real property for the amount of township shelter assistance granted.**

SECTION 34. IC 12-20-7-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4.5. (a) **After December 31, 2014, this subsection applies only to a county having a consolidated city.** The township trustee shall use the information received under section 2 of this chapter to assist in reducing fraud and abuse in aid programs administered by the township trustee.

(b) **This subsection applies after December 31, 2014. This subsection applies only to a county not having a consolidated city. The township trustee shall use the information received under section 2 of this chapter to assist in reducing fraud and abuse in aid programs administered by the board.**

SECTION 35. IC 12-20-7-5, AS AMENDED BY P.L.145-2006, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. Information that is received through the use of a consent form described in section 1 of this chapter and that is not a public record open to inspection and copying under any statute may be used only in connection with the following:

- (1) The administration of the **township trustee's** township assistance program.

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

4 SECTION 36. IC 12-20-8-3, AS AMENDED BY P.L.73-2005,
 5 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2011]: Sec. 3. (a) **After December 31, 2014, this subsection
 7 applies only to a county having a consolidated city.** The township
 8 trustee may deny township assistance to an individual if the township
 9 trustee determines that the individual does not intend to make the
 10 township or county the individual's sole place of residence.

11 **(b) This subsection applies after December 31, 2014. This
 12 subsection applies only to a county not having a consolidated city.
 13 If provided for in the county plan, the township trustee may deny
 14 township assistance to an individual if the township trustee
 15 determines that the individual does not intend to make the
 16 township or county the individual's sole place of residence.**

17 ~~(b)~~ (c) **After December 31, 2014, this subsection applies only to
 18 a county having a consolidated city.** The township trustee may
 19 consider all relevant information that supports or refutes the
 20 individual's intent to make the township or county the individual's sole
 21 place of residence, except the length of time the individual has been
 22 located in the township or county.

23 **(d) This subsection applies after December 31, 2014. This
 24 subsection applies only to a county not having a consolidated city.
 25 If provided for in the county plan, the township trustee may
 26 consider all relevant information that supports or refutes the
 27 individual's intent to make the township or county the individual's
 28 sole place of residence, except the length of time the individual has
 29 been located in the township or county.**

30 SECTION 37. IC 12-20-9-3, AS AMENDED BY P.L.73-2005,
 31 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2011]: Sec. 3. (a) An individual:

- 33 (1) who:
- 34 (A) applies to the township trustee, as administrator of
 35 township assistance, for assistance or is in need of assistance;
 36 or
 37 (B) obtains free medical aid, hospitalization, public
 38 institutional care, or assistance in any part at public expense;
 39 and
- 40 (2) who does not have legal residence in the township;
 41 may be returned by the township trustee, as administrator of township
 42 assistance, to the individual's place of legal residence if that place can

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1 be determined.

2 (b) After December 31, 2014, in a county not having a
3 consolidated city, the township trustee may return an individual
4 described in subsection (a) to the individual's place of legal
5 residence if:

6 (1) the individual's place of legal residence can be determined;
7 and

8 (2) doing so is provided for in the county plan.

9 SECTION 38. IC 12-20-9-5, AS AMENDED BY P.L.73-2005,
10 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2011]: Sec. 5. (a) After December 31, 2014, this subsection
12 applies only to a county having a consolidated city. If an individual
13 or a member of an individual's household who is determined to be
14 eligible for township assistance and entitled to temporary relief is in a
15 township in which the individual or household member does not have
16 legal residence, the township trustee as administrator of township
17 assistance may, if the trustee considers advisable, place the individual
18 or household member temporarily in a county home as provided in
19 IC 12-20-17-4.

20 (b) This subsection applies after December 31, 2014. This
21 subsection applies only to a county not having a consolidated city.
22 If an individual or a member of an individual's household who is
23 determined to be eligible for township assistance and entitled to
24 temporary relief is in a township in which the individual or
25 household member does not have legal residence, the township
26 trustee as administrator of township assistance may place the
27 individual or household member temporarily in a county home as
28 provided in IC 12-20-17-4, if:

29 (1) the trustee considers the temporary placement advisable;
30 (2) the temporary placement is provided for in the county
31 plan; and

32 (3) the temporary placement is approved by the county board.

33 SECTION 39. IC 12-20-10-3.5, AS AMENDED BY P.L.73-2005,
34 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2011]: Sec. 3.5. (a) After December 31, 2014, this
36 subsection applies only to a county having a consolidated city. If a
37 township assistance applicant or a member of the applicant's household
38 claims an inability to work due to health, the township trustee may
39 require and provide for any medical examination necessary for the
40 township trustee to determine whether the applicant or household
41 member is able to perform work.

42 (b) This subsection applies after December 31, 2014. This

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1 subsection applies only to a county not having a consolidated city.
 2 If a township assistance applicant or a member of the applicant's
 3 household claims an inability to work due to health, the township
 4 trustee, if permitted by the county plan, may require and provide
 5 for any medical examination necessary for the township trustee to
 6 determine whether the applicant or household member is able to
 7 perform work.

8 SECTION 40. IC 12-20-10-4, AS AMENDED BY P.L.73-2005,
 9 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2011]: Sec. 4. (a) After December 31, 2014, this subsection
 11 applies only to a county having a consolidated city. The township
 12 trustee may call upon residents of the township to aid in finding
 13 employment for a township assistance applicant who is able to work.

14 (b) This subsection applies after December 31, 2014. This
 15 subsection applies only to a county not having a consolidated city.
 16 The township trustee, if permitted by the county plan, may call
 17 upon residents of the township to aid in finding employment for a
 18 township assistance applicant who is able to work.

19 SECTION 41. IC 12-20-11-2, AS AMENDED BY P.L.73-2005,
 20 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2011]: Sec. 2. (a) After December 31, 2014, this subsection
 22 applies only to a county having a consolidated city. The township
 23 trustee may require the recipient to perform work for nonprofit human
 24 services agencies located within the county or an adjoining township
 25 in another county unless the recipient attends courses under section 3
 26 of this chapter.

27 (b) This subsection applies after December 31, 2014. This
 28 subsection applies only to a county not having a consolidated city.
 29 If permitted by the county plan, the township trustee may require
 30 the recipient to perform work for nonprofit human services
 31 agencies located within the county or an adjoining township in
 32 another county unless the recipient attends courses under section
 33 3 of this chapter.

34 (b) (c) After December 31, 2014, this subsection applies only to
 35 a county having a consolidated city. The township trustee shall
 36 determine a township assistance applicant's suitability to perform
 37 available work under this section. The township trustee may provide
 38 for medical examinations necessary to make the determination.

39 (d) This subsection applies after December 31, 2014. This
 40 subsection applies only to a county not having a consolidated city.
 41 The township trustee shall determine a township assistance
 42 applicant's suitability to perform available work under this section.

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1 **If permitted by the county plan, the township trustee may provide**
2 **for medical examinations necessary to make the determination.**

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

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

13 ~~(e)~~ (g) Supervision of the work of a township assistance recipient
14 under this section is the responsibility of the nonprofit agency for
15 which the work is performed.

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

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

23 SECTION 42. IC 12-20-11-3, AS AMENDED BY P.L.2-2007,
24 SECTION 161, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) If a township assistance
26 recipient, after referral by the township trustee, is accepted and attends
27 adult education courses under IC 20-30-6-1 or courses at Ivy Tech
28 Community College, the township assistance recipient is exempt from
29 performing work or searching for work for not more than one hundred
30 eighty (180) days.

31 (b) **After December 31, 2014, this subsection applies only to a**
32 **county having a consolidated city.** The township trustee may
33 reimburse a township assistance recipient for tuition expenses incurred
34 in attending the courses described in subsection (a) if the recipient:

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

41 (c) **This subsection applies after December 31, 2014. This**
42 **subsection applies only to a county not having a consolidated city.**

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1 If permitted by the county plan, the township trustee may
2 reimburse a township assistance recipient for tuition expenses
3 incurred in attending the courses described in subsection (a) if the
4 recipient:

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

12 SECTION 43. IC 12-20-11-4, AS AMENDED BY P.L.73-2005,
13 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2011]: Sec. 4. (a) **After December 31, 2014, this subsection**
15 **applies only to a county having a consolidated city.** The township
16 trustee may require a township assistance applicant or an adult member
17 of the applicant's household to satisfy all obligations to perform work
18 incurred in another township before additional township assistance is
19 granted. However, in case of an emergency, the trustee may
20 temporarily waive the work obligation incurred from another township
21 and provide temporary assistance to an applicant or a household in
22 order to relieve need or immediate suffering.

23 (b) **This subsection applies after December 31, 2014. This**
24 **subsection applies only to a county not having a consolidated city.**
25 **If permitted by the county plan, the township trustee may do the**
26 **following:**

- 27 (1) **The trustee may require a township assistance applicant**
- 28 **or an adult member of the applicant's household to satisfy all**
- 29 **obligations to perform work incurred in another township**
- 30 **before additional township assistance is granted.**
- 31 (2) **In case of an emergency, the trustee may temporarily**
- 32 **wave the work obligation incurred from another township**
- 33 **and provide temporary assistance to an applicant or a**
- 34 **household in order to relieve need or immediate suffering.**

35 ~~(b)~~ (c) **After December 31, 2014, this subsection applies only to**
36 **a county having a consolidated city.** The township trustee may
37 request from another township trustee documentation necessary to
38 confirm that a township assistance applicant or an adult member of the
39 applicant's household performed or did not perform work in another
40 township.

41 (d) **This subsection applies after December 31, 2014. This**
42 **subsection applies only to a county not having a consolidated city.**

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1 **If permitted by the county plan, the township trustee may request**
2 **from another township trustee documentation necessary to**
3 **confirm that a township assistance applicant or an adult member**
4 **of the applicant's household performed or did not perform work in**
5 **another township.**

6 SECTION 44. IC 12-20-12-1, AS AMENDED BY P.L.73-2005,
7 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2011]: Sec. 1. **(a) After December 31, 2014, this subsection**
9 **applies only to a county having a consolidated city.** As a condition
10 of continuing eligibility, a township trustee may require a recipient of
11 township assistance or any member of a recipient's household to
12 participate in an appropriate work training program that is offered to
13 the recipient or a member of the recipient's household within the county
14 or an adjoining township in another county by a:

- 15 (1) federal, state, or local governmental entity; or
- 16 (2) nonprofit agency.

17 **(b) This subsection applies after December 31, 2014. This**
18 **subsection applies only to a county not having a consolidated city.**
19 **As a condition of continuing eligibility, a township trustee, if**
20 **permitted by the county plan, may require a recipient of township**
21 **assistance or any member of a recipient's household to participate**
22 **in an appropriate work training program that is offered to the**
23 **recipient or a member of the recipient's household within the**
24 **county or an adjoining township in another county by a:**

- 25 (1) federal, state, or local governmental entity; or
- 26 (2) nonprofit agency.

27 SECTION 45. IC 12-20-13-1, AS AMENDED BY P.L.73-2005,
28 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2011]: Sec. 1. **(a) After December 31, 2014, this subsection**
30 **applies only to a county having a consolidated city.** A township
31 trustee may, with the approval of the township board, do the following:

- 32 (1) Conduct the following for township assistance recipients in
33 the township:
 - 34 (A) Rehabilitation programs.
 - 35 (B) Training programs.
 - 36 (C) Retraining programs.
 - 37 (D) Work programs.
- 38 (2) Employ personnel to supervise the programs.
- 39 (3) Pay the costs of the programs from township assistance
40 money.

41 **(b) This subsection applies after December 31, 2014. This**
42 **subsection applies only to a county not having a consolidated city.**

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1 **If permitted by the county plan, a township trustee may conduct**
2 **the following for township assistance recipients in the township:**

- 3 **(1) Rehabilitation programs.**
- 4 **(2) Training programs.**
- 5 **(3) Retraining programs.**
- 6 **(4) Work programs.**

7 **The board may employ personnel to supervise the programs and**
8 **pay the costs of the programs from township assistance funds.**

9 SECTION 46. IC 12-20-13-3, AS AMENDED BY P.L.73-2005,
10 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2011]: Sec. 3. (a) An expenditure of money may not be made
12 under this chapter except after a specific appropriation made and
13 approved in the manner provided by law.

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

18 SECTION 47. IC 12-20-15-0.5 IS ADDED TO THE INDIANA
19 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. After December 31, 2014, this**
21 **chapter applies only to a county having a consolidated city.**

22 SECTION 48. IC 12-20-15.1 IS ADDED TO THE INDIANA
23 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2011]:

25 **Chapter 15.1. Appeal of Denial or Reduction in Amount of**
26 **Township Assistance in Counties Other Than Marion County**

27 **Sec. 1. This chapter applies after December 31, 2014. This**
28 **chapter applies only to a county not having a consolidated city.**

29 **Sec. 2. If an applicant for or recipient of township assistance is**
30 **not satisfied with the decision of the township trustee concerning**
31 **the township assistance, the applicant or recipient may appeal to**
32 **the circuit court in the county.**

33 **Sec. 3. In hearing an appeal under section 2 of this chapter, the**
34 **court is governed by the county's standards for determining**
35 **eligibility for granting township assistance in the county adopted**
36 **under IC 12-20-1.6. If legally sufficient standards have not been**
37 **established, the court is guided by the circumstances of the case.**

38 SECTION 49. IC 12-20-16-2, AS AMENDED BY P.L.73-2005,
39 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2011]: Sec. 2. (a) Except as provided in subsections (b) and
41 ~~(c)~~; **(e)**, the township trustee shall, in cases of necessity, do the
42 following:

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- 1 (1) Promptly provide medical assistance for poor individuals in
- 2 the township who are not provided for in public institutions.
- 3 (2) See that medicines, medical supplies, special diets, or tests
- 4 prescribed by a physician or surgeon in attendance upon poor
- 5 individuals in the township are properly furnished.
- 6 (b) **Except as provided in subsections (c) and (d)**, a township
- 7 trustee may not provide to an individual medical assistance under the
- 8 township assistance program if the individual could qualify for medical
- 9 assistance for the same service under:
- 10 (1) IC 12-16;
- 11 (2) Medicaid;
- 12 (3) other governmental medical programs; or
- 13 (4) private health insurance that would cover the individual at the
- 14 time the assistance was provided. However, if the individual's
- 15 insurance does not pay for the medical assistance due to a policy
- 16 deductible or other policy limitation, the township trustee shall
- 17 pay for medical assistance that the trustee would provide if the
- 18 individual did not have insurance.
- 19 (c) ~~However~~, **After December 31, 2014, this subsection applies**
- 20 **only to a county having a consolidated city.** A township trustee may
- 21 provide interim medical services during the period that the individual
- 22 has an application pending for medical assistance under Medicaid
- 23 (IC 12-15) or another governmental medical program if the individual
- 24 is reasonably complying with all requirements of the application
- 25 process.
- 26 (d) **This subsection applies after December 31, 2014. This**
- 27 **subsection applies only to a county not having a consolidated city.**
- 28 **If permitted by the county plan, a township trustee may provide**
- 29 **interim medical services during the period that the individual has**
- 30 **an application pending for medical assistance under Medicaid**
- 31 **(IC 12-15) or another governmental medical program if the**
- 32 **individual is reasonably complying with all requirements of the**
- 33 **application process.**
- 34 (e) The township trustee shall pay only for the following medical
- 35 services for the poor of the township:
- 36 (1) Prescription drugs, not to exceed a thirty (30) day supply at a
- 37 time, as prescribed by an attending practitioner (as defined in
- 38 IC 16-42-19-5) other than a veterinarian. However, if the
- 39 prescription drugs are available only in a container that contains
- 40 more than a thirty (30) day supply, the township trustee may pay
- 41 for the available size.
- 42 (2) Office calls to a physician licensed under IC 25-22.5 or

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- 1 another medical provider.
- 2 (3) Dental care needed to relieve pain or infection or to repair
- 3 cavities.
- 4 (4) Repair or replacement of dentures.
- 5 (5) Emergency room treatment that is of an emergency nature.
- 6 (6) Preoperation testing prescribed by an attending physician
- 7 licensed under IC 25-22.5.
- 8 (7) Over-the-counter drugs prescribed by a practitioner (as
- 9 defined in IC 16-42-19-5) other than a veterinarian.
- 10 (8) X-rays and laboratory testing as prescribed by an attending
- 11 physician licensed under IC 25-22.5.
- 12 (9) Visits to a medical specialist when referred by an attending
- 13 physician licensed under IC 25-22.5.
- 14 (10) Physical therapy prescribed by an attending physician
- 15 licensed under IC 25-22.5.
- 16 (11) Eyeglasses.
- 17 (12) Repair or replacement of a prosthesis not provided for by
- 18 other tax supported state or federal programs.
- 19 (13) Insulin and items needed to administer the biological, not to
- 20 exceed a thirty (30) day supply at a time, in accordance with
- 21 section 14 of this chapter. However, if the biologicals are
- 22 available only in a container that contains more than a thirty (30)
- 23 day supply, the township trustee may pay for the available size.
- 24 **(d) (f) After December 31, 2014, this subsection applies only to**
- 25 **a county having a consolidated city.** The township trustee may
- 26 establish a list of approved medical providers to provide medical
- 27 services to the poor of the township. Any medical provider who:
- 28 (1) can provide the particular medical services within the scope
- 29 of the provider's license issued under IC 25; and
- 30 (2) is willing to provide the medical services for the charges
- 31 established by the township trustee;
- 32 is entitled to be included on the list.
- 33 **(g) This subsection applies after December 31, 2014. This**
- 34 **subsection applies only to a county not having a consolidated city.**
- 35 **If permitted by the county plan, the township trustee may establish**
- 36 **a list of approved medical providers to provide medical services to**
- 37 **the poor of the township. Any medical provider who:**
- 38 (1) can provide the particular medical services within the
- 39 scope of the provider's license issued under IC 25; and
- 40 (2) is willing to provide the medical services for the charges
- 41 established by the board of trustees established under
- 42 IC 36-2-3.6;

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1 **is entitled to be included on the list.**

2 ~~(e)~~ **(h)** Unless prohibited by federal law, a township trustee who:

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

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

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

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

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

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

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

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

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

25 SECTION 50. IC 12-20-16-3, AS AMENDED BY P.L.1-2007,
26 SECTION 125, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) **After December 31, 2014,**
28 **this subsection applies only to a county having a consolidated city.**
29 The township trustee may, in cases of necessity, authorize the payment
30 from township assistance money for essential utility services, including
31 the following:

32 (1) Water services.

33 (2) Gas services.

34 (3) Electric services.

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

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

37 **(b) This subsection applies after December 31, 2014. This**
38 **subsection applies only to a county not having a consolidated city.**
39 **The township trustee may, if permitted by the county plan, in cases**
40 **of necessity, authorize the payment from township assistance**
41 **money for essential utility services, including the following:**

42 (1) Water services.

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- (2) Gas services.**
- (3) Electric services.**
- (4) Fuel oil services for fuel oil used for heating or cooking.**
- (5) Coal, wood, or liquid propane used for heating or cooking.**
- ~~(b)~~ **(c) After December 31, 2014, this subsection applies only to a county having a consolidated city.** The township trustee may authorize the payment of delinquent bills for the services listed in subsection (a)(1) through (a)(5) when necessary to prevent the termination of the services or to restore terminated service if the delinquency has lasted not longer than twenty-four (24) months. The township trustee has no obligation to pay a delinquent bill for the services or materials listed in subsection (a)(1) through (a)(5) if the delinquency has lasted longer than twenty-four (24) months.
- (d) This subsection applies after December 31, 2014. This subsection applies only to a county not having a consolidated city. If permitted by the county plan, the township trustee may authorize the payment of delinquent bills for the services listed in subsection (b)(1) through (b)(5) when necessary to prevent the termination of the services or to restore terminated service if the delinquency has lasted not longer than twenty-four (24) months. The county plan may provide that the township trustee has no obligation to pay a delinquent bill for the services or materials listed in subsection (b)(1) through (b)(5) if the delinquency has lasted longer than twenty-four (24) months.**
- ~~(c)~~ **(e) After December 31, 2014, this subsection applies only to a county having a consolidated city.** The township trustee is not required to pay for any utility service:
 - (1) that is not properly charged to:
 - (A) an adult member of a household;
 - (B) an emancipated minor who is head of the household; or
 - (C) a landlord or former member of the household if the applicant proves that the applicant:
 - (i) received the services as a tenant residing at the service address at the time the cost was incurred; and
 - (ii) is responsible for payment of the bill;
 - (2) received as a result of a fraudulent act by any adult member of a household requesting township assistance; or
 - (3) that includes the use of township assistance funds for the payment of:
 - (A) a security deposit; or
 - (B) damages caused by a township assistance applicant to utility company property.

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1 **(f) This subsection applies after December 31, 2014. This**
 2 **subsection applies only to a county not having a consolidated city.**
 3 **The township trustee is not required to pay for any utility service:**

4 **(1) that is not properly charged to:**

5 **(A) an adult member of a household;**

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

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

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

11 **(ii) is responsible for payment of the bill;**

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

14 **(3) that includes the use of township assistance funds for the**
 15 **payment of:**

16 **(A) a security deposit; or**

17 **(B) damages caused by a township assistance applicant to**
 18 **utility company property.**

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

23 ~~(e)~~ **(h)** This subsection applies only during the part of each year
 24 when applications for heating assistance are accepted by the lieutenant
 25 governor under IC 4-4-33. A township trustee may not provide
 26 assistance to make any part of a payment for heating fuel or electric
 27 services for more than thirty (30) days unless the individual files an
 28 application with the township trustee that includes the following:

29 (1) Evidence of application for assistance for heating fuel or
 30 electric services from the lieutenant governor.

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

33 **Except as provided in subsections (i) and (j),** the township trustee
 34 shall inform an applicant for assistance for heating fuel or electric
 35 services that assistance for heating fuel and electric services may be
 36 available from the lieutenant governor under IC 4-4-33 and that the
 37 township trustee may not provide assistance to make any part of a
 38 payment for those services for more than thirty (30) days unless the
 39 individual files an application for assistance for heating fuel or electric
 40 services under IC 4-4-33.

41 ~~(i)~~ **However, After December 31, 2014, this subsection applies**
 42 **only to a county having a consolidated city.** If the applicant

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1 household is eligible under criteria established by the lieutenant
2 governor for energy assistance under IC 4-4-33, the trustee may certify
3 the applicant as eligible for that assistance by completing an
4 application form prescribed by the state board of accounts and
5 forwarding the eligibility certificate to the lieutenant governor within
6 the period established for the acceptance of applications. If the trustee
7 follows this certification procedure, no other application is required for
8 assistance under IC 4-4-33.

9 **(j) This subsection applies after December 31, 2014. This**
10 **subsection applies only to a county not having a consolidated city.**
11 **If the applicant household is eligible under criteria established by**
12 **the lieutenant governor for energy assistance under IC 4-4-33, the**
13 **trustee may, if permitted by the county plan, certify the applicant**
14 **as eligible for that assistance by completing an application form**
15 **prescribed by the state board of accounts and forwarding the**
16 **eligibility certificate to the lieutenant governor within the period**
17 **established for the acceptance of applications. If the trustee follows**
18 **this certification procedure, no other application is required for**
19 **assistance under IC 4-4-33.**

20 **(k)** If an individual or a member of an individual's household has
21 received assistance under ~~subsection (b)~~, **subsection (c) or (d)**, the
22 individual must, before the individual or the member of the individual's
23 household may receive further assistance under ~~subsection (b)~~,
24 **subsection (c) or (d)**, certify whether the individual's or household's
25 income, resources, or household size has changed since the individual
26 filed the most recent application for township assistance. If the
27 individual or a member of the individual's household certifies that the
28 income, resources, or household size has changed, the township trustee
29 shall review the individual's or household's eligibility and may **do the**
30 **following:**

31 **(1) After December 31, 2014, this subdivision applies only to**
32 **a county having a consolidated city. The trustee may make any**
33 **necessary adjustments in the level of assistance provided to the**
34 **individual or to a member of the individual's household.**

35 **(2) This subdivision applies after December 31, 2014. This**
36 **subdivision applies only to a county not having a consolidated**
37 **city. If permitted by the county plan, the trustee may make**
38 **any necessary adjustments in the level of assistance provided**
39 **to the individual or to a member of the individual's household.**

40 SECTION 51. IC 12-20-16-5, AS AMENDED BY P.L.73-2005,
41 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2011]: Sec. 5. (a) **After December 31, 2014, this subsection**

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1 **applies only to a county having a consolidated city.** An applicant or
 2 a household that receives food relief in any township having a
 3 population of more than ten thousand (10,000) may request the
 4 township trustee as administrator of township assistance to issue a food
 5 order upon any eligible market, and the township trustee as
 6 administrator of township assistance shall abide by that request.

7 **(b) This subsection applies after December 31, 2014. This**
 8 **subsection applies only to a county not having a consolidated city.**
 9 **An applicant or a household that receives food relief in a county**
 10 **having a population of more than ten thousand (10,000) may**
 11 **request the township trustee to issue a food order upon any eligible**
 12 **market, and the township trustee shall abide by that request.**

13 ~~(b)~~ **(c) After December 31, 2014, this subsection applies only to**
 14 **a county having a consolidated city.** The amount of a food order for
 15 various sized households that are determined by the **township** trustee
 16 to be eligible for township assistance shall be based upon uniform
 17 monthly amounts specified in the township's township assistance
 18 standards. However, an additional amount of food may be ordered for
 19 special health reasons as prescribed by a physician. A supplemental
 20 food order may be issued because of the loss of the recipient's food by:

- 21 (1) fire, flood, or other natural disaster;
- 22 (2) burglary or other criminal act; or
- 23 (3) the unpreventable spoilage of food.

24 **(d) This subsection applies after December 31, 2014. This**
 25 **subsection applies only to a county not having a consolidated city.**
 26 **The amount of a food order for various sized households that are**
 27 **determined by the township trustee, if provided for in the county**
 28 **plan, to be eligible for township assistance must be based upon**
 29 **uniform monthly amounts specified in the township assistance**
 30 **standards. However, if provided for in the county plan, an**
 31 **additional amount of food may be ordered for special health**
 32 **reasons as prescribed by a physician. If provided for in the county**
 33 **plan, a supplemental food order may be issued because of the loss**
 34 **of the recipient's food by:**

- 35 (1) fire, flood, or other natural disaster;
- 36 (2) burglary or other criminal act; or
- 37 (3) the unpreventable spoilage of food.

38 ~~(c)~~ **(e) After December 31, 2014, this subsection applies only to**
 39 **a county having a consolidated city.** The **township** trustee may issue
 40 a food order to an eligible applicant on either a daily, weekly, or
 41 monthly basis.

42 **(f) This subsection applies after December 31, 2014. This**

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1 subsection applies only to a county not having a consolidated city.
2 If provided for in the county plan, the township trustee may issue
3 a food order to an eligible applicant on a daily, weekly, or monthly
4 basis.

5 SECTION 52. IC 12-20-16-6, AS AMENDED BY P.L.73-2005,
6 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2011]: Sec. 6. (a) Except as provided in subsection
8 subsections (b) and (c), a township trustee as administrator of
9 township assistance, may not purchase food out of the township
10 assistance fund for an applicant or a household that is eligible to
11 participate in the federal food stamp program.

12 (b) Except as provided in subsection (c), a township trustee as
13 administrator of township assistance, may purchase food for an eligible
14 food stamp applicant or household only under any of the following
15 conditions:

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

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

- 23 (A) fire or other natural disaster; or
- 24 (B) burglary or other criminal act, if the requesting applicant
25 or household files a report with the appropriate law
26 enforcement agency.

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

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

33 (5) If the township trustee as administrator of township assistance,
34 determines that an applicant or a household:

- 35 (A) is in need of supplementary food assistance; and
- 36 (B) has participated in the federal food stamp program to the
37 fullest extent allowable under federal and state law;
38 and supplementary food assistance is required by the
39 circumstances of the particular case.

40 (c) This subsection applies after December 31, 2014. This
41 subsection applies only to a county not having a consolidated city.
42 A township trustee may purchase food for an eligible food stamp

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1 **applicant or household only if the county plan incorporates the**
 2 **conditions set forth in subsection (b).**

3 SECTION 53. IC 12-20-16-10, AS AMENDED BY P.L.73-2005,
 4 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2011]: Sec. 10. **(a) After December 31, 2014, this subsection**
 6 **applies only to a county having a consolidated city.** The township
 7 trustee, as administrator of township assistance, may purchase feed for
 8 a minimum amount of subsistence livestock if the cost is less than the
 9 cost of food that is otherwise necessary for the township trustee to
 10 furnish under this chapter.

11 **(b) This subsection applies after December 31, 2014. This**
 12 **subsection applies only to a county not having a consolidated city.**
 13 **If permitted by the county plan, the township trustee may purchase**
 14 **feed for a minimum amount of subsistence livestock if the cost is**
 15 **less than the cost of food that is otherwise necessary for the**
 16 **township trustee to furnish under this chapter.**

17 SECTION 54. IC 12-20-16-12, AS AMENDED BY P.L.73-2005,
 18 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2011]: Sec. 12. (a) This section does not apply if the county
 20 coroner assumes jurisdiction of an unclaimed body under
 21 IC 36-2-14-16.

22 (b) If:

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

24 (A) money;

25 (B) real or personal property;

26 (C) other assets that may be liquidated; or

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

28 (2) the individual is not a resident of another township in Indiana;
 29 the township trustee, as administrator of township assistance, shall
 30 provide a person to superintend and authorize either the funeral and
 31 burial or cremation of the deceased individual. If the township trustee
 32 determines that the deceased individual is a resident of another
 33 township in Indiana, the township trustee shall notify the trustee of that
 34 township, who shall then provide a person to superintend and authorize
 35 either the funeral and burial or cremation of the deceased individual.

36 (c) The necessary and reasonable expenses of the funeral and burial
 37 or cremation, including a burial plot, shall be paid in the same manner
 38 as other claims for township assistance. A trustee shall determine the
 39 cost for the items and services required by law for the funeral and
 40 burial of an individual, including a burial plot, and for the cremation of
 41 an individual, and include in the township's township assistance
 42 standards the maximum funeral and burial or cremation amount to be

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1 paid from township assistance funds.

2 ~~The~~ **(d) After December 31, 2014, this subsection applies only to**
 3 **a county having a consolidated city. A trustee may deduct from the**
 4 **maximum amount the following:**

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

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

9 **(e) This subsection applies after December 31, 2014. This**
 10 **subsection applies only to a county not having a consolidated city.**
 11 **If permitted by the county plan, a trustee may deduct from the**
 12 **maximum amount the following:**

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

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

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

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

34 ~~(f)~~ **(h)** A township trustee who provides funeral and burial or
 35 cremation benefits to a deceased individual is entitled to a first priority
 36 claim, to the extent of the cost of the funeral and burial or cremation
 37 benefits paid by the township trustee, against any money or other
 38 personal property held by the coroner under IC 36-2-14-11.

39 ~~(g)~~ **(i)** The township trustee may not cremate a deceased individual
 40 if:

41 (1) the deceased individual; or

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

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1 has objected in writing to cremation.

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

7 SECTION 55. IC 12-20-16-13, AS AMENDED BY P.L.73-2005,
8 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2011]: Sec. 13. **(a) After December 31, 2014, this section
10 applies only to a county having a consolidated city.**

11 ~~(a)~~ **(b)** The township trustee, as administrator of township
12 assistance, may process at the expense of the township, materials
13 provided by charitable or governmental agencies to provide any item
14 of township assistance if the expense of the processing is less than the
15 cost of the finished product.

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

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

22 SECTION 56. IC 12-20-16-13.1 IS ADDED TO THE INDIANA
23 CODE AS A NEW SECTION TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2011]: **Sec. 13.1. (a) This section applies after
25 December 31, 2014. This section applies only to a county not having
26 a consolidated city.**

27 **(b) A township trustee, as administrator of township assistance,
28 may process, at the expense of the county, materials provided by
29 charitable or governmental agencies to provide any item of
30 township assistance if:**

- 31 **(1) the processing is permitted by the county plan; and**
32 **(2) the expense of the processing is less than the cost of the
33 finished product.**

34 **(c) A township trustee, as administrator of township assistance,
35 may:**

- 36 **(1) buy materials and supplies of any item of relief; and**
37 **(2) process the materials for township assistance purposes;**
38 **if authorized by the county plan.**

39 **(d) A township trustee, as administrator of township assistance,
40 may buy garden seeds and plant and maintain gardens for
41 township assistance purposes if permitted by the county plan.**

42 SECTION 57. IC 12-20-16-14 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. **(a) Except as**
 2 **provided in subsection (b)**, the township trustee is authorized to
 3 provide insulin to individuals who are in need of insulin treatment and
 4 who are financially unable to purchase the insulin, upon application of
 5 a physician licensed under IC 25-22.5 or an advanced practice nurse
 6 who is licensed under IC 25-23 and who meets the requirements of
 7 IC 25-23-1-11 and IC 25-23-1-19.5. However, an application submitted
 8 by a physician or an advanced practice nurse under this section must
 9 meet the requirements of IC 16-41-19-4.

10 **(b) This subsection applies after December 31, 2014. This**
 11 **subsection applies only to a county not having a consolidated city.**
 12 **In addition to the requirements of subsection (a), a township**
 13 **trustee may provide insulin only if:**

- 14 **(1) the requirements of subsection (a) are met; and**
 15 **(2) the county plan authorizes the township trustee to provide**
 16 **insulin.**

17 SECTION 58. IC 12-20-16-15 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. **(a) After**
 19 **December 31, 2014, this subsection applies only to a county having**
 20 **a consolidated city.** The township trustee may place indigent
 21 individuals in the county home in accordance with IC 12-30-4.

22 **(b) This subsection applies after December 31, 2014. This**
 23 **subsection applies only to a county not having a consolidated city.**
 24 **The board, upon the recommendation of the township trustee and**
 25 **with the approval of the board of commissioners of the county,**
 26 **may place indigent individuals in the county home in accordance**
 27 **with IC 12-30-4.**

28 SECTION 59. IC 12-20-16-17, AS AMENDED BY P.L.73-2005,
 29 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2011]: Sec. 17. (a) A township trustee may employ the
 31 services of a housing inspector to inspect all housing units, including:

- 32 (1) mobile homes;
 33 (2) group homes;
 34 (3) single household units;
 35 (4) multiple household units;
 36 (5) apartments; or
 37 (6) any other dwelling;

38 inhabited by a township assistance recipient. **However, after**
 39 **December 31, 2014, in a county not having a consolidated city, a**
 40 **township trustee may employ the services of a housing inspector**
 41 **under this subsection only if authorized by the county plan.**

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

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- 1 (1) for housing inspection services; and
- 2 (2) to train a township housing inspector.
- 3 **However, after December 31, 2014, in a county not having a**
- 4 **consolidated city, a township trustee may contract with a local**
- 5 **housing authority under this subsection only if authorized by the**
- 6 **county plan.** Costs of these contractual services shall be paid from the
- 7 township assistance fund.
- 8 (c) A township housing inspector shall use the following for
- 9 determining a housing structure's suitability for habitation:
- 10 (1) Standards recommended by the United States Department of
- 11 Housing and Urban Development as used by local housing
- 12 authorities.
- 13 (2) Local building codes and municipal ordinances.
- 14 (d) Substandard housing that does not meet minimum standards of
- 15 health, safety, and construction is not eligible for:
- 16 (1) the maximum level of shelter payments; or
- 17 (2) damage or security deposits paid from or encumbered by
- 18 township funds.
- 19 (e) If the trustee determines that a housing unit for which payment
- 20 is requested is substantially below minimum standards of health, safety,
- 21 or construction, the trustee, when necessary, shall assist the applicant
- 22 in obtaining appropriate alternate shelter.
- 23 (f) **After December 31, 2014, this subsection does not apply to a**
- 24 **county not having a consolidated city unless this subsection is**
- 25 **incorporated into the county plan.** A township trustee is not required
- 26 to spend township assistance funds for a shelter damage or security
- 27 deposit for an eligible township assistance applicant or household.
- 28 However, the trustee may encumber money for a shelter damage or
- 29 security deposit by making an agreement with a property owner who
- 30 furnishes shelter for a township assistance recipient or household. The
- 31 agreement must include the following:
- 32 (1) The agreement's duration, not to exceed one hundred eighty
- 33 (180) days.
- 34 (2) A statement that the agreement may be renewed if both parties
- 35 agree.
- 36 (3) The total value of the encumbered money, not to exceed the
- 37 value of one (1) month's rental payment.
- 38 (4) A statement signed by both the trustee and the property owner
- 39 attesting to the condition of the property at the time the agreement
- 40 is made.
- 41 (5) A statement that encumbered money may be used to pay the
- 42 cost of:

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- 1 (A) verified damages, normal wear excluded, caused by the
- 2 tenant township assistance recipient during the duration of the
- 3 agreement; and
- 4 (B) any unpaid rental payments for which the tenant township
- 5 assistance recipient is obligated.
- 6 (6) A statement that the total amount to be paid from the
- 7 encumbered money may not exceed one (1) month's rental
- 8 payment for the unit in question.

9 (g) **After December 31, 2014, this subsection does not apply to**
 10 **a county not having a consolidated city unless this subsection is**
 11 **incorporated into the county plan.** A trustee is not required to
 12 provide shelter assistance to an otherwise eligible individual if the:

- 13 (1) individual's most recent residence was provided by the
- 14 individual's parent, guardian, or foster parent; and
- 15 (2) individual, without just cause, leaves that residence for the
- 16 shelter for which the individual seeks assistance.

17 SECTION 60. IC 12-20-17-2, AS AMENDED BY P.L.73-2005,
 18 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2011]: Sec. 2. (a) **After December 31, 2014, this section**
 20 **applies only to a county having a consolidated city.**

21 (a) (b) As used in this section, "shelter" means a facility that
 22 provides temporary emergency assistance.

23 (b) (c) A township trustee may establish, purchase, acquire,
 24 maintain, or operate a shelter for eligible township assistance
 25 households needing temporary housing assistance.

26 (c) (d) A township having a population of less than eight thousand
 27 (8,000) may not expend more than ten thousand dollars (\$10,000) to
 28 implement this section without the approval of the county executive.

29 (d) (e) A township having a population of at least eight thousand
 30 (8,000) may not expend more than one hundred thousand dollars
 31 (\$100,000) to implement this section without the approval of the
 32 county executive.

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

- 37 (1) establish one (1) or more household shelter units; and
- 38 (2) pay a pro rata share of all administrative and other costs
- 39 incidental to the maintenance and operation of each shelter unit
- 40 established in subdivision (1).

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

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

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

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

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

14 ~~(h)~~ (i) A township trustee is not obligated to:

- 15 (1) enter into a contract with; or
16 (2) pay shelter costs to;

17 a shelter that is supported by federal or state funds.

18 SECTION 61. IC 12-20-17-2.1 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2011]: **Sec. 2.1. (a) This section applies after
21 December 31, 2014. This section applies only to a county not having
22 a consolidated city.**

23 **(b) As used in this section, "shelter" means a facility that
24 provides temporary emergency assistance.**

25 **(c) A township trustee may establish, purchase, acquire,
26 maintain, or operate a shelter for eligible township assistance
27 households needing temporary housing assistance, if authorized by
28 the county plan and approved by the county executive.**

29 **(d) In a county where the implementation of this section can be
30 more efficiently and expeditiously handled in units larger than a
31 single township, a township trustee may combine resources with
32 other townships within a county to establish one (1) or more
33 household shelter units, if authorized by the county plan.**

34 **(e) A township trustee is not required to provide assistance to an
35 individual who at the time assistance is requested is:**

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

38 **The township trustee may, if authorized by the county plan, refer
39 an individual described in this subsection to an appropriate agency
40 or facility located in the county or in an adjoining county that has
41 a program or charter specifically addressing the problems of
42 substance abuse, mental illness, or self-care.**

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

6 (g) A township trustee is not obligated to:

7 (1) enter into a contract with; or

8 (2) pay shelter costs to;

9 a shelter that is supported by federal or state funds.

10 SECTION 62. IC 12-20-17-4, AS AMENDED BY P.L.73-2005,
11 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2011]: Sec. 4. (a) **After December 31, 2014, this subsection
13 applies only to a county having a consolidated city.** If an individual
14 who is determined to be eligible for township assistance and entitled to
15 temporary relief is in a township in which the individual does not have
16 legal residence, the township trustee, as administrator of township
17 assistance, may, if the trustee considers advisable, place the individual
18 temporarily in the county home, if any, where the individual, if capable,
19 is to be employed.

20 (b) **This subsection applies after December 31, 2014. This
21 subsection applies only to a county not having a consolidated city.
22 If an individual who is determined to be eligible for township
23 assistance and entitled to temporary relief is in a township in which
24 the individual does not have legal residence, the township trustee,
25 may, if:**

26 (1) the trustee considers the temporary placement advisable;

27 (2) the temporary placement is provided for in the county
28 plan; and

29 (3) the temporary placement is approved by the county board;
30 place the individual temporarily in the county home, if any, where
31 the individual, if capable, is to be employed.

32 SECTION 63. IC 12-20-18-1, AS AMENDED BY P.L.73-2005,
33 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2011]: Sec. 1. (a) **Except as provided in subsection (b), a
35 township trustee, as administrator of township assistance, may
36 cooperate with the state and federal government in the furnishing of
37 township assistance so that the township assistance is furnished
38 adequately and economically.**

39 (b) **This subsection applies after December 31, 2014, only in a
40 county not having a consolidated city. If permitted by the county
41 plan, a township trustee may cooperate with the state and federal
42 governments in the furnishing of township assistance so that the**

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1 township assistance is furnished adequately and economically.

2 (c) A township trustee as administrator of township assistance,
3 shall provide facilities for relief headquarters and storage and
4 transportation of commodities for township assistance purposes as are
5 demanded, but such cooperation shall be confined to that reasonably
6 required under the purposes of this article.

7 SECTION 64. IC 12-20-18-2, AS AMENDED BY P.L.73-2005,
8 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2011]: Sec. 2. (a) The township trustee, as administrator of
10 township assistance, may participate in surplus agricultural
11 commodities distributions provided by the United States Department
12 of Agriculture to the state. **However, after December 31, 2014, in a
13 county not having a consolidated city, a township trustee may, if
14 permitted by the county plan, participate in surplus agricultural
15 commodities distributions provided by the United States
16 Department of Agriculture to the state.**

17 (b) Except as provided in subsection (c), a township trustee, as
18 administrator of township assistance:

- 19 (1) may establish the trustee's own distribution plan; or
- 20 (2) shall participate jointly with at least one (1) other township
21 trustee who serves as administrator of township assistance.

22 (c) **This subsection applies after December 31, 2014. This
23 subsection applies only to a county not having a consolidated city.
24 If permitted by the county plan, a township trustee may establish
25 the trustee's own distribution plan. If a distribution plan is not
26 established by the trustee, the trustee shall participate jointly in a
27 distribution plan with at least one (1) other township trustee.**

28 SECTION 65. IC 12-20-19-1, AS AMENDED BY P.L.73-2005,
29 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2011]: Sec. 1. (a) **After December 31, 2014, this subsection
31 applies only to a county having a consolidated city.** A township
32 trustee, as administrator of township assistance, may participate in and
33 cooperate ~~with~~ in the establishment and use of federal surplus
34 commodities food, cotton, or other stamp plans created by a
35 governmental agency of the United States in the purchase of food,
36 clothing, or other township assistance supplies.

37 (b) **This subsection applies after December 31, 2014. This
38 subsection applies only to a county not having a consolidated city.
39 If permitted by the county plan, a township trustee may participate
40 in and cooperate in the establishment and use of federal surplus
41 commodities food, cotton, or other stamp plans created by a
42 governmental agency of the United States in the purchase of food,**

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clothing, or other township assistance supplies.

(c) After December 31, 2014, this subsection applies only to a county having a consolidated city. If a township trustee's cooperation and participation in federal surplus commodities or stamp programs can be more efficiently and expeditiously handled in a larger unit than a single township, a group of township trustees, as administrators of township assistance, may do the following:

- (1) Establish a single stamp issuing agency.
- (2) Appoint and designate an issuing agent to issue stamps to recipients entitled to participate in the programs.
- (3) Pay each township's pro rata share of all administrative and other costs incident to the maintenance and operation of the issuing office.

(d) This subsection applies after December 31, 2014. This subsection applies only to a county not having a consolidated city. If a township trustee's cooperation and participation in federal surplus commodities or stamp programs can be more efficiently and expeditiously administered for a unit larger than a single township, the county plan may provide that the county:

- (1) establish a single stamp issuing agency;**
- (2) appoint and designate an issuing agent to issue stamps to recipients entitled to participate in the programs; and**
- (3) pay all administrative and other costs incident to the maintenance and operation of the issuing office.**

SECTION 66. IC 12-20-19-2, AS AMENDED BY P.L.73-2005, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. **After December 31, 2014, this section applies only to a county having a consolidated city.** To establish a revolving fund necessary for a township trustee's participation or administration, the township trustees, as administrators of township assistance, may make claims in the same manner as other township assistance claims are paid by the township.

SECTION 67. IC 12-20-19-3, AS AMENDED BY P.L.73-2005, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The issuing officer employed by:

- (1) a township trustee; or**
- (2) after December 31, 2014, the board of a county not having a consolidated city;**

must take an oath for the faithful performance of the duties of the issuing officer's office.

(b) The issuing officer must furnish a bond:

- (1) payable to the state; and

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

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

- 7 (1) all trustees; or
- 8 (2) **after December 31, 2014, the county, in the case of a**
- 9 **county not having a consolidated city.**

10 (d) The cost of the bond required by subsection (b) shall be paid by
11 county warrant and charged by the county auditor pro rata against:

- 12 (1) the township assistance accounts of the townships
- 13 participating in the establishment of the revolving or other fund;
- 14 or
- 15 (2) **after December 31, 2014, the township assistance account**
- 16 **of the county, in the case of a county not having a consolidated**
- 17 **city;**

18 for the purposes set forth in this chapter.

19 SECTION 68. IC 12-20-19-4, AS AMENDED BY P.L.73-2005,
20 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2011]: Sec. 4. (a) **After December 31, 2014, this subsection**
22 **applies only to a county having a consolidated city.** The trustees
23 participating in or cooperating with programs under this chapter may
24 issue to eligible recipients orders or stamps for food, clothing, or other
25 items covered under the federal plan.

26 (b) **This subsection applies after December 31, 2014. This**
27 **subsection applies only to a county not having a consolidated city.**
28 **The trustees participating in or cooperating with programs under**
29 **this chapter may issue to eligible recipients orders or stamps for**
30 **food, clothing, or other items covered under the federal plan and**
31 **in accordance with the county plan.**

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

35 (d) A recipient who receives an order or stamps under this
36 section may present the order or stamps to the issuing officer and is
37 entitled to have issued to the recipient food, cotton, or other vouchers
38 for use in the purchase of township assistance supplies.

39 SECTION 69. IC 12-20-20-1, AS AMENDED BY P.L.73-2005,
40 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2011]: Sec. 1. (a) **After December 31, 2014, this subsection**
42 **applies only to a county having a consolidated city.** If a township

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1 trustee, as administrator of township assistance, grants township
2 assistance to an indigent individual or to any other person or agency on
3 a township assistance order as provided by law or obligates the
4 township for an item properly payable from township assistance
5 money, the claim against the township must be:

- 6 (1) itemized and sworn to as provided by law;
- 7 (2) accompanied by the original township assistance order, which
8 must be itemized and signed; and
- 9 (3) checked with the records of the township trustee, as
10 administrator of township assistance, and audited and certified by
11 the township trustee.

12 (b) **After December 31, 2014, this subsection applies only to a**
13 **county having a consolidated city.** The township trustee shall pay
14 claims against the township for township assistance in the same manner
15 that other claims against the township are paid. The township trustee,
16 when authorized to pay claims directly to vendors, shall pay a claim
17 within forty-five (45) days. The township trustee shall pay the claim
18 from:

- 19 (1) any balance standing to the credit of the township against
20 which the claim is filed; or
- 21 (2) from any other available fund from which advancements can
22 be made to the township for that purpose.

23 (c) **This subsection applies after December 31, 2014. This**
24 **subsection applies only to a county not having a consolidated city.**
25 **A township trustee shall pay claims against the county for**
26 **township assistance in the same manner that other claims against**
27 **the county are paid.**

28 SECTION 70. IC 12-20-20-2, AS AMENDED BY P.L.73-2005,
29 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2011]: Sec. 2. (a) **After December 31, 2014, this subsection**
31 **applies only to a county having a consolidated city.** If money is not
32 available for the payment of township assistance claims under section
33 1 of this chapter, the township board shall appeal to borrow money
34 under IC 12-20-24.

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

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following:

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

This subsection expires January 1, 2015.

(c) This subsection does not apply to a county having a consolidated city. After December 31, 2014, the board of commissioners may borrow money or otherwise provide the money for the payment of township assistance claims under section 1 of this chapter. If the board of commissioners decides to borrow the money or otherwise provide the money, the county fiscal body shall promptly pass necessary ordinances and make the necessary appropriations to enable the board of commissioners to borrow or otherwise provide the money, after deciding whether to borrow money by any of the following:

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

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

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

SECTION 71. IC 12-20-21-2, AS AMENDED BY P.L.169-2006, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) After December 31, 2014, this section applies only to a county having a consolidated city.

(b) Township assistance money raised by townships may not be

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commingled.

SECTION 72. IC 12-20-21-3, AS AMENDED BY P.L.73-2005, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. **(a) After December 31, 2014, this section applies only to a county having a consolidated city.**

~~(a)~~ **(b)** A township trustee and township board may levy a specific tax for the purpose of providing money for the payment of township assistance expenses in the following year. The tax may be sufficient to meet the entire requirement of the township in the following year or the part that is determined to be proper.

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

SECTION 73. IC 12-20-21-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. **(a) This section applies only to a county not having a consolidated city.**

(b) The county shall establish a township assistance fund not later than January 1, 2015.

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

- (1) is in addition to all other tax levies authorized; and**
- (2) shall be levied annually for property taxes first due and payable in 2015 and thereafter by the county fiscal body on all taxable property in the county in the amount necessary to pay the items, awards, claims, allowances, assistance, and other expenses set forth in the annual county township assistance budget.**

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

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

- (1) All receipts from the tax imposed under this section.**
- (2) Any other money required by law to be placed in the fund.**

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

(g) Money in the fund at the end of a budget year does not revert to the county general fund.

SECTION 74. IC 12-20-22-0.5 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. 0.5. After December 31, 2014, this**
 3 **chapter applies only to a county having a consolidated city.**
 4 SECTION 75. IC 12-20-24-0.5 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. After December 31, 2014, this**
 7 **chapter applies only to a county having a consolidated city.**
 8 SECTION 76. IC 12-20-24.5 IS ADDED TO THE INDIANA
 9 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2011]:
 11 **Chapter 24.5. Township Assistance Borrowing for Counties**
 12 **Other Than Marion County**
 13 **Sec. 1. This chapter applies after December 31, 2014. This**
 14 **chapter applies only to a county not having a consolidated city.**
 15 **Sec. 2. (a) In addition to the other methods of township**
 16 **assistance financing provided by this article, if the county executive**
 17 **determines that the county's township assistance fund will be**
 18 **exhausted before the end of a fiscal year, the county executive shall**
 19 **notify the county fiscal body of that determination.**
 20 **(b) After receiving notice under subsection (a) that the county's**
 21 **township assistance fund will be exhausted before the end of a**
 22 **fiscal year, the county fiscal body may appeal to the department of**
 23 **local government finance for the right to borrow money on a short**
 24 **term basis to fund township assistance services in the county. In**
 25 **the appeal, the county fiscal body must do the following:**
 26 **(1) Show that the amount of money contained in the township**
 27 **assistance fund will not be sufficient to fund services required**
 28 **to be provided within the county by this article.**
 29 **(2) Show the amount of money that the county fiscal body**
 30 **estimates will be needed to fund the deficit.**
 31 **(3) Indicate a period, not to exceed five (5) years, during**
 32 **which the county would repay the loan.**
 33 **Sec. 3. (a) If upon appeal under section 2 of this chapter the**
 34 **department of local government finance determines that a county**
 35 **fiscal body should be allowed to borrow money under this chapter,**
 36 **the department shall order the county executive to borrow the**
 37 **money from a financial institution on behalf of the county fiscal**
 38 **body and to deposit the money borrowed in the county's township**
 39 **assistance fund.**
 40 **(b) If upon appeal under section 2 of this chapter the**
 41 **department of local government finance determines that a county**
 42 **fiscal body should not be allowed to borrow money, the county**

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1 fiscal body may not borrow money under this chapter for that
2 year.

3 Sec. 4. If a loan is approved under this chapter, the department
4 of local government finance shall determine the period during
5 which the county shall repay the loan. However, the period may
6 not exceed five (5) years.

7 Sec. 5. The department of local government finance may not do
8 any of the following:

9 (1) Approve a request to borrow money made under this
10 chapter unless the county fiscal body determines that the
11 county's township assistance fund will be exhausted before the
12 fund can fund all township obligations incurred under this
13 article.

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

16 Sec. 6. (a) If a county fiscal body:

17 (1) appeals before August 1 for permission to borrow money;

18 (2) receives permission from the department to borrow money
19 before November 1 of that year; and

20 (3) borrows money under this chapter;

21 the county fiscal body shall levy a property tax beginning in the
22 next succeeding year and continuing for the term of the loan in an
23 amount each year that will be sufficient to pay the principal and
24 interest due on the loan for the year.

25 (b) If the county fiscal body:

26 (1) appeals after August 1 for permission to borrow money;

27 (2) receives permission from the department of local
28 government finance to borrow money; and

29 (3) borrows money in the year of the appeal under this
30 chapter;

31 the county fiscal body shall levy a property tax beginning in the
32 second succeeding year and continuing for the term of the loan in
33 an amount each year that will be sufficient to pay the principal and
34 interest due on the loan for the year.

35 (c) The property taxes levied under this section shall be retained
36 by the county executive and applied by the county executive to
37 retire the debt.

38 Sec. 7. A county fiscal body must make an additional
39 appropriation before money borrowed under this chapter may be
40 spent.

41 SECTION 77. IC 12-20-25-1 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Except as

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1 **provided in subsection (b)**, this chapter applies to each county having
 2 at least one (1) distressed township.

3 **(b) After December 31, 2014, this chapter does not apply to a**
 4 **county not having a consolidated city.**

5 SECTION 78. IC 12-20-26-1, AS AMENDED BY P.L.73-2005,
 6 SECTION 148, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2011]: Sec. 1. **(a) After December 31, 2014,**
 8 **this section applies only to a county having a consolidated city.**

9 **(b)** In a county in which a tax has been levied and raised for the
 10 payment of notes and interest on the notes issued by the board of
 11 commissioners for the purpose of paying township assistance claims
 12 against a township, the county auditor shall transfer the balance of
 13 money that remains after paying all notes and interest to the county
 14 general fund to the credit of the township assistance fund of the
 15 township in which the money was raised.

16 SECTION 79. IC 12-20-27-1, AS AMENDED BY P.L.99-2007,
 17 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2011]: Sec. 1. (a) Subject to IC 12-20-11-5(b), **and except as**
 19 **provided in subsection (b)**, a township trustee who, as administrator
 20 of township assistance, furnishes township assistance, may file a claim
 21 against the estate of a township assistance recipient who:

22 (1) dies, leaving an estate; and

23 (2) is not survived by:

24 (A) a spouse;

25 (B) an adult dependent with a disability; or

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

27 for the value of township assistance given the recipient before the
 28 recipient's death.

29 **(b) This subsection applies after December 31, 2014. This**
 30 **subsection applies only to a county not having a consolidated city.**
 31 **A trustee may file a claim against the estate of a township**
 32 **assistance recipient only if authorized by the county plan.**

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

36 SECTION 80. IC 12-20-27-1.5, AS AMENDED BY P.L.73-2005,
 37 SECTION 150, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2011]: Sec. 1.5. (a) As used in this section,
 39 "interim period" means the period:

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

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1 (2) ending when the township assistance applicant or member of
 2 the applicant's household receives the judgment, compensation,
 3 or monetary benefit or leaves the household.
 4 (b) Subject to IC 12-20-11-5(b), if a township trustee, as
 5 administrator of township assistance, anticipates that a township
 6 assistance applicant or a member of the applicant's household is likely
 7 to receive a judgment, compensation, or a monetary benefit from a
 8 third party, the township trustee may require the applicant or the
 9 affected member of the applicant's household to:
 10 (1) enter into a subrogation agreement; or
 11 (2) sign a Social Security Administration's reimbursement
 12 authorization;
 13 for the repayment of any township assistance benefits provided by the
 14 township **or (after December 31, 2014, in the case of a county not**
 15 **having a consolidated city) the county** during the interim period. A
 16 subrogation agreement authorized under subdivision (1) may only
 17 require repayment of interim benefits provided to the applicant or to
 18 the applicant's dependents who were members of the household to
 19 which township assistance benefits were paid.
 20 SECTION 81. IC 12-20-28-3, AS AMENDED BY P.L.1-2009,
 21 SECTION 106, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2011]: Sec. 3. **(a) After December 31, 2014,**
 23 **this section applies only to a county having a consolidated city.**
 24 ~~(a)~~ **(b)** The definitions in this section apply to a report that is
 25 required to be filed under this section.
 26 ~~(b)~~ **(c)** As used in this section, "case contact" means any act of
 27 service in which a township employee has reason to enter a comment
 28 or narrative into the record of an application for township assistance
 29 under this article regardless of whether the applicant receives or does
 30 not receive township assistance funds.
 31 ~~(c)~~ **(d)** As used in this section, "total number of households
 32 containing township assistance recipients" means the sum to be
 33 determined by counting the total number of individuals who file an
 34 application for which assistance is granted. A household may be
 35 counted only once during a calendar year regardless of the number of
 36 times assistance is provided if the same individual makes the
 37 application for assistance.
 38 ~~(d)~~ **(e)** As used in this section, "total number of recipients" means
 39 the number of individuals who are members of a household that
 40 receives assistance on at least one (1) occasion during the calendar
 41 year. An individual may be counted only one (1) time during a calendar
 42 year regardless of the:

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- 1 (1) number of times assistance is provided; or
 2 (2) number of households in which the individual resides during
 3 a particular year.
- 4 ~~(e)~~ (f) As used in this section, "total number of requests for
 5 assistance" means the number of times an individual or a household
 6 separately requests any type of township assistance.
- 7 ~~(f)~~ (g) The township trustee shall file an annual statistical report on
 8 township housing, medical care, utility assistance, food assistance,
 9 burial assistance, food pantry assistance, services related to
 10 representative payee programs, services related to special
 11 nontraditional programs, and case management services with the state
 12 board of accounts. The township trustee shall provide a copy of the
 13 annual statistical report to the county auditor. The county auditor shall
 14 keep the copy of the report in the county auditor's office. Except as
 15 provided in subsection ~~(k)~~; (l), the report must be made on a form
 16 provided by the state board of accounts. The report must contain the
 17 following information:
- 18 (1) The total number of requests for assistance.
 19 (2) The total number of each of the following:
 20 (A) Recipients of township assistance.
 21 (B) Households containing recipients of township assistance.
 22 (C) Case contacts made with or on behalf of:
 23 (i) recipients of township assistance; or
 24 (ii) members of a household receiving township assistance.
 25 (3) The total value of benefits provided to recipients of township
 26 assistance.
 27 (4) The total value of benefits provided through the efforts of
 28 township staff from sources other than township funds.
 29 (5) The total number of each of the following:
 30 (A) Recipients of township assistance and households
 31 receiving utility assistance.
 32 (B) Recipients assisted by township staff in receiving utility
 33 assistance from sources other than township funds.
 34 (6) The total value of benefits provided for the payment of
 35 utilities, including the value of benefits of utility assistance
 36 provided through the efforts of township staff from sources other
 37 than township funds.
 38 (7) The total number of each of the following:
 39 (A) Recipients of township assistance and households
 40 receiving housing assistance.
 41 (B) Recipients assisted by township staff in receiving housing
 42 assistance from sources other than township funds.

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- 1 (8) The total value of benefits provided for housing assistance,
- 2 including the value of benefits of housing assistance provided
- 3 through the efforts of township staff from sources other than
- 4 township funds.
- 5 (9) The total number of each of the following:
- 6 (A) Recipients of township assistance and households
- 7 receiving food assistance.
- 8 (B) Recipients assisted by township staff in receiving food
- 9 assistance from sources other than township funds.
- 10 (10) The total value of food assistance provided, including the
- 11 value of food assistance provided through the efforts of township
- 12 staff from sources other than township funds.
- 13 (11) The total number of each of the following:
- 14 (A) Recipients of township assistance and households
- 15 provided health care.
- 16 (B) Recipients assisted by township staff in receiving health
- 17 care assistance from sources other than township funds.
- 18 (12) The total value of health care provided, including the value
- 19 of health care assistance provided through the efforts of township
- 20 staff from sources other than township funds.
- 21 (13) The total number of funerals, burials, and cremations.
- 22 (14) The total value of funerals, burials, and cremations, including
- 23 the difference between the:
- 24 (A) actual value of the funerals, burials, and cremations; and
- 25 (B) amount paid by the township for the funerals, burials, and
- 26 cremations.
- 27 (15) The total of each of the following:
- 28 (A) Number of nights of emergency shelter provided to the
- 29 homeless.
- 30 (B) Number of nights of emergency shelter provided to
- 31 homeless individuals through the efforts of township staff from
- 32 sources other than township funds.
- 33 (C) Value of the nights of emergency shelter provided to
- 34 homeless individuals by the township and the value of the
- 35 nights of emergency shelter provided through the efforts of the
- 36 township staff from sources other than township funds.
- 37 (16) The total of each of the following:
- 38 (A) Number of referrals of township assistance applicants to
- 39 other programs.
- 40 (B) Value of the services provided by the township in making
- 41 referrals to other programs.
- 42 (17) The total number of training programs or job placements

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- 1 found for recipients of township assistance with the assistance of
- 2 the township trustee.
- 3 (18) The number of hours spent by recipients of township
- 4 assistance at workfare.
- 5 (19) The total value of the services provided by workfare to the
- 6 township and other agencies.
- 7 (20) The total amount of reimbursement for assistance received
- 8 from:
- 9 (A) recipients;
- 10 (B) members of recipients' households; or
- 11 (C) recipients' estates;
- 12 under IC 12-20-6-10, IC 12-20-27-1, or IC 12-20-27-1.5.
- 13 (21) The total amount of reimbursement for assistance received
- 14 from medical programs under ~~IC 12-20-16-2(c)~~.
- 15 **IC 12-20-16-2(h).**
- 16 (22) The total of each of the following:
- 17 (A) Number of individuals assisted through a representative
- 18 payee program.
- 19 (B) Amount of funds processed through the representative
- 20 payee program that are not township funds.
- 21 (23) The total of each of the following:
- 22 (A) Number of individuals assisted through special
- 23 nontraditional programs provided through the township
- 24 without the expenditure of township funds.
- 25 (B) Amount of funds used to provide the special nontraditional
- 26 programs that are not township funds.
- 27 (24) The total of each of the following:
- 28 (A) Number of hours an investigator of township assistance
- 29 spends providing case management services to a recipient of
- 30 township assistance or a member of a household receiving
- 31 township assistance.
- 32 (B) Value of the case management services provided.
- 33 (25) The total number of housing inspections performed by the
- 34 township.
- 35 If the total number or value of any item required to be reported under
- 36 this subsection is zero (0), the township trustee shall include the
- 37 notation "0" in the report where the total number or value is required
- 38 to be reported.
- 39 ~~(g)~~ **(h)** The state board of accounts shall compare and compile all
- 40 data reported under subsection ~~(f)~~ **(g)** into a statewide statistical report.
- 41 The department shall summarize the data compiled by the state board
- 42 of accounts that relate to the fixing of township budgets, levies, and tax

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1 rates and shall include the department's summary within the statewide
 2 statistical report prepared under this subsection. Before July 1 of each
 3 year, the state board of accounts shall file the statewide statistical
 4 report prepared under this subsection with the executive director of the
 5 legislative services agency in an electronic format under IC 5-14-6.

6 ~~(f)~~ (i) The state board of accounts shall forward a copy of:

7 (1) each annual report forwarded to the board under subsection

8 ~~(f)~~; (g); and

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

11 ~~(i)~~ (j) The division of family resources shall include in the division's
 12 periodic reports made to the United States Department of Health and
 13 Human Services concerning the Temporary Assistance for Needy
 14 Families (TANF) and Supplemental Security Income (SSI) programs
 15 information forwarded to the division under subsection ~~(h)~~ (i)
 16 concerning the total number of recipients of township assistance and
 17 the total dollar amount of benefits provided.

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

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

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

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

30 ~~(l)~~ (m) The information required to be reported by the township
 31 trustee under this section shall be maintained by the township trustee
 32 in accordance with IC 5-15-6.

33 SECTION 82. IC 12-20-28-4 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2011]: **Sec. 4. (a) This section applies after**
 36 **December 31, 2014. This section applies only to a county not having**
 37 **a consolidated city.**

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

40 **(c) The board shall file an annual statistical report on county**
 41 **housing, medical care, utility assistance, food assistance, burial**
 42 **assistance, food pantry assistance, services related to**

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1 representative payee programs, services related to special
 2 nontraditional programs, and case management services with the
 3 state board of accounts. The trustee of each township in the county
 4 shall complete the report for the trustee's township. The board
 5 shall compile all data received from each township into a
 6 countywide statistical report. The board shall provide a copy of the
 7 annual statistical report to the county auditor. The county auditor
 8 shall keep the copy of the report in the county auditor's office.
 9 Except as provided in subsection (h), the report must be made on
 10 a form provided by the state board of accounts. The report must
 11 contain the following information:

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

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- 1 (A) Recipients of township assistance and households
- 2 receiving food assistance.
- 3 (B) Recipients assisted by the county in receiving food
- 4 assistance from sources other than county funds.
- 5 (10) The total value of food assistance provided, including the
- 6 value of food assistance provided through the efforts of the
- 7 county from sources other than county funds.
- 8 (11) The total number of each of the following:
- 9 (A) Recipients of township assistance and households
- 10 provided health care.
- 11 (B) Recipients assisted by the county in receiving health
- 12 care assistance from sources other than county funds.
- 13 (12) The total value of health care provided, including the
- 14 value of health care assistance provided through the efforts of
- 15 the county from sources other than county funds.
- 16 (13) The total number of funerals, burials, and cremations.
- 17 (14) The total value of funerals, burials, and cremations,
- 18 including the difference between the actual value of the
- 19 funerals, burials, and cremations and the amount paid by the
- 20 township for the funerals, burials, and cremations.
- 21 (15) The total of each of the following:
- 22 (A) Number of nights of emergency shelter provided to the
- 23 homeless.
- 24 (B) Number of nights of emergency shelter provided to
- 25 homeless individuals through the efforts of the county from
- 26 sources other than county funds.
- 27 (C) Value of the nights of emergency shelter provided to
- 28 homeless individuals by the county and the value of the
- 29 nights of emergency shelter provided through the efforts
- 30 of the county from sources other than county funds.
- 31 (16) The total of each of the following:
- 32 (A) Number of referrals of township assistance applicants
- 33 to other programs.
- 34 (B) Value of the services provided by the county in making
- 35 referrals to other programs.
- 36 (17) The total number of training programs or job placements
- 37 found for recipients of township assistance with the assistance
- 38 of the township trustee.
- 39 (18) The number of hours spent by recipients of township
- 40 assistance at workfare.
- 41 (19) The total value of the services provided by workfare to
- 42 the county and other agencies.

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- 1 **(20) The total amount of reimbursement for assistance**
- 2 **received from:**
- 3 **(A) recipients;**
- 4 **(B) members of recipients' households; or**
- 5 **(C) recipients' estates;**
- 6 **under IC 12-20-6-10, IC 12-20-27-1, or IC 12-20-27-1.5.**
- 7 **(21) The total amount of reimbursement for assistance**
- 8 **received from medical programs under IC 12-20-16-2(h).**
- 9 **(22) The total of each of the following:**
- 10 **(A) Number of individuals assisted through a**
- 11 **representative payee program.**
- 12 **(B) Amount of funds processed through the representative**
- 13 **payee program that are not county funds.**
- 14 **(23) The total of each of the following:**
- 15 **(A) Number of individuals assisted through special**
- 16 **nontraditional programs provided through the township or**
- 17 **the county without the expenditure of county funds.**
- 18 **(B) Amount of funds used to provide the special**
- 19 **nontraditional programs that are not county funds.**
- 20 **(24) The total of each of the following:**
- 21 **(A) Number of hours an investigator of township assistance**
- 22 **spends providing case management services to a recipient**
- 23 **of township assistance or a member of a household**
- 24 **receiving township assistance.**
- 25 **(B) Value of the case management services provided.**
- 26 **(25) The total number of housing inspections performed by**
- 27 **the county.**
- 28 **If the total number or value of any item required to be reported**
- 29 **under this subsection is zero (0), the board shall include the**
- 30 **notation "0" in the report where the total number or value is**
- 31 **required to be reported.**
- 32 **(d) The state board of accounts shall compile all data reported**
- 33 **under subsection (c) into a statewide statistical report. The**
- 34 **department of local government finance shall summarize the data**
- 35 **compiled by the state board of accounts that relates to the fixing of**
- 36 **county budgets, levies, and tax rates and shall include the**
- 37 **department's summary within the statewide statistical report**
- 38 **prepared under this subsection. Before July 1 of each year, the**
- 39 **state board of accounts shall file the statewide statistical report**
- 40 **prepared under this subsection with the executive director of the**
- 41 **legislative services agency in an electronic format under IC 5-14-6.**
- 42 **(e) The state board of accounts shall forward a copy of:**

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- 1 (1) each annual report forwarded to the board under
- 2 subsection (c); and
- 3 (2) the statewide statistical report under subsection (d);
- 4 to the department and the division of family resources.

5 (f) The division of family resources shall include in the division's
 6 periodic reports made to the United States Department of Health
 7 and Human Services concerning the Temporary Assistance for
 8 Needy Families (TANF) and Supplemental Security Income (SSI)
 9 programs information forwarded to the division under subsection
 10 (e) concerning the total number of recipients of township assistance
 11 and the total dollar amount of benefits provided.

12 (g) The department of local government finance may not
 13 approve the budget of a county that failed to file an annual report
 14 under subsection (c) in the preceding calendar year.

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

- 18 (1) The method of reporting is acceptable to both the board
- 19 reporting the information and the governmental entity to
- 20 which the information is reported.
- 21 (2) A written copy of information reported by electronic
- 22 transfer is on file with the board reporting information by
- 23 electronic means.

24 (i) The information required to be reported by the board under
 25 this section shall be maintained by the board in accordance with
 26 IC 5-15-6.

27 SECTION 83. IC 12-30-4-0.5 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. As used in this chapter,**
 30 **"board of trustees" means the county board of trustees established**
 31 **under IC 36-2-3.6.**

32 SECTION 84. IC 12-30-4-1, AS AMENDED BY P.L.73-2005,
 33 SECTION 156, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2011]: Sec. 1. Every county that maintains, in
 35 addition to any other charitable institution permitted by law, a county
 36 home that provides for the care of indigent individuals as provided by
 37 law:

- 38 (1) shall receive and support in the county home indigent
- 39 individuals who:
 - 40 (A) are lawfully settled in the county; and
 - 41 (B) placed in the county home by:
 - 42 (i) the township trustee as the administrator of township

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1 assistance, with the consent of the board of commissioners
 2 of the county; or
 3 **(ii) after December 31, 2014, in the case of a county not**
 4 **having a consolidated city, the county board of trustees,**
 5 **upon the recommendation of a township trustee and with**
 6 **the consent of the board of commissioners of the county;**
 7 **or**

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

12 SECTION 85. IC 12-30-4-2, AS AMENDED BY P.L.73-2005,
 13 SECTION 157, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) **Except as provided in**
 15 **subsection (b),** the township trustee as the administrator of township
 16 assistance shall periodically provide for the admission to the county
 17 home of indigent individuals who have become permanent charges on
 18 the township.

19 **(b) After December 31, 2014, in a county not having a**
 20 **consolidated city, the county board of trustees shall periodically**
 21 **provide for the admission to the county home of indigent**
 22 **individuals who have become permanent charges on the county.**

23 ~~(b)~~ (c) **Except as provided in subsection (d),** whenever an
 24 individual who is determined to be eligible for township assistance and
 25 is entitled to temporary relief is in a township in which the individual
 26 does not have legal settlement, the township trustee as the
 27 administrator of township assistance may place the individual
 28 temporarily in the county home.

29 **(d) After December 31, 2014, in a county not having a**
 30 **consolidated city, whenever an individual who is determined to be**
 31 **eligible for township assistance and is entitled to temporary relief**
 32 **is in a township in which the individual does not have legal**
 33 **settlement, the county board of trustees may, if authorized by the**
 34 **county plan, place the individual temporarily in the county home.**

35 SECTION 86. IC 12-30-4-3, AS AMENDED BY P.L.73-2005,
 36 SECTION 158, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) **After December 31, 2014,**
 38 **this subsection applies only to a county having a consolidated city.**
 39 The township trustee as the administrator of township assistance shall,
 40 when seeking the admission of an individual as a resident of a county
 41 home, first investigate the individual and make a report to the board of
 42 commissioners of the county. The report must contain the following:

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- 1 (1) The name of the individual.
- 2 (2) The birth place and date of birth of the individual.
- 3 (3) The length of time that the individual has been legally settled
- 4 in the township.
- 5 (4) A statement of the health of the individual, which must be
- 6 certified to by a competent physician.
- 7 (5) A statement of the income, property, or property rights of the
- 8 individual.
- 9 (6) A list of the individual's relatives who, in the opinion of the
- 10 township trustee as the administrator of township assistance, are
- 11 capable of making contributions for the support of the individual.

12 **(b) This subsection applies after December 31, 2014. This**
 13 **subsection applies only to a county not having a consolidated city.**
 14 **The township trustee shall, before making a recommendation to**
 15 **the county board of trustees regarding the admission of an**
 16 **individual as a resident of a county home, investigate the individual**
 17 **and make a report to the county board of trustees. The report must**
 18 **contain the following:**

- 19 (1) **The name of the individual.**
- 20 (2) **The birth place and date of birth of the individual.**
- 21 (3) **The length of time that the individual has been legally**
- 22 **settled in the township.**
- 23 (4) **A statement of the health of the individual, which must be**
- 24 **certified to by a competent physician.**
- 25 (5) **A statement of the income, property, or property rights of**
- 26 **the individual.**
- 27 (6) **A list of the individual's relatives who, in the opinion of the**
- 28 **township trustee as the administrator of township assistance,**
- 29 **are capable of making contributions for the support of the**
- 30 **individual.**

31 SECTION 87. IC 12-30-4-4, AS AMENDED BY P.L.73-2005,
 32 SECTION 159, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) **After December 31, 2014,**
 34 **this section applies only to a county having a consolidated city.** The
 35 board of commissioners of the county shall, upon receipt of a
 36 recommendation by the township trustee as the administrator of
 37 township assistance, immediately consider the recommendation and
 38 make further investigation that the board of commissioners considers
 39 best. The board of commissioners of the county shall admit the
 40 individual on the terms, conditions, and contract that the board of
 41 commissioners considers just and fair by requiring the individual
 42 sought to be admitted, or other persons or agencies, to pay the money,

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within the rate lawfully established under section 8 of this chapter, at the times that the board of commissioners considers proper.

(b) The board of commissioners may delegate the investigation to the superintendent of the county home or to other agencies or persons that the board of commissioners considers best. However, the board of commissioners retains the right of determination, subject only to the right of appeal.

SECTION 88. IC 12-30-4-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 4.5. (a) This section applies after December 31, 2014. This section applies only to a county not having a consolidated city. The county board of trustees shall, upon receipt of a recommendation by the township trustee, immediately consider the recommendation and make further investigation that the county board of trustees considers best. The county board of trustees shall admit the individual, subject to the approval of the board of commissioners, on the terms, conditions, and contract that the board considers just and fair by requiring the individual sought to be admitted, or other persons or agencies, to pay the money, within the rate lawfully established under section 8 of this chapter, at the times that the board considers proper.**

(b) The county board of trustees may delegate the investigation to the superintendent of the county home or to other agencies or persons that the board considers best. However, the board retains the right of determination, subject only to the right of appeal.

SECTION 89. IC 12-30-4-5, AS AMENDED BY P.L.73-2005, SECTION 160, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 5. (a) After December 31, 2014, this subsection applies only to a county having a consolidated city.** If a board of commissioners finds that the individual sought to be admitted into the county home or other charitable institution should not, for any cause, be admitted:

- (1) the individual denied admission; or
- (2) the township trustee as the administrator of township assistance;

may appeal from the decision of the board of commissioners of the county to the circuit court of the county by filing a transcript of the record before the board of commissioners with the clerk of the circuit court of the county, who shall immediately notify the circuit court. The court shall, as soon as possible, proceed to hear and determine the matter. The court may order the board of commissioners to accept the individual in the county home or other charitable institution on the

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1 terms and conditions, within the lawfully established rate as provided
2 in section 8 of this chapter, as the court orders.

3 **(b) This subsection applies after December 31, 2014. This**
4 **subsection applies only to a county not having a consolidated city.**
5 **If a board of commissioners finds that the individual sought to be**
6 **admitted into the county home or other charitable institution**
7 **should not, for any cause, be admitted:**

- 8 (1) the individual denied admission; or
- 9 (2) the county board of trustees;

10 may appeal from the decision of the board of commissioners of the
11 county to the circuit court of the county by filing a transcript of the
12 record before the board of commissioners with the clerk of the
13 circuit court of the county, who shall immediately notify the circuit
14 court. The court shall, as soon as possible, proceed to hear and
15 determine the matter. The court may order the board of
16 commissioners to accept the individual in the county home or other
17 charitable institution on the terms and conditions, within the
18 lawfully established rate as provided in section 8 of this chapter, as
19 the court orders.

20 SECTION 90. IC 12-30-4-6, AS AMENDED BY P.L.73-2005,
21 SECTION 161, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2011]: Sec. 6. **(a) After December 31, 2014,**
23 **this subsection applies only to a county having a consolidated city.**
24 In case of an emergency and pending the decision by the board of
25 commissioners or the circuit court, an individual sought to be admitted
26 shall be admitted temporarily. If the final determination is made that
27 the individual should not be admitted, the trustee of the township of the
28 individual's legal settlement, as the administrator of township
29 assistance, shall immediately remove the individual from the county
30 home or other charitable institution.

31 **(b) This subsection applies after December 31, 2014. This**
32 **subsection applies only to a county not having a consolidated city.**
33 **In case of an emergency and pending the decision by the board of**
34 **commissioners or the circuit court, an individual sought to be**
35 **admitted shall be admitted temporarily. If the final determination**
36 **is made that the individual should not be admitted, the county**
37 **board of trustees shall immediately remove the individual from the**
38 **county home or other charitable institution.**

39 SECTION 91. IC 12-30-4-10, AS AMENDED BY P.L.73-2005,
40 SECTION 162, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2011]: Sec. 10. **(a) After December 31, 2014,**
42 **this subsection applies only to a county having a consolidated city.**

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The:

- (1) county council shall appropriate; and
- (2) ~~the~~ board of commissioners in each county shall advance; to the township trustees as the administrators of township assistance the money necessary for the relief and burial of the indigent in each township, which shall be accounted for and repaid to the county treasurer as provided in section 11 of this chapter.

(b) This subsection applies after December 31, 2014. This subsection applies only to a county not having a consolidated city. The:

- (1) county council shall appropriate for; and**
- (2) board of commissioners in each county shall advance to; the county board of trustees the money necessary for the relief and burial of the indigent in each township.**

SECTION 92. IC 12-30-4-11, AS AMENDED BY P.L.73-2005, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. ~~(a)~~ **After December 31, 2014, this section applies only to a county having a consolidated city.** Each township trustee as the administrator of township assistance shall pay to the county the amount fixed for each individual admitted into the county home or other charitable institution from the township, except those otherwise able to pay the cost of their care from their own resources or from other assistance awards. ~~Except as provided in subsection (b);~~ The amount that may be charged to the township may not exceed one hundred dollars (\$100) per month per individual.

~~(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The amount charged the township per individual may not exceed forty-eight dollars (\$48) per month or twelve dollars (\$12) per week.~~

~~(c) Each township shall levy a tax sufficient to meet those expenses.~~

~~(d) Payment and settlement shall be made in July and December of each year for the preceding year.~~

SECTION 93. IC 13-11-2-86 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 86. "Fiscal body" means:

- (1) the county council, for a county not having a consolidated city;
- (2) the city-county council of a consolidated city and county;
- (3) the common council of a city;
- (4) the town council of a town;
- (5) the township board, of a township **in a county having a consolidated city;**

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- 1 **(6) in the case of a township in a county not having a**
- 2 **consolidated city:**
- 3 **(A) the township board, before January 1, 2015; and**
- 4 **(B) the county fiscal body, after December 31, 2014; or**
- 5 ~~(6)~~ **(7) the board of directors of a conservancy district.**

6 SECTION 94. IC 13-25-6-3 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) Reimbursement
 8 is available under this chapter for expenses, except for expenses of a
 9 type that the agency normally incurs in responding to emergencies that
 10 do not involve hazardous materials, that are incurred in taking
 11 emergency action by an emergency response agency other than a fire
 12 department that is described in subsection (b).

13 (b) Reimbursement is available under this chapter and IC 36-8-12.2
 14 for expenses that are incurred in taking emergency action by a fire
 15 department that:

- 16 (1) is established under IC 36-8-2-3, ~~or~~ IC 36-8-13-3(a)(1), **or**
- 17 **IC 36-8-13.7-4(a)(1); and**
- 18 (2) employs:
- 19 (A) both full-time paid members and volunteer members; or
- 20 (B) only full-time paid members.

21 SECTION 95. IC 13-25-6-5 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. An emergency
 23 response agency or a governmental entity may obtain reimbursement
 24 under this chapter by filing an action for reimbursement in a court of
 25 general jurisdiction of:

- 26 (1) a county in which a hazardous materials emergency arose; or
- 27 (2) the county in which the unit that established the fire
 28 department is located, if the emergency response agency is a fire
 29 department that:
- 30 (A) is established by a unit under IC 36-8-2-3, ~~or~~
- 31 IC 36-8-13-3(a)(1), **or IC 36-8-13.7-4(a)(1); and**
- 32 (B) employs:
- 33 (i) both full-time paid members and volunteer members; or
- 34 (ii) only full-time paid members.

35 SECTION 96. IC 15-16-8-0.5 IS ADDED TO THE INDIANA
 36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2011]: **Sec. 0.5. After December 31, 2014, in**
 38 **a county having a consolidated city, the powers and duties**
 39 **established by this chapter are conferred and imposed on the**
 40 **county executive.**

41 SECTION 97. IC 15-16-8-1.5 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. 1.5. As used in this chapter,**
2 **"fund" means:**

- 3 (1) **the township fund; or**
- 4 (2) **after December 31, 2014, in a county not having a**
- 5 **consolidated city, the appropriate county fund.**

6 SECTION 98. IC 15-16-8-4, AS ADDED BY P.L.2-2008,
7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2011]: Sec. 4. (a) If a township trustee **or (after December**
9 **31, 2014, in a county not having a consolidated city) the county**
10 **executive:**

11 (1) has reason to believe that detrimental plants may be on real
12 estate; and

13 (2) gives the owner or person in possession of the real estate
14 forty-eight (48) hours notice under subsection (e);

15 the township trustee **or county executive** may enter the real estate to
16 investigate whether there are detrimental plants on the real estate.

17 (b) Except as provided in subsection (d), if the township trustee **or**
18 **(after December 31, 2014, in a county not having a consolidated**
19 **city) the county executive** determines by:

20 (1) investigating real estate located in the trustee's township **or**
21 **county executive's county; or**

22 (2) visual inspection without entering real estate located in the
23 trustee's township **or county executive's county;**

24 that a person has detrimental plants growing on real estate, the trustee
25 **or county executive** shall give written notice under subsection (e) to
26 the owner or person in possession of the real estate to destroy the
27 detrimental plants. The owner or person in possession of the real estate
28 shall destroy the plants in a manner provided in section 3 of this
29 chapter not more than five (5) days after the notice is received under
30 subsection (f).

31 (c) If the detrimental plants are not destroyed as provided in
32 subsection (b), the trustee shall cause the detrimental plants to be
33 destroyed in a manner most practical to the trustee **or (after December**
34 **31, 2014, in a county not having a consolidated city) the county**
35 **executive** not more than eight (8) days after notice is received by the
36 owner or person in possession of the real estate under subsection (f).
37 The trustee **or county executive** may hire a person to destroy the
38 detrimental plants. The trustee **or county executive** or the person
39 employed to destroy the detrimental plants may enter upon the real
40 estate where the detrimental plants are growing to destroy the
41 detrimental plants and are not civilly or criminally liable for damage to
42 crops, livestock, or other property occurring while carrying out the

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1 work, except for gross negligence or willful or wanton destruction.

2 (d) If the county has established a county weed control board under
3 IC 15-16-7, the township trustee **or (after December 31, 2014, in a**
4 **county not having a consolidated city) the county executive** may
5 notify the county weed control board of the real estate containing
6 detrimental plants, and the board shall either assume jurisdiction to
7 control the detrimental plants or decline jurisdiction and refer the
8 matter back to the township trustee **or county executive**. The county
9 weed control board shall notify the township trustee **or county**
10 **executive** of the board's decision.

11 (e) Notice required in subsection (a) or (b) may be given by:

- 12 (1) certified mail; or
13 (2) personal service.

14 (f) Notice under subsection (e) is considered received by the owner
15 or person in possession of the real estate:

- 16 (1) if sent by mail, on the earlier of:
17 (A) the date of signature of receipt of the mailing; or
18 (B) three (3) business days after the date of mailing; or
19 (2) if served personally, on the date of delivery.

20 SECTION 99. IC 15-16-8-5, AS ADDED BY P.L.2-2008,
21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2011]: Sec. 5. (a) The township trustee **or (after December**
23 **31, 2014, in a county not having a consolidated city) the county**
24 **executive** may pay the following costs incurred in cutting or destroying
25 detrimental plants under this chapter:

- 26 (1) Chemicals.
27 (2) Work.
28 (3) Labor, at a rate per hour to be fixed by the township trustee
29 commensurate with local hourly wages.

30 (b) If the trustee **or (after December 31, 2014, in a county not**
31 **having a consolidated city) the county executive** believes the
32 infestation of the real estate with detrimental plants is so great and
33 widespread that cutting or eradication by hand methods is impractical,
34 the trustee shall use the necessary power machinery or equipment. The
35 trustee **or county executive** may pay for the work at a rate per hour
36 fixed by the township trustee **or county executive** commensurate with
37 the local hourly rate.

38 (c) When the work has been performed, the person doing the work
39 shall file an itemized bill for the work in the office of the township
40 trustee **or (after December 31, 2014, in a county not having a**
41 **consolidated city) the county executive**. When the bill has been
42 approved, the trustee shall pay the bill out of the township fund **or**

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1 (after December 31, 2014, in a county not having a consolidated
 2 city) the appropriate county fund. If there is no money available in
 3 the township fund for that purpose, the township board, upon finding
 4 an emergency exists, shall act under IC 36-6-6-14(b) or IC 36-6-6-15
 5 to borrow money sufficient to meet the emergency. After December
 6 31, 2014, the county fiscal body shall act in the case of a county not
 7 having a consolidated city.

8 (d) The trustee, when submitting estimates to the township board
 9 An estimate, when submitted to the township board or (after
 10 December 31, 2014, in a county not having a consolidated city) the
 11 county fiscal body for action, shall must include in the estimates an
 12 item sufficient to cover those expenditures.

13 SECTION 100. IC 15-16-8-6, AS ADDED BY P.L.2-2008,
 14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2011]: Sec. 6. (a) The township trustee or (after December
 16 31, 2014, in a county not having a consolidated city) the county
 17 executive shall prepare a statement that contains the following:

18 (1) A certification of the following costs:

19 (A) The cost or expense of the work.

20 (B) The cost of the chemicals.

21 (C) Twenty dollars (\$20) per day for each day that the trustee
 22 or the trustee's agent or (after December 31, 2014, in a
 23 county not having a consolidated city) the county executive
 24 or the county executive's agent supervises the performance
 25 of the services required under this chapter as compensation for
 26 services.

27 (2) A description of the real estate on which the labor was
 28 performed.

29 (3) A request that the owner or person in possession of the real
 30 estate pay the costs under subdivision (1) to the township trustee
 31 or county executive.

32 (b) The certified statement prepared under subsection (a) shall be
 33 provided:

34 (1) to the owner or person possessing the real estate by:

35 (A) mail, using a certificate of mailing; or

36 (B) personal service; or

37 (2) by mailing the certified statement to the auditor of state for
 38 any real estate owned by the state or to the fiscal officer of
 39 another municipality (as defined in IC 5-11-1-16) for real estate
 40 owned by the municipality.

41 SECTION 101. IC 15-16-8-7, AS ADDED BY P.L.2-2008,
 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2011]: Sec. 7. (a) If the owner or person in possession of the
2 property does not pay the amount set forth in the certified statement
3 under section 6(a) of this chapter within ten (10) days after receiving
4 the notice under section 6(b) of this chapter, the township trustee **or**
5 **(after December 31, 2014, in a county not having a consolidated**
6 **city) the county executive** shall file a copy of the certified statement
7 in the office of the county auditor of the county where the real estate is
8 located.

9 (b) The auditor shall place the amount claimed in the certified
10 statement on the tax duplicate of the real estate. Except as provided in
11 section 8 of this chapter, the amount claimed shall be collected as taxes
12 are collected.

13 (c) After an amount described in subsection (b) is collected, the
14 funds shall be deposited in:

15 (1) the trustee's township funds for use at the discretion of the
16 trustee; **or**

17 **(2) after December 31, 2014, in the case of a county not having**
18 **a consolidated city, the appropriate county fund.**

19 SECTION 102. IC 15-16-8-9, AS ADDED BY P.L.2-2008,
20 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2011]: Sec. 9. Except as provided in sections 5 through 8 of
22 this chapter, the county auditor, upon receiving and filing a certified
23 statement under section 7(a) of this chapter, shall:

24 (1) immediately place the amounts on the certified statement on
25 the tax duplicate of the county; and

26 (2) collect the amounts at the next tax paying time for the proper
27 township or townships, **or (after December 31, 2014) the county**
28 **not having a consolidated city**, the same as other state, county,
29 or township taxes are collected, including penalties, forfeitures,
30 and sales.

31 After the amounts are collected, the amounts shall be paid to the proper
32 trustee and placed in the township fund **or (after December 31, 2014,**
33 **in the case of a county not having a consolidated city) placed in the**
34 **appropriate county fund.**

35 SECTION 103. IC 15-16-8-10, AS ADDED BY P.L.2-2008,
36 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2011]: Sec. 10. **After December 31, 2014, this section**
38 **applies only to a county having a consolidated city.** When the annual
39 township budget is prepared, a sufficient amount shall be appropriated
40 to enable the township ~~officials~~ **trustees** to comply with this chapter.

41 SECTION 104. IC 15-16-8-12, AS ADDED BY P.L.2-2008,
42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2011]: Sec. 12. (a) The Purdue University cooperative
 2 extension service shall provide technical assistance to township
 3 trustees **or (after December 31, 2014, in counties not having a**
 4 **consolidated city) the county executives** for the control of detrimental
 5 plants.

6 (b) All law enforcement agencies having jurisdiction in a township
 7 **or (after December 31, 2014) a county not having a consolidated**
 8 **city** shall assist the township trustee **or the county executive** in
 9 carrying out the duties imposed on the trustee **or the county executive**
 10 under this chapter.

11 SECTION 105. IC 15-16-8-14, AS ADDED BY P.L.2-2008,
 12 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2011]: Sec. 14. (a) A person who:

14 (1) knowingly allows detrimental plants to grow and mature on
 15 land owned or possessed by the person;

16 (2) knowing of the existence of detrimental plants on land owned
 17 or possessed by the person, fails to cut them down or eradicate the
 18 plants by chemicals each year, as prescribed in this chapter;

19 (3) having charge of or control over any highway:

20 (A) knowingly allows detrimental plants to grow or mature on
 21 the right-of-way of the highway; or

22 (B) knowing of the existence of the detrimental plants, fails to
 23 cut the plants down or eradicate the plants by using chemicals,
 24 as prescribed in this chapter;

25 (4) having charge of or control over the right-of-way of a railroad
 26 or interurban company:

27 (A) knowingly allows detrimental plants to grow and mature
 28 on the right-of-way; or

29 (B) knowing of the existence of the detrimental plants, fails to
 30 cut the plants down or eradicate the plants by using chemicals,
 31 as prescribed in this chapter; or

32 (5) knowingly sells Canada thistle (*cirsium arvense*) seed;
 33 commits a Class C infraction. Each day this section is violated
 34 constitutes a separate infraction.

35 (b) All judgments collected under this section shall be:

36 (1) paid to the trustee and placed in the trustee's township funds
 37 for use at the discretion of the trustee; **or**

38 (2) **after December 31, 2014, placed in the appropriate county**
 39 **fund, in the case of property located in a county not having a**
 40 **consolidated city.**

41 SECTION 106. IC 16-31-5-1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) **After December**

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1 **31, 2014, this chapter applies only to a township in a county not**
 2 **having a consolidated city.**

3 **(b) Except as provided in subsection (a),** the governing body of a
 4 city, town, township, or county by the governing body's action or in any
 5 combination may do the following:

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

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

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

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

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

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

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

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

30 SECTION 107. IC 16-41-19-7, AS AMENDED BY P.L.73-2005,
 31 SECTION 169, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2011]: Sec. 7. **(a) As used in this section,**
 33 **"plan" has the meaning set forth in IC 12-20-1.5-3.**

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

38 (1) **By** the appropriate county, city, or town against which the
 39 application form is issued from general funds ~~and not otherwise~~
 40 **appropriated without appropriations.**

41 (2) **By** the appropriate township against which the application
 42 form is issued from funds in the township assistance fund **not**

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1 otherwise appropriated without appropriations.
2 (3) This subdivision applies after December 31, 2014. This
3 subdivision applies only to a county not having a consolidated
4 city. Costs incurred in furnishing biologicals shall be paid
5 from funds in the township assistance fund not otherwise
6 appropriated without appropriations.

7 ~~(b)~~ (c) A:
8 (1) township; or
9 (2) **(after December 31, 2014, in the case of a county not
10 having a consolidated city) county;**

11 is not responsible for paying for biologicals as provided in subsection
12 ~~(a)(2)~~ **(b)(2) or (b)(3)** if the township trustee has evidence that the
13 individual has the financial ability to pay for the biologicals.

14 ~~(c)~~ **(d)** After being presented with a legal claim for insulin being
15 furnished to the same individual a second time, a township trustee, **if**
16 **permitted by the county plan**, may require the individual to complete
17 and file a standard application for township assistance in order to
18 investigate the financial condition of the individual claiming to be
19 indigent. **After December 31, 2014, if the township trustee is in a**
20 **county not having a consolidated city, the township trustee may**
21 **require the individual to complete and file only the standard**
22 **township assistance application, if the trustee is authorized to do**
23 **so by the county plan. If a standard application is required, the**
24 **township** trustee shall immediately notify the individual's physician
25 that:

- 26 (1) the financial ability of the individual claiming to be indigent
- 27 is in question; and
- 28 (2) a standard application for township assistance must be filed.
- 29 ~~with the township.~~

30 The township **or (after December 31, 2014, in the case of a county**
31 **not having a consolidated city) the county** shall continue to furnish
32 insulin under this section until the township trustee completes an
33 investigation and makes a determination as to the individual's financial
34 ability to pay for insulin.

35 ~~(d)~~ **(e)** For purposes of this section, the township **or (after**
36 **December 31, 2014, in the case of a county not having a**
37 **consolidated city) the county** shall consider an adult individual
38 needing insulin as an individual and not as a member of a household
39 requesting township assistance.

40 SECTION 108. IC 22-11-14-2, AS AMENDED BY P.L.187-2006,
41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2011]: Sec. 2. (a) The fire prevention and building safety

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1 commission shall:

2 (1) adopt rules under IC 4-22-2 for the granting of permits for

3 supervised public displays of fireworks by municipalities, fair

4 associations, amusement parks, and other organizations or groups

5 of individuals; and

6 (2) establish by rule the fee for the permit, which shall be paid

7 into the fire and building services fund created under

8 IC 22-12-6-1.

9 (b) The application for a permit required under subsection (a) must:

10 (1) name a competent operator who is to officiate at the display;

11 (2) set forth a brief resume of the operator's experience;

12 (3) be made in writing; and

13 (4) be received with the applicable fee by the division of fire and

14 building safety at least five (5) business days before the display.

15 No operator who has a prior conviction for violating this chapter may

16 operate any display for one (1) year after the conviction.

17 (c) Every display shall be handled by a qualified operator approved

18 by the chief of the fire department of the municipality in which the

19 display is to be held. A display shall be located, discharged, or fired as,

20 in the opinion of:

21 (1) the chief of the fire department of the city or town in which

22 the display is to be held; or

23 (2) the township fire chief or the fire chief of the municipality

24 nearest the site proposed, in the case of a display to be held

25 outside of the corporate limits of any city or town;

26 after proper inspection, is not hazardous to property or person.

27 **However, in the case of a county not having a consolidated city, the**

28 **county fire chief shall after December 31, 2014, carry out the duties**

29 **under subdivision (2).**

30 (d) A permit granted under this section is not transferable.

31 (e) A denial of a permit by a municipality shall be issued in writing

32 before the date of the display.

33 (f) A person may not possess, transport, or deliver special fireworks,

34 except as authorized under this section.

35 SECTION 109. IC 22-11-14-3.5, AS ADDED BY P.L.187-2006,

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

37 JULY 1, 2011]: Sec. 3.5. The fire prevention and building safety

38 commission may adopt rules under IC 4-22-2 that specify the

39 conditions under which the chief of a municipal ~~or~~ **fire department,**

40 **a township fire department, or (after December 31, 2014, in the case**

41 **of a county not having a consolidated city) a county fire**

42 **department** may grant a permit to a person to sponsor a special

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1 discharge location in the municipality, ~~or~~ township, **or county.**
 2 SECTION 110. IC 22-12-1-18.7 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 18.7. "Qualified entity"
 4 means:
 5 (1) a volunteer fire department (as defined in IC 36-8-12-2);
 6 (2) the executive of a township providing fire protection under
 7 IC 36-8-13-3(a)(1); ~~or~~
 8 (3) a municipality providing fire protection to a township under
 9 IC 36-8-13-3(a)(2), ~~or~~ IC 36-8-13-3(a)(3), **IC 36-8-13.7-4(a)(2),**
 10 **or IC 36-8-13.7-4(a)(3); or**
 11 **(4) after December 31, 2014, a county not having a**
 12 **consolidated city.**
 13 SECTION 111. IC 23-14-33-3.5 IS ADDED TO THE INDIANA
 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2011]: **Sec. 3.5. After December 31, 2014, all**
 16 **powers, duties, and responsibilities of the township and the**
 17 **township trustee in a county not having a consolidated city under**
 18 **this article are transferred to the county executive.**
 19 SECTION 112. IC 23-14-33-7.6 IS ADDED TO THE INDIANA
 20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2011]: **Sec. 7.6. "Cemetery fund" means:**
 22 **(1) the township fund; or**
 23 **(2) after December 31, 2014, the cemetery fund for a county**
 24 **not having a consolidated city.**
 25 SECTION 113. IC 23-14-63-1 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This chapter applies
 27 whenever ten (10) or more heads of families:
 28 (1) who reside in:
 29 (A) a township **or (after December 31, 2014) a county not**
 30 **having a consolidated city; or**
 31 (B) the immediate vicinity of a cemetery owned by a township
 32 **or (after December 31, 2014) a county not having a**
 33 **consolidated city; and**
 34 (2) who own lots in and whose dead relatives are buried in a
 35 cemetery owned by the township **or (after December 31, 2014)**
 36 **a county not having a consolidated city;**
 37 organize, either by themselves or with others, as a corporation for the
 38 burial of the dead and the maintenance of a cemetery.
 39 SECTION 114. IC 23-14-63-2 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The persons
 41 described in section 1 of this chapter may file with the township trustee
 42 **or (after December 31, 2014, in a county not having a consolidated**

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1 **city) the county executive** a petition asking for the conveyance of the
2 cemetery owned by the township **or (after December 31, 2014, in a**
3 **county not having a consolidated city) the county** to the corporation.

4 (b) The persons filing the petition under subsection (a) must give
5 notice of the filing at least three (3) weeks before the filing in
6 accordance with IC 5-3-1-2 by publishing a notice concerning the
7 petition in a newspaper:

- 8 (1) that is published in the township; or
- 9 (2) if there is no newspaper published in the township, in the
10 newspaper published nearest to the township.

11 SECTION 115. IC 23-14-63-4 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. The township trustee
13 **or (after December 31, 2014, in a county not having a consolidated**
14 **city) the county executive**, if satisfied that the petition is signed by a
15 majority of the owners of lots in the cemetery who are residents of the
16 township or of the immediate vicinity of the cemetery, shall convey the
17 cemetery to the corporation formed by the petitioners.

18 SECTION 116. IC 23-14-63-5 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) A corporation to
20 which a cemetery is conveyed under section 4 of this chapter:

- 21 (1) shall control the cemetery;
- 22 (2) shall ornament, beautify, and improve the cemetery;
- 23 (3) may purchase additions and sell lots in the cemetery;
- 24 (4) may assess all lots for the care, improvement, and
25 beautification of the cemetery;
- 26 (5) may receive and hold in trust gifts, donations, and legacies to
27 be devoted to the purposes referred to in subdivisions (1) through
28 (4); and
- 29 (6) may exercise all the powers of a corporation organized under
30 any statute for the purpose of owning, managing, and maintaining
31 cemeteries.

32 (b) All actions that the corporation takes in accordance with statutes
33 concerning cemeteries before the cemetery is conveyed ~~by the township~~
34 ~~trustee~~ to the corporation **under section 4 of this chapter** are valid and
35 binding on all parties involved in the actions.

36 SECTION 117. IC 23-14-64-1 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This chapter applies
38 whenever the board of directors of a cemetery association existing
39 under any Indiana statute before March 9, 1939, determines by a
40 majority vote to convey the real estate belonging to the association to
41 the township **or (after December 31, 2014) a county not having a**
42 **consolidated city** in which the association's cemetery is located.

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1 SECTION 118. IC 23-14-64-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. A township trustee
3 **or (after December 31, 2014, in a county not having a consolidated**
4 **city) the county executive** may accept a conveyance of real estate
5 described in section 1 of this chapter. After the conveyance, the
6 township trustee **or county executive** shall maintain the cemetery as
7 a public cemetery.

8 SECTION 119. IC 23-14-64-3 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) If a cemetery
10 association that conveys real estate to a township **or (after December**
11 **31, 2014) to a county not having a consolidated city** under this
12 chapter has endowment funds, cash, securities, or other assets, the
13 funds, cash, securities, or other assets shall be paid over to the
14 township trustee **or county executive** when the real estate owned by
15 the association is conveyed to the township **or the county**.

16 (b) ~~A township trustee who receives~~ Cash, securities, endowment
17 funds, or other assets **received by the township trustee or the county**
18 **executive** under subsection (a) may use them only:

- 19 (1) to purchase additional land for the cemetery;
- 20 (2) to make permanent improvements to the cemetery; or
- 21 (3) for the upkeep and maintenance of the cemetery.

22 SECTION 120. IC 23-14-64-4 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. All expenses
24 incurred by the trustee **or (after December 31, 2014, in a county not**
25 **having a consolidated city) the county executive** in administering
26 this chapter shall be paid out of the ~~township cemetery fund. of the~~
27 ~~township.~~

28 SECTION 121. IC 23-14-68-2 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The trustee of each
30 township **or (after December 31, 2014, in a county not having a**
31 **consolidated city) the county executive** shall locate and maintain all
32 the cemeteries described in section 1(a) of this chapter that are within
33 the township **or the county**. However, a cemetery association claiming
34 assistance under this chapter shall furnish a verified statement of assets
35 and liabilities to the township trustee **or the county executive**.

36 SECTION 122. IC 23-14-68-4 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The township **or**
38 **(after December 31, 2014, in a county not having a consolidated**
39 **city) the county fiscal body** shall appropriate enough money to
40 provide for the care, repair, and maintenance of each cemetery
41 described in section 1(a) of this chapter that is located within the
42 township **or county**. Funds shall be appropriated under this subsection

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1 in the same manner as other ~~township~~ appropriations **of the township**
2 **or the county.**

3 (b) The township may levy a township cemetery tax to create a fund
4 for maintenance of cemeteries under this chapter. If a fund has not been
5 provided for maintenance of cemeteries under this chapter, part of the
6 township fund may be used.

7 **(c) After December 31, 2014, a county not having a consolidated**
8 **city may levy a county cemetery tax to create a fund for**
9 **maintenance of cemeteries under this chapter. If a fund has not**
10 **been provided for maintenance of cemeteries under this chapter,**
11 **part of the county general fund may be used.**

12 SECTION 123. IC 23-14-69-1 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This chapter applies
14 to the following:

15 (1) A public cemetery that belongs to a township **or (after**
16 **December 31, 2014) a county not having a consolidated city.**

17 (2) An addition to a public cemetery that belongs to a township **or**
18 **(after December 31, 2014) a county not having a consolidated**
19 **city.**

20 SECTION 124. IC 23-14-69-2 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. This chapter does not
22 apply to the following:

23 (1) A cemetery that is owned or controlled by a city, a town, or a
24 voluntary association.

25 (2) A cemetery that is maintained by a township **or (after**
26 **December 31, 2014) a county not having a consolidated city**
27 **under IC 23-14-68.**

28 SECTION 125. IC 23-14-69-3, AS AMENDED BY P.L.2-2008,
29 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2011]: Sec. 3. A township trustee **or (after December 31,**
31 **2014, in a county not having a consolidated city) the county**
32 **executive** shall care for and maintain each cemetery to which this
33 chapter applies that is located in the township **or the county,** keeping
34 the cemeteries in a respectable condition by:

35 (1) destroying detrimental plants (as defined in IC 15-16-8-1),
36 noxious weeds, and rank vegetation; and

37 (2) removing all unsightly accumulations and debris.

38 SECTION 126. IC 23-14-69-4 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) The township
40 trustee **or (after December 31, 2014, in a county not having a**
41 **consolidated city) the county executive** may accept donations of land
42 suitable for a public cemetery if the township trustee **or the county**

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1 **executive** considers acceptance of the land to be in the best interests of
2 the township **or the county**.

- 3 (b) Donated land shall be:
- 4 (1) conveyed to the township **or (after December 31, 2014) the**
- 5 **county not having a consolidated city**;
- 6 (2) set apart by the trustee **or the county executive** for a public
- 7 cemetery; and
- 8 (3) kept in good condition and repair by the township trustee **or**
- 9 **the county executive**.

10 SECTION 127. IC 23-14-69-5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) If:

- 12 (1) no land suitable for a public cemetery is donated to a
- 13 township; and
- 14 (2) if the township legislative body adopts a resolution approving
- 15 the purchase;

16 the township executive may purchase land for the purpose of
17 establishing a public cemetery.

18 **(b) If no land suitable for a public cemetery is donated to a**
19 **county not having a consolidated city, the county executive (after**
20 **December 31, 2014), with the approval of the county fiscal body,**
21 **may purchase land for the purpose of establishing a public**
22 **cemetery.**

23 ~~(b)~~ (c) When land is purchased and conveyed to the township **or**
24 **(after December 31, 2014) the county not having a consolidated city**
25 under subsection (a) **or (b)**, the land must be set apart, kept in repair,
26 and used as provided in section 6 of this chapter.

27 SECTION 128. IC 23-14-69-6 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. A public cemetery
29 of a township **or (after December 31, 2014) a county not having a**
30 **consolidated city** may be used by the inhabitants of the township **or**
31 **the county** for the interment of the dead. The township trustee **or the**
32 **county executive** may prescribe regulations governing the use of the
33 cemetery.

34 SECTION 129. IC 23-14-69-7, AS AMENDED BY P.L.113-2006,
35 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2011]: Sec. 7. (a) When a township **or (after December 31,**
37 **2014) county not having a consolidated city** acquires title to land by
38 donation, purchase, or otherwise for a public cemetery, the trustee of
39 the township **or (after December 31, 2014, in a county not having a**
40 **consolidated city) the county executive** shall:

- 41 (1) lay out the land in lots with streets and walks;
- 42 (2) plat the land; and

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1 (3) record the plat in the office of the recorder of the county.
2 (b) For recording a plat under subsection (a), the recorder shall
3 collect the same fees as are allowed for similar recordings.
4 (c) The lots laid out and platted under subsection (a) must be
5 numbered. A specific part of the lots must be:
6 (1) set apart; and
7 (2) designated on the plat;
8 for a potter's field.
9 (d) After the plat has been recorded, the township trustee **or (after**
10 **December 31, 2014, in a county not having a consolidated city) the**
11 **county executive** shall appoint:
12 (1) one (1) disinterested freeholder of the township **or (after**
13 **December 31, 2014, in a county not having a consolidated city)**
14 **county;** and
15 (2) one (1) disinterested appraiser licensed under IC 25-34.1;
16 who are residents of Indiana to appraise and fix the value of all the lots
17 on the plat, except the part assigned to the potter's field under
18 subsection (c). The appraisal shall be filed with and preserved by the
19 township trustee **or county executive.**
20 SECTION 130. IC 23-14-69-8 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) The township
22 trustee **or (after December 31, 2014, in a county not having a**
23 **consolidated city) the county executive** may sell and convey the lots
24 in a cemetery to which this chapter applies at a private sale to persons
25 who desire to purchase them. The trustee **or the county executive** shall
26 not sell a lot under this subsection at less than the value fixed for the lot
27 under section 7 of this chapter.
28 (b) The proceeds of the sale of lots in a cemetery under subsection
29 (a) shall be used to pay the expenses that the township trustee **or (after**
30 **December 31, 2014, in a county not having a consolidated city) the**
31 **county executive** may incur under this chapter for the cemetery. Any
32 surplus shall be held as a fund for use in keeping the cemetery in
33 repair.
34 (c) The township trustee **or (after December 31, 2014, in a county**
35 **not having a consolidated city) the county executive** shall keep an
36 accurate account of:
37 (1) the money received by the township trustee **or the county**
38 **executive** for the purpose of keeping the cemetery in repair; and
39 (2) the sums that the township trustee **or the county executive**
40 has paid out, and for which the trustee **or the county executive**
41 has taken vouchers.
42 SECTION 131. IC 23-14-69-9 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. All expenses
2 incurred by the township trustee **or (after December 31, 2014, in a**
3 **county not having a consolidated city) the county executive** for
4 administering this chapter shall be paid out of the ~~township cemetery~~
5 ~~fund. of the township.~~

6 SECTION 132. IC 23-14-70-3 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. The county auditor
8 shall distribute the interest accrued on any cemetery fund or funds
9 received under section 1 of this chapter on the last Monday of January
10 of each year to the following person or persons:

- 11 (1) The trustee of the township **or (after December 31, 2014, in**
- 12 **a county not having a consolidated city) the county executive**
- 13 in which an abandoned or unincorporated cemetery is located.
- 14 (2) The trustee of the township lying on the east or south of the
- 15 cemetery if the cemetery is located on a county boundary or a
- 16 township boundary.
- 17 (3) The treasurer of the board of directors of an incorporated
- 18 cemetery.

19 SECTION 133. IC 23-14-70-4 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) A township
21 trustee, **(after December 31, 2014, in a county not having a**
22 **consolidated city) the county executive**, or ~~the~~ treasurer of the board
23 of directors of an incorporated cemetery who receives a distribution
24 under section 3 of this chapter shall make a receipt or voucher for any
25 money paid out.

- 26 (b) A receipt or voucher made under subsection (a) must state:
- 27 (1) the amount paid out;
- 28 (2) the purpose for which the money was expended; and
- 29 (3) the fund from which the money came.
- 30 (c) The receipts and vouchers made under subsection (a) shall be:
- 31 (1) filed with the county auditor before January 2 of each year;
- 32 and
- 33 (2) presented to the board of commissioners for examination and
- 34 approval at the January meeting of the board of commissioners.

35 SECTION 134. IC 23-14-74-1, AS AMENDED BY P.L.2-2008,
36 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2011]: Sec. 1. A corporation, organization, association, or
38 individual that owns and has the control and management of a public
39 cemetery located in a township **or (after December 31, 2014) a**
40 **county not having a consolidated city** shall keep the public cemetery
41 in a respectable condition by destroying detrimental plants (as defined
42 in IC 15-16-8-1), noxious weeds, and rank vegetation.

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1 SECTION 135. IC 23-14-75-1, AS AMENDED BY P.L.163-2006,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 1. This chapter applies to a city, town, or
4 township, or **(after December 31, 2014) county not having a**
5 **consolidated city** that:

- 6 (1) owns a cemetery that has been in existence for at least thirty
7 (30) years; or
- 8 (2) desires to own a public cemetery.

9 SECTION 136. IC 23-14-75-2, AS AMENDED BY P.L.163-2006,
10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2011]: Sec. 2. If land has not been appropriated or set apart by
12 the owners by platting for a public cemetery and it is necessary to
13 purchase real estate for the cemetery:

- 14 (1) the legislative body of the city, or town, or **(after December**
15 **31, 2014) county not having a consolidated city;** or
- 16 (2) the executive of the township;

17 has the power of eminent domain to condemn and appropriate the land
18 for cemetery purposes under proceedings provided by statute.

19 SECTION 137. IC 36-1-2-6, AS AMENDED BY P.L.186-2006,
20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2011]: Sec. 6. "Fiscal body" means:

- 22 (1) **the** county council, for a county not having a consolidated
23 city;
- 24 (2) **the** city-county council, for a consolidated city or county
25 having a consolidated city;
- 26 (3) **the** common council, for a city other than a consolidated city;
- 27 (4) **the** town council, for a town;
- 28 (5) **the** township board, for a township **in a county having a**
29 **consolidated city;**
- 30 (6) **in the case of a township in a county not having a**
31 **consolidated city:**

- 32 (A) **the township board, before January 1, 2015; and**
- 33 (B) **the county fiscal body, after December 31, 2014;**

34 ~~(6)~~ (7) **the** governing body or budget approval body, for any other
35 political subdivision that has a governing body or budget approval
36 body; or

37 ~~(7)~~ (8) **the** chief executive officer of any other political
38 subdivision that does not have a governing body or budget
39 approval body.

40 SECTION 138. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,
41 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2011]: Sec. 9. "Legislative body" means: ~~the~~

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- 1 (1) **the** board of county commissioners, for a county not subject
- 2 to IC 36-2-3.5 or IC 36-3-1;
- 3 (2) **the** county council, for a county subject to IC 36-2-3.5;
- 4 (3) **the** city-county council, for a consolidated city or county
- 5 having a consolidated city;
- 6 (4) **the** common council, for a city other than a consolidated city;
- 7 (5) **the** town council, for a town;
- 8 (6) **the** township board, for a township **in a county having a**
- 9 **consolidated city**;
- 10 (7) **in the case of a township in a county not having a**
- 11 **consolidated city**:
- 12 (A) **the township board, before January 1, 2015; and**
- 13 (B) **the county fiscal body, after December 31, 2014;**
- 14 ~~(7)~~ (8) **the** governing body of any other political subdivision that
- 15 has a governing body; or
- 16 ~~(8)~~ (9) **the** chief executive officer of any other political
- 17 subdivision that does not have a governing body.
- 18 SECTION 139. IC 36-1-8-5, AS AMENDED BY P.L.1-2007,
- 19 SECTION 238, IS AMENDED TO READ AS FOLLOWS
- 20 [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) This section applies to all
- 21 funds raised by a general or special tax levy on all the taxable property
- 22 of a political subdivision.
- 23 (b) Whenever the purposes of a tax levy have been fulfilled and an
- 24 unused and unencumbered balance remains in the fund, the fiscal body
- 25 of the political subdivision shall order the balance of that fund to be
- 26 transferred as follows, unless a statute provides that it be transferred
- 27 otherwise:
- 28 (1) **Except as provided in subdivision (2),** funds of a county, to
- 29 the general fund or rainy day fund of the county, as provided in
- 30 section 5.1 of this chapter.
- 31 (2) **This subdivision applies after December 31, 2014. This**
- 32 **subdivision applies only to a county not having a consolidated**
- 33 **city. Funds of a county for redemption of township assistance**
- 34 **obligations, to the township assistance fund of the county or**
- 35 **rainy day fund of the county, as provided in section 5.1 of this**
- 36 **chapter.**
- 37 ~~(2)~~ (3) Funds of a municipality, to the general fund or rainy day
- 38 fund of the municipality, as provided in section 5.1 of this
- 39 chapter.
- 40 ~~(3)~~ (4) **After December 31, 2014, this subdivision applies only**
- 41 **to a county having a consolidated city.** Funds of a township for
- 42 redemption of township assistance obligations, to the township

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1 assistance fund of the township or rainy day fund of the township,
 2 as provided in section 5.1 of this chapter.
 3 ~~(4)~~ (5) Funds of any other political subdivision, to the general
 4 fund or rainy day fund of the political subdivision, as provided in
 5 section 5.1 of this chapter. However, if the political subdivision
 6 is dissolved or does not have a general fund or rainy day fund,
 7 then to the general fund of each of the units located in the
 8 political subdivision in the same proportion that the assessed
 9 valuation of the unit bears to the total assessed valuation of the
 10 political subdivision.

11 (c) Whenever an unused and unencumbered balance remains in the
 12 civil township fund of a township and a current tax levy for the fund is
 13 not needed, the township fiscal body may order any part of the balance
 14 of that fund transferred to the debt service fund of the school
 15 corporation located in or partly in the township. However, if more than
 16 one (1) school corporation is located in or partly in the township, then
 17 any sum transferred shall be transferred to the debt service fund of each
 18 of those school corporations in the same proportion that the part of the
 19 assessed valuation of the school corporation in the township bears to
 20 the total assessed valuation of the township.

21 (d) If there is:
 22 (1) an unexpended balance in the debt service fund of any school
 23 township; and
 24 (2) no outstanding bonded or other indebtedness of the school
 25 township to the payment of which the unexpended balance or any
 26 part of the unexpended balance can be legally applied;
 27 the township trustee of the township, with the approval of the township
 28 board, may transfer the unexpended balance in the debt service fund to
 29 the school general fund of the school township.

30 (e) Whenever any township has collected any fund for the special
 31 or specific purpose of erecting or constructing a school building and
 32 the township trustee of the township decides to abandon the proposed
 33 work of erecting or constructing the school building, the township
 34 trustee of the township shall transfer the fund collected for the special
 35 or specific purpose to the township fund of the township, upon the
 36 order of the township board to make the transfer. It is lawful thereafter
 37 to use the funds for any purpose for which the township funds of the
 38 township may be used.

39 (f) Transfers to a political subdivision's rainy day fund may be made
 40 at any time during the political subdivision's fiscal year.

41 SECTION 140. IC 36-1-8-10.5, AS AMENDED BY P.L.1-2005,
 42 SECTION 231, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2011]: Sec. 10.5. (a) This section does not
2 apply to the following:

- 3 (1) An elected or appointed officer.
- 4 (2) An individual described in IC 20-26-4-11.

5 (b) **Except as provided in IC 3-5-9**, an employee of a political
6 subdivision may:

- 7 (1) be a candidate for ~~any~~ **an** elected office and serve in that
8 office if elected; or
- 9 (2) be appointed to any office and serve in that office if appointed;
10 without having to resign as an employee of the political subdivision.

11 SECTION 141. IC 36-1-8-17 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2011]: **Sec. 17. (a) This section does not apply**
14 **to a township in a county having a consolidated city.**

15 (b) **A township may not enter into:**
16 (1) **a contract related to township assistance; or**
17 (2) **a contract related to fire protection or emergency services;**
18 **with a term that extends beyond December 31, 2014, unless the**
19 **contract has been approved by the legislative body of the county in**
20 **which the township is located.**

21 SECTION 142. IC 36-2-3.6 IS ADDED TO THE INDIANA CODE
22 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2011]:

24 **Chapter 3.6. County Board of Trustees**

25 **Sec. 1. This chapter applies only to a county not having a**
26 **consolidated city.**

27 **Sec. 2. As used in this chapter, "board" means the county board**
28 **of trustees established under this chapter.**

29 **Sec. 3. As used in this chapter, "fire protection and emergency**
30 **services plan" means the county fire protection and emergency**
31 **services plan adopted under IC 36-8-13.6.**

32 **Sec. 4. As used in this chapter "township assistance plan" means**
33 **the township assistance plan adopted under IC 12-20-1.5.**

34 **Sec. 5. (a) A county board of trustees is established in each**
35 **county.**

36 (b) **The membership of the board consists of all township**
37 **trustees of the townships in the county.**

38 **Sec. 6. (a) A majority of the members of the board constitutes a**
39 **quorum. An affirmative vote of a majority of the members of the**
40 **board is required for the board to take action.**

41 (b) **The county executive shall resolve a tie vote of the board.**

42 (c) **The board shall meet at least quarterly and at the call of the**

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chairperson.

Sec. 7. (a) The first meeting of the board shall be convened not later than December 31, 2011, by the board of commissioners.

(b) The board of commissioners shall select a chairperson from among the members of the board.

(c) Each county council shall determine, in the manner provided by law, the compensation of the members of the board.

Sec. 8. (a) The board shall appoint a secretary, subject to the approval of the county legislative body. The board may appoint a secretary from among the members of the board.

(b) The board may appoint staff necessary to fulfill the duties of the board, subject to the approval of the county legislative body and the county fiscal body.

Sec. 9. (a) The board has the following duties and responsibilities concerning township assistance:

- (1) Propose a township assistance plan under IC 12-20-1.5.
- (2) Propose county standards for the provision of township assistance under IC 12-20-1.6.
- (3) Annually review the county's township assistance plan and standards and propose amendments to the township assistance plan and standards to the county legislative body for adoption.
- (4) For budget years beginning after December 31, 2014, annually prepare and recommend a township assistance budget to the county council.
- (5) Subject to the approval of the county legislative body and county fiscal body, employ necessary employees to assist the township trustee in discharging the trustee's duties concerning the provision of township assistance.
- (6) Subject to the approval of the county legislative body and county fiscal body, establish offices in the county for the provision of township assistance.
- (7) Place indigent individuals in the county home in accordance with IC 12-30-4.
- (8) Carry out other duties and responsibilities set forth in the county's township assistance plan concerning the provision of township assistance in the county.

(b) As provided in IC 36-8-13.6, the board shall:

- (1) adopt the fire protection and emergency services plan for the unincorporated area of the county; and
- (2) submit the fire protection and emergency services plan to the county legislative body for review and approval.

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1 (c) As provided in IC 36-8-3-1.5, the board shall act as the safety
2 board of the county for purposes of the county fire department.

3 SECTION 143. IC 36-2-21 IS ADDED TO THE INDIANA CODE
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2011]:

6 **Chapter 21. County Fire Protection Duties**

7 **Sec. 1. This chapter applies only to a county not having a**
8 **consolidated city.**

9 **Sec. 2. Beginning January 1, 2015:**

10 (1) the county executive is responsible for providing fire
11 protection and emergency services in the unincorporated
12 areas of the county as provided in the county's fire protection
13 and emergency services plan; and

14 (2) the powers and duties of township government and the
15 township trustee related to providing fire protection and
16 emergency services in the unincorporated areas of the county
17 are transferred to the county.

18 **Sec. 3. In carrying out fire protection and emergency services**
19 **responsibilities under section 2 of this chapter, the county executive**
20 **shall as provided in the county's fire protection and emergency**
21 **services plan provide for fire protection and emergency services in**
22 **the unincorporated area of the county through any combination of:**

- 23 (1) operating a county fire department;
- 24 (2) contracting with or otherwise cooperating with any
- 25 municipality, county, fire protection district, volunteer fire
- 26 department, fire protection territory, or other entity; or
- 27 (3) entering into mutual aid agreements.

28 SECTION 144. IC 36-4-4-2 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The powers of a
30 city are divided between the executive and legislative branches of its
31 government. A power belonging to one (1) branch of a city's
32 government may not be exercised by the other branch.

33 (b) **Except as provided in IC 3-5-9**, a city employee other than an
34 elected or appointed public officer may:

- 35 (1) be a candidate for ~~any~~ **an** elective office and serve in that
 - 36 office if elected; or
 - 37 (2) be appointed to any office and serve in that office if appointed;
- 38 without having to resign as a city employee.

39 SECTION 145. IC 36-6-4-3, AS AMENDED BY P.L.1-2009,
40 SECTION 163, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2011]: Sec. 3. The executive shall do the
42 following:

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- 1 (1) Keep a written record of official proceedings.
- 2 (2) Manage all township property interests.
- 3 (3) Keep township records open for public inspection.
- 4 (4) **After December 31, 2014, this subdivision applies only to**
- 5 **a county having a consolidated city.** Attend all meetings of the
- 6 township legislative body.
- 7 (5) Receive and pay out township funds.
- 8 (6) Examine and settle all accounts and demands chargeable
- 9 against the township.
- 10 (7) **After December 31, 2014, this subdivision applies only to**
- 11 **a county having a consolidated city.** Administer township
- 12 assistance under IC 12-20 and IC 12-30-4.
- 13 (8) **After December 31, 2014, this subdivision applies only to**
- 14 **a county not having a consolidated city. The township trustee**
- 15 **shall perform the duties regarding township assistance under**
- 16 **IC 12-20-1.5, IC 12-20, and IC 12-30-4.**
- 17 ~~(8)~~ (9) Perform the duties of fence viewer under IC 32-26.
- 18 ~~(9)~~ (10) Provide and maintain cemeteries under IC 23-14.
- 19 ~~(10)~~ (11) Provide fire protection under IC 36-8, except in a
- 20 township that:
- 21 (A) is located in a county having a consolidated city; and
- 22 (B) consolidated the township's fire department under
- 23 IC 36-3-1-6.1.
- 24 ~~(11)~~ (12) File an annual personnel report under IC 5-11-13.
- 25 ~~(12)~~ (13) Provide and maintain township parks and community
- 26 centers under IC 36-10.
- 27 ~~(13)~~ (14) Destroy detrimental plants, noxious weeds, and rank
- 28 vegetation under IC 15-16-8.
- 29 ~~(14)~~ (15) Provide insulin to the poor under IC 12-20-16.
- 30 (16) **In the case of a township in a county not having a**
- 31 **consolidated city, participate as a member of the county**
- 32 **board of trustees.**
- 33 ~~(15)~~ (17) Perform other duties prescribed by statute.
- 34 SECTION 146. IC 36-6-4-11, AS AMENDED BY P.L.73-2005,
- 35 SECTION 174, IS AMENDED TO READ AS FOLLOWS
- 36 [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) At the township legislative
- 37 body's annual meeting under IC 36-6-6-11, the executive shall **do the**
- 38 **following:**
- 39 (1) Present an itemized written statement of the estimated
- 40 expenditures for which appropriations are requested, specifying
- 41 **the following:**
- 42 (A) The number of teachers employed.

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- 1 (B) The salary of each teacher employed.
- 2 (C) The property of the township (and supplies on hand).
- 3 (D) The estimated value of the property of the township (and
- 4 supplies on hand).
- 5 (E) The supplies necessary for each school. ~~and~~
- 6 (F) **After December 31, 2014, this clause applies only to a**
- 7 **county having a consolidated city.** The need for township
- 8 assistance in the township. ~~and~~
- 9 (2) Submit to questions from the legislative body or taxpayers
- 10 concerning expenditures of the township.
- 11 (b) The written statement required under subsection (a)(1) must
- 12 comply with forms prescribed by the state board of accounts and show
- 13 the amount of each item to be charged against township funds.
- 14 SECTION 147. IC 36-6-6-1 IS AMENDED TO READ AS
- 15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This chapter applies
- 16 to all townships **before January 1, 2015. After December 31, 2014,**
- 17 **this chapter applies only to a township in a county having a**
- 18 **consolidated city.**
- 19 SECTION 148. IC 36-6-6.1 IS ADDED TO THE INDIANA CODE
- 20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2011]:
- 22 **Chapter 6.1. Transfer of Township Powers and Duties in a**
- 23 **County Other Than Marion County**
- 24 **Sec. 1. This chapter applies after December 31, 2014. This**
- 25 **chapter applies only to a county not having a consolidated city.**
- 26 **Sec. 2. On January 1, 2015, the township boards in a county are**
- 27 **abolished.**
- 28 **Sec. 3. After December 31, 2014:**
- 29 (1) the county fiscal body is the fiscal body and legislative
- 30 body of each township in the county; and
- 31 (2) the county fiscal body shall exercise the legislative and
- 32 fiscal powers assigned in the Indiana Code to township
- 33 boards, including the authority to adopt the township's annual
- 34 budget and to levy township property taxes for township
- 35 funds.
- 36 **Sec. 4. (a) The abolishment of a township board under section**
- 37 **2 of this chapter does not invalidate:**
- 38 (1) any resolutions, fees, schedules, or other actions adopted
- 39 or taken by the township board before January 1, 2015; or
- 40 (2) any appointments made by the township board before
- 41 January 1, 2015.
- 42 (b) **After December 31, 2014, any reference:**

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- 1 (1) in the Indiana Code;
- 2 (2) in the Indiana Administrative Code; or
- 3 (3) in any resolution;
- 4 **to the township board or township legislative body of a township**
- 5 **in a county not having a consolidated city shall be considered a**
- 6 **reference to the county fiscal body.**

7 **Sec. 5. After December 31, 2014, fire protection and emergency**
 8 **services in an unincorporated area of a county are governed by and**
 9 **subject to a county fire protection and emergency services plan**
 10 **adopted by the county board of trustees and approved by the**
 11 **county legislative body.**

12 **Sec. 6. (a) On January 1, 2015, all:**

- 13 (1) assets;
- 14 (2) debts;
- 15 (3) property rights;
- 16 (4) equipment;
- 17 (5) records;
- 18 (6) personnel; and
- 19 (7) contracts;

20 **of a township connected with firefighting operations are**
 21 **transferred to the county. To the extent that the township and the**
 22 **county cannot agree on the transfers under this subsection, the**
 23 **department of local government finance shall make the final**
 24 **determination.**

25 **(b) If, as of December 31, 2014, a township has a local board for**
 26 **the 1937 firefighters' pension fund or the 1977 police officers' and**
 27 **firefighters' pension and disability fund, that local board is**
 28 **dissolved on January 1, 2015, and the powers, duties, and**
 29 **responsibilities of the local board under IC 36-8-7 or IC 36-8-8,**
 30 **respectively, are assumed by the county's local board for the 1937**
 31 **firefighters' pension fund and local board for the 1977 police**
 32 **officers' and firefighters' pension and disability fund, respectively.**
 33 **Notwithstanding any other provision, the legislative body of the**
 34 **county may adopt an ordinance to adjust the membership of the**
 35 **county's local board to reflect the dissolution of the township's**
 36 **local board.**

37 **(c) A county shall levy taxes (within the county's maximum**
 38 **permissible ad valorem property tax levy limit) as necessary to**
 39 **provide for the payment of pension benefits:**

- 40 (1) to members of the 1937 firefighters' pension fund; and
- 41 (2) for which, before the dissolution of township government
- 42 under this chapter, the local board of a township in the county

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was responsible.
Sec. 7. (a) Effective January 1, 2015, the county shall assume, defease, pay, or refund all township indebtedness or lease rental obligations related to fire protection and emergency services. The county may levy property taxes to pay township indebtedness or lease rental obligations incurred by a township only in the geographic area of the township that originally issued the debt or entered into the lease rental agreement. The former territory of the township comprises a taxing district for the payment of township indebtedness or lease rental obligations existing at the time of the abolition or alteration.

(b) Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness or lease rental obligations described in subsection (a), the county is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness or lease rental obligations.

(c) The rights of a trustee, bondholder, or leaseholder with respect to any:

- (1) indebtedness or lease rental obligations described in subsection (a); or
 - (2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness described in subsection (a);
- remain the same, although the powers, duties, agreements, and liabilities of the townships have been transferred to the county, and the county shall be considered to have assumed all those powers, duties, agreements, and liabilities.

Sec. 8. Beginning January 1, 2015, and notwithstanding any other law to the contrary, any revenue from a local income tax for public safety under IC 6-3.5-1.1-25 or IC 6-3.5-6-31 that the township would otherwise receive shall instead be paid to the county.

SECTION 149. IC 36-6-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. **Except as provided in IC 12-20-4**, an officer of a township may appoint and remove all deputies and other employees in ~~his~~ **the officer's** office, shall appoint deputies and other employees necessary for the proper discharge of ~~his~~ **the officer's** duties, and is responsible for the official acts of ~~his~~ **the officer's** deputies and other employees.

SECTION 150. IC 36-6-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This chapter applies to all townships **before January 1, 2015. After December 31, 2014,**

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1 **this chapter applies only to a township in a county having a**
 2 **consolidated city.**

3 SECTION 151. IC 36-8-3-1 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. This chapter applies
 5 to:

- 6 (1) second and third class cities; and
 7 (2) after December 31, 2014, counties not having a
 8 consolidated city (for purposes of the county fire department).

9 It also applies to other units, where specifically indicated.

10 SECTION 152. IC 36-8-3-1.5 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2011]: Sec. 1.5. (a) After December 31, 2014,
 13 in the case of a county not having a consolidated city, the county
 14 board of trustees established under IC 36-2-3.6-5 is considered the
 15 safety board for purposes of the county fire department.

16 (b) After December 31, 2014, in the case of a county not having
 17 a consolidated city, the county board of trustees acting as the safety
 18 board has the same powers and duties under this chapter for
 19 purposes of the county fire department as a municipal safety board
 20 has under this chapter for purposes of a municipal fire
 21 department.

22 SECTION 153. IC 36-8-7-1, AS AMENDED BY P.L.227-2005,
 23 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2011]: Sec. 1. (a) This chapter applies to pension benefits for
 25 members of fire departments hired before May 1, 1977, in units for
 26 which a 1937 fund was established before May 1, 1977.

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

- 29 (1) was hired before May 1, 1977;
 30 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,
 31 1981); and
 32 (3) is rehired after April 30, 1977, by the same employer.

33 (c) A firefighter is covered by this chapter and not by IC 36-8-8 if
 34 the firefighter:

- 35 (1) was hired before May 1, 1977;
 36 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,
 37 1981);
 38 (3) was rehired after April 30, 1977, but before February 1, 1979;
 39 and
 40 (4) was made, before February 1, 1979, a member of a 1937 fund.

41 (d) A firefighter who:

- 42 (1) is covered by this chapter before a consolidation under

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1 IC 36-3-1-6.1; and
 2 (2) becomes a member of a fire department of a consolidated city
 3 under IC 36-3-1-6.1;
 4 is covered by this chapter after the effective date of the consolidation,
 5 and the firefighter's service as a member of a fire department of a
 6 consolidated city is considered active service under this chapter.

7 **(e) A firefighter who:**

- 8 **(1) as of December 31, 2014, is a member of the 1937 fund as**
 9 **a firefighter with a township fire department, fire protection**
 10 **territory, or fire protection district within a county; and**
 11 **(2) after the dissolution of township government under**
 12 **IC 36-6-6.1 becomes a member of the county fire department;**
 13 **is covered by this chapter after the firefighter becomes a member**
 14 **of the county fire department, and the firefighter's service as a**
 15 **member of a township fire department, fire protection territory, or**
 16 **fire protection district that was covered under this chapter before**
 17 **January 1, 2015, is considered active service under this chapter.**

18 SECTION 154. IC 36-8-8-1, AS AMENDED BY P.L.227-2005,
 19 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2011]: Sec. 1. This chapter applies to:

- 21 (1) full-time police officers hired or rehired after April 30, 1977,
 22 in all municipalities, or who converted their benefits under
 23 IC 19-1-17.8-7 (repealed September 1, 1981);
 24 (2) full-time fully paid firefighters hired or rehired after April 30,
 25 1977, or who converted their benefits under IC 19-1-36.5-7
 26 (repealed September 1, 1981);
 27 (3) a police matron hired or rehired after April 30, 1977, and
 28 before July 1, 1996, who is a member of a police department in a
 29 second or third class city on March 31, 1996;
 30 (4) a park ranger who:
 31 (A) completed at least the number of weeks of training at the
 32 Indiana law enforcement academy or a comparable law
 33 enforcement academy in another state that were required at the
 34 time the park ranger attended the Indiana law enforcement
 35 academy or the law enforcement academy in another state;
 36 (B) graduated from the Indiana law enforcement academy or
 37 a comparable law enforcement academy in another state; and
 38 (C) is employed by the parks department of a city having a
 39 population of more than one hundred twenty thousand
 40 (120,000) but less than one hundred fifty thousand (150,000);
 41 (5) a full-time fully paid firefighter who is covered by this chapter
 42 before the effective date of consolidation and becomes a member

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1 of the fire department of a consolidated city under IC 36-3-1-6.1,
2 provided that the firefighter's service as a member of the fire
3 department of a consolidated city is considered active service
4 under this chapter;

5 (6) except as otherwise provided, a full-time fully paid firefighter
6 who is hired or rehired after the effective date of the consolidation
7 by a consolidated fire department established under
8 IC 36-3-1-6.1;

9 (7) a full-time police officer who is covered by this chapter before
10 the effective date of consolidation and becomes a member of the
11 consolidated law enforcement department as part of the
12 consolidation under IC 36-3-1-5.1, provided that the officer's
13 service as a member of the consolidated law enforcement
14 department is considered active service under this chapter; ~~and~~

15 (8) except as otherwise provided, a full-time police officer who is
16 hired or rehired after the effective date of the consolidation by a
17 consolidated law enforcement department established under
18 IC 36-3-1-5.1; **and**

19 **(9) a full-time, fully paid firefighter who:**
20 **(A) as of December 31, 2014, is a member of the 1977 fund**
21 **as a firefighter with a township fire department, fire**
22 **protection territory, or fire protection district within a**
23 **county; and**
24 **(B) after the dissolution of township government under**
25 **IC 36-6-6.1 becomes a member of the county fire**
26 **department;**

27 except as provided by section 7 of this chapter.

28 SECTION 155. IC 36-8-8-2.1 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.1. (a) As used in this
30 chapter, "local board" means the following:

31 (1) For a unit that established a 1925 fund for its police officers,
32 the local board described in IC 36-8-6-2.

33 (2) **Except as provided in subdivision (3),** for a unit that
34 established a 1937 fund for its firefighters, the local board
35 described in IC 36-8-7-3.

36 **(3) This subdivision does not apply to a township in a county**
37 **having a consolidated city. For a township that established a**
38 **1937 fund for its firefighters, "local board", after December**
39 **31, 2014, means the local board of the county.**

40 ~~(3)~~ (4) For a consolidated city that established a 1953 fund for its
41 police officers, the local board described in IC 36-8-7.5-2.

42 ~~(4)~~ (5) For a unit, other than a consolidated city, that did not

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1 establish a 1925 fund for its police officers or a 1937 fund for its
2 firefighters, the local board described in subsection (b) or (c).

3 (b) If a unit did not establish a 1925 fund for its police officers, a
4 local board shall be composed in the same manner described in
5 IC 36-8-6-2(b). However, if there is not a retired member of the
6 department, no one shall be appointed to that position until such time
7 as there is a retired member.

8 (c) If a unit did not establish a 1937 fund for its firefighters, a local
9 board shall be composed in the same manner described in
10 IC 36-8-7-3(b). However, if there is not a retired member of the
11 department, no one shall be appointed to that position until such time
12 as there is a retired member.

13 SECTION 156. IC 36-8-8-7, AS AMENDED BY P.L.1-2006,
14 SECTION 575, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) Except as provided in
16 subsections (d), (e), (f), (g), (h), (k), (l), and (m), and (n):

- 17 (1) a police officer; or
 - 18 (2) a firefighter;
- 19 who is less than thirty-six (36) years of age and who passes the baseline
20 statewide physical and mental examinations required under section 19
21 of this chapter shall be a member of the 1977 fund and is not a member
22 of the 1925 fund, the 1937 fund, or the 1953 fund.

23 (b) A police officer or firefighter with service before May 1, 1977,
24 who is hired or rehired after April 30, 1977, may receive credit under
25 this chapter for service as a police officer or firefighter prior to entry
26 into the 1977 fund if the employer who rehires the police officer or
27 firefighter chooses to contribute to the 1977 fund the amount necessary
28 to amortize the police officer's or firefighter's prior service liability over
29 a period of not more than forty (40) years, the amount and the period
30 to be determined by the PERF board. If the employer chooses to make
31 the contributions, the police officer or firefighter is entitled to receive
32 credit for the police officer's or firefighter's prior years of service
33 without making contributions to the 1977 fund for that prior service. In
34 no event may a police officer or firefighter receive credit for prior years
35 of service if the police officer or firefighter is receiving a benefit or is
36 entitled to receive a benefit in the future from any other public pension
37 plan with respect to the prior years of service.

38 (c) Except as provided in section 18 of this chapter, a police officer
39 or firefighter is entitled to credit for all years of service after April 30,
40 1977, with the police or fire department of an employer covered by this
41 chapter.

42 (d) A police officer or firefighter with twenty (20) years of service

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1 does not become a member of the 1977 fund and is not covered by this
2 chapter, if the police officer or firefighter:

- 3 (1) was hired before May 1, 1977;
4 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
5 of which were repealed September 1, 1981); and
6 (3) is rehired after April 30, 1977, by the same employer.

7 (e) A police officer or firefighter does not become a member of the
8 1977 fund and is not covered by this chapter if the police officer or
9 firefighter:

- 10 (1) was hired before May 1, 1977;
11 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
12 of which were repealed September 1, 1981);
13 (3) was rehired after April 30, 1977, but before February 1, 1979;
14 and
15 (4) was made, before February 1, 1979, a member of a 1925,
16 1937, or 1953 fund.

17 (f) A police officer or firefighter does not become a member of the
18 1977 fund and is not covered by this chapter if the police officer or
19 firefighter:

- 20 (1) was hired by the police or fire department of a unit before May
21 1, 1977;
22 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
23 of which were repealed September 1, 1981);
24 (3) is rehired by the police or fire department of another unit after
25 December 31, 1981; and
26 (4) is made, by the fiscal body of the other unit after December
27 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
28 unit.

29 If the police officer or firefighter is made a member of a 1925, 1937, or
30 1953 fund, the police officer or firefighter is entitled to receive credit
31 for all the police officer's or firefighter's years of service, including
32 years before January 1, 1982.

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

- 36 (1) is employed by a unit that is participating in the 1977 fund;
37 (2) was employed as an emergency medical technician by a
38 political subdivision wholly or partially within the department's
39 jurisdiction;
40 (3) was a member of the public employees' retirement fund during
41 the employment described in subdivision (2); and
42 (4) ceased employment with the political subdivision and was

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1 hired by the unit's fire department due to the reorganization of
 2 emergency medical services within the department's jurisdiction;
 3 shall participate in the 1977 fund. A firefighter who participates in the
 4 1977 fund under this subsection is subject to sections 18 and 21 of this
 5 chapter.

6 (h) A police officer or firefighter does not become a member of the
 7 1977 fund and is not covered by this chapter if the individual was
 8 appointed as:

- 9 (1) a fire chief under a waiver under IC 36-8-4-6(c); or
 10 (2) a police chief under a waiver under IC 36-8-4-6.5(c);

11 unless the executive of the unit requests that the 1977 fund accept the
 12 individual in the 1977 fund and the individual previously was a
 13 member of the 1977 fund.

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

17 (j) A park ranger who:

- 18 (1) completed at least the number of weeks of training at the
 19 Indiana law enforcement academy or a comparable law
 20 enforcement academy in another state that were required at the
 21 time the park ranger attended the Indiana law enforcement
 22 academy or the law enforcement academy in another state;
 23 (2) graduated from the Indiana law enforcement academy or a
 24 comparable law enforcement academy in another state; and
 25 (3) is employed by the parks department of a city having a
 26 population of more than one hundred twenty thousand (120,000)
 27 but less than one hundred fifty thousand (150,000);

28 is a member of the fund.

29 (k) Notwithstanding any other provision of this chapter, a police
 30 officer or firefighter:

- 31 (1) who is a member of the 1977 fund before a consolidation
 32 under IC 36-3-1-5.1 or IC 36-3-1-6.1;
 33 (2) whose employer is consolidated into the consolidated law
 34 enforcement department or the fire department of a consolidated
 35 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and
 36 (3) who, after the consolidation, becomes an employee of the
 37 consolidated law enforcement department or the consolidated fire
 38 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

39 is a member of the 1977 fund without meeting the requirements under
 40 sections 19 and 21 of this chapter.

41 (l) Notwithstanding any other provision of this chapter, if:

- 42 (1) before a consolidation under IC 8-22-3-11.6, a police officer

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1 or firefighter provides law enforcement services or fire protection
 2 services for an entity in a consolidated city;
 3 (2) the provision of those services is consolidated into the law
 4 enforcement department or fire department of a consolidated city;
 5 and
 6 (3) after the consolidation, the police officer or firefighter
 7 becomes an employee of the consolidated law enforcement
 8 department or the consolidated fire department under
 9 IC 8-22-3-11.6;

10 the police officer or firefighter is a member of the 1977 fund without
 11 meeting the requirements under sections 19 and 21 of this chapter.

12 **(m) Notwithstanding any other provision of this chapter, a**
 13 **firefighter who:**

14 **(1) as of December 31, 2014, is a member of the 1977 fund as**
 15 **a firefighter with a township fire department, fire protection**
 16 **territory, or fire protection district within a county; and**

17 **(2) after the dissolution of township government under**
 18 **IC 36-6-6.1 becomes a member of the county fire department;**
 19 **is a member of the 1977 fund without meeting the requirements**
 20 **under sections 19 and 21 of this chapter. A firefighter described in**
 21 **this subsection is entitled to receive credit for all years of service as**
 22 **a member of the 1977 fund before becoming a member of the**
 23 **county fire department.**

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

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

29 SECTION 157. IC 36-8-10-11 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) The sheriff may
 31 dismiss, demote, or temporarily suspend a county police officer for
 32 cause after preferring charges in writing and after a fair public hearing
 33 before the board, which is reviewable in the circuit court. Written
 34 notice of the charges and hearing must be delivered by certified mail
 35 to the officer to be disciplined at least fourteen (14) days before the
 36 date set for the hearing. The officer may be represented by counsel. The
 37 board shall make specific findings of fact in writing to support its
 38 decision.

39 (b) The sheriff may temporarily suspend an officer with or without
 40 pay for a period not exceeding fifteen (15) days, without a hearing
 41 before the board, after preferring charges of misconduct in writing
 42 delivered to the officer.

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1 (c) A county police officer may not be dismissed, demoted, or
 2 temporarily suspended because of political affiliation nor after the
 3 officer's probationary period, except as provided in this section. **Except**
 4 **as provided in IC 3-5-9**, an officer may:

5 (1) be a candidate for elective office and serve in that office if
 6 elected;

7 (2) be appointed to an office and serve in that office if appointed;
 8 and

9 (3) except when in uniform or on duty, solicit votes or campaign
 10 funds for the officer or others.

11 (d) The board has subpoena powers enforceable by the circuit court
 12 for hearings under this section. An officer on probation may be
 13 dismissed by the sheriff without a right to a hearing.

14 (e) An appeal under subsection (a) must be taken by filing in court,
 15 within thirty (30) days after the date the decision is rendered, a verified
 16 complaint stating in a concise manner the general nature of the charges
 17 against the officer, the decision of the board, and a demand for the
 18 relief asserted by the officer. A bond must also be filed that guarantees
 19 the appeal will be prosecuted to a final determination and that the
 20 plaintiff will pay all costs only if the court finds that the board's
 21 decision should be affirmed. The bond must be approved as bonds for
 22 costs are approved in other cases. The county must be named as the
 23 sole defendant and the plaintiff shall have a summons issued as in other
 24 cases against the county. Neither the board nor the members of it may
 25 be made parties defendant to the complaint, but all are bound by
 26 service upon the county and the judgment rendered by the court.

27 (f) All appeals shall be tried by the court. The appeal shall be heard
 28 de novo only upon any new issues related to the charges upon which
 29 the decision of the board was made. Within ten (10) days after the
 30 service of summons, the board shall file in court a complete written
 31 transcript of all papers, entries, and other parts of the record relating to
 32 the particular case. Inspection of these documents by the person
 33 affected, or by the person's agent, must be permitted by the board
 34 before the appeal is filed, if requested. The court shall review the
 35 record and decision of the board on appeal.

36 (g) The court shall make specific findings and state the conclusions
 37 of law upon which its decision is made. If the court finds that the
 38 decision of the board appealed from should in all things be affirmed,
 39 its judgment should so state. If the court finds that the decision of the
 40 board appealed from should not be affirmed in all things, then the court
 41 shall make a general finding, setting out sufficient facts to show the
 42 nature of the proceeding and the court's decision on it. The court shall

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either:

- (1) reverse the decision of the board; or
- (2) order the decision of the board to be modified.

(h) The final judgment of the court may be appealed by either party. Upon the final disposition of the appeal by the courts, the clerk shall certify and file a copy of the final judgment of the court to the board, which shall conform its decisions and records to the order and judgment of the court. If the decision is reversed or modified, then the board shall pay to the party entitled to it any salary or wages withheld from the party pending the appeal and to which the party is entitled under the judgment of the court.

(i) Either party shall be allowed a change of venue from the court or a change of judge in the same manner as such changes are allowed in civil cases. The rules of trial procedure govern in all matters of procedure upon the appeal that are not otherwise provided for by this section.

(j) An appeal takes precedence over other pending litigation and shall be tried and determined by the court as soon as practical.

SECTION 158. IC 36-8-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) A county legislative body may establish fire protection districts for any of the following purposes:

- (1) Fire protection, including the capability for extinguishing all fires that might be reasonably expected because of the types of improvements, personal property, and real property within the boundaries of the district.
- (2) Fire prevention, including identification and elimination of all potential and actual sources of fire hazard.
- (3) Other purposes or functions related to fire protection and fire prevention.

(b) Any area may be established as a fire protection district, but one (1) part of a district may not be completely separate from another part. A municipality may be included in a district, but only if it consents by ordinance, unless a majority of the freeholders of the municipality have petitioned to be included in the district.

(c) Except as provided in subsection (d), the territory of a district may consist of:

- (1) one (1) or more townships and parts of one (1) or more townships in the same county; or
- (2) all of the townships in the same county.

The boundaries of a district need not coincide with those of other political subdivisions.

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1 (d) The territory of a district may consist of a municipality that is
2 located in more than one (1) county.

3 (e) **The dissolution of township government under IC 36-6-6.1**
4 **and the transfer of fire protection responsibilities to counties under**
5 **IC 36-2-21 and IC 36-8-13.7 (effective January 1, 2015) do not**
6 **terminate a fire protection district in existence under this chapter**
7 **as of January 1, 2015. On January 1, 2015, a county not having a**
8 **consolidated city shall assume any powers, duties, rights, and**
9 **obligations under this chapter of each township in the county**
10 **participating in a district.**

11 SECTION 159. IC 36-8-11-15 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 15. (a) The board:

13 (1) has the same powers and duties as a township executive with
14 respect to fire protection functions, including those duties and
15 powers prescribed by IC 36-8-13 **and (after December 31, 2014)**
16 **IC 36-8-13.7**, although all cooperative and joint actions permitted
17 by that chapter must be undertaken according to this chapter;

18 (2) has the same powers and duties as a township executive
19 relative to contracting with volunteer firefighting companies, as
20 prescribed by IC 36-8-12, ~~and~~ IC 36-8-13, **and (after December**
21 **31, 2014) IC 36-8-13.7;**

22 (3) shall appoint, fix the compensation, and prescribe the duties
23 of a fiscal officer, secretarial staff, persons performing special and
24 temporary services or providing legal counsel, and other
25 personnel considered necessary for the proper functioning of the
26 district; however, a person appointed as fiscal officer must be
27 bonded by good and sufficient sureties in an amount ordered by
28 the county legislative body to protect the district from financial
29 loss;

30 (4) shall exercise general supervision of and make regulations for
31 the administration of the district's affairs;

32 (5) shall prescribe uniform rules pertaining to investigations and
33 hearings;

34 (6) shall supervise the fiscal affairs and responsibilities of the
35 district;

36 (7) may delegate to employees of the district the authority to
37 perform ministerial acts, except in cases in which final action of
38 the board is necessary;

39 (8) shall keep accurate and complete records of all departmental
40 proceedings, record and file all bonds and contracts, and assume
41 responsibility for the custody and preservation of all papers and
42 documents of the district;

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- 1 (9) shall make an annual report to the executive and the fiscal
- 2 body of the county that at least lists the financial transactions of
- 3 the district and a statement of the progress in accomplishing the
- 4 purposes for which the district has been established;
- 5 (10) shall adopt a seal and certify all official acts;
- 6 (11) may sue and be sued collectively by its legal name ("Board
- 7 of Fire Trustees, _____ Fire Protection District"), with
- 8 service of process made on the chairman of the board, but costs
- 9 may not be taxed against the members individually in an action;
- 10 (12) may invoke any legal, equitable, or special remedy for the
- 11 enforcement of this chapter or of proper action of the board taken
- 12 in a court;
- 13 (13) shall prepare and submit to the fiscal body of the county an
- 14 annual budget for operation and maintenance expenses and for the
- 15 retirement of obligations of the district, subject to review and
- 16 approval by the fiscal body;
- 17 (14) may, if advisable, establish one (1) or more advisory
- 18 committees;
- 19 (15) may enter into agreements with and accept money from a
- 20 federal or state agency and enter into agreements with a
- 21 municipality located within or outside the district, whether or not
- 22 the municipality is a part of the district, for a purpose compatible
- 23 with the purposes for which the district exists and with the
- 24 interests of the municipality;
- 25 (16) may accept gifts of money or other property to be used for
- 26 the purposes for which the district is established;
- 27 (17) may levy taxes at a uniform rate on the real and personal
- 28 property within the district;
- 29 (18) may issue bonds and tax anticipation warrants;
- 30 (19) may incur other debts and liabilities;
- 31 (20) may purchase or rent property;
- 32 (21) may sell services or property that are produced incident to
- 33 the operations of the district making a fair and reasonable charge
- 34 for it;
- 35 (22) may make contracts or otherwise enter into agreements with
- 36 public or private persons and federal or state agencies for
- 37 construction, maintenance, or operations of or in part of the
- 38 district;
- 39 (23) may receive and disburse money; and
- 40 (24) may impose a false alarm fee or service charge under
- 41 IC 36-8-13-4 or (after December 31, 2014) IC 36-8-13.7-7.
- 42 (b) Powers granted by this chapter may be used only to accomplish

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1 the purpose or purposes as stated in the ordinance or resolution
2 establishing the district. However, an act of the board necessary and
3 proper to accomplish the purposes for which the district is established
4 is not invalid because it incidentally accomplishes a purpose other than
5 one for which the district is established.

6 SECTION 160. IC 36-8-11-19 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 19. The department of
8 local government finance, when approving a rate and levy fixed by the
9 board, shall verify that a duplication of tax levies does not exist
10 between a fire protection district and a municipality, ~~or~~ township, **or,**
11 **after December 31, 2014, county** within the boundaries of the district,
12 so that taxpayers do not bear two (2) levies for the same service, except
13 as provided by section 20 of this chapter.

14 SECTION 161. IC 36-8-11-21 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 21. This chapter does
16 not require a municipality, ~~or~~ township, **or, after December 31, 2014,**
17 **county** to disband its fire department unless its legislative body
18 consents by ordinance.

19 SECTION 162. IC 36-8-12-1 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Except as
21 provided in **subsection (b) and** section 10 of this chapter, this chapter
22 applies to all units except counties.

23 **(b) After December 31, 2014, this chapter:**

- 24 **(1) also applies to counties not having a consolidated city; and**
- 25 **(2) does not apply to a township located in a county not having**
- 26 **a consolidated city.**

27 **(c) On January 1, 2015, a county not having a consolidated city**
28 **shall assume the powers, duties, rights, and obligations under this**
29 **chapter of each township in the county.**

30 SECTION 163. IC 36-8-12-13, AS AMENDED BY P.L.1-2010,
31 SECTION 154, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2011]: Sec. 13. (a) A volunteer fire department
33 may impose a charge on the owner of property, the owner of a vehicle,
34 or a responsible party (as defined in IC 13-11-2-191(e)) that is involved
35 in a hazardous material or fuel spill or chemical or hazardous material
36 related fire (as defined in IC 13-11-2-96(b)):

- 37 (1) that is responded to by the volunteer fire department; and
- 38 (2) that members of that volunteer fire department assisted in
- 39 extinguishing, containing, or cleaning up.

40 (b) The volunteer fire department shall bill the owner or responsible
41 party of the vehicle for the total dollar value of the assistance that was
42 provided, with that value determined by a method that the state fire

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1 marshal shall establish under IC 36-8-12-16. A copy of the fire incident
 2 report to the state fire marshal must accompany the bill. This billing
 3 must take place within thirty (30) days after the assistance was
 4 provided. The owner or responsible party shall remit payment directly
 5 to the governmental unit providing the service. Any money that is
 6 collected under this section may be:

7 (1) deposited in the township firefighting fund established in
 8 IC 36-8-13-4 **or the county firefighting fund established under**
 9 **IC 36-8-13.7-5;**

10 (2) used to pay principal and interest on a loan made by the
 11 department of homeland security established by IC 10-19-2-1 or
 12 a division of the department for the purchase of new or used
 13 firefighting and other emergency equipment or apparatus; or

14 (3) used for the purchase of equipment, buildings, and property
 15 for firefighting, fire protection, and other emergency services.

16 (c) Any administrative fees charged by a fire department's agent
 17 must be paid only from fees that are collected and allowed by Indiana
 18 law and the fire marshal's schedule of fees.

19 (d) An agent who processes fees on behalf of a fire department shall
 20 send all bills, notices, and other related materials to both the fire
 21 department and the person being billed for services.

22 (e) All fees allowed by Indiana law and the fire marshal's fee
 23 schedule must be itemized separately from any other charges.

24 (f) The volunteer fire department may maintain a civil action to
 25 recover an unpaid charge that is imposed under subsection (a).

26 SECTION 164. IC 36-8-12-16, AS AMENDED BY
 27 P.L.182-2009(ss), SECTION 436, IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) A volunteer fire
 29 department that provides service within a jurisdiction served by the
 30 department may establish a schedule of charges for the services that the
 31 department provides not to exceed the state fire marshal's
 32 recommended schedule for services. The volunteer fire department or
 33 its agent may collect a service charge according to this schedule from
 34 the owner of property that receives service if the following conditions
 35 are met:

36 (1) At the following times, the department gives notice under
 37 IC 5-3-1-4(d) in each political subdivision served by the
 38 department of the amount of the service charge for each service
 39 that the department provides:

40 (A) Before the schedule of service charges is initiated.

41 (B) When there is a change in the amount of a service charge.

42 (2) The property owner has not sent written notice to the

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- 1 department to refuse service by the department to the owner's
 2 property.
- 3 (3) The bill for payment of the service charge:
- 4 (A) is submitted to the property owner in writing within thirty
 5 (30) days after the services are provided; and
- 6 (B) includes a copy of a fire incident report in the form
 7 prescribed by the state fire marshal, if the service was
 8 provided for an event that requires a fire incident report.
- 9 (4) Payment is remitted directly to the governmental unit
 10 providing the service.
- 11 (b) A volunteer fire department shall use the revenue collected from
 12 the fire service charges under this section:
- 13 (1) for the purchase of equipment, buildings, and property for
 14 firefighting, fire protection, or other emergency services;
- 15 (2) for deposit in the township firefighting fund established under
 16 IC 36-8-13-4 **or the county firefighting fund established under**
 17 **IC 36-8-13.7-5**; or
- 18 (3) to pay principal and interest on a loan made by the department
 19 of homeland security established by IC 10-19-2-1 or a division of
 20 the department for the purchase of new or used firefighting and
 21 other emergency equipment or apparatus.
- 22 (c) Any administrative fees charged by a fire department's agent
 23 must be paid only from fees that are collected and allowed by Indiana
 24 law and the fire marshal's schedule of fees.
- 25 (d) An agent who processes fees on behalf of a fire department shall
 26 send all bills, notices, and other related materials to both the fire
 27 department and the person being billed for services.
- 28 (e) All fees allowed by Indiana law and the fire marshal's fee
 29 schedule must be itemized separately from any other charges.
- 30 (f) If at least twenty-five percent (25%) of the money received by a
 31 volunteer fire department for providing fire protection or emergency
 32 services is received under one (1) or more contracts with one (1) or
 33 more political subdivisions (as defined in IC 34-6-2-110), the
 34 legislative body of a contracting political subdivision must approve the
 35 schedule of service charges established under subsection (a) before the
 36 schedule of service charges is initiated in that political subdivision.
- 37 (g) A volunteer fire department that:
- 38 (1) has contracted with a political subdivision to provide fire
 39 protection or emergency services; and
- 40 (2) charges for services under this section;
 41 must submit a report to the legislative body of the political subdivision
 42 before April 1 of each year indicating the amount of service charges

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1 collected during the previous calendar year and how those funds have
2 been expended.

3 (h) The state fire marshal shall annually prepare and publish a
4 recommended schedule of service charges for fire protection services.

5 (i) The volunteer fire department or its agent may maintain a civil
6 action to recover an unpaid service charge under this section.

7 SECTION 165. IC 36-8-12-17, AS AMENDED BY P.L.107-2007,
8 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2011]: Sec. 17. (a) If a political subdivision has not imposed
10 its own false alarm fee or service charge, a volunteer fire department
11 that provides service within the jurisdiction may establish a service
12 charge for responding to false alarms. The volunteer fire department
13 may collect the false alarm service charge from the owner of the
14 property if the volunteer fire department dispatches firefighting
15 apparatus or personnel to a building or premises in the ~~township~~
16 **political subdivision** in response to:

17 (1) an alarm caused by improper installation or improper
18 maintenance; or

19 (2) a drill or test, if the fire department is not previously notified
20 that the alarm is a drill or test.

21 However, if the owner of property that constitutes the owner's residence
22 establishes that the alarm is under a maintenance contract with an
23 alarm company and that the alarm company has been notified of the
24 improper installation or maintenance of the alarm, the alarm company
25 is liable for the payment of the fee or service charge.

26 (b) Before establishing a false alarm service charge, the volunteer
27 fire department must provide notice under IC 5-3-1-4(d) in each
28 political subdivision served by the department of the amount of the
29 false alarm service charge. The notice required by this subsection must
30 be given:

31 (1) before the false alarm service charge is initiated; and

32 (2) before a change in the amount of the false alarm service
33 charge.

34 (c) A volunteer fire department may not collect a false alarm service
35 charge from a property owner or alarm company unless the
36 department's bill for payment of the service charge:

37 (1) is submitted to the property owner in writing within thirty (30)
38 days after the false alarm; and

39 (2) includes a copy of a fire incident report in the form prescribed
40 by the state fire marshal.

41 (d) A volunteer fire department shall use the money collected from
42 the false alarm service charge imposed under this section:

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1 (1) for the purchase of equipment, buildings, and property for fire
2 fighting, fire protection, or other emergency services;
3 (2) for deposit in:
4 (A) before January 1, 2015, the township firefighting fund
5 established under IC 36-8-13-4; or
6 (B) after December 31, 2014, the township firefighting fund
7 established under IC 36-8-13-4 (in the case of a township
8 that is located in a county having a consolidated city and
9 that has not consolidated the township's fire department
10 under IC 36-3-1-6.1) or the county firefighting fund
11 established under IC 36-8-13.7-5 (in the case of a county
12 not having a consolidated city); or
13 (3) to pay principal and interest on a loan made by the department
14 of homeland security established by IC 10-19-2-1 or a division of
15 the department for the purchase of new or used firefighting and
16 other emergency equipment or apparatus.
17 (e) If at least twenty-five percent (25%) of the money received by a
18 volunteer fire department for providing fire protection or emergency
19 services is received under one (1) or more contracts with one (1) or
20 more political subdivisions (as defined in IC 34-6-2-110), the
21 legislative body of a contracting political subdivision must approve the
22 false alarm service charge established under subsection (a) before the
23 service charge is initiated in that political subdivision.
24 (f) A volunteer fire department that:
25 (1) has contracted with a political subdivision to provide fire
26 protection or emergency services; and
27 (2) imposes a false alarm service charge under this section;
28 must submit a report to the legislative body of the political subdivision
29 before April 1 of each year indicating the amount of false alarm
30 charges collected during the previous calendar year and how those
31 funds have been expended.
32 (g) The volunteer fire department may maintain a civil action to
33 recover unpaid false alarm service charges imposed under this section.
34 SECTION 166. IC 36-8-12.2-2 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. As used in this
36 chapter, "fire department" means a fire department that:
37 (1) is established under IC 36-8-2-3, or IC 36-8-13-3(a)(1), or
38 IC 36-8-13.7-4(a)(1); and
39 (2) employs:
40 (A) both full-time paid members and volunteer members; or
41 (B) only full-time paid members.
42 SECTION 167. IC 36-8-12.2-8 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) Money collected
2 under this chapter must be deposited in one (1) of the following:

3 (1) The general fund of the unit that established the fire
4 department under IC 36-8-2-3, ~~or~~ IC 36-8-13-3(a)(1), **or**
5 **IC 36-8-13.7-4(a)(1).**

6 (2) A hazardous materials response fund established under section
7 8.1 of this chapter by a city or town having a fire department
8 established under IC 36-8-2-3.

9 (b) Money collected under this chapter may be used only for the
10 following:

11 (1) Purchase of supplies and equipment used in providing
12 hazardous materials emergency assistance under this chapter.

13 (2) Training for members of the fire department in skills
14 necessary for providing hazardous materials emergency assistance
15 under this chapter.

16 (3) Payment to persons with which the fire department contracts
17 to provide services related to the hazardous materials emergency
18 assistance provided by the fire department under this chapter.

19 SECTION 168. IC 36-8-13-1, AS AMENDED BY P.L.227-2005,
20 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2011]: Sec. 1. This chapter applies to all townships. However,
22 this chapter does not apply:

23 (1) to a township in which the fire department of the township has
24 been consolidated under IC 36-3-1-6.1; **or**

25 (2) **after December 31, 2014, to a township located in a county**
26 **not having a consolidated city.**

27 SECTION 169. IC 36-8-13.6 IS ADDED TO THE INDIANA
28 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2011]:

30 **Chapter 13.6. County Fire Protection and Emergency Services**
31 **Plan**

32 **Sec. 1. This chapter does not apply to a county having a**
33 **consolidated city.**

34 **Sec. 2. As used in this chapter, "county plan" means a county**
35 **fire protection and emergency services plan.**

36 **Sec. 3. (a) The county board of trustees shall before July 1, 2012,**
37 **prepare a county plan and submit the county plan to the county**
38 **legislative body for review and approval.**

39 **(b) Except as provided in subsection (c), after a county**
40 **legislative body receives a county plan submitted under subsection**
41 **(a), the county legislative body shall review the county plan during**
42 **at least two (2) public meetings at which the public and any**

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1 interested parties shall have the opportunity to comment on the
2 county plan.

3 (c) If a county board of trustees does not prepare and submit a
4 county plan to the county legislative body before July 1, 2012, the
5 county legislative body shall instead prepare the proposed county
6 plan. The public meeting and comment provisions of subsection (b)
7 apply to a plan prepared under this subsection.

8 Sec. 4. (a) A county legislative body shall before January 1,
9 2013, adopt an ordinance finally approving:

- 10 (1) the county plan as submitted by the county board of
- 11 trustees under section 3(a) of this chapter;
- 12 (2) the county plan as subsequently amended by the county
- 13 legislative body after the county plan is submitted by the
- 14 county board of trustees under section 3(a) of this chapter; or
- 15 (3) the county plan as prepared by the county legislative body
- 16 under section 3(c) of this chapter.

17 (b) If a county legislative body does not adopt an ordinance
18 finally approving a county plan under subsection (a) before
19 January 1, 2013, the division of fire and building safety established
20 by IC 10-19-7-1 shall instead adopt the county plan for that county.

21 Sec. 5. A county legislative body may periodically amend the
22 ordinance setting forth the county plan.

23 Sec. 6. (a) A county plan must provide that after December 31,
24 2014, the county is responsible for fire protection and emergency
25 services in the unincorporated area of the county.

26 (b) A county plan must include the following:

- 27 (1) A comprehensive plan providing for fire protection,
- 28 emergency medical services, and hazardous materials
- 29 response in the unincorporated area of the county in an
- 30 efficient and cost effective manner. The plan must describe
- 31 the facilities, equipment, and personnel that will be used to
- 32 provide fire protection and emergency services in the
- 33 unincorporated area of the county.
- 34 (2) A description of the standards of service and protocols for
- 35 fire protection and emergency service.
- 36 (3) A plan specifying the transition of fire protection and
- 37 emergency services from existing township fire departments
- 38 and other providers of fire protection and emergency services
- 39 to county administered fire protection and emergency services
- 40 in the unincorporated area of the county.
- 41 (4) A description of:
- 42 (A) the organization of the county fire department; and

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(B) any residency requirements that will apply to members of the county fire department.

(5) A description of any fire protection districts, fire protection territories, volunteer fire departments, or other units of government that will be established or used to provide fire protection service or with which the county will contract or otherwise enter into an agreement for fire protection and emergency services. The county plan must provide that the executive of the county will provide for fire protection and emergency services in the unincorporated area of the county through any combination of the following:

- (A) The operation of a county fire department.**
- (B) Contracting with or otherwise cooperating with any municipality, county, fire protection district, volunteer fire department, fire protection territory, or other entity.**

SECTION 170. IC 36-8-13.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

Chapter 13.7. County Fire Protection and Emergency Services

Sec. 1. This chapter does not apply to a county having a consolidated city.

Sec. 2. As used in this chapter, "county plan" means a county fire protection and emergency services plan approved under IC 36-8-13.6.

Sec. 3. Beginning January 1, 2015, the executive of a county shall provide for fire protection and emergency services in the unincorporated area of the county in the manner specified in the county plan.

Sec. 4. (a) The executive of a county, with the approval of the county fiscal body, may do the following in carrying out the county's responsibility to provide fire protection and emergency services in the unincorporated area of the county after December 31, 2014:

- (1) Purchase firefighting and emergency services apparatus and equipment for the county, provide for the housing, care, maintenance, operation, and use of the apparatus and equipment to provide services within the unincorporated area of the county, and employ full-time or part-time personnel to operate the apparatus and equipment and to provide services in that area. Preference in employment under this section shall be given according to the following priority:**

- (A) A war veteran who has been honorably discharged**

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from the United States armed forces.

(B) A person whose mother or father was a:

- (i) firefighter of a unit;
- (ii) municipal police officer; or
- (iii) county police officer;

who died in the line of duty (as defined in IC 5-10-10-2).

A person described in this subdivision may not receive a preference for employment unless the person applies for employment and meets all employment requirements prescribed by law, including physical and age requirements, and all employment requirements prescribed by the fire department.

(2) Contract in accordance with IC 36-1-7 with a municipality in the county or in a contiguous county that maintains adequate firefighting or emergency services apparatus and equipment to provide fire protection or emergency services.

(3) Cooperate in accordance with IC 36-1-7 with a municipality in the county or in a contiguous county in the purchase, maintenance, and upkeep of firefighting or emergency services apparatus and equipment for use in the municipality and county.

(4) Contract with a volunteer fire department for the use and operation of firefighting apparatus and equipment that has been purchased by the county in order to save the private and public property of the county from destruction by fire, including use of the apparatus and equipment in an adjoining county by the volunteer fire department if the volunteer fire department has made a contract with the executive of the adjoining county to furnish firefighting service within the county.

(5) Contract with a volunteer fire department that maintains adequate firefighting service in accordance with IC 36-8-12.

(b) This subsection applies only to a municipality whose municipal territory is completely within a county and that does not have a full-time paid fire department. The county may provide fire protection or emergency services, or both, without contracts inside the corporate boundaries of the municipality if before July 1 of a year the following occur:

- (1) The legislative body of the municipality adopts an ordinance to have the county provide the services without a contract.
- (2) The county fiscal body passes a resolution approving the

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1 county's provision of the services to the municipality without
2 a contract.

3 In a county providing services to a municipality under this section,
4 the legislative body of a municipality in the county, the county
5 fiscal body, or the county executive may opt out of participation
6 under this subsection by adopting an ordinance or resolution
7 before July 1 of a year.

8 Sec. 5. (a) Each county shall establish a county firefighting fund
9 that is the exclusive fund used by the county for the payment of
10 costs attributable to providing fire protection or emergency
11 services under section 4 of this chapter and for no other purposes.
12 The money in the fund may be paid out by the county executive
13 upon appropriation by the county fiscal body.

14 (b) Each county may levy, for property taxes due in 2015 and
15 thereafter, a tax for the county firefighting fund. Other than a
16 county providing fire protection or emergency services, or both, to
17 municipalities in the county under section 4(b) of this chapter, the
18 tax levy is on all taxable real and personal property in the county
19 that is outside the corporate boundaries of municipalities. Subject
20 to the levy limitations under IC 6-1.1-18.5, the county levy must be
21 in an amount sufficient to pay all costs attributable to fire
22 protection and emergency services that are not paid from other
23 revenues available to the fund. The tax rate and levy must be
24 established in accordance with the procedures set forth in
25 IC 6-1.1-17.

26 (c) In addition to the tax levy under this section and service
27 charges received under IC 36-8-12-13 and IC 36-8-12-16, the
28 executive may accept donations to the county for firefighting and
29 other emergency services and shall place the donations in the
30 county firefighting fund, keeping an accurate record of the sums
31 received. A person may also donate partial payment of any
32 purchase of firefighting or other emergency services equipment
33 made by the county.

34 Sec. 6. (a) This section applies to a county that provides fire
35 protection or emergency services, or both, to a municipality in the
36 county under section 4(b) of this chapter.

37 (b) With the consent of the county fiscal body, the county
38 executive shall pay the expenses for fire protection and emergency
39 services in the county, both inside and outside the corporate
40 boundaries of participating municipalities, from any combination
41 of the following county funds, regardless of when the funds were
42 established:

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- 1 **(1) The county firefighting fund under section 5(a) of this**
- 2 **chapter.**
- 3 **(2) The cumulative building and equipment fund under**
- 4 **IC 36-8-14.**
- 5 **(3) The debt fund for taxes levied under section 10 of this**
- 6 **chapter.**

7 **(c) Subject to the levy limitations under IC 6-1.1-18.5, the tax**
 8 **rate and levy for the county firefighting fund, the cumulative**
 9 **building and equipment fund, or the debt fund must be in an**
 10 **amount sufficient to pay all costs attributable to fire protection or**
 11 **emergency services that are provided to the county and the**
 12 **participating municipalities that are not paid from other available**
 13 **revenues. The tax rate and levy for each fund must be established**
 14 **in accordance with the procedures set forth in IC 6-1.1-17 and**
 15 **apply both inside and outside the corporate boundaries of**
 16 **participating municipalities.**

17 **(d) The county executive may accept donations for firefighting**
 18 **and emergency services. The county executive shall place donations**
 19 **in the county firefighting fund. A person may donate partial**
 20 **payment of a purchase of firefighting or emergency services**
 21 **equipment made by the county.**

22 **Sec. 7. (a) If a fire department serving a county dispatches fire**
 23 **apparatus or personnel to a building or premises in the county in**
 24 **response to:**

- 25 **(1) an alarm caused by improper installation or improper**
- 26 **maintenance of the alarm; or**
- 27 **(2) a drill or test, if the fire department is not previously**
- 28 **notified that the alarm is a drill or test;**

29 **the county may impose a fee or service charge upon the owner of**
 30 **the property. However, if the owner of property that constitutes**
 31 **the owner's residence establishes that the alarm is under a**
 32 **maintenance contract with an alarm company and that the alarm**
 33 **company has been notified of the improper installation or**
 34 **maintenance of the alarm, the alarm company is liable for the**
 35 **payment of the fee or service charge.**

36 **(b) The amount of a fee or service charge imposed under**
 37 **subsection (a) shall be determined by the county legislative body.**
 38 **All money received by the county from the fee or service charge**
 39 **must be deposited in the county's firefighting fund established**
 40 **under section 5 of this chapter.**

41 **Sec. 8. (a) For counties and municipalities that elect to have the**
 42 **county provide fire protection and emergency services under**

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1 section 4(b) of this chapter, the department of local government
 2 finance shall adjust each county's and each municipality's
 3 maximum permissible ad valorem property tax levy in the year
 4 following the year in which the election is made, as determined
 5 under IC 6-1.1-18.5-3, to reflect the change from provision of fire
 6 protection under a contract between the municipality and the
 7 county to imposition by the county of a property tax levy on the
 8 taxable property located within the corporate boundaries of each
 9 municipality. Each municipality's maximum permissible ad
 10 valorem property tax levy shall be reduced by the amount of the
 11 municipality's property tax levy that was imposed by the
 12 municipality to meet the obligations to the county under the fire
 13 protection contract. The county's maximum permissible ad
 14 valorem property tax levy shall be increased by the product of:

- 15 (1) the assessed value growth quotient determined under
 16 IC 6-1.1-18.5-2 for the ensuing calendar year; multiplied by
 17 (2) the amount the county received:

18 (A) in the year in which the election is made; and

19 (B) as fire protection contract payments from all
 20 municipalities whose levy is decreased under this section.

21 (b) For purposes of determining a county's or municipality's
 22 maximum permissible ad valorem property tax levy under
 23 IC 6-1.1-18.5-3 for years following the first year after the year in
 24 which the election is made, a county's or municipality's maximum
 25 permissible ad valorem property tax levy is the levy after the
 26 adjustment made under subsection (a).

27 **Sec. 9.** After a sufficient appropriation has been made and
 28 approved and is available for the purchase of firefighting
 29 apparatus and equipment, including housing, the county executive,
 30 with the approval of the county fiscal body, may purchase
 31 firefighting apparatus and equipment for the county on an
 32 installment conditional sale or mortgage contract running for a
 33 period not exceeding:

34 (1) six (6) years; or

35 (2) fifteen (15) years for a county that is purchasing the
 36 firefighting equipment with funding from the:

37 (A) state or its instrumentalities; or

38 (B) federal government or its instrumentalities.

39 The purchase must be amortized in equal or approximately equal
 40 installments payable on January 1 and July 1 each year.

41 **Sec. 10.** (a) Subject to section 11 of this chapter and subject to
 42 approval of the county fiscal body, the county executive and county

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1 legislative body, on behalf of the county, also may borrow the
 2 money necessary to make a purchase of firefighting apparatus and
 3 equipment from a financial institution in Indiana on the terms
 4 described in section 9 of this chapter. The county executive and
 5 county legislative body shall, on behalf of the county, execute and
 6 deliver to the institution the negotiable note or bond of the county
 7 for the sum borrowed. The note or bond must bear interest, with
 8 both principal and interest payable in equal or approximately
 9 equal installments on January 1 and July 1 each year over a period
 10 not exceeding six (6) years.

11 (b) The first installment of principal and interest on a contract,
 12 chattel mortgage, note, or bond is due on the next January 1 or
 13 July 1 following the first tax collection for which it is possible for
 14 the county to levy a tax. The county fiscal body shall levy a tax each
 15 year sufficient to pay the obligation according to its terms and shall
 16 appropriate the proceeds of the tax for this purpose. An obligation
 17 of the county executed under this chapter is a valid and binding
 18 obligation of the county.

19 Sec. 11. (a) If the county executive and the legislative body
 20 determine that money should be borrowed under section 10 of this
 21 chapter, not less than ten (10) taxpayers in the county who disagree
 22 with the determination may file a petition in the office of the
 23 county auditor not more than thirty (30) days after notice of the
 24 determination is given. The petition must state the taxpayers'
 25 objections and the reasons why the taxpayers believe the
 26 borrowing to be unnecessary or unwise.

27 (b) The county auditor shall immediately certify a copy of the
 28 petition, together with other data necessary to present the
 29 questions involved, to the department of local government finance.
 30 Upon receipt of the certified petition and other data, the
 31 department of local government finance shall fix a date, time, and
 32 place for the hearing of the matter. The hearing shall be held not
 33 less than five (5) and not more than thirty (30) days after the
 34 receipt of the certified documents.

35 (c) The hearing shall be held in the county where the petition
 36 arose.

37 (d) Notice of the hearing shall be given by the department of
 38 local government finance to the county and to the first ten (10)
 39 petitioners listed on the petition by letter. The letter shall be sent
 40 to each of the first ten (10) petitioners at the petitioner's usual
 41 place of residence at least five (5) days before the date of the
 42 hearing.

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- 1 (e) A:
- 2 (1) taxpayer who signed a petition filed under subsection (a);
- 3 or
- 4 (2) county against which a petition under subsection (a) is
- 5 filed;

6 may petition for judicial review of the final determination of the
 7 department of local government finance under this section. The
 8 petition must be filed in the tax court not more than forty-five (45)
 9 days after the date of the department's final determination.

10 Sec. 12. (a) All purchases of firefighting apparatus and
 11 equipment under this chapter shall be made in the manner
 12 provided by statute for the purchase of county supplies. If the
 13 amount involved is sufficient to require notice under statutes for
 14 bids in connection with the purchase of apparatus or equipment,
 15 the notice must offer all bidders the opportunity of proposing to
 16 sell the apparatus or equipment to the county upon a conditional
 17 sale or mortgage contract.

18 (b) A bidder proposing to sell on a conditional sale or mortgage
 19 contract shall state in the bidder's bid the proposed interest rate
 20 and terms of the conditional sale or contract, to be considered by
 21 the county executive and legislative body in determining the best
 22 bid received.

23 (c) All bids submitted must specify the cash price at which the
 24 bidder proposes to sell the apparatus or equipment to the county
 25 so that the executive and legislative body may determine whether
 26 it is in the best interest of the county to purchase the apparatus or
 27 equipment on the terms of a conditional sale or mortgage contract
 28 proposed by the bidder or to purchase the apparatus or equipment
 29 for cash if sufficient funds are available or can be raised by
 30 negotiating a loan with a financial institution in accordance with
 31 section 10 of this chapter.

32 Sec. 13. A county having a regularly organized fire department
 33 employing full-time firefighters may procure at the county's
 34 expense:

- 35 (1) an insurance policy for each member of the department
- 36 insuring the member against loss of life or dismemberment
- 37 while in the performance of regularly assigned duties; and
- 38 (2) group insurance providing supplemental income
- 39 protection for a member of the department who has been
- 40 injured during the course of employment.

41 The insurance coverage shall be selected with the consent of the
 42 members and is supplemental to other benefits provided to an

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injured member by law.

Sec. 14. (a) A county shall pay the expenses, as described in subsection (b), necessary for the care of a full-time, paid firefighter who:

- (1) suffers an injury; or
- (2) contracts an illness;

during the performance of the firefighter's duty.

(b) The county shall pay for the following expenses incurred by a firefighter described in subsection (a):

- (1) Medical and surgical care.
- (2) Medicines and laboratory, curative, and palliative agents and means.
- (3) X-ray, diagnostic, and therapeutic services, including during the recovery period.
- (4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(c) Expenditures required by subsection (a) shall be paid from the county firefighting fund established under section 5 of this chapter.

(d) A county that has paid for the care of a firefighter under subsection (a) has a cause of action for reimbursement of the amount paid under subsection (a) against any third party against whom the firefighter has a cause of action for an injury sustained because of, or an illness caused by, the third party. The county's cause of action under this subsection is in addition to, and not in lieu of, the cause of action of the firefighter against the third party.

Sec. 15. Notwithstanding section 5 of this chapter, a county fiscal body may after December 31, 2014, authorize the county executive to borrow a specified sum from a county fund other than the county firefighting fund established under section 5 of this chapter if the county fiscal body finds that an emergency requiring the expenditure of money is related to paying the operating expenses of a county fire department or a volunteer fire department. The county fiscal body shall provide for payment of the debt by imposing a levy to the credit of the fund from which the amount was borrowed under this subsection.

SECTION 171. IC 36-8-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to all units except counties.

(b) After December 31, 2014, this chapter:

- (1) also applies to counties (other than a county having a

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1 consolidated city); and

2 (2) does not apply to townships located in a county described
3 in subdivision (1).

4 However, a county described in subdivision (1) may before
5 January 1, 2015, take any action required under this chapter that
6 is necessary to provide for the cumulative building and equipment
7 fund to be established in 2015 and to impose the property tax levy
8 under this chapter beginning in 2015.

9 SECTION 172. IC 36-8-14-2 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) As used in this
11 section, "emergency medical services" has the meaning set forth in
12 IC 16-18-2-110.

13 (b) As used in this section, "volunteer fire department" has the
14 meaning set forth in IC 36-8-12-2.

15 (c) The legislative body of a unit or the board of fire trustees of a
16 fire protection district may provide a cumulative building and
17 equipment fund under IC 6-1.1-41 for the following purposes:

18 (1) The:

19 (A) purchase, construction, renovation, or addition to
20 buildings; or

21 (B) purchase of land;

22 used by the fire department or a volunteer fire department serving
23 the unit.

24 (2) The purchase of firefighting equipment for use of the fire
25 department or a volunteer fire department serving the unit,
26 including making the required payments under a lease rental with
27 option to purchase agreement made to acquire the equipment.

28 (3) In a municipality, the purchase of police radio equipment.

29 (4) The:

30 (A) purchase, construction, renovation, or addition to a
31 building;

32 (B) purchase of land; or

33 (C) purchase of equipment;

34 for use of a provider of emergency medical services under
35 IC 16-31-5 to the unit establishing the fund.

36 (d) In addition to the requirements of IC 6-1.1-41, before a
37 cumulative fund may be established by a township fire protection
38 district, the county legislative body which appoints the trustees of the
39 fire protection district must approve the establishment of the fund.

40 (e) This subsection does not apply to a county having a
41 consolidated city. The following apply on January 1, 2015:

42 (1) A cumulative building and equipment fund is established

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1 for each county. The adoption and approval provisions of
 2 IC 6-1.1-41 do not apply to the establishment of the fund
 3 under this subsection. The provisions of IC 6-1.1-41
 4 concerning the adoption of a tax levy apply to the fund.
 5 However, a county may before January 1, 2015, take any
 6 action required under this chapter that is necessary to provide
 7 for the cumulative building and equipment fund to be
 8 established in 2015 and to impose the property tax levy under
 9 this chapter beginning in 2015.

10 (2) Each cumulative building and equipment fund established
 11 by a township in the county is abolished, and the balance in
 12 the township's cumulative building and equipment fund shall
 13 be transferred to the county's cumulative building and
 14 equipment fund established under subdivision (1).

15 SECTION 173. IC 36-8-14-4 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) To provide for
 17 the cumulative building and equipment fund established under this
 18 chapter, the legislative body may levy a tax on all taxable property
 19 within the taxing district in compliance with IC 6-1.1-41. The tax rate
 20 may not exceed three and thirty-three hundredths cents (\$0.0333) on
 21 each one hundred dollars (\$100) of assessed valuation of property in
 22 the taxing district.

23 (b) As the tax is collected, it shall be deposited in a qualified public
 24 depository or depositories and held in a special fund to be known as:

25 (1) the "building or remodeling, firefighting, and police radio
 26 equipment fund" in the case of a municipality; or as

27 (2) the "building or remodeling and fire equipment fund" in the
 28 case of a township, **a county (after December 31, 2014, in the**
 29 **case of a county not having a consolidated city),** or a fire
 30 protection district.

31 SECTION 174. IC 36-8-16.5-51, AS ADDED BY P.L.137-2008,
 32 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2011]: Sec. 51. (a) For purposes of this section, a PSAP
 34 includes a public safety communications system operated and
 35 maintained under IC 36-8-15.

36 (b) As used in this section, "PSAP operator" means:

37 (1) a political subdivision; or

38 (2) an agency;

39 that operates a PSAP. The term does not include a state educational
 40 institution that operates a PSAP or an airport authority established for
 41 a county having a consolidated city.

42 (c) Subject to subsection (d), after December 31, 2014, a county

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1 may not contain more than two (2) PSAPs, **in the case of a county**
 2 **having a consolidated city, or one (1) PSAP, in the case of a county**
 3 **not having a consolidated city.** However, a county may contain one
 4 (1) or more PSAPs in addition to the number of PSAPs authorized by
 5 this section, as long as any additional PSAPs are operated by:

- 6 (1) a state educational institution; or
 7 (2) an airport authority established for a county having a
 8 consolidated city.

9 (d) If, on ~~March 15, 2008~~, **July 1, 2011**, a county does not contain
 10 more than one (1) PSAP, not including any PSAP operated by an entity
 11 described in subsection (c)(1) or (c)(2), an additional PSAP may not be
 12 established or operated in the county ~~on or after March 15, 2008~~, unless
 13 the additional PSAP is established and operated by:

- 14 (1) a state educational institution; **or**
 15 (2) in the case of a county having a consolidated city, an airport
 16 authority established for the county. ~~or~~
 17 ~~(3) the municipality having the largest population in the county or~~
 18 ~~an agency of that municipality.~~

19 (e) ~~Before January 1, 2015, each PSAP operator in a county that~~
 20 **This subsection applies only to PSAP operators located in a county**
 21 **having a consolidated city. If the county** contains more than the
 22 number of PSAPs authorized by subsection (c), **each PSAP operator**
 23 **in the county** shall enter into an interlocal agreement under IC 36-1-7
 24 with every other PSAP operator in the county to ensure that the county
 25 does not contain more than the number of PSAPs authorized by
 26 subsection (c) after December 31, 2014.

27 (f) **This subsection applies only to an interlocal agreement**
 28 **concerning PSAPs located in a county having a consolidated city.**
 29 An interlocal agreement required under subsection (e) may include as
 30 parties, in addition to the PSAP operators required to enter into the
 31 interlocal agreement under subsection (e), any of the following that
 32 seek to be served by a county's authorized PSAPs after December 31,
 33 2014:

- 34 (1) Other counties contiguous to the county.
 35 (2) Other political subdivisions in a county contiguous to the
 36 county.
 37 (3) Other PSAP operators in a county contiguous to the county.

38 (g) **This subsection applies only to an interlocal agreement**
 39 **concerning PSAPs located in a county having a consolidated city.**
 40 An interlocal agreement required under subsection (e) must provide for
 41 the following:

- 42 (1) A plan for the:

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- 1 (A) consolidation;
- 2 (B) reorganization; or
- 3 (C) elimination;
- 4 of one (1) or more of the county's PSAPs, as necessary to ensure
- 5 that the county does not contain more than the number of PSAPs
- 6 authorized by subsection (c) after December 31, 2014.
- 7 (2) A plan for funding and staffing the PSAP or PSAPs that will
- 8 serve:
- 9 (A) the county; and
- 10 (B) any areas contiguous to the county, if additional parties
- 11 described in subsection (f) participate in the interlocal
- 12 agreement;
- 13 after December 31, 2014.
- 14 (3) Subject to any applicable state or federal requirements,
- 15 protocol to be followed by the county's PSAP or PSAPs in:
- 16 (A) receiving incoming 911 calls; and
- 17 (B) dispatching appropriate public safety agencies to respond
- 18 to the calls;
- 19 after December 31, 2014.
- 20 (4) Any other matters that the participating PSAP operators or
- 21 parties described in subsection (f), if any, determine are necessary
- 22 to ensure that the county does not contain more than the number
- 23 of PSAPs authorized by subsection (c) after December 31, 2014.
- 24 **(h) This subsection applies only to PSAP operators located in a**
- 25 **county not having a consolidated city. PSAP operators shall adopt**
- 26 **an interlocal agreement that provides for the following:**
- 27 **(1) The agreement must provide for the funding and staffing**
- 28 **of the PSAP that after December 31, 2014, will serve the**
- 29 **county and (if additional parties participate in the PSAP**
- 30 **through interlocal agreement) any areas contiguous to the**
- 31 **county.**
- 32 **(2) The agreement must provide that, to the extent property**
- 33 **taxes are used to fund the PSAP, those property taxes shall**
- 34 **(beginning with property taxes first due and payable after**
- 35 **December 31, 2014) be imposed at a uniform rate throughout**
- 36 **the county.**
- 37 **(3) Subject to any applicable state or federal requirements,**
- 38 **the agreement must specify the protocol to be followed by the**
- 39 **county's PSAP in:**
- 40 **(A) receiving incoming 911 calls; and**
- 41 **(B) dispatching appropriate public safety agencies to**
- 42 **respond to the calls;**

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after December 31, 2014.
(4) The agreement must address any other matters that are necessary to ensure that the county does not contain more than one (1) PSAP after December 31, 2014.

~~(h)~~ **(i)** This section may not be construed to require a county to contain a PSAP.

SECTION 175. IC 36-8-19-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 1.7. (a) This section does not apply to a county having a consolidated city.**

(b) The following apply if a township is a participating unit in a fire protection territory as of January 1, 2015:

(1) Subject to subdivision (2), on January 1, 2015, the county shall assume the powers, duties, rights, responsibilities, and obligations under this chapter previously held by the township that was a participating unit.

(2) A county legislative body may withdraw as otherwise provided in this chapter from the fire protection territory, as specified in the county fire protection and emergency services plan.

(3) The department of local government finance shall make any necessary adjustments to the maximum permissible ad valorem property tax levy for the county firefighting fund to account for any transfer of powers, duties, rights, responsibilities, and obligations under this section.

SECTION 176. IC 36-8-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 5. (a) Subject to subsections (b), ~~and~~ (c), and (d), the legislative bodies of at least two (2) contiguous units may establish a fire protection territory for any of the following purposes:**

(1) Fire protection, including the capability for extinguishing all fires that might be reasonably expected because of the types of improvements, personal property, and real property within the boundaries of the territory.

(2) Fire prevention, including identification and elimination of all potential and actual sources of fire hazard.

(3) Other purposes or functions related to fire protection and fire prevention.

(b) Not more than one (1) unit within the proposed territory may be designated as the provider unit for the territory.

(c) The boundaries of a territory need not coincide with those of other political subdivisions.

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1 **(d) This subsection does not apply to a county having a**
 2 **consolidated city. A township may not after December 31, 2011,**
 3 **establish a fire protection territory without the approval of the**
 4 **legislative body of the county in which the township is located.**

5 SECTION 177. IC 36-8-19-8, AS AMENDED BY
 6 P.L.182-2009(ss), SECTION 443, IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) Upon the
 8 adoption of identical ordinances or resolutions, or both, by the
 9 participating units under section 6 of this chapter, the designated
 10 provider unit must establish a fire protection territory fund from which
 11 all expenses of operating and maintaining the fire protection services
 12 within the territory, including repairs, fees, salaries, depreciation on all
 13 depreciable assets, rents, supplies, contingencies, and all other
 14 expenses lawfully incurred within the territory shall be paid. The
 15 purposes described in this subsection are the sole purposes of the fund,
 16 and money in the fund may not be used for any other expenses. Except
 17 as allowed in subsections (d) and (e) and section 8.5 of this chapter, the
 18 provider unit is not authorized to transfer money out of the fund at any
 19 time.

20 (b) The fund consists of the following:

- 21 (1) All receipts from the tax imposed under this section.
 22 (2) Any money transferred to the fund by the provider unit as
 23 authorized under subsection (d).
 24 (3) Any receipts from a false alarm fee or service charge imposed
 25 by the participating units under IC 36-8-13-4 or IC 36-8-13.7-7.
 26 (4) Any money transferred to the fund by a participating unit
 27 under section 8.6 of this chapter.

28 (c) The provider unit, with the assistance of each of the other
 29 participating units, shall annually budget the necessary money to meet
 30 the expenses of operation and maintenance of the fire protection
 31 services within the territory, plus a reasonable operating balance, not
 32 to exceed twenty percent (20%) of the budgeted expenses. Except as
 33 provided in IC 6-1.1-18.5-10.5, after estimating expenses and receipts
 34 of money, the provider unit shall establish the tax levy required to fund
 35 the estimated budget. The amount budgeted under this subsection shall
 36 be considered a part of each of the participating unit's budget.

37 (d) If the amount levied in a particular year is insufficient to cover
 38 the costs incurred in providing fire protection services within the
 39 territory, the provider unit may transfer from available sources to the
 40 fire protection territory fund the money needed to cover those costs. In
 41 this case:

- 42 (1) the levy in the following year shall be increased by the amount

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1 required to be transferred; and
2 (2) the provider unit is entitled to transfer the amount described
3 in subdivision (1) from the fund as reimbursement to the provider
4 unit.
5 (e) If the amount levied in a particular year exceeds the amount
6 necessary to cover the costs incurred in providing fire protection
7 services within the territory, the levy in the following year shall be
8 reduced by the amount of surplus money that is not transferred to the
9 equipment replacement fund established under section 8.5 of this
10 chapter. The amount that may be transferred to the equipment
11 replacement fund may not exceed five percent (5%) of the levy for that
12 fund for that year. Each participating unit must agree to the amount to
13 be transferred by adopting an ordinance (if the unit is a county or
14 municipality) or a resolution (if the unit is a township) that specifies an
15 identical amount to be transferred.
16 (f) The tax under this section is subject to the tax levy limitations
17 imposed under IC 6-1.1-18.5-10.5.

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