
HOUSE BILL No. 1254

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5; IC 3-10; IC 3-11; IC 6-1.1; IC 6-3.5-6; IC 12-7-2; IC 12-20; IC 12-30-4; IC 13-11-2-86; IC 13-25-6; IC 15-16; IC 16-31-5-1; IC 16-41-19-7; IC 20-23-3-1.5; IC 22-11-14; IC 22-12-1-18.7; IC 23-14; IC 32-26; IC 33-34; IC 34-30-2-58; IC 36-1; IC 36-2; IC 36-3; IC 36-4-4-2; IC 36-6; IC 36-8; IC 36-10; IC 36-12-1-7.5; IC 36-12-2-13.

Synopsis: Township reorganization. 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 a member of the political subdivision's legislative or fiscal body. Makes this resignation provision apply to an employee of a political subdivision who assumes an elected office after June 30, 2013. Specifies that this provision does not prohibit an employee of a political subdivision from holding an elected office of a political subdivision other than the political subdivision that employs the government employee. Establishes an interim study committee to provide recommendations on making the statutes concerning township assistance standards clear, concise, and easy to interpret and apply. Eliminates township boards in all counties effective January 1, 2015. Specifies that after December 31, 2014, in all counties: (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. Requires all counties to establish uniform standards for the provision of township assistance throughout the county. Provides
(Continued next page)

Effective: July 1, 2012.

Foley

January 9, 2012, read first time and referred to Committee on Government and Regulatory Reform.



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that after December 31, 2014, in all counties, a uniform township assistance tax rate is applied throughout the county. Provides that provisions concerning a distressed township expire on January 1, 2015. Requires a public question to be placed on the ballot at the general election in November 2012 in all counties regarding the elimination of township government. Provides that in all counties other than Marion County, if a majority of the voters in a county vote "yes" on the public question all township powers and responsibilities are transferred to the county (including township assistance, fire protection, cemetery maintenance, weed control, parks, fence viewing, and any township libraries). Provides that in all counties other than Marion County, if a majority of the voters in the county vote "no" on the public question, township powers and responsibilities are transferred as follows: (1) A county board of trustees is created consisting of all trustees in the county. (2) Beginning January 1, 2015, the responsibility for funding and providing township assistance is transferred to the county, with administration of township assistance by the township trustee in each township subject to the supervision of the county board of trustees. (3) Requires the county board of trustees to prepare a county plan, approved by the county legislative body, for providing township assistance in the county. (4) Transfers the responsibility for cemetery maintenance and weed control to the county executive or county executive's designee. (5) Provides that the township and township trustee maintain responsibility for parks and recreation, fence viewing, and libraries (if any). Provides that in Marion County, if a majority of the voters in the county vote "yes" on the public question: (1) all township powers and responsibilities are transferred to the county and consolidated city (including township assistance, cemetery maintenance, weed control, parks, and fence viewing); (2) any remaining township fire departments or fire protection territories in the county are consolidated into the fire department of the consolidated city; (3) the responsibilities of the township trustee concerning township small claims court are transferred to the mayor and city-county council of the consolidated city; and (4) the operations of the township constables and township small claims courts are accounted for in the county budget beginning January 1, 2015. Specifies that: (1) the small claims courts operate independently from the circuit and superior courts; and (2) except for adopting the budget and approving salaries, the city-county council does not have authority over a small claims court judge and the operations of a small claims court. Provides that in Marion County, if a majority of the voters of the county vote "no" on the public question, township powers and duties are not transferred to the county and consolidated city. Authorizes the consolidation of an excluded city's fire department into the fire department of the consolidated city if: (1) the legislative body of the excluded city, after approval by the executive of the excluded city, adopts an ordinance approving the consolidation; and (2) the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation. Provides the following in counties other than Marion County: (1) The county legislative body must adopt the county fire protection and emergency services plan. (In counties with a county board of trustees, the county board of trustees adopts the initial plan and submits it to the county legislative body for review and approval.) (2) After December 31, 2014, the county executive is responsible for providing fire protection and emergency services in the unincorporated areas of the county as

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provided in the county fire plan, and 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. Specifies the required elements of a county fire plan. (3) 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. (4) If a township 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. (5) Establishes a county firefighting fund and levy and establishes county firefighting powers and duties that are similar to the current township firefighting powers and duties. (6) Specifies the maximum property tax levy for a county's firefighting fund. Specifies that after township government functions are transferred, the territory of the township comprises a taxing district for the payment of township indebtedness existing at the time of the transfer. Provides that a transfer of duties between the townships and the county results in the transfer of property, equipment, personnel, records, rights, contracts, and indebtedness. Requires the department of local government finance to adjust maximum permissible property tax levies and property tax rates as necessary to account for transfers of duties, powers, and obligations. Specifies that a township in a county other than Marion County 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 the case of a county to which firefighting duties and responsibilities are transferred from townships to the county after December 31, 2014, the county may establish a merit system for the county fire department. Provides that if a school township exists in a county in which a public question to eliminate township government is approved, the school township shall reorganize under the school reorganization statutes before July 1, 2015. 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. Makes technical corrections.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1254

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, 2012]: 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:
9 (A) **the township board, before January 1, 2015; and**
10 (B) **the county fiscal body, after December 31, 2014;** or
11 (6) governing body or budget approval body, for any other
12 political subdivision.
13 SECTION 2. IC 3-5-9 IS ADDED TO THE INDIANA CODE AS
14 A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2012]:



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Chapter 9. Government Employees Holding Office

Sec. 1. This chapter applies to a government employee who, after June 30, 2013, assumes an elected office of the political subdivision that employs the individual.

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

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

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

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

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

SECTION 3. IC 3-10-1-19, AS AMENDED BY P.L.179-2011, SECTION 6, AS AMENDED BY P.L.190-2011, SECTION 1, AND AS AMENDED BY P.L.201-2011, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

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

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

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- 1 (2) CD _____
- 2 (3) EF _____
- 3 (4) GH _____

4 (b) Local public questions shall be placed on the primary election
5 ballot after the voting instructions described in subsection (a) and
6 before the offices described in subsection (e).

7 (c) The local public questions described in subsection (b) shall be
8 placed:

- 9 (1) in a separate column on the ballot if voting is by paper ballot;
- 10 (2) after the voting instructions described in subsection (a) and
11 before the offices described in subsection (e), in the form
12 specified in IC 3-11-13-11 if voting is by ballot card; or
- 13 (3) **as provided by** either of the following if voting is by an
14 electronic voting system:

- 15 (A) On a separate screen for a public question.
- 16 (B) After the voting instructions described in subsection (a)
17 and before the offices described in subsection (e), in the form
18 specified in IC 3-11-14-3.5.

19 (d) A public question shall be placed on the primary election ballot
20 in the following form:

21 (The explanatory text for the public question,
22 if required by law.)
23 "Shall (insert public question)?"

- 24 YES
- 25 NO

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

- 28 (1) Federal and state offices:
 - 29 (A) President of the United States.
 - 30 (B) United States Senator.
 - 31 (C) Governor.
 - 32 (D) United States Representative.
- 33 (2) Legislative offices:
 - 34 (A) State senator.
 - 35 (B) State representative.
- 36 (3) Circuit offices and county judicial offices:
 - 37 (A) Judge of the circuit court, and unless otherwise specified
38 under IC 33, with each division separate if there is more than
39 one (1) judge of the circuit court.
 - 40 (B) Judge of the superior court, and unless otherwise specified
41 under IC 33, with each division separate if there is more than
42 one (1) judge of the superior court.

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- 1 (C) Judge of the probate court.
 2 ~~(D) Judge of the county court, with each division separate, as~~
 3 ~~required by IC 33-30-3-3.~~
 4 ~~(E) (D) Prosecuting attorney.~~
 5 ~~(F) (E) Circuit court clerk.~~
 6 (4) County offices:
 7 (A) County auditor.
 8 (B) County recorder.
 9 (C) County treasurer.
 10 (D) County sheriff.
 11 (E) County coroner.
 12 (F) County surveyor.
 13 (G) County assessor.
 14 (H) County commissioner.
 15 (I) County council member.
 16 (5) Township offices:
 17 (A) Township assessor (only in a township referred to in
 18 IC 36-6-5-1(d)).
 19 (B) Township trustee. **This clause does not apply to elections**
 20 **in 2014 and thereafter in a county to which IC 36-6-6.4 or**
 21 **IC 36-6-6.6 applies.**
 22 (C) Township board member. **This clause does not apply to**
 23 **elections in 2014 and thereafter.**
 24 (D) Judge of the small claims court.
 25 (E) Constable of the small claims court.
 26 (6) City offices:
 27 (A) Mayor.
 28 (B) Clerk or clerk-treasurer.
 29 (C) Judge of the city court.
 30 (D) City-county council member or common council member.
 31 (7) Town offices:
 32 (A) Clerk-treasurer.
 33 (B) Judge of the town court.
 34 (C) Town council member.
 35 ~~(e) (f)~~ The political party offices with candidates for election shall
 36 be placed on the primary election ballot in the following order after the
 37 offices described in subsection ~~(b):~~ (e):
 38 (1) Precinct committeeman.
 39 (2) State convention delegate.
 40 ~~(d) (g)~~ The following local offices *and public questions to be*
 41 **elected at the primary election** shall be placed on the primary election
 42 ballot ~~in the following order~~ after the offices described in subsection

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- 1 ~~(c):~~ (f).
- 2 (1) ~~School board offices to be elected at the primary election.~~
- 3 (2) ~~Other (1) local offices to be elected at the primary election.~~
- 4 (3) ~~(2) Local public questions.~~
- 5 ~~(e)~~ (h) The offices ~~and public questions~~ described in subsection ~~(d)~~
- 6 (g) shall be placed:
- 7 (1) in a separate column on the ballot if voting is by paper ballot;
- 8 (2) after the offices described in subsection ~~(c)~~ (f) in the form
- 9 specified in IC 3-11-13-11 if voting is by ballot card; or
- 10 (3) either:
- 11 (A) on a separate screen for each office or public question; or
- 12 (B) after the offices described in subsection ~~(c)~~ (f) in the form
- 13 specified in IC 3-11-14-3.5;
- 14 if voting is by an electronic voting system.
- 15 ~~(f)~~ A public question shall be placed on the primary election ballot
- 16 in the following form:
- 17 ~~(The explanatory text for the public question,~~
- 18 ~~if required by law.)~~
- 19 "Shall (insert public question)?"
- 20 // YES
- 21 // NO
- 22 SECTION 4. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,
- 23 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2012]: Sec. 13. (a) The following public officials shall be
- 25 elected at the general election before their terms of office expire and
- 26 every four (4) years thereafter:
- 27 (1) Clerk of the circuit court.
- 28 (2) County auditor.
- 29 (3) County recorder.
- 30 (4) County treasurer.
- 31 (5) County sheriff.
- 32 (6) County coroner.
- 33 (7) County surveyor.
- 34 (8) County assessor.
- 35 (9) County commissioner.
- 36 (10) County council member.
- 37 (11) Township trustee. **This subdivision does not apply to**
- 38 **elections in 2014 and thereafter in a county to which**
- 39 **IC 36-6-6.4 or IC 36-6-6.6 applies.**
- 40 (12) Township board member. **This subdivision does not apply**
- 41 **to elections in 2014 and thereafter.**
- 42 (13) Township assessor (only in a township referred to in

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1 IC 36-6-5-1(d)).

2 (14) Judge of a small claims court.

3 (15) Constable of a small claims court.

4 **(b) This subsection applies only to a county having a**
 5 **consolidated city. Notwithstanding subsection (a), an individual**
 6 **elected to the office of township board member at the general**
 7 **election in 2012 shall serve a two (2) year term. This subsection**
 8 **expires January 1, 2014.**

9 SECTION 5. IC 3-11-1.5-32.5 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 32.5. (a) This section
 11 applies to townships in a county containing a consolidated city.

12 (b) The legislative body of a township may not change the boundary
 13 of a legislative body district established under IC 36-6-6-2.5 after
 14 November 8 of the year preceding the year in which an election is held
 15 to elect township board members and before the day following the date
 16 on which an election is held to elect township board members.

17 **(c) This section expires January 1, 2015.**

18 SECTION 6. IC 3-11-2-12, AS AMENDED BY P.L.190-2011,
 19 SECTION 5, AND AS AMENDED BY P.L.201-2011, SECTION 5, IS
 20 CORRECTED AND AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2012]: Sec. 12. The following offices shall be
 22 placed on the general election ballot in the following order *after the*
 23 *public questions described in section 10(a) of this chapter:*

24 (1) Federal and state offices:

25 (A) President and Vice President of the United States.

26 (B) United States Senator.

27 (C) Governor and lieutenant governor.

28 (D) Secretary of state.

29 (E) Auditor of state.

30 (F) Treasurer of state.

31 (G) Attorney general.

32 (H) Superintendent of public instruction.

33 (I) United States Representative.

34 (2) Legislative offices:

35 (A) State senator.

36 (B) State representative.

37 (3) Circuit offices and county judicial offices:

38 (A) Judge of the circuit court, and unless otherwise specified
 39 under IC 33, with each division separate if there is more than
 40 one (1) judge of the circuit court.

41 (B) Judge of the superior court, and unless otherwise specified
 42 under IC 33, with each division separate if there is more than

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- 1 one (1) judge of the superior court.
 2 (C) Judge of the probate court.
 3 ~~(D) Judge of the county court, with each division separate, as~~
 4 ~~required by IC 33-30-3-3.~~
 5 ~~(E) (D) Prosecuting attorney.~~
 6 ~~(F) (E) Clerk of the circuit court.~~
 7 (4) County offices:
 8 (A) County auditor.
 9 (B) County recorder.
 10 (C) County treasurer.
 11 (D) County sheriff.
 12 (E) County coroner.
 13 (F) County surveyor.
 14 (G) County assessor.
 15 (H) County commissioner.
 16 (I) County council member.
 17 (5) Township offices:
 18 (A) Township assessor (only in a township referred to in
 19 IC 36-6-5-1(d)).
 20 (B) Township trustee. **This clause does not apply to elections**
 21 **in 2014 and thereafter in a county to which IC 36-6-6.4 or**
 22 **IC 36-6-6.6 applies.**
 23 (C) Township board member. **This clause does not apply to**
 24 **elections in 2014 and thereafter.**
 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 7. IC 6-1.1-11-4, AS AMENDED BY P.L.173-2011,
 37 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2012]: Sec. 4. (a) The exemption application referred to in
 39 section 3 of this chapter is not required if the exempt property is owned
 40 by the United States, the state, an agency of this state, or a political
 41 subdivision (as defined in IC 36-1-2-13). However, this subsection
 42 applies only when the property is used, and in the case of real property



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1 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 to which IC 36-6-6.2, IC 36-6-6.4, or**
7 **IC 36-6-6.6 applies) the county 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;

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; or

21 (D) other tangible property owned by a fraternity or sorority
22 (as defined in IC 6-1.1-10-24);

23 (2) the exemption application referred to in section 3 or 3.5 of this
24 chapter was filed properly at least once for a religious use under
25 IC 6-1.1-10-21, an educational, literary, scientific, religious, or
26 charitable use under IC 6-1.1-10-16, or use by a fraternity or
27 sorority under IC 6-1.1-10-24; and

28 (3) the property continues to meet the requirements for an
29 exemption under IC 6-1.1-10-16, IC 6-1.1-10-21, or
30 IC 6-1.1-10-24.

31 A change in ownership of property does not terminate an exemption of
32 the property if after the change in ownership the property continues to
33 meet the requirements for an exemption under IC 6-1.1-10-16,
34 IC 6-1.1-10-21, or IC 6-1.1-10-24. However, if title to any of the real
35 property subject to the exemption changes or any of the tangible
36 property subject to the exemption is used for a nonexempt purpose after
37 the date of the last properly filed exemption application, the person that
38 obtained the exemption or the current owner of the property shall notify
39 the county assessor for the county where the tangible property is
40 located of the change in the year that the change occurs. The notice
41 must be in the form prescribed by the department of local government
42 finance. If the county assessor discovers that title to property granted

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1 an exemption described in IC 6-1.1-10-16, IC 6-1.1-10-21, or
 2 IC 6-1.1-10-24 has changed, the county assessor shall notify the
 3 persons entitled to a tax statement under IC 6-1.1-22-8.1 for the
 4 property of the change in title and indicate that the county auditor will
 5 suspend the exemption for the property until the persons provide the
 6 county assessor with an affidavit, signed under penalties of perjury, that
 7 identifies the new owners of the property and indicates that the
 8 property continues to meet the requirements for an exemption under
 9 IC 6-1.1-10-21, IC 6-1.1-10-16, or IC 6-1.1-10-24. Upon receipt of the
 10 affidavit, the county assessor shall reinstate the exemption for the years
 11 for which the exemption was suspended and each year thereafter that
 12 the property continues to meet the requirements for an exemption under
 13 IC 6-1.1-10-21, IC 6-1.1-10-16, or IC 6-1.1-10-24.

14 SECTION 8. IC 6-1.1-17-3, AS AMENDED BY P.L.182-2009(ss),
 15 SECTION 114, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The proper officers of a
 17 political subdivision shall formulate its estimated budget and its
 18 proposed tax rate and tax levy on the form prescribed by the
 19 department of local government finance and approved by the state
 20 board of accounts. The political subdivision shall give notice by
 21 publication to taxpayers of:

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

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

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

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

38 (c) The trustee of each township in the county shall estimate the
 39 amount necessary to meet the cost of township assistance in the
 40 township for the ensuing calendar year. The township board shall adopt
 41 with the township budget a tax rate sufficient to meet the estimated cost
 42 of township assistance. The taxes collected as a result of the tax rate

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1 adopted under this subsection are credited to the township assistance
2 fund.

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

7 (1) The cost of child services (as defined in IC 12-19-7-1) of the
8 county payable from the family and children's fund:

9 (2) The cost of children's psychiatric residential treatment
10 services (as defined in IC 12-19-7.5-1) of the county payable from
11 the children's psychiatric residential treatment services fund:

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

17 (d) This subsection applies only to a county to which IC 36-6-6.2,
18 IC 36-6-6.4, or IC 36-6-6.6 applies. This subsection applies to
19 budgets for calendar years after 2014 and to property taxes first
20 due and payable after 2014. Notwithstanding any other law, in
21 2014 and each year thereafter, the county executive shall estimate
22 the amount necessary to meet the cost of township assistance in the
23 county for the ensuing calendar year. The county fiscal body shall
24 adopt with the county budget for property taxes due in 2015 and
25 thereafter a tax rate uniform throughout the county sufficient to
26 meet the estimated cost of township assistance in the county. The
27 taxes collected as a result of the tax rate adopted under this
28 subsection shall be credited to the township assistance fund
29 established under IC 12-20-21-6.

30 (e) This subsection applies to each county in which the majority
31 of the voters in the county vote "no" on a public question under
32 IC 36-6-6.3 or IC 36-6-6.5. The county fiscal body shall in 2014 and
33 each year thereafter adopt the budget for each township in the
34 county for the ensuing calendar year.

35 (f) This subsection does not apply to a county having a
36 consolidated city. This subsection applies to budgets for calendar
37 years after 2014 and to property taxes first due and payable after
38 2014. Notwithstanding any other law, in 2014 and each year
39 thereafter, the county fiscal body shall adopt with the county
40 budget for 2015 and thereafter:

41 (1) the budget to carry out the county's firefighting and
42 emergency services powers and duties in unincorporated

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areas of the county; and
(2) the property tax levy for the county firefighting fund under IC 6-1.1-18.5-18.5 and IC 36-8-13.7.

SECTION 9. IC 6-1.1-18.5-10.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10.2. (a) For purposes of determining the property tax levy limit imposed on a township under section 3 of this chapter, the township ad valorem property tax levy for a particular calendar year does not include the amount, if any, of ad valorem property taxes that would be first due and payable to the township during the ensuing calendar year under the authority of IC 36-8-13-4. The amount of ad valorem property taxes levied by the township under the authority of IC 36-8-13-4 shall, for purposes of the property tax levy limits imposed under section 3 of this chapter, be treated as if that levy were made by a separate civil taxing unit.

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

SECTION 10. IC 6-1.1-18.5-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18.5. (a) This section does not apply to a county having a consolidated city.

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

STEP ONE: Determine:

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

(i) the combined maximum ad valorem property tax levy under this chapter of all the townships in the county for the townships' firefighting funds established under IC 36-8-13-4 for property taxes first due and payable in

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2014; plus
(ii) the combined maximum ad valorem property tax levy for property taxes first due and payable for all fire protection territories and fire protection districts in the county that are abolished in the first year in which the county is responsible for providing fire protection and emergency services; or

(B) for ad valorem property taxes first due and payable after 2015, the maximum permissible ad valorem property tax levy for the county's firefighting fund determined under this section for ad valorem property taxes first due and payable in the immediately preceding calendar year.

STEP TWO: Multiply the amount determined in STEP ONE by the amount determined in the last STEP of section 2(b) of this chapter.

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

(d) Notwithstanding any other law, the department of local government finance may adjust the maximum permissible ad valorem property tax levy 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 after December 31, 2014.

SECTION 11. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 22. (a) The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under IC 36-3-1-6.1 or IC 36-3-1-6.4.**

(b) For purposes of this section:

(1) "consolidating entity" means:

- (A) a township;
- (B) a fire protection territory; or
- (C) an excluded city;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.4; and

(2) "maximum levy" means the maximum permissible ad valorem property tax levy under section 3 of this chapter.

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1 (c) The maximum levy of a consolidated city for property taxes
2 first due and payable in 2015 shall be increased by an amount
3 equal to the combined maximum permissible ad valorem property
4 tax levies of each consolidating entity for property taxes first due
5 and payable in 2014 for fire protection and related services.

6 (d) For not more than three (3) years after a consolidation
7 under IC 36-3-1-6.1 or IC 36-3-1-6.4, the consolidated city may
8 levy a tax above the maximum permissible ad valorem property
9 tax levy for the fire special service district in each township or
10 excluded city that is necessary to phase out that consolidating
11 entity's borrowing for fire and emergency services.

12 SECTION 12. IC 6-3.5-6-18.5, AS AMENDED BY P.L.146-2008,
13 SECTION 339, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2012]: Sec. 18.5. (a) **Before January 1, 2015,**
15 this section applies to a county containing a consolidated city. **After**
16 **December 31, 2014, this section applies to a county having a**
17 **consolidated city if a majority of voters in the county vote "no" on**
18 **the public question under IC 36-6-6.5.**

19 (b) Notwithstanding section 18(e) of this chapter, the distributive
20 shares that each civil taxing unit in a county containing a consolidated
21 city is entitled to receive during a month equals the following:

22 (1) For the calendar year beginning January 1, 1995, calculate the
23 total amount of revenues that are to be distributed as distributive
24 shares during that month multiplied by the following factor:

25	Center Township	.0251
26	Decatur Township	.00217
27	Franklin Township	.0023
28	Lawrence Township	.01177
29	Perry Township	.01130
30	Pike Township	.01865
31	Warren Township	.01359
32	Washington Township	.01346
33	Wayne Township	.01307
34	Lawrence-City	.00858
35	Beech Grove	.00845
36	Southport	.00025
37	Speedway	.00722
38	Indianapolis/Marion County	.86409

39 (2) Notwithstanding subdivision (1), for the calendar year
40 beginning January 1, 1995, the distributive shares for each civil
41 taxing unit in a county containing a consolidated city shall be not
42 less than the following:

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1	Center Township	\$1,898,145
2	Decatur Township	\$164,103
3	Franklin Township	\$173,934
4	Lawrence Township	\$890,086
5	Perry Township	\$854,544
6	Pike Township	\$1,410,375
7	Warren Township	\$1,027,721
8	Washington Township	\$1,017,890
9	Wayne Township	\$988,397
10	Lawrence-City	\$648,848
11	Beech Grove	\$639,017
12	Southport	\$18,906
13	Speedway	\$546,000

14 (3) For each year after 1995, calculate the total amount of
 15 revenues that are to be distributed as distributive shares during
 16 that month as follows:

17 STEP ONE: Determine the total amount of revenues that were
 18 distributed as distributive shares during that month in calendar
 19 year 1995.

20 STEP TWO: Determine the total amount of revenue that the
 21 department has certified as distributive shares for that month
 22 under section 17 of this chapter for the calendar year.

23 STEP THREE: Subtract the STEP ONE result from the STEP
 24 TWO result.

25 STEP FOUR: If the STEP THREE result is less than or equal
 26 to zero (0), multiply the STEP TWO result by the ratio
 27 established under subdivision (1).

28 STEP FIVE: Determine the ratio of:

29 (A) the maximum permissible property tax levy under
 30 IC 6-1.1-18.5 for each civil taxing unit for the calendar year
 31 in which the month falls, plus, for a county, the welfare
 32 allocation amount; divided by

33 (B) the sum of the maximum permissible property tax levies
 34 under IC 6-1.1-18.5 for all civil taxing units of the county
 35 during the calendar year in which the month falls, and an
 36 amount equal to the welfare allocation amount.

37 STEP SIX: If the STEP THREE result is greater than zero (0),
 38 the STEP ONE amount shall be distributed by multiplying the
 39 STEP ONE amount by the ratio established under subdivision
 40 (1).

41 STEP SEVEN: For each taxing unit determine the STEP FIVE
 42 ratio multiplied by the STEP TWO amount.

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1 STEP EIGHT: For each civil taxing unit determine the
2 difference between the STEP SEVEN amount minus the
3 product of the STEP ONE amount multiplied by the ratio
4 established under subdivision (1). The STEP THREE excess
5 shall be distributed as provided in STEP NINE only to the civil
6 taxing units that have a STEP EIGHT difference greater than
7 or equal to zero (0).

8 STEP NINE: For the civil taxing units qualifying for a
9 distribution under STEP EIGHT, each civil taxing unit's share
10 equals the STEP THREE excess multiplied by the ratio of:

- 11 (A) the maximum permissible property tax levy under
- 12 IC 6-1.1-18.5 for the qualifying civil taxing unit during the
- 13 calendar year in which the month falls, plus, for a county, an
- 14 amount equal to the welfare allocation amount; divided by
- 15 (B) the sum of the maximum permissible property tax levies
- 16 under IC 6-1.1-18.5 for all qualifying civil taxing units of
- 17 the county during the calendar year in which the month falls,
- 18 and an amount equal to the welfare allocation amount.

19 (c) The welfare allocation amount is an amount equal to the sum of
20 the property taxes imposed by the county in 1999 for the county's
21 welfare fund and welfare administration fund and the property taxes
22 imposed by the county in 2008 for the county's county medical
23 assistance to wards fund, family and children's fund, children's
24 psychiatric residential treatment services fund, county hospital care for
25 the indigent fund, children with special health care needs county fund,
26 plus, in the case of Marion County, thirty-five million dollars
27 (\$35,000,000).

28 SECTION 13. IC 6-3.5-6-18.7 IS ADDED TO THE INDIANA
29 CODE AS A NEW SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2012]: **Sec. 18.7. (a) After December 31,**
31 **2014, this section applies to a county containing a consolidated city**
32 **if a majority of the voters of the county vote "yes" on the public**
33 **question under IC 36-6-6.5.**

34 (b) Notwithstanding section 18(e) of this chapter, the
35 distributive shares that each civil taxing unit in a county containing
36 a consolidated city is entitled to receive during a month equals the
37 following:

38 (1) The distribution ratio for 2015 and thereafter is the
39 following:

40	Lawrence-City	.00858
41	Beech Grove	.00845
42	Southport	.00025

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share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the welfare allocation amount; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the welfare allocation amount.

(c) The welfare allocation amount is an amount equal to the sum of the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund and the property taxes imposed by the county in 2008 for the county's county medical assistance to wards fund, family and children's fund, children's psychiatric residential treatment services fund, county hospital care for the indigent fund, and children with special health care needs county fund, plus, in the case of Marion County, thirty-five million dollars (\$35,000,000).

SECTION 14. IC 12-7-2-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.5. "Administrator" for purposes of: means the following:

(1) For purposes of IC 12-10-15, "administrator" has the meaning set forth in IC 12-10-15-1.5. and

(2) For purposes of IC 12-24-17, "administrator" has the meaning set forth in IC 12-24-17-1.

(3) For purposes of IC 12-20 and IC 12-30-4, "administrator" means the township trustee as the administrator of township assistance. This subdivision expires January 1, 2015.

(4) After December 31, 2014, for purposes of IC 12-20 and IC 12-30-4, "administrator" means:

(A) the township trustee as the administrator of township assistance, in the case of:

(i) a county having a consolidated city, if IC 36-6-6.6 does not apply to the county; or

(ii) a county to which IC 36-6-6.2 applies; or

(B) the county executive or the county executive's designee as the administrator of township assistance, in the case of:

(i) a county having a consolidated city, if IC 36-6-6.6 applies to the county; or

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1 (ii) a county to which IC 36-6-6.4 applies.

2 SECTION 15. IC 12-7-2-22, AS AMENDED BY P.L.145-2006,

3 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

4 JULY 1, 2012]: Sec. 22. "Board" means the following:

5 (1) For purposes of IC 12-10-10 and IC 12-10-11, the community

6 and home options to institutional care for the elderly and disabled

7 board established by IC 12-10-11-1.

8 (2) For purposes of 12-12-7-5, the meaning set forth in

9 IC 12-12-7-5(a).

10 (3) For purposes of IC 12-15-35, the meaning set forth in

11 IC 12-15-35-2.

12 **(4) For purposes of IC 12-20 and IC 12-30-4, the meaning set**

13 **forth in IC 12-20-1.5-2.**

14 SECTION 16. IC 12-7-2-24.9, AS ADDED BY P.L.180-2005,

15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

16 JULY 1, 2012]: Sec. 24.9. "Case contact", for purposes of

17 IC 12-20-28-3 **and IC 12-20-28-4**, has the meaning set forth in

18 ~~IC 12-20-28-3(b).~~ **IC 12-20-28-3(c).**

19 SECTION 17. IC 12-7-2-140.5, AS AMENDED BY P.L.3-2008,

20 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

21 JULY 1, 2012]: Sec. 140.5. "Plan", for purposes of:

22 (1) IC 12-15-44.2, has the meaning set forth in IC 12-15-44.2-1;

23 **and**

24 **(2) IC 12-20 and IC 12-30-4, means a township assistance plan**

25 **prepared under IC 12-20-1.5 or IC 12-20-1.6.**

26 SECTION 18. IC 12-7-2-192.3, AS AMENDED BY P.L.1-2006,

27 SECTION 184, IS AMENDED TO READ AS FOLLOWS

28 [EFFECTIVE JULY 1, 2012]: Sec. 192.3. "Total number of households

29 containing township assistance recipients", for purposes of

30 IC 12-20-28-3 **and IC 12-20-28-4**, has the meaning set forth in

31 ~~IC 12-20-28-3(c).~~ **IC 12-20-28-3(d).**

32 SECTION 19. IC 12-7-2-192.4, AS AMENDED BY P.L.180-2005,

33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

34 JULY 1, 2012]: Sec. 192.4. "Total number of recipients", for purposes

35 of IC 12-20-28-3 **and IC 12-20-28-4**, has the meaning set forth in

36 ~~IC 12-20-28-3(d).~~ **IC 12-20-28-3(e).**

37 SECTION 20. IC 12-7-2-192.5, AS AMENDED BY P.L.180-2005,

38 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

39 JULY 1, 2012]: Sec. 192.5. "Total number of requests for assistance",

40 for purposes of IC 12-20-28-3 **and IC 12-20-28-4**, has the meaning set

41 forth in ~~IC 12-20-28-3(e).~~ **IC 12-20-28-3(f).**

42 SECTION 21. IC 12-20-1-7 IS ADDED TO THE INDIANA CODE

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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2012]: **Sec. 7. (a) After December 31, 2014, this subsection
3 applies only to:**

- 4 (1) a county having a consolidated city, if IC 36-6-6.6 does not
- 5 apply to the county; or
- 6 (2) a county to which IC 36-6-6.2 applies.

7 A township trustee, in performing the powers and duties under
8 IC 12-20 and IC 12-30-4, acts as the administrator of township
9 assistance for the township.

10 (b) This subsection applies after December 31, 2014. This
11 subsection applies only to:

- 12 (1) a county having a consolidated city, if IC 36-6-6.6 applies
- 13 to the county; or
- 14 (2) a county to which IC 36-6-6.4 applies.

15 The county executive or county executive's designee, in performing
16 the powers and duties under IC 12-20 and IC 12-30-4, acts as the
17 administrator of township assistance for the county.

18 SECTION 22. IC 12-20-1.5 IS ADDED TO THE INDIANA CODE
19 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2012]:

21 **Chapter 1.5. Township Assistance Plan Prepared by County**
22 **Board of Trustees**

23 **Sec. 1. This chapter applies only to a county to which**
24 **IC 36-6-6.2 applies.**

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

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

29 **Sec. 4. The board shall prepare a plan for the delivery of**
30 **township assistance throughout the county. The board shall**
31 **appoint the following to serve as advisers to the legislative body in**
32 **the preparation of the plan:**

- 33 (1) At least one (1) person employed by a faith based human
- 34 services provider agency.
- 35 (2) At least one (1) person employed by a government funded
- 36 human services provider agency.
- 37 (3) At least one (1) person employed by a nonprofit human
- 38 services provider agency.

39 **Sec. 5. (a) In preparing a plan, the board shall:**
40 (1) consider whether areas are overserved or underserved in
41 the delivery of township assistance; and
42 (2) create uniformity in the delivery to areas in the county of

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1 township assistance services.
 2 (b) In preparing the plan, the board shall consider the township
 3 assistance budget.
 4 (c) In preparing a plan, the board shall determine whether the
 5 county may contract with a service provider to provide some or all
 6 township assistance services to a township.
 7 (d) In preparing a plan, the board shall recognize and
 8 coordinate with other providers of relief for indigent persons.
 9 (e) The plan must meet the requirements of this chapter.
 10 Sec. 6. The board shall adopt a resolution approving the plan
 11 and submit the resolution and the plan to the county legislative
 12 body for approval.
 13 Sec. 7. (a) The board shall submit a resolution and plan to the
 14 county legislative body for approval under section 6 of this chapter
 15 not later than July 1, 2013.
 16 (b) If the board fails to prepare and submit a resolution and
 17 plan to the county legislative body by July 1, 2013, the county
 18 legislative body shall prepare the plan.
 19 (c) After a county legislative body receives a plan submitted
 20 under subsection (a) or prepares a plan under subsection (b), the
 21 county legislative body shall review the plan during at least two (2)
 22 public meetings at which the public and any interested parties are
 23 entitled to the opportunity to comment on the plan.
 24 (d) The county legislative body shall by ordinance adopted
 25 before January 1, 2014:
 26 (1) approve the plan as submitted by the board under
 27 subsection (a) or as prepared by the county legislative body
 28 under subsection (b); or
 29 (2) modify the plan as submitted by the board under
 30 subsection (a) or as prepared by the county legislative body
 31 under subsection (b), and then approve the plan.
 32 Sec. 8. A plan adopted under this chapter must include the
 33 following:
 34 (1) A plan specifying any necessary requirements in the
 35 transition to the delivery of township assistance throughout
 36 the county.
 37 (2) The county's procedures for application and review of
 38 township assistance requests.
 39 (3) The forms of township assistance.
 40 (4) A description of the supervisors, investigators, assistants,
 41 or other necessary employees that will be employed in
 42 discharging the administrators' duties concerning the

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- 1 provision of township assistance, and a recommendation
- 2 concerning the compensation of these employees.
- 3 (5) A description of the offices that must be maintained in the
- 4 county to carry out the trustees' duties concerning the
- 5 provision of township assistance.
- 6 (6) A description of the proposed standards under
- 7 IC 12-20-1.7 for township assistance.
- 8 (7) In the case of any service, program, limitation, power, or
- 9 duty that may under this article or IC 12-30-4 be included in
- 10 the plan, a description of whether or not that service,
- 11 program, limitation, power, or duty is included in the plan.
- 12 (8) Any other provisions necessary to address the provision of
- 13 township assistance under this article.

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

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

20 SECTION 23. IC 12-20-1.6 IS ADDED TO THE INDIANA CODE
 21 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2012]:

23 **Chapter 1.6. Township Assistance Plan Prepared by County**
 24 **Legislative Body**

25 **Sec. 1. This chapter applies to the following:**

- 26 (1) A county having a consolidated city, if IC 36-6-6.6 applies
- 27 to the county.
- 28 (2) A county to which IC 36-6-6.4 applies.

29 **Sec. 2. As used in this chapter, "plan" means a township**
 30 **assistance plan prepared by a county legislative body under this**
 31 **chapter.**

32 **Sec. 3. (a) The county legislative body shall prepare a plan for**
 33 **the delivery of township assistance throughout the county. The**
 34 **county legislative body shall appoint the following to serve as**
 35 **advisers to the legislative body in the preparation of the plan:**

- 36 (1) At least one (1) person employed by a faith based human
- 37 services provider agency.
- 38 (2) At least one (1) person employed by a government funded
- 39 human services provider agency.
- 40 (3) At least one (1) person employed by a nonprofit human
- 41 services provider agency.

42 **(b) The county fiscal body shall determine the compensation, if**

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any, to be paid to an individual serving as an adviser under subsection (a).

Sec. 4. (a) In preparing a plan, the county legislative body shall:

- (1) consider whether areas are overserved or underserved in the delivery of township assistance; and**
- (2) create uniformity in the delivery to areas in the county of township assistance services.**

(b) In preparing the plan, the county legislative body shall consider the township assistance budget.

(c) In preparing a plan, the county legislative body shall determine whether the county may contract with a service provider to provide some or all township assistance services to a township.

(d) In preparing a plan, the county legislative body shall recognize and coordinate with other providers of relief for indigent persons.

(e) The plan must meet the requirements of this chapter.

Sec. 5. (a) The county legislative body shall review the plan during at least two (2) public meetings at which the public and any interested parties are entitled to the opportunity to comment on the plan.

(b) The county legislative body shall approve the plan by ordinance adopted before January 1, 2014.

Sec. 6. A plan adopted under this chapter must include the following:

- (1) A plan specifying any necessary requirements in the transition to the delivery of township assistance throughout the county.**
- (2) The county's procedures for application and review of township assistance requests.**
- (3) The forms of township assistance.**
- (4) A description of the supervisors, investigators, assistants, or other necessary employees that will be employed in discharging the township trustees' duties concerning the provision of township assistance, and a recommendation concerning the compensation of these employees.**
- (5) A description of the offices that must be maintained in the county to carry out the administrators' duties concerning the provision of township assistance.**
- (6) A description of the proposed standards under IC 12-20-1.7 for township assistance.**
- (7) In the case of any service, program, limitation, power, or**

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1 duty that may under this article or IC 12-30-4 be included in
2 the plan, a description of whether or not that service,
3 program, limitation, power, or duty is included in the plan.
4 **(8) Any other provisions necessary to address the provision of**
5 **township assistance under this article.**
6 **Sec. 7. After a plan is approved by the county legislative body,**
7 **the plan and the transfer of township assistance responsibilities to**
8 **the county as provided in the plan take effect January 1, 2015.**
9 **Sec. 8. The county legislative body shall annually review a plan**
10 **adopted under this chapter and may propose amendments to the**
11 **plan.**
12 SECTION 24. IC 12-20-1.7 IS ADDED TO THE INDIANA CODE
13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2012]:
15 **Chapter 1.7. Standards for Township Assistance in All Counties**
16 **Sec. 1. This chapter applies to all counties.**
17 **Sec. 2. (a) Standards for the issuance of township assistance and**
18 **the processing of applications apply after December 31, 2014.**
19 **(b) The standards must meet or exceed the requirements of this**
20 **chapter.**
21 **(c) A county is not required to establish standards under this**
22 **chapter that are uniform among the townships in the county. A**
23 **county may establish different standards for each of the townships**
24 **in the county.**
25 **Sec. 3. A county's standards for the issuance of township**
26 **assistance and the processing of applications must satisfy the**
27 **following:**
28 **(1) The standards must be in compliance with the**
29 **requirements of this article.**
30 **(2) In a county to which IC 36-6-6.2 applies, the standards**
31 **must be:**
32 **(A) proposed by the board and adopted by the county**
33 **legislative body; and**
34 **(B) reviewed by the board and updated annually by the**
35 **board and county legislative body to reflect changes in the**
36 **cost of basic necessities in the county and changes in the**
37 **law.**
38 **(3) In a county having a consolidated city or a county to which**
39 **IC 36-6-6.4 applies, the standards must be:**
40 **(A) proposed and adopted by the county legislative body;**
41 **and**
42 **(B) reviewed and updated annually by the county**

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legislative body to reflect changes in the cost of basic necessities in the county and changes in the law.

(4) The standards must be published in a single written document, including addenda attached to the document.

(5) The standards must be posted in a place prominently visible to the public in all offices of an administrator where township assistance applications are taken or processed.

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

(1) Criteria for determining township assistance eligibility.

(2) Minimum requirements of administrator accessibility.

(3) Provision of township assistance in a manner that does not discriminate against applicants based on race, religion, color, sex, disability, national origin, or ancestry.

(4) Subject to subdivision (5), income standards for the county that provide for financial eligibility in an amount consistent with reasonable costs of basic necessities in the particular county.

(5) A provision specifying that a Holocaust victim's settlement payment received by an eligible individual:

(A) must be excluded from countable assets and countable income; and

(B) may not be considered when setting income standards.

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

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

(B) Initial eligibility criteria.

(C) Continuing eligibility criteria.

(D) Workfare requirements.

(E) Essential and nonessential assets.

(F) Available resources.

(G) Income exemptions.

(H) Application process.

(I) Countable income.

(J) Countable assets.

(K) Wasted resources.

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

(b) A township assistance office, if separate from the administrator's residence, must be designated by a clearly visible sign that conforms to all local zoning and signage restrictions and

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that lists the:

- (1) administrator's name;
- (2) availability of township assistance; and
- (3) township assistance office's telephone number.

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

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

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

(c) To meet the requirements of subsection (b), an administrator shall do the following:

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

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

SECTION 25. IC 12-20-2-1, AS AMENDED BY P.L.73-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) After December 31, 2014, this subsection:

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- 1 **(1) applies to a county having a consolidated city, if**
- 2 **IC 36-6-6.6 does not apply to the county; and**
- 3 **(2) does not apply to any other county.**

4 A suit or proceeding in favor of or against a ~~township trustee~~ **an**
 5 **administrator** concerning township assistance shall be conducted in
 6 favor of or against the township in the township's corporate name.

7 **(b) After December 31, 2014, in a county to which IC 36-6-6.2,**
 8 **IC 36-6-6.4, or IC 36-6-6.6 applies, a suit or proceeding in favor of**
 9 **or against the administrator or board concerning township**
 10 **assistance shall be conducted in favor of or against the county in**
 11 **the county's corporate name.**

12 SECTION 26. IC 12-20-4-2, AS AMENDED BY P.L.73-2005,
 13 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2012]: Sec. 2. **(a) After December 31, 2014, this subsection**
 15 **applies to a county having a consolidated city, if IC 36-6-6.6 does**
 16 **not apply to the county. After December 31, 2014, this subsection**
 17 **does not apply to any other county.** The ~~township trustee~~
 18 **administrator** of each township, in the ~~trustee's~~ **administrator's**
 19 official capacity as chief executive officer within the township, may do
 20 the following:

21 (1) Employ supervisors, investigators, assistants, or other
 22 necessary employees in discharging the ~~township trustee's~~
 23 **administrator's** duties concerning the provision of township
 24 assistance.

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

28 **(b) After December 31, 2014, in a county to which IC 36-6-6.2**
 29 **applies, the administrator, subject to the approval of the county**
 30 **fiscal body and the board:**

31 **(1) shall hire supervisors, investigators, assistants, or other**
 32 **necessary employees in discharging the administrator's duties**
 33 **concerning the provision of township assistance; and**

34 **(2) may establish offices in the county for the provision of**
 35 **township assistance;**
 36 **in accordance with the county plan.**

37 **(c) This subsection applies after December 31, 2014. This**
 38 **subsection applies to a county having a consolidated city, if**
 39 **IC 36-6-6.6 applies to the county, and to a county to which**
 40 **IC 36-6-6.4 applies. The administrator, subject to the approval of**
 41 **the county fiscal body:**

42 **(1) shall hire supervisors, investigators, assistants, or other**

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1 necessary employees in discharging the administrator's duties
 2 concerning the provision of township assistance; and
 3 **(2) may establish offices in the county for the provision of**
 4 **township assistance;**
 5 **in accordance with the county plan.**

6 **(d) An individual hired by an administrator under subsection**
 7 **(b) or (c) is a county employee.**

8 SECTION 27. IC 12-20-4-3, AS AMENDED BY P.L.73-2005,
 9 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2012]: Sec. 3. (a) **After December 31, 2014, this subsection:**

11 **(1) applies to a county having a consolidated city, if**
 12 **IC 36-6-6.6 does not apply to the county; and**

13 **(2) does not apply to any other county.**

14 The ~~township trustee~~ **administrator** shall determine the number of
 15 township assistance supervisors, investigators, assistants, or other
 16 necessary employees that are employed by the township to administer
 17 township assistance.

18 **(b) After December 31, 2014, in a county to which IC 36-6-6.2,**
 19 **IC 36-6-6.4, or IC 36-6-6.6 applies, the administrator shall:**

20 **(1) in accordance with the county plan; and**

21 **(2) subject to the approval of:**

22 **(A) the board and the county fiscal body (in the case of a**
 23 **county subject to IC 36-6-6.2); or**

24 **(B) the county fiscal body (in the case of a county subject**
 25 **to IC 36-6-6.4 or IC 36-6-6.6);**

26 **determine the number of township assistance supervisors,**
 27 **investigators, assistants, or other necessary employees that are**
 28 **employed by the county to administer township assistance.**

29 ~~(b)~~ **(c) After December 31, 2014, this subsection applies to a**
 30 **county having a consolidated city, if IC 36-6-6.6 does not apply to**
 31 **the county. After December 31, 2014, this subsection does not apply**
 32 **to any other county.** The pay of township assistance supervisors,
 33 investigators, assistants, and other necessary employees shall be fixed
 34 by the ~~township trustee~~ **administrator** subject only to the total
 35 budgetary appropriation for personnel services for the administration
 36 of township assistance approved by the township board.

37 **(d) After December 31, 2014, in a county to which IC 36-6-6.2,**
 38 **IC 36-6-6.4, or IC 36-6-6.6 applies, the pay of township assistance**
 39 **employees shall be fixed in the manner provided by law for other**
 40 **county salaries.**

41 ~~(e)~~ **(e) After December 31, 2014, this subsection applies only to**
 42 **a county having a consolidated city, if IC 36-6-6.6 does not apply**

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1 **to the county. After December 31, 2014, this subsection does not**
 2 **apply to any other county.** A township assistance supervisor,
 3 investigator, assistant, or other necessary employee who uses an
 4 automobile in the performance of the employee's work is entitled to the
 5 same mileage paid to state officers and employees.

6 **(f) After December 31, 2014, in a county to which IC 36-6-6.2,**
 7 **IC 36-6-6.4, or IC 36-6-6.6 applies, a township assistance employee**
 8 **of a county is entitled to a sum for mileage at a rate determined by**
 9 **the county fiscal body.**

10 SECTION 28. IC 12-20-4-5, AS AMENDED BY P.L.73-2005,
 11 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2012]: Sec. 5. (a) **After December 31, 2014, this subsection**
 13 **applies only to a county having a consolidated city, if IC 36-6-6.6**
 14 **does not apply to the county. After December 31, 2014, this**
 15 **subsection does not apply to any other county.** The number of
 16 supervisors of township assistance investigators may not exceed one
 17 (1) supervisor for the first four (4) township assistance investigators.
 18 If there are more than four (4) township assistance investigators, the
 19 township trustee may employ one (1) additional supervisor for each
 20 twelve (12) township assistance investigators or major fraction of that
 21 number.

22 **(b) After December 31, 2014, in a county to which IC 36-6-6.2**
 23 **applies, if there are more than four (4) township assistance**
 24 **investigators, the board may, if provided by the county plan, and**
 25 **with the approval of the county fiscal body, employ one (1)**
 26 **additional supervisor for each twelve (12) township assistance**
 27 **investigators or major fraction of that number.**

28 **(c) This subsection applies after December 31, 2014. This**
 29 **subsection applies to a county having a consolidated city, if**
 30 **IC 36-6-6.6 applies to the county. This subsection does not apply to**
 31 **any other county. The county may hire the number of additional**
 32 **supervisors provided for in the county plan.**

33 **(b) (d) After December 31, 2014, this subsection applies only to**
 34 **a county having a consolidated city, if IC 36-6-6.6 does not apply**
 35 **to the county. After December 31, 2014, this subsection does not**
 36 **apply to any other county.** The pay for supervisors of township
 37 assistance investigators shall be fixed in the manner provided by law
 38 for other township salaries.

39 **(e) After December 31, 2014, in a county to which IC 36-6-6.2,**
 40 **IC 36-6-6.4, or IC 36-6-6.6 applies, the pay of township assistance**
 41 **investigators shall be fixed in the manner provided by law for other**
 42 **county salaries.**

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1 SECTION 29. IC 12-20-4-7, AS AMENDED BY P.L.73-2005,
 2 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2012]: Sec. 7. (a) **After December 31, 2014, this subsection**
 4 **applies to a county having a consolidated city, if IC 36-6-6.6 does**
 5 **not apply to the county. After December 31, 2014, this subsection**
 6 **does not apply to any other county.** Two (2) or more townships in the
 7 same county may jointly employ an investigator to investigate township
 8 assistance applicants and recipients.

9 **(b) After December 31, 2014, in a county to which IC 36-6-6.2,**
 10 **IC 36-6-6.4, or IC 36-6-6.6 applies, a county may employ an**
 11 **investigator to investigate township assistance applicants and**
 12 **recipients in two (2) or more townships in the county.**

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

17 SECTION 30. IC 12-20-4-11, AS AMENDED BY P.L.73-2005,
 18 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2012]: Sec. 11. (a) A township assistance supervisor,
 20 investigator, assistant, or other necessary employee shall be paid only
 21 for the number of days the employee is actually engaged in
 22 employment during each month.

23 (b) A township assistance supervisor, investigator, assistant, or other
 24 necessary employee shall be paid at the rate established by the
 25 ~~township trustee~~ **administrator** from an appropriation by the township
 26 board with no deduction for legal holidays. **After December 31, 2014,**
 27 **in a county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6**
 28 **applies, the pay of a township assistance supervisor, investigator,**
 29 **assistant, or other necessary employee shall be fixed in the manner**
 30 **provided by law for other county salaries with no deduction for**
 31 **legal holidays.**

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

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

42 (e) **After December 31, 2014, this subsection applies to a county**

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1 **having a consolidated city, if IC 36-6-6.6 does not apply to the**
 2 **county. After December 31, 2014, this subsection does not apply to**
 3 **any other county.** The township trustee administrator of a township
 4 having a population of at least ten thousand (10,000) may appoint a
 5 chief deputy. A chief deputy may be paid from any township funds.

6 **(f) After December 31, 2014, in a county to which IC 36-6-6.4 or**
 7 **IC 36-6-6.6 applies, the administrator of a township having a**
 8 **population of at least ten thousand (10,000) may appoint a chief**
 9 **deputy if provided for in the county plan. A chief deputy may be**
 10 **paid from any township funds.**

11 **(g) After December 31, 2014, in a county to which IC 36-6-6.2**
 12 **applies, the board may appoint a chief deputy of a township having**
 13 **a population of at least ten thousand (10,000) if provided for in the**
 14 **county plan. A chief deputy may be paid from any county funds.**

15 SECTION 31. IC 12-20-4-13 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) **After**
 17 **December 31, 2014, this subsection applies only to a county having**
 18 **a consolidated city, if IC 36-6-6.6 does not apply to the county.**
 19 **After December 31, 2014, this subsection does not apply to any**
 20 **other county.** The township trustee administrator may, with the
 21 approval of the township board, county fiscal body, employ personnel
 22 to supervise rehabilitation, training, retraining, and work programs as
 23 provided in IC 12-20-13.

24 **(b) This subsection applies after December 31, 2014. If**
 25 **permitted by the county plan:**

26 **(1) in the case of a county to which IC 36-6-6.2 applies, the**
 27 **county may, with the approval of the board and the county**
 28 **fiscal body;**

29 **(2) in the case of a county to which IC 36-6-6.4 applies, the**
 30 **administrator may, with the approval of the county fiscal**
 31 **body; or**

32 **(3) in the case of a county having a consolidated city to which**
 33 **IC 36-6-6.6 applies, the administrator may, with the approval**
 34 **of the county fiscal body;**

35 **employ personnel to supervise rehabilitation, training, retraining,**
 36 **and work programs as provided in IC 12-20-13.**

37 SECTION 32. IC 12-20-5-0.5 IS ADDED TO THE INDIANA
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2012]: Sec. 0.5. **After December 31, 2014, this**
 40 **chapter applies to a county having a consolidated city, if**
 41 **IC 36-6-6.6 does not apply to the county. After December 31, 2014,**
 42 **this chapter does not apply to any other county.**

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1 SECTION 33. IC 12-20-5.1 IS ADDED TO THE INDIANA CODE
 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2012]:

4 **Chapter 5.1. Powers and Duties of Township Trustees in**
 5 **Counties That Approve a Public Question Under IC 36-6-6.1**

6 **Sec. 1. This chapter applies after December 31, 2014. This**
 7 **chapter applies only to a county to which IC 36-6-6.2 applies.**

8 **Sec. 2. (a) The township trustee is the executive and**
 9 **administrative officer for township assistance in the trustee's**
 10 **township.**

11 **(b) The board is the chief executive and administrative body for**
 12 **township assistance in the county.**

13 **Sec. 3. A township trustee shall perform all duties with**
 14 **reference to the poor of the trustee's township as prescribed by law**
 15 **and in accordance with the county plan. A township trustee shall**
 16 **perform the following duties and responsibilities with respect to**
 17 **the trustee's township, subject to the supervision of the board:**

18 **(1) Administer township assistance within the standards**
 19 **adopted under IC 12-20-1.7, including:**

20 **(A) accepting and processing applications for township**
 21 **assistance;**

22 **(B) investigating applications for township assistance;**

23 **(C) approving and denying applications for township**
 24 **assistance;**

25 **(D) administering approved relief; and**

26 **(E) working with other governmental and nonprofit**
 27 **providers of assistance to direct applicants to other**
 28 **resources.**

29 **(2) Manage staff.**

30 **(3) Operate township assistance offices.**

31 **(4) Complete and submit to the board the annual township**
 32 **assistance statistical report under IC 12-20-28 and maintain**
 33 **data on township assistance.**

34 **(5) If provided for in the county plan, conduct rehabilitation,**
 35 **training, and work programs.**

36 **(6) Manage contracts with human service providers.**

37 **(7) Perform the duties set forth in IC 12-30-4.**

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

41 **Sec. 5. The annual appropriations to a township trustee for the**
 42 **expenses of renting an office and telephone expenses must, as**

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1 nearly as is possible, be equal to the actual cost of those items. If
 2 the township trustee uses a part of the trustee's residence for an
 3 office, the county fiscal body shall appropriate a reasonable sum
 4 for that office space.

5 SECTION 34. IC 12-20-5.5-7 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2012]: **Sec. 7. After December 31, 2014, this**
 8 **chapter:**

9 **(1) applies to a county having a consolidated city, if**
 10 **IC 36-6-6.6 does not apply to the county; and**

11 **(2) does not apply to any other county.**

12 SECTION 35. IC 12-20-6-0.5 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.5. (a) As used in this
 14 section, "member of the applicant's household" includes any person
 15 who lives in the same residence as the applicant.

16 (b) The ~~township trustee~~ **administrator** shall determine whether an
 17 applicant or a member of the applicant's household has been denied
 18 assistance under IC 12-14-1-1, IC 12-14-1-1.5, IC 12-14-2-5.1,
 19 IC 12-14-2-5.3, IC 12-14-2-18, IC 12-14-2-20, IC 12-14-2-21,
 20 IC 12-14-2-24, IC 12-14-2-26, IC 12-14-2.5, or IC 12-14-5.5.

21 **(c) After December 31, 2014, this subsection applies to a county**
 22 **having a consolidated city, if IC 36-6-6.6 does not apply the county.**
 23 **After December 31, 2014, this subsection does not apply to any**
 24 **other county. A ~~township trustee~~ An administrator** has no obligation
 25 to extend aid to an applicant or to a member of an applicant's
 26 household who has been denied assistance as described in subsection
 27 (b).

28 **(d) After December 31, 2014, in a county to which IC 36-6-6.2,**
 29 **IC 36-6-6.4, or IC 36-6-6.6 applies, a county plan may provide that**
 30 **the administrator has no obligation to extend aid to an applicant or**
 31 **to a member of an applicant's household who has been denied**
 32 **assistance as described in subsection (b).**

33 ~~(d)~~ **(e) A ~~township trustee~~ An administrator** shall not extend aid to
 34 an applicant or to a member of an applicant's household if the applicant
 35 or the member of the applicant's household has been convicted of an
 36 offense under IC 35-43-5-7 or IC 35-43-5-7.1 as follows:

37 (1) If the conviction is a misdemeanor, ~~a township trustee an~~
 38 **administrator** shall not extend aid to the applicant or the member
 39 of the applicant's household for one (1) year after the conviction.

40 (2) If the conviction is a felony, ~~a township trustee an~~
 41 **administrator** shall not extend aid to the applicant or the member
 42 of the applicant's household for ten (10) years after the conviction.

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1 SECTION 36. IC 12-20-6-1, AS AMENDED BY P.L.73-2005,
 2 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2012]: Sec. 1. (a) ~~A township trustee~~ **An administrator** may
 4 not extend aid to an individual or a household unless an application and
 5 affidavit setting forth the personal condition of the individual or
 6 household has been filed with the ~~trustee~~ **administrator** within one
 7 hundred eighty (180) days before the date aid is extended.

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

13 (c) An applicant for utility assistance under IC 12-20-16-3(a) **or**
 14 **IC 12-20-16-3(b)** must comply with ~~IC 12-20-16-3(d)~~.
 15 **IC 12-20-16-3(h).**

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

22 (e) The ~~township trustee~~ **administrator** shall assist an applicant for
 23 township assistance in completing a township assistance application if
 24 the applicant:

- 25 (1) has a mental or physical disability, including mental
- 26 retardation, cerebral palsy, blindness, or paralysis;
- 27 (2) has dyslexia; or
- 28 (3) cannot read or write the English language.

29 SECTION 37. IC 12-20-6-6.5, AS AMENDED BY P.L.73-2005,
 30 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2012]: Sec. 6.5. (a) If an individual has been convicted of an
 32 offense under IC 35-43-5-7, a ~~township trustee~~ **an administrator** may
 33 not extend aid to or for the benefit of that individual for the following
 34 periods:

- 35 (1) If the conviction is for a misdemeanor, for one (1) year after
- 36 the conviction.
- 37 (2) If the conviction is for a felony, for ten (10) years after the
- 38 conviction.

39 (b) **After December 31, 2014, this subsection applies to a county**
 40 **having a consolidated city, if IC 36-6-6.6 does not apply to the**
 41 **county. After December 31, 2014, this subsection does not apply to**
 42 **any other county.** If a ~~township trustee~~ **an administrator** finds that an

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1 individual has obtained township assistance from any township by
2 means of conduct described in IC 35-43-5-7, the ~~township trustee~~
3 **administrator** may refuse to extend aid to or for the benefit of that
4 individual for sixty (60) days after the later of the:

- 5 (1) date of the improper conduct; or
- 6 (2) date aid was last extended to the individual based on the
7 improper conduct.

8 **(c) After December 31, 2014, in a county to which IC 36-6-6.2,**
9 **IC 36-6-6.4, or IC 36-6-6.6 applies, if the administrator finds that**
10 **an individual has obtained township assistance by means of**
11 **conduct described in IC 35-43-5-7, the administrator may, if**
12 **provided for in the county plan, refuse to extend aid to or for the**
13 **benefit of the individual for sixty (60) days after the later of the**
14 **following:**

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

18 SECTION 38. IC 12-20-6-6.6, AS AMENDED BY P.L.73-2005,
19 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2012]: Sec. 6.6. **(a) After December 31, 2014, this**
21 **subsection applies to a county having a consolidated city, if**
22 **IC 36-6-6.6 does not apply to the county. After December 31, 2014,**
23 **this subsection does not apply to any other county.** Notwithstanding
24 any other provision of this article:

- 25 (1) ~~a township trustee~~ **an administrator** may not extend aid to or
26 for the benefit of an individual if that aid would pay for goods or
27 services provided to or for the benefit of the individual; and
- 28 (2) a township is not obligated to pay the cost of basic necessities
29 incurred on behalf of the household in which the individual
30 resides;

31 during a period that the individual has previously applied for and been
32 denied township assistance.

33 **(b) This subsection applies after December 31, 2014. This**
34 **subsection applies only to a county to which IC 36-6-6.2,**
35 **IC 36-6-6.4, or IC 36-6-6.6 applies. Notwithstanding any other**
36 **provision of this article:**

- 37 **(1) an administrator may not extend aid to or for the benefit**
38 **of an individual if that aid would pay for goods or services**
39 **provided to or for the benefit of the individual; and**
- 40 **(2) a county, if provided for in the county plan, is not**
41 **obligated to pay the cost of basic necessities incurred on**
42 **behalf of the household in which the individual resides;**

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1 **during a period that the individual has previously applied for and**
 2 **been denied township assistance.**

3 SECTION 39. IC 12-20-6-8, AS AMENDED BY P.L.73-2005,
 4 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2012]: Sec. 8. (a) ~~A township trustee~~ **An administrator** shall
 6 promptly notify in writing each applicant for township assistance of
 7 action taken upon a completed application for township assistance. The
 8 ~~trustee~~ **administrator** shall do the following:

9 (1) Mail notice or provide personal notice not later than
 10 seventy-two (72) hours, excluding weekends and legal holidays
 11 listed in IC 1-1-9, after the completed application is received
 12 advising the applicant of the right to appeal an adverse decision
 13 of the ~~trustee~~ **administrator** to:

14 (A) the board of commissioners, **in the case of a county**
 15 **having a consolidated city, if IC 36-6-6.6 does not apply to**
 16 **the county; or**

17 (B) **in the case of a county to which IC 36-6-6.2,**
 18 **IC 36-6-6.4, or IC 36-6-6.6 applies:**

19 (i) **before January 1, 2015, the board of commissioners;**
 20 **or**

21 (ii) **after December 31, 2014, the circuit court having**
 22 **jurisdiction in the county.**

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

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

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

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

30 (D) Information advising the applicant of the procedures for
 31 appeal to the:

32 (i) **board of commissioners, in the case of a county having**
 33 **a consolidated city, if IC 36-6-6.6 does not apply to the**
 34 **county; or**

35 (ii) **in the case of a county to which IC 36-6-6.2,**
 36 **IC 36-6-6.4, or IC 36-6-6.6 applies, (before January 1,**
 37 **2015) board of commissioners, and (after December 31,**
 38 **2014) the circuit court having jurisdiction in the county.**

39 (E) **After December 31, 2014, in the case of a county to**
 40 **which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies, any**
 41 **other information required by the county plan.**

42 (b) A copy of the notice described in subsection (a) shall be filed

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1 with the recipient's application and affidavit in the ~~trustee's~~
2 **administrator's** office.

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

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

12 SECTION 40. IC 12-20-6-10, AS AMENDED BY P.L.73-2005,
13 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2012]: Sec. 10. (a) As used in this section, "relative" includes
15 only the parent, stepparent, child, stepchild, sibling, stepsibling,
16 grandparent, stepgrandparent, grandchild, or stepgrandchild of a
17 township assistance applicant.

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

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

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

34 (d) **After December 31, 2014, this subsection applies to a county**
35 **having a consolidated city, if IC 36-6-6.6 does not apply to the**
36 **county. After December 31, 2014, this subsection does not apply to**
37 **any other county.** If shelter payments are made to a relative of a
38 township assistance applicant on behalf of the applicant or a member
39 of the applicant's household, the ~~trustee administrator~~ may file a lien
40 against the relative's real property for the amount of township shelter
41 assistance granted.

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

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1 subsection applies only to a county to which IC 36-6-6.2,
 2 IC 36-6-6.4, or IC 36-6-6.6 applies. If shelter payments are made
 3 to a relative of a township assistance applicant on behalf of the
 4 applicant or a member of the applicant's household, the
 5 administrator may, if authorized by the county plan, file a lien
 6 against the relative's real property for the amount of township
 7 shelter assistance granted.

8 SECTION 41. IC 12-20-7-4.5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4.5. (a) After
 10 December 31, 2014, this subsection applies only to a county having
 11 a consolidated city, if IC 36-6-6.6 does not apply to the county.
 12 After December 31, 2014, this subsection does not apply to any
 13 other county. The township trustee administrator shall use the
 14 information received under section 2 of this chapter to assist in
 15 reducing fraud and abuse in aid programs administered by the township
 16 trustee administrator.

17 (b) After December 31, 2014, in a county to which IC 36-6-6.2,
 18 IC 36-6-6.4, or IC 36-6-6.6 applies, the administrator shall use the
 19 information received under section 2 of this chapter to assist in
 20 reducing fraud and abuse in aid programs administered by the
 21 administrator.

22 SECTION 42. IC 12-20-7-5, AS AMENDED BY P.L.145-2006,
 23 SECTION 117, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2012]: Sec. 5. Information that is received
 25 through the use of a consent form described in section 1 of this chapter
 26 and that is not a public record open to inspection and copying under
 27 any statute may be used only in connection with the following:

- 28 (1) The administration of the township trustee's township
 29 assistance program.
- 30 (2) The administration of public assistance programs that are
 31 administered by the division of family resources and county
 32 offices.

33 SECTION 43. IC 12-20-8-3, AS AMENDED BY P.L.73-2005,
 34 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2012]: Sec. 3. (a) After December 31, 2014, this subsection
 36 applies to a county having a consolidated city, if IC 36-6-6.6 does
 37 not apply to the county. After December 31, 2014, this subsection
 38 does not apply to any other county. The township trustee
 39 administrator may deny township assistance to an individual if the
 40 township trustee administrator determines that the individual does not
 41 intend to make the township or county the individual's sole place of
 42 residence.



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1 (b) After December 31, 2014, in a county to which IC 36-6-6.2,
2 IC 36-6-6.4, or IC 36-6-6.6 applies, if provided for in the county
3 plan, the administrator may deny township assistance to an
4 individual if the administrator determines that the individual does
5 not intend to make the township or county the individual's sole
6 place of residence.

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

12 SECTION 44. IC 12-20-9-3, AS AMENDED BY P.L.73-2005,
13 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2012]: Sec. 3. (a) After December 31, 2014, this subsection
15 applies to a county having a consolidated city, if IC 36-6-6.6 does
16 not apply to the county. After December 31, 2014, this subsection
17 does not apply to any other county. An individual:

- 18 (1) who:
19 (A) applies to the township trustee, as administrator of
20 township assistance, for assistance or is in need of assistance;
21 or
22 (B) obtains free medical aid, hospitalization, public
23 institutional care, or assistance in any part at public expense;
24 and

25 (2) who does not have legal residence in the township;
26 may be returned by the township trustee, as administrator of township
27 assistance, to the individual's place of legal residence if that place can
28 be determined.

29 (b) This subsection applies after December 31, 2014. This
30 subsection applies only to a county to which IC 36-6-6.2,
31 IC 36-6-6.4, or IC 36-6-6.6 applies. An individual:

- 32 (1) who:
33 (A) applies to the administrator for assistance or is in need
34 of assistance; or
35 (B) obtains free medical aid, hospitalization, public
36 institutional care, or assistance in any part at public
37 expense; and

38 (2) who does not have legal residence in the township county;
39 may be returned by the administrator to the individual's place of
40 legal residence if the individual's place of legal residence can be
41 determined and if authorized by the county plan.

42 SECTION 45. IC 12-20-9-5, AS AMENDED BY P.L.73-2005,

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1 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2012]: Sec. 5. **(a) After December 31, 2014, this subsection
 3 applies to a county having a consolidated city, if IC 36-6-6.6 does
 4 not apply to the county. After December 31, 2014, this subsection
 5 does not apply to any other county.** If an individual or a member of
 6 an individual's household who is determined to be eligible for township
 7 assistance and entitled to temporary relief is in a township in which the
 8 individual or household member does not have legal residence, the
 9 township trustee as administrator of township assistance may, if the
 10 trustee administrator considers advisable, place the individual or
 11 household member temporarily in a county home as provided in
 12 IC 12-20-17-4.

13 **(b) This subsection applies after December 31, 2014. This
 14 subsection applies only to a county to which IC 36-6-6.2,
 15 IC 36-6-6.4, or IC 36-6-6.6 applies. If an individual or a member of
 16 an individual's household who is determined to be eligible for
 17 township assistance and entitled to temporary relief is in a
 18 township in which the individual or household member does not
 19 have legal residence, the administrator may place the individual or
 20 household member temporarily in a county home as provided in
 21 IC 12-20-17-4, if:**

- 22 **(1) the administrator considers the temporary placement**
 23 **advisable;**
- 24 **(2) the temporary placement is provided for in the county**
 25 **plan; and**
- 26 **(3) in the case of a county to which IC 36-6-6.2 applies, the**
 27 **temporary placement is approved by the county board.**

28 SECTION 46. IC 12-20-10-3.5, AS AMENDED BY P.L.73-2005,
 29 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2012]: Sec. 3.5. **(a) After December 31, 2014, this
 31 subsection applies to a county having a consolidated city if
 32 IC 36-6-6.6 does not apply to the county. After December 31, 2014,
 33 this subsection does not apply to any other county.** If a township
 34 assistance applicant or a member of the applicant's household claims
 35 an inability to work due to health, the township trustee administrator
 36 may require and provide for any medical examination necessary for the
 37 township trustee administrator to determine whether the applicant or
 38 household member is able to perform work.

39 **(b) This subsection applies after December 31, 2014. This
 40 subsection applies only to a county to which IC 36-6-6.2,
 41 IC 36-6-6.4, or IC 36-6-6.6 applies. If a township assistance
 42 applicant or a member of the applicant's household claims an**

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1 **inability to work due to health, the administrator, if permitted by**
 2 **the county plan, may require and provide for any medical**
 3 **examination necessary for the administrator to determine whether**
 4 **the applicant or household member is able to perform work.**

5 SECTION 47. IC 12-20-10-4, AS AMENDED BY P.L.73-2005,
 6 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2012]: Sec. 4. (a) **After December 31, 2014, this subsection**
 8 **applies to a county having a consolidated city if IC 36-6-6.6 does**
 9 **not apply to the county. After December 31, 2014, this subsection**
 10 **does not apply to any other county.** The township trustee
 11 **administrator** may call upon residents of the township to aid in
 12 finding employment for a township assistance applicant who is able to
 13 work.

14 (b) **This subsection applies after December 31, 2014. This**
 15 **subsection applies only to a county to which IC 36-6-6.2,**
 16 **IC 36-6-6.4, or IC 36-6-6.6 applies. The administrator, if permitted**
 17 **by the county plan, may call upon residents of the county to aid in**
 18 **finding employment for a township assistance applicant who is able**
 19 **to work.**

20 SECTION 48. IC 12-20-11-2, AS AMENDED BY P.L.73-2005,
 21 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2012]: Sec. 2. (a) **After December 31, 2014, this subsection**
 23 **applies to a county having a consolidated city, if IC 36-6-6.6 does**
 24 **not apply to the county. After December 31, 2014, this subsection**
 25 **does not apply to any other county.** The township trustee
 26 **administrator** may require the recipient to perform work for nonprofit
 27 human services agencies located within the county or an adjoining
 28 township in another county unless the recipient attends courses under
 29 section 3 of this chapter.

30 (b) **After December 31, 2014, in a county to which IC 36-6-6.2,**
 31 **IC 36-6-6.4, or IC 36-6-6.6 applies, if permitted by the county plan,**
 32 **the administrator may require the recipient to perform work for**
 33 **nonprofit human services agencies located within the county or an**
 34 **adjoining township in another county unless the recipient attends**
 35 **courses under section 3 of this chapter.**

36 (c) **After December 31, 2014, this subsection applies to a**
 37 **county having a consolidated city, if IC 36-6-6.6 does not apply to**
 38 **the county. After December 31, 2014, this subsection does not apply**
 39 **to any other county.** The township trustee **administrator** shall
 40 determine a township assistance applicant's suitability to perform
 41 available work under this section. The township trustee **adminstrator**
 42 may provide for medical examinations necessary to make the

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determination.
(d) After December 31, 2014, in a county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies, the administrator shall determine a township assistance applicant's suitability to perform available work under this section. If permitted by the county plan, the administrator may provide for medical examinations necessary to make the determination.

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

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

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

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

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

SECTION 49. IC 12-20-11-3, AS AMENDED BY P.L.7-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) If a township assistance recipient, after referral by the ~~township trustee~~, **administrator**, is accepted and attends:

(1) adult education courses under IC 20-30-6-1 (before its repeal) or IC 22-4.1-18; or

(2) courses at Ivy Tech Community College; the township assistance recipient is exempt from performing work or searching for work for not more than one hundred eighty (180) days.

(b) After December 31, 2014, this subsection applies to a county having a consolidated city, if IC 36-6-6.6 does not apply to the county. After December 31, 2014, this subsection does not apply to any other county. The ~~township trustee~~ **administrator** may reimburse a township assistance recipient for tuition expenses incurred in

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1 attending the courses described in subsection (a) if the recipient:

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

8 **(c) This subsection applies after December 31, 2014. This**
 9 **subsection applies only to a county to which IC 36-6-6.2,**
 10 **IC 36-6-6.4, or IC 36-6-6.6 applies. If permitted by the county plan,**
 11 **the administrator may reimburse a township assistance recipient**
 12 **for tuition expenses incurred in attending the courses described in**
 13 **subsection (a) if the recipient:**

- 14 **(1) has a proven aptitude for the courses being studied;**
 15 **(2) was referred by the administrator;**
 16 **(3) does not qualify for other tax supported educational**
 17 **programs;**
 18 **(4) maintains a passing grade in each course; and**
 19 **(5) maintains the minimum attendance requirements specified**
 20 **by the educational institution.**

21 SECTION 50. IC 12-20-11-4, AS AMENDED BY P.L.73-2005,
 22 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2012]: Sec. 4. (a) **After December 31, 2014, this subsection**
 24 **applies to a county having a consolidated city, if IC 36-6-6.6 does**
 25 **not apply to the county. After December 31, 2014, this subsection**
 26 **does not apply to any other county.** The township trustee
 27 **administrator** may require a township assistance applicant or an adult
 28 member of the applicant's household to satisfy all obligations to
 29 perform work incurred in another township before additional township
 30 assistance is granted. However, in case of an emergency, the trustee
 31 **administrator** may temporarily waive the work obligation incurred
 32 from another township and provide temporary assistance to an
 33 applicant or a household in order to relieve need or immediate
 34 suffering.

35 **(b) After December 31, 2014, in a county to which IC 36-6-6.2,**
 36 **IC 36-6-6.4, or IC 36-6-6.6 applies, if permitted by the county plan,**
 37 **the administrator may do the following:**

- 38 **(1) The administrator may require a township assistance**
 39 **applicant or an adult member of the applicant's household to**
 40 **satisfy all obligations to perform work incurred in another**
 41 **township or (in the case of a county to which IC 36-6-6.4 or**
 42 **IC 36-6-6.6 applies) another county before additional**

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1 township assistance is granted.

2 **(2) In case of an emergency, the administrator may:**

3 **(A) temporarily waive the work obligation incurred from**
 4 **another township or (in the case of a county to which**
 5 **IC 36-6-6.4 or IC 36-6-6.6 applies) another county; and**

6 **(B) provide temporary assistance to an applicant or a**
 7 **household in order to relieve need or immediate suffering.**

8 ~~(b)~~ **(c) After December 31, 2014, this subsection applies to a**
 9 **county having a consolidated city, if IC 36-6-6.6 does not apply to**
 10 **the county. After December 31, 2014, this subsection does not apply**
 11 **to any other county.** The township trustee administrator may request
 12 from another township trustee administrator documentation necessary
 13 to confirm that a township assistance applicant or an adult member of
 14 the applicant's household performed or did not perform work in another
 15 township or county.

16 **(d) This subsection applies after December 31, 2014. This**
 17 **subsection applies only to a county to which IC 36-6-6.2,**
 18 **IC 36-6-6.4, or IC 36-6-6.6 applies. If permitted by the county plan,**
 19 **the administrator may request from another administrator**
 20 **documentation necessary to confirm that a township assistance**
 21 **applicant or an adult member of the applicant's household**
 22 **performed or did not perform work in another township or (in the**
 23 **case of a county to which IC 36-6-6.4 or IC 36-6-6.6 applies)**
 24 **another county.**

25 SECTION 51. IC 12-20-12-1, AS AMENDED BY P.L.73-2005,
 26 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2012]: Sec. 1. **(a) After December 31, 2014, this subsection**
 28 **applies to a county having a consolidated city, if IC 36-6-6.6 does**
 29 **not apply to the county. After December 31, 2014, this subsection**
 30 **does not apply to any other county.** As a condition of continuing
 31 eligibility, a township trustee administrator may require a recipient
 32 of township assistance or any member of a recipient's household to
 33 participate in an appropriate work training program that is offered to
 34 the recipient or a member of the recipient's household within the county
 35 or an adjoining township in another county by a:

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

38 **(b) This subsection applies after December 31, 2014. This**
 39 **subsection applies only to a county to which IC 36-6-6.2,**
 40 **IC 36-6-6.4, or IC 36-6-6.6 applies. As a condition of continuing**
 41 **eligibility, the administrator, if permitted by the county plan, may**
 42 **require a recipient of township assistance or any member of a**

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1 recipient's household to participate in an appropriate work
 2 training program that is offered to the recipient or a member of
 3 the recipient's household within the county or an adjoining
 4 township in another county by a:

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

7 SECTION 52. IC 12-20-13-1, AS AMENDED BY P.L.73-2005,
 8 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2012]: Sec. 1. **A township trustee (a) After December 31,**
 10 **2014, this subsection applies to a county having a consolidated city,**
 11 **if IC 36-6-6.6 does not apply to the county. After December 31,**
 12 **2014, this subsection does not apply to any other county. An**
 13 **administrator** may, with the approval of the township board, do the
 14 following:

- 15 (1) Conduct the following for township assistance recipients in
 16 the township:
 17 (A) Rehabilitation programs.
 18 (B) Training programs.
 19 (C) Retraining programs.
 20 (D) Work programs.
 21 (2) Employ personnel to supervise the programs.
 22 (3) Pay the costs of the programs from township assistance
 23 money.

24 **(b) This subsection applies after December 31, 2014. This**
 25 **subsection applies only to a county to which IC 36-6-6.2,**
 26 **IC 36-6-6.4, or IC 36-6-6.6 applies. If permitted by the county plan,**
 27 **the administrator may conduct the following for township**
 28 **assistance recipients in the administrator's jurisdiction:**

- 29 (1) Rehabilitation programs.
 30 (2) Training programs.
 31 (3) Retraining programs.
 32 (4) Work programs.

33 **The board (in the case of a county to which IC 36-6-6.2 applies) or**
 34 **the administrator (in the case of a county to which IC 36-6-6.4 or**
 35 **IC 36-6-6.6 applies) may employ personnel to supervise the**
 36 **programs and pay the costs of the programs from township**
 37 **assistance funds.**

38 SECTION 53. IC 12-20-13-3, AS AMENDED BY P.L.73-2005,
 39 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2012]: Sec. 3. (a) An expenditure of money may not be made
 41 under this chapter except after a specific appropriation made and
 42 approved in the manner provided by law.

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

SECTION 54. IC 12-20-15-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. After December 31, 2014, this chapter:**

(1) **applies to a county having a consolidated city, if IC 36-6-6.6 does not apply to the county; and**

(2) **does not apply to any other county.**

SECTION 55. IC 12-20-15.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 15.1. Appeal of Denial or Reduction in Amount of Township Assistance in Certain Counties

Sec. 1. This chapter applies after December 31, 2014. This chapter applies only to a county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies.

Sec. 2. If an applicant for or recipient of township assistance is not satisfied with the decision of the administrator concerning the township assistance, the applicant or recipient may appeal to the circuit court in the county.

Sec. 3. In hearing an appeal under section 2 of this chapter, the court is governed by the county's standards for determining eligibility for granting township assistance in the county adopted under IC 12-20-1.7. If legally sufficient standards have not been established, the court is guided by the circumstances of the case.

SECTION 56. IC 12-20-16-2, AS AMENDED BY P.L.73-2005, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2. (a) Except as provided in subsections (b) and (c), (e), the township trustee administrator shall, in cases of necessity, do the following:**

(1) Promptly provide medical assistance for poor individuals in the ~~township~~ **jurisdiction of the administrator** who are not provided for in public institutions.

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

(b) **Except as provided in subsections (c) and (d), a township trustee an administrator** may not provide to an individual medical

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1 assistance under the township assistance program if the individual
2 could qualify for medical assistance for the same service under:

- 3 (1) IC 12-16;
4 (2) Medicaid;
5 (3) other governmental medical programs; or
6 (4) private health insurance that would cover the individual at the
7 time the assistance was provided. However, if the individual's
8 insurance does not pay for the medical assistance due to a policy
9 deductible or other policy limitation, the ~~township trustee~~
10 **administrator** shall pay for medical assistance that the ~~trustee~~
11 **administrator** would provide if the individual did not have
12 insurance.

13 **(c) ~~However, After December 31, 2014, this subsection applies to~~**
14 **a county having a consolidated city, if IC 36-6-6.6 does not apply**
15 **to the county. After December 31, 2014, this subsection does not**
16 **apply to any other county. A ~~township trustee~~ An administrator** may
17 provide interim medical services during the period that the individual
18 has an application pending for medical assistance under Medicaid
19 (IC 12-15) or another governmental medical program if the individual
20 is reasonably complying with all requirements of the application
21 process.

22 **(d) This subsection applies after December 31, 2014. This**
23 **subsection applies only to a county to which IC 36-6-6.2,**
24 **IC 36-6-6.4, or IC 36-6-6.6 applies. If permitted by the county plan,**
25 **the administrator may provide interim medical services during the**
26 **period that the individual has an application pending for medical**
27 **assistance under Medicaid (IC 12-15) or another governmental**
28 **medical program if the individual is reasonably complying with all**
29 **requirements of the application process.**

30 ~~(e)~~ **(e)** The ~~township trustee~~ **administrator** shall pay only for the
31 following medical services for the poor of the township:

- 32 (1) Prescription drugs, not to exceed a thirty (30) day supply at a
33 time, as prescribed by an attending practitioner (as defined in
34 IC 16-42-19-5) other than a veterinarian. However, if the
35 prescription drugs are available only in a container that contains
36 more than a thirty (30) day supply, the ~~township trustee~~
37 **administrator** may pay for the available size.
38 (2) Office calls to a physician licensed under IC 25-22.5 or
39 another medical provider.
40 (3) Dental care needed to relieve pain or infection or to repair
41 cavities.
42 (4) Repair or replacement of dentures.



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- 1 (5) Emergency room treatment that is of an emergency nature.
 2 (6) Preoperation testing prescribed by an attending physician
 3 licensed under IC 25-22.5.
 4 (7) Over-the-counter drugs prescribed by a practitioner (as
 5 defined in IC 16-42-19-5) other than a veterinarian.
 6 (8) X-rays and laboratory testing as prescribed by an attending
 7 physician licensed under IC 25-22.5.
 8 (9) Visits to a medical specialist when referred by an attending
 9 physician licensed under IC 25-22.5.
 10 (10) Physical therapy prescribed by an attending physician
 11 licensed under IC 25-22.5.
 12 (11) Eyeglasses.
 13 (12) Repair or replacement of a prosthesis not provided for by
 14 other tax supported state or federal programs.
 15 (13) Insulin and items needed to administer the biological, not to
 16 exceed a thirty (30) day supply at a time, in accordance with
 17 section 14 of this chapter. However, if the biologicals are
 18 available only in a container that contains more than a thirty (30)
 19 day supply, the ~~township trustee~~ **administrator** may pay for the
 20 available size.

21 **(d) (f) After December 31, 2014, this subsection applies to a**
 22 **county having a consolidated city, if IC 36-6-6.6 does not apply to**
 23 **the county. After December 31, 2014, this subsection does not apply**
 24 **to any other county.** The ~~township trustee~~ **administrator** may
 25 establish a list of approved medical providers to provide medical
 26 services to the poor of the township. Any medical provider who:

- 27 (1) can provide the particular medical services within the scope
 28 of the provider's license issued under IC 25; and
 29 (2) is willing to provide the medical services for the charges
 30 established by the ~~township trustee~~; **administrator**;
 31 is entitled to be included on the list.

32 **(g) This subsection applies after December 31, 2014. This**
 33 **subsection applies to a county to which IC 36-6-6.2, IC 36-6-6.4, or**
 34 **IC 36-6-6.6 applies. If permitted by the county plan, the**
 35 **administrator may establish a list of approved medical providers**
 36 **to provide medical services to the poor of the administrator's**
 37 **jurisdiction. 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:

42 (A) the board of trustees established under IC 36-2-3.6, in

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1 **the case of a county to which IC 36-6-6.2 applies; or**
2 **(B) the administrator, in the case of a county to which**
3 **IC 36-6-6.4 or IC 36-6-6.6 applies;**
4 **is entitled to be included on the list.**

5 ~~(e)~~ **(h)** Unless prohibited by federal law, a ~~township trustee an~~
6 ~~administrator~~ who:

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

12 (2) submits a timely and proper claim to the agency;
13 is eligible for reimbursement by the agency to the same extent as any
14 medical provider.

15 ~~(f)~~ **(i)** If a ~~township trustee an administrator~~ provides medical
16 assistance for medical services provided to an individual who is
17 subsequently determined to be eligible for Medicaid:

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

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

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

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

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

30 SECTION 57. IC 12-20-16-3, AS AMENDED BY P.L.1-2007,
31 SECTION 125, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) **After December 31, 2014,**
33 **this subsection applies to a county having a consolidated city, if**
34 **IC 36-6-6.6 does not apply to the county. After December 31, 2014,**
35 **this subsection does not apply to any other county.** The ~~township~~
36 ~~trustee administrator~~ may, in cases of necessity, authorize the
37 payment from township assistance money for essential utility services,
38 including the following:

- 39 (1) Water services.
40 (2) Gas services.
41 (3) Electric services.
42 (4) Fuel oil services for fuel oil used for heating or cooking.

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

2 (b) This subsection applies after December 31, 2014. This
3 subsection applies only to a county to which IC 36-6-6.2,
4 IC 36-6-6.4, or IC 36-6-6.6 applies. The administrator may, if
5 permitted by the county plan, in cases of necessity, authorize the
6 payment from township assistance money for essential utility
7 services, including the following:

8 (1) Water services.

9 (2) Gas services.

10 (3) Electric services.

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

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

13 ~~(b)~~ (c) After December 31, 2014, this subsection applies to a
14 county having a consolidated city, if IC 36-6-6.6 does not apply to
15 the county. After December 31, 2014, this subsection does not apply
16 to any other county. The township trustee administrator may
17 authorize the payment of delinquent bills for the services listed in
18 subsection (a)(1) through (a)(5) when necessary to prevent the
19 termination of the services or to restore terminated service if the
20 delinquency has lasted not longer than twenty-four (24) months. The
21 township trustee administrator has no obligation to pay a delinquent
22 bill for the services or materials listed in subsection (a)(1) through
23 (a)(5) if the delinquency has lasted longer than twenty-four (24)
24 months.

25 (d) This subsection applies after December 31, 2014. This
26 subsection applies only to a county to which IC 36-6-6.2,
27 IC 36-6-6.4, or IC 36-6-6.6 applies. If permitted by the county plan,
28 the administrator may authorize the payment of delinquent bills
29 for the services or materials listed in subsection (b)(1) through
30 (b)(5) when necessary to prevent the termination of the services or
31 to restore terminated service if the delinquency has lasted not
32 longer than twenty-four (24) months. The county plan may provide
33 that the administrator has no obligation to pay a delinquent bill for
34 the services or materials listed in subsection (b)(1) through (b)(5)
35 if the delinquency has lasted longer than twenty-four (24) months.

36 ~~(c)~~ (e) After December 31, 2014, this subsection applies to a
37 county having a consolidated city, if IC 36-6-6.6 does not apply.
38 After December 31, 2014, this subsection does not apply to any
39 other county. The township trustee administrator is not required to
40 pay for any utility service:

41 (1) that is not properly charged to:

42 (A) an adult member of a household;

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- 1 (B) an emancipated minor who is head of the household; or
- 2 (C) a landlord or former member of the household if the
- 3 applicant proves that the applicant:
- 4 (i) received the services as a tenant residing at the service
- 5 address at the time the cost was incurred; and
- 6 (ii) is responsible for payment of the bill;
- 7 (2) received as a result of a fraudulent act by any adult member of
- 8 a household requesting township assistance; or
- 9 (3) that includes the use of township assistance funds for the
- 10 payment of:
- 11 (A) a security deposit; or
- 12 (B) damages caused by a township assistance applicant to
- 13 utility company property.
- 14 **(f) After December 31, 2014, in a county to which IC 36-6-6.2,**
- 15 **IC 36-6-6.4, or IC 36-6-6.6 applies, the county plan may provide**
- 16 **that the administrator is not required to pay for any utility service:**
- 17 **(1) that is not properly charged to:**
- 18 **(A) an adult member of a household;**
- 19 **(B) an emancipated minor who is head of the household; or**
- 20 **(C) a landlord or former member of the household if the**
- 21 **applicant proves that the applicant:**
- 22 **(i) received the services as a tenant residing at the service**
- 23 **address at the time the cost was incurred; and**
- 24 **(ii) is responsible for payment of the bill;**
- 25 **(2) received as a result of a fraudulent act by any adult**
- 26 **member of a household requesting township assistance; or**
- 27 **(3) that includes the use of township assistance funds for the**
- 28 **payment of:**
- 29 **(A) a security deposit; or**
- 30 **(B) damages caused by a township assistance applicant to**
- 31 **utility company property.**
- 32 ~~(d)~~ **(g)** The amount paid by the township trustee, as administrator of
- 33 township assistance, and the amount charged for water services may
- 34 not exceed the minimum rate charged for the service as fixed by the
- 35 Indiana utility regulatory commission.
- 36 ~~(e)~~ **(h)** This subsection applies only during the part of each year
- 37 when applications for heating assistance are accepted by the lieutenant
- 38 governor under IC 4-4-33. ~~A township trustee~~ **An administrator** may
- 39 not provide assistance to make any part of a payment for heating fuel
- 40 or electric services for more than thirty (30) days unless the individual
- 41 files an application with the township trustee **administrator** that
- 42 includes the following:

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- 1 (1) Evidence of application for assistance for heating fuel or
- 2 electric services from the lieutenant governor.
- 3 (2) The amount of assistance received or the reason for denial of
- 4 assistance.

5 **Except as provided in subsections (i) and (j), the township trustee**
 6 **administrator** shall inform an applicant for assistance for heating fuel
 7 or electric services that assistance for heating fuel and electric services
 8 may be available from the lieutenant governor under IC 4-4-33 and that
 9 the **township trustee administrator** may not provide assistance to make
 10 any part of a payment for those services for more than thirty (30) days
 11 unless the individual files an application for assistance for heating fuel
 12 or electric services under IC 4-4-33.

13 **(i) However, After December 31, 2014, this subsection applies to**
 14 **a county having a consolidated city, if IC 36-6-6.6 does not apply**
 15 **to the county. After December 31, 2014, this subsection does not**
 16 **apply to any other county.** If the applicant household is eligible under
 17 criteria established by the lieutenant governor for energy assistance
 18 under IC 4-4-33, the **trustee administrator** may certify the applicant
 19 as eligible for that assistance by completing an application form
 20 prescribed by the state board of accounts and forwarding the eligibility
 21 certificate to the lieutenant governor within the period established for
 22 the acceptance of applications. If the **trustee administrator** follows this
 23 certification procedure, no other application is required for assistance
 24 under IC 4-4-33.

25 **(j) This subsection applies after December 31, 2014. This**
 26 **subsection applies only to a county to which IC 36-6-6.2,**
 27 **IC 36-6-6.4, or IC 36-6-6.6 applies. If the applicant household is**
 28 **eligible under criteria established by the lieutenant governor for**
 29 **energy assistance under IC 4-4-33, the administrator may, if**
 30 **permitted by the county plan, certify the applicant as eligible for**
 31 **that assistance by completing an application form prescribed by**
 32 **the state board of accounts and forwarding the eligibility**
 33 **certificate to the lieutenant governor within the period established**
 34 **for the acceptance of applications. If the administrator follows this**
 35 **certification procedure, no other application is required for**
 36 **assistance under IC 4-4-33.**

37 ~~(k)~~ **(k)** If an individual or a member of an individual's household has
 38 received assistance under ~~subsection (b); subsection (c) or (d),~~ the
 39 individual must, before the individual or the member of the individual's
 40 household may receive further assistance under ~~subsection (b);~~
 41 **subsection (c) or (d),** certify whether the individual's or household's
 42 income, resources, or household size has changed since the individual

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1 filed the most recent application for township assistance. If the
 2 individual or a member of the individual's household certifies that the
 3 income, resources, or household size has changed, the ~~township trustee~~
 4 **administrator** shall review the individual's or household's eligibility
 5 and may **do the following**:

6 **(1) After December 31, 2014, this subdivision applies to a**
 7 **county having a consolidated city, if IC 36-6-6.6 does not**
 8 **apply to the county. After December 31, 2014, this subdivision**
 9 **does not apply to any other county. The administrator may**
 10 make any necessary adjustments in the level of assistance
 11 provided to the individual or to a member of the individual's
 12 household.

13 **(2) After December 31, 2014, in a county to which IC 36-6-6.2,**
 14 **IC 36-6-6.4, or IC 36-6-6.6 applies, if permitted by the county**
 15 **plan, the administrator may make any necessary adjustments**
 16 **in the level of assistance provided to the individual or to a**
 17 **member of the individual's household.**

18 SECTION 58. IC 12-20-16-5, AS AMENDED BY P.L.73-2005,
 19 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2012]: Sec. 5. (a) **After December 31, 2014, this subsection**
 21 **applies to the following counties:**

22 **(1) A county having a consolidated city, if IC 36-6-6.6 does not**
 23 **apply to the county.**

24 **(2) A county to which IC 36-6-6.2 applies.**

25 An applicant or a household that receives food relief in any township
 26 having a population of more than ten thousand (10,000) may request
 27 the ~~township trustee~~ as administrator of township assistance to issue a
 28 food order upon any eligible market, and the ~~township trustee~~ as
 29 administrator of township assistance shall abide by that request.

30 **(b) After December 31, 2014, this subsection applies to a county**
 31 **having a consolidated city, if IC 36-6-6.6 does not apply to the**
 32 **county. After December 31, 2014, this subsection does not apply to**
 33 **any other county.** The amount of a food order for various sized
 34 households that are determined by the ~~trustee~~ **administrator** to be
 35 eligible for township assistance shall be based upon uniform monthly
 36 amounts specified in the township's township assistance standards.
 37 However, an additional amount of food may be ordered for special
 38 health reasons as prescribed by a physician. A supplemental food order
 39 may be issued because of the loss of the recipient's food by:

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

41 (2) burglary or other criminal act; or

42 (3) the unpreventable spoilage of food.



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1 (c) This subsection applies after December 31, 2014. This
 2 subsection applies only to a county to which IC 36-6-6.2,
 3 IC 36-6-6.4, or IC 36-6-6.6 applies. The amount of a food order for
 4 various sized households that are determined by the administrator,
 5 if provided for in the county plan, to be eligible for township
 6 assistance must be based upon uniform monthly amounts specified
 7 in the township assistance standards. However, if provided for in
 8 the county plan, an additional amount of food may be ordered for
 9 special health reasons as prescribed by a physician. If provided for
 10 in the county plan, a supplemental food order may be issued
 11 because of the loss of the recipient's food by:

- 12 (1) fire, flood, or other natural disaster;
- 13 (2) burglary or other criminal act; or
- 14 (3) the unpreventable spoilage of food.

15 (e) (d) After December 31, 2014, this subsection applies to a
 16 county having a consolidated city, if IC 36-6-6.6 does not apply to
 17 the county. After December 31, 2014, this subsection does not apply
 18 to any other county. The trustee administrator may issue a food
 19 order to an eligible applicant on either a daily, weekly, or monthly
 20 basis.

21 (e) This subsection applies after December 31, 2014. This
 22 subsection applies only to a county to which IC 36-6-6.2,
 23 IC 36-6-6.4, or IC 36-6-6.6 applies. If provided for in the county
 24 plan, the administrator may issue a food order to an eligible
 25 applicant on a daily, weekly, or monthly basis.

26 SECTION 59. IC 12-20-16-6, AS AMENDED BY P.L.73-2005,
 27 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2012]: Sec. 6. (a) Except as provided in subsection
 29 subsections (b) and (c), a township trustee as an administrator of
 30 township assistance; may not purchase food out of the township
 31 assistance fund for an applicant or a household that is eligible to
 32 participate in the federal food stamp program.

33 (b) Except as provided in subsection (c), a township trustee as an
 34 administrator of township assistance; may purchase food for an eligible
 35 food stamp applicant or household only under any of the following
 36 conditions:

- 37 (1) During the interim period beginning when an applicant or a
 38 household is awaiting a determination of eligibility from the food
 39 stamp office and ending not more than five (5) days after the day
 40 the applicant or household becomes eligible to participate in the
 41 federal food stamp program.
- 42 (2) Upon the verified loss of the household's food stamps or food

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1 supply by:

2 (A) fire or other natural disaster; or

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

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

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

12 (5) If the ~~township trustee as administrator of township assistance;~~
13 determines that an applicant or a household:

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

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

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

19 **(c) After December 31, 2014, in a county to which IC 36-6-6.2,**
20 **IC 36-6-6.4, or IC 36-6-6.6 applies, an administrator may purchase**
21 **food for an eligible food stamp applicant or household only if the**
22 **county plan incorporates the conditions set forth in subsection (b).**

23 SECTION 60. IC 12-20-16-10, AS AMENDED BY P.L.73-2005,
24 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2012]: Sec. 10. **(a) After December 31, 2014, this subsection**
26 **applies to a county having a consolidated city, if IC 36-6-6.6 does**
27 **not apply to the county. After December 31, 2014, this subsection**
28 **does not apply to any other county.** The ~~township trustee,~~ as
29 administrator of ~~township assistance;~~ may purchase feed for a
30 minimum amount of subsistence livestock if the cost is less than the
31 cost of food that is otherwise necessary for the ~~township trustee~~
32 **administrator** to furnish under this chapter.

33 **(b) After December 31, 2014, in a county to which IC 36-6-6.2,**
34 **IC 36-6-6.4, or IC 36-6-6.6 applies, if permitted by the county plan,**
35 **the administrator may purchase feed for a minimum amount of**
36 **subsistence livestock if the cost is less than the cost of food that is**
37 **otherwise necessary for the administrator to furnish under this**
38 **chapter.**

39 SECTION 61. IC 12-20-16-12, AS AMENDED BY P.L.73-2005,
40 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2012]: Sec. 12. (a) This section does not apply if the county
42 coroner assumes jurisdiction of an unclaimed body under

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1 IC 36-2-14-16.

2 (b) If:

3 (1) an individual dies in a ~~township~~ **an administrator's**
4 **jurisdiction** without leaving:

5 (A) money;

6 (B) real or personal property;

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

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

9 (2) the individual is not a resident of another township **or county**
10 in Indiana;

11 the ~~township trustee, as administrator of township assistance,~~ shall
12 provide a person to superintend and authorize either the funeral and
13 burial or cremation of the deceased individual. If the ~~township trustee~~
14 **administrator** determines that the deceased individual is a resident of
15 another township **or county** in Indiana, the ~~township trustee~~
16 **administrator** shall notify the ~~trustee of that township,~~ **administrator**
17 **of that township or county**, who shall then provide a person to
18 superintend and authorize either the funeral and burial or cremation of
19 the deceased individual.

20 (c) The necessary and reasonable expenses of the funeral and burial
21 or cremation, including a burial plot, shall be paid in the same manner
22 as other claims for township assistance. ~~A trustee~~ **An administrator**
23 shall determine the cost for the items and services required by law for
24 the funeral and burial of an individual, including a burial plot, and for
25 the cremation of an individual, and include in the township's township
26 assistance standards the maximum funeral and burial or cremation
27 amount to be paid from township assistance funds.

28 ~~The~~ **(d) After December 31, 2014, this subsection applies to a**
29 **county having a consolidated city, if IC 36-6-6.6 does not apply to**
30 **the county. After December 31, 2014, this subsection does not apply**
31 **to any other county.** ~~A trustee~~ **An administrator** may deduct from the
32 maximum amount the following:

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

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

37 **(e) After December 31, 2014, in a county to which IC 36-6-6.2,**
38 **IC 36-6-6.4, or IC 36-6-6.6 applies, if permitted by the county plan,**
39 **the administrator may deduct from the maximum amount the**
40 **following:**

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

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- 1 **(2) Any money that another person provides on behalf of the**
 2 **deceased individual.**
 3 ~~(d)~~ **(f)** If an individual described in subsection (b) is a resident of a
 4 state institution at the time of the individual's death, the division that
 5 has administrative control of the state institution shall reimburse the
 6 ~~township trustee~~ **administrator** for the necessary and reasonable
 7 expenses of the funeral and burial or cremation of the deceased
 8 individual. The ~~township trustee~~ **administrator** shall submit to the
 9 division that has administrative control of the state institution an
 10 itemized claim for reimbursement of the necessary and reasonable
 11 funeral and burial or cremation expenses incurred by the ~~township~~
 12 ~~trustee.~~ **administrator.**
 13 ~~(e)~~ **(g)** If an individual described in subsection (b) is a resident of a
 14 special institution governed by IC 16-33 at the time of the individual's
 15 death, the state department of health shall reimburse the ~~township~~
 16 ~~trustee~~ **administrator** for the necessary and reasonable expenses of the
 17 funeral and burial or cremation of the deceased individual. The
 18 ~~township trustee~~ **administrator** shall submit to the state department of
 19 health an itemized claim for reimbursement of the necessary and
 20 reasonable funeral and burial or cremation expenses incurred by the
 21 ~~township trustee.~~ **administrator.**
 22 ~~(f)~~ **(h)** ~~A township trustee~~ **An administrator** who provides funeral
 23 and burial or cremation benefits to a deceased individual is entitled to
 24 a first priority claim, to the extent of the cost of the funeral and burial
 25 or cremation benefits paid by the ~~township trustee,~~ **administrator,**
 26 against any money or other personal property held by the coroner under
 27 IC 36-2-14-11.
 28 ~~(g)~~ **(i)** The ~~township trustee~~ **administrator** may not cremate a
 29 deceased individual if:
 30 (1) the deceased individual; or
 31 (2) a surviving family member of the deceased individual;
 32 has objected in writing to cremation.
 33 ~~(h)~~ **(j)** If a ~~township trustee~~ **an administrator** provides a funeral
 34 under this section, the cost of the funeral may not be more than the cost
 35 of the least expensive funeral, including any necessary merchandise
 36 and embalming, available from the funeral director under the funeral
 37 director's price list disclosed to the Federal Trade Commission.
 38 SECTION 62. IC 12-20-16-13, AS AMENDED BY P.L.73-2005,
 39 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2012]: Sec. 13. **(a) After December 31, 2014, this section:**
 41 **(1) applies to a county having a consolidated city, if**
 42 **IC 36-6-6.6 does not apply to the county; and**

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- 1 **(2) does not apply to any other county.**
 2 ~~(a) (b)~~ The ~~township trustee, as administrator of township~~
 3 ~~assistance~~, may process at the expense of the township materials
 4 provided by charitable or governmental agencies to provide any item
 5 of township assistance if the expense of the processing is less than the
 6 cost of the finished product.
 7 ~~(b) (c)~~ The ~~township trustee, as administrator of township~~
 8 ~~assistance~~, may buy materials and supplies of any item of relief and
 9 may process the materials for township assistance purposes.
 10 ~~(c) (d)~~ The ~~township trustee, as administrator of township~~
 11 ~~assistance~~, may buy garden seeds and plant and maintain gardens for
 12 township assistance purposes.
 13 SECTION 63. IC 12-20-16-13.1 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2012]: **Sec. 13.1. (a) This section applies after**
 16 **December 31, 2014. This section applies only to a county to which**
 17 **IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies.**
 18 **(b) The administrator may process, at the expense of the county,**
 19 **materials provided by charitable or governmental agencies to**
 20 **provide any item of township assistance if:**
 21 **(1) the processing is permitted by the county plan; and**
 22 **(2) the expense of the processing is less than the cost of the**
 23 **finished product.**
 24 **(c) The administrator may:**
 25 **(1) buy materials and supplies of any item of relief; and**
 26 **(2) process the materials for township assistance purposes;**
 27 **if authorized by the county plan.**
 28 **(d) The administrator may buy garden seeds and plant and**
 29 **maintain gardens for township assistance purposes if permitted by**
 30 **the county plan.**
 31 SECTION 64. IC 12-20-16-14 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. **(a) After**
 33 **December 31, 2014, this subsection applies to a county having a**
 34 **consolidated city, if IC 36-6-6.6 does not apply to the county. After**
 35 **December 31, 2014, this subsection does not apply to any other**
 36 **county.** The ~~township trustee administrator~~ is authorized to provide
 37 insulin to individuals who are in need of insulin treatment and who are
 38 financially unable to purchase the insulin, upon application of a
 39 physician licensed under IC 25-22.5 or an advanced practice nurse who
 40 is licensed under IC 25-23 and who meets the requirements of
 41 IC 25-23-1-11 and IC 25-23-1-19.5. However, an application submitted
 42 by a physician or an advanced practice nurse under this section must

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1 meet the requirements of IC 16-41-19-4.

2 **(b) This subsection applies after December 31, 2014. This**
 3 **subsection applies only to a county to which IC 36-6-6.2,**
 4 **IC 36-6-6.4, or IC 36-6-6.6 applies. If authorized by the county**
 5 **plan, the administrator may provide insulin to individuals who are**
 6 **in need of insulin treatment and who are financially unable to**
 7 **purchase the insulin, upon application of a physician licensed**
 8 **under IC 25-22.5 or an advanced practice nurse who is licensed**
 9 **under IC 25-23 and who meets the requirements of IC 25-23-1-11**
 10 **and IC 25-23-1-19.5. However, an application submitted by a**
 11 **physician or an advanced practice nurse under this section must**
 12 **meet the requirements of IC 16-41-19-4.**

13 SECTION 65. IC 12-20-16-17, AS AMENDED BY P.L.73-2005,
 14 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2012]: Sec. 17. (a) ~~A township trustee~~ **An administrator** may
 16 employ the services of a housing inspector to inspect all housing units,
 17 including:

- 18 (1) mobile homes;
- 19 (2) group homes;
- 20 (3) single household units;
- 21 (4) multiple household units;
- 22 (5) apartments; or
- 23 (6) any other dwelling;

24 inhabited by a township assistance recipient. **However, after**
 25 **December 31, 2014, in a county to which IC 36-6-6.2, IC 36-6-6.4,**
 26 **or IC 36-6-6.6 applies, an administrator may employ the services**
 27 **of a housing inspector under this subsection only if authorized by**
 28 **the county plan.**

29 (b) ~~A township trustee~~ **An administrator** may contract with a local
 30 housing authority:

- 31 (1) for housing inspection services; and
- 32 (2) to train a township housing inspector.

33 **However, after December 31, 2014, in a county to which**
 34 **IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies, an administrator**
 35 **may contract with a local housing authority under this subsection**
 36 **only if authorized by the county plan.** Costs of these contractual
 37 services shall be paid from the township assistance fund.

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

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

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- 1 (2) Local building codes and municipal ordinances.
- 2 (d) Substandard housing that does not meet minimum standards of
- 3 health, safety, and construction is not eligible for:
- 4 (1) the maximum level of shelter payments; or
- 5 (2) damage or security deposits paid from or encumbered by
- 6 township funds.
- 7 (e) If the ~~trustee~~ **administrator** determines that a housing unit for
- 8 which payment is requested is substantially below minimum standards
- 9 of health, safety, or construction, the ~~trustee~~, **administrator**, when
- 10 necessary, shall assist the applicant in obtaining appropriate alternate
- 11 shelter.
- 12 (f) **After December 31, 2014, this subsection does not apply to a**
- 13 **county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies**
- 14 **unless this subsection is incorporated into the county plan. A**
- 15 **township trustee An administrator** is not required to spend township
- 16 assistance funds for a shelter damage or security deposit for an eligible
- 17 township assistance applicant or household. However, the ~~trustee~~
- 18 **administrator** may encumber money for a shelter damage or security
- 19 deposit by making an agreement with a property owner who furnishes
- 20 shelter for a township assistance recipient or household. The agreement
- 21 must include the following:
- 22 (1) The agreement's duration, not to exceed one hundred eighty
- 23 (180) days.
- 24 (2) A statement that the agreement may be renewed if both parties
- 25 agree.
- 26 (3) The total value of the encumbered money, not to exceed the
- 27 value of one (1) month's rental payment.
- 28 (4) A statement signed by both the trustee and the property owner
- 29 attesting to the condition of the property at the time the agreement
- 30 is made.
- 31 (5) A statement that encumbered money may be used to pay the
- 32 cost of:
- 33 (A) verified damages, normal wear excluded, caused by the
- 34 tenant township assistance recipient during the duration of the
- 35 agreement; and
- 36 (B) any unpaid rental payments for which the tenant township
- 37 assistance recipient is obligated.
- 38 (6) A statement that the total amount to be paid from the
- 39 encumbered money may not exceed one (1) month's rental
- 40 payment for the unit in question.
- 41 (g) **After December 31, 2014, this subsection does not apply to**
- 42 **a county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies**

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1 ~~unless this subsection is incorporated into the county plan. A trustee~~
2 **An administrator** is not required to provide shelter assistance to an
3 otherwise eligible individual if the:

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

8 SECTION 66. IC 12-20-17-2, AS AMENDED BY P.L.73-2005,
9 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2012]: Sec. 2. **(a) After December 31, 2014, this section:**

11 **(1) applies to a county having a consolidated city, if**
12 **IC 36-6-6.6 does not apply to the county; and**

13 **(2) does not apply to any other county.**

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

16 ~~(b)~~ **(c)** ~~A township trustee~~ **An administrator** may establish,
17 purchase, acquire, maintain, or operate a shelter for eligible township
18 assistance households needing temporary housing assistance.

19 ~~(c)~~ **(d)** A township having a population of less than eight thousand
20 (8,000) may not expend more than ten thousand dollars (\$10,000) to
21 implement this section without the approval of the county executive.

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

23 ~~(d)~~ **(e)** A township having a population of at least eight thousand
24 (8,000) may not expend more than one hundred thousand dollars
25 (\$100,000) to implement this section without the approval of the
26 county executive.

27 ~~(e)~~ **(f)** ~~In counties where the~~ **If** implementation of this section can
28 be more efficiently and expeditiously handled in units larger than a
29 single township, ~~a township trustee~~ **an administrator** may combine
30 resources with other townships within a county to:

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

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

37 ~~(f)~~ **(g)** ~~A township trustee~~ **An administrator** is not required to
38 provide shelter to an individual who at the time assistance is requested
39 is:

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

42 The ~~township trustee~~ **administrator** may at no cost to the township

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1 refer an individual described in this subsection to an appropriate
2 agency or facility located in the county or in an adjoining county that
3 has a program or charter specifically addressing the problems of
4 substance abuse, mental illness, or self-care.

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

10 ~~(h)~~ **(i) A township trustee An administrator** is not obligated to:

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

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

14 SECTION 67. IC 12-20-17-2.1 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2012]: **Sec. 2.1. (a) This section applies after**
17 **December 31, 2014. This section applies only to a county to which**
18 **IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies.**

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

21 **(c) An administrator may establish, purchase, acquire,**
22 **maintain, or operate a shelter for eligible township assistance**
23 **households needing temporary housing assistance, if authorized by**
24 **the county plan and, in a county to which IC 36-6-6.2 applies,**
25 **approved by the county executive.**

26 **(d) This subsection applies only to a county to which IC 36-6-6.2**
27 **applies. In a county where the implementation of this section can**
28 **be more efficiently and expeditiously handled in units larger than**
29 **a single township, an administrator may combine resources with**
30 **other townships within a county to establish one (1) or more**
31 **household shelter units, if authorized by the county plan.**

32 **(e) An administrator is not required to provide assistance to an**
33 **individual who at the time assistance is requested is:**

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

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

41 **(f) An administrator may, if authorized by the county plan,**
42 **contract with a private agency offering a shelter program in order**

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1 to comply with this section if the applicant or the applicant's
 2 household is not mandated by the private agency to participate, as
 3 a condition of eligibility, in religious services.

4 (g) An administrator is not obligated to:

5 (1) enter into a contract with; or

6 (2) pay shelter costs to;

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

8 SECTION 68. IC 12-20-17-4, AS AMENDED BY P.L.73-2005,
 9 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2012]: Sec. 4. (a) After December 31, 2014, this subsection
 11 applies to a county having a consolidated city, if IC 36-6-6.6 does
 12 not apply to the county. After December 31, 2014, this subsection
 13 does not apply to any other county. If an individual who is
 14 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 administrator considers advisable, place
 18 the individual temporarily in the county home, if any, where the
 19 individual, if capable, is to be employed.

20 (b) This subsection applies after December 31, 2014. This
 21 subsection applies only to a county to which IC 36-6-6.2,
 22 IC 36-6-6.4, or IC 36-6-6.6 applies. If an individual who is
 23 determined to be eligible for township assistance and entitled to
 24 temporary relief is in the jurisdiction of the administrator in which
 25 the individual does not have legal residence, the administrator,
 26 may, if:

27 (1) the administrator considers the temporary placement
 28 advisable;

29 (2) the temporary placement is provided for in the county
 30 plan; and

31 (3) the temporary placement is approved by the county board,
 32 if the county is a county to which IC 36-6-6.2 applies;

33 place the individual temporarily in the county home, if any, where
 34 the individual, if capable, is to be employed.

35 SECTION 69. IC 12-20-18-1, AS AMENDED BY P.L.73-2005,
 36 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b), a
 38 township trustee, as an administrator of township assistance, may
 39 cooperate with the state and federal government in the furnishing of
 40 township assistance so that the township assistance is furnished
 41 adequately and economically.

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

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1 subsection applies only to a county to which IC 36-6-6.2,
 2 IC 36-6-6.4, or IC 36-6-6.6 applies. If permitted by the county plan,
 3 an administrator may cooperate with the state and federal
 4 governments in the furnishing of township assistance so that the
 5 township assistance is furnished adequately and economically.

6 ~~(b) (c) A township trustee as An administrator of township~~
 7 ~~assistance;~~ shall provide facilities for relief headquarters and storage
 8 and transportation of commodities for township assistance purposes as
 9 are demanded, but such cooperation shall be confined to that
 10 reasonably required under the purposes of this article.

11 SECTION 70. IC 12-20-18-2, AS AMENDED BY P.L.73-2005,
 12 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2012]: Sec. 2. (a) **After December 31, 2014, this subsection**
 14 **applies to a county having a consolidated city, if IC 36-6-6.6 does**
 15 **not apply to the county. After December 31, 2014, this subsection**
 16 **does not apply to any other county.** The ~~township trustee;~~ as
 17 administrator ~~of township assistance;~~ may participate in surplus
 18 agricultural commodities distributions provided by the United States
 19 Department of Agriculture to the state.

20 **(b) After December 31, 2014, in a county to which IC 36-6-6.2,**
 21 **IC 36-6-6.4, or IC 36-6-6.6 applies, an administrator may, if**
 22 **permitted by the county plan, participate in surplus agricultural**
 23 **commodities distributions provided by the United States**
 24 **Department of Agriculture to the state.**

25 ~~(b) (c) A township trustee;~~ as **After December 31, 2014, this**
 26 **subsection applies to a county having a consolidated city, if**
 27 **IC 36-6-6.6 does not apply to the county. After December 31, 2014,**
 28 **this subsection does not apply to any other county. An**
 29 administrator: ~~of township assistance:~~

30 (1) may establish the ~~trustee's~~ **administrator's** own distribution
 31 plan; or

32 (2) shall participate jointly with at least one (1) other ~~township~~
 33 ~~trustee who serves as administrator of township assistance:~~
 34 **administrator.**

35 **(d) This subsection applies after December 31, 2014. This**
 36 **subsection applies only to a county to which IC 36-6-6.2,**
 37 **IC 36-6-6.4, or IC 36-6-6.6 applies. If permitted by the county plan,**
 38 **an administrator may establish the administrator's own**
 39 **distribution plan. If a distribution plan is not established by the**
 40 **administrator in a county to which IC 36-6-6.2 applies, the**
 41 **administrator shall participate jointly in a distribution plan with**
 42 **at least one (1) other administrator within the county.**

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1 SECTION 71. IC 12-20-19-1, AS AMENDED BY P.L.73-2005,
 2 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2012]: Sec. 1. (a) **After December 31, 2014, this subsection
 4 applies to a county having a consolidated city, if IC 36-6-6.6 does
 5 not apply to the county. After December 31, 2014, this subsection
 6 does not apply to any other county. A township trustee, as An
 7 administrator of township assistance, may participate in and cooperate
 8 with in the establishment and use of federal surplus commodities food,
 9 cotton, or other stamp plans created by a governmental agency of the
 10 United States in the purchase of food, clothing, or other township
 11 assistance supplies.**

12 **(b) This subsection applies after December 31, 2014. This
 13 subsection applies only to a county to which IC 36-6-6.2,
 14 IC 36-6-6.4, or IC 36-6-6.6 applies. If permitted by the county plan,
 15 an administrator may participate in and cooperate in the
 16 establishment and use of federal surplus commodities food, cotton,
 17 or other stamp plans created by a governmental agency of the
 18 United States in the purchase of food, clothing, or other township
 19 assistance supplies.**

20 ~~(b)~~ (c) **After December 31, 2014, this subsection applies to a
 21 county having a consolidated city, if IC 36-6-6.6 does not apply to
 22 the county. After December 31, 2014, this subsection does not apply
 23 to any other county. If a township trustee's an administrator's
 24 cooperation and participation in federal surplus commodities or stamp
 25 programs can be more efficiently and expeditiously handled in a larger
 26 unit than a single township, a group of township trustees, as
 27 administrators of township assistance, may do the following:**

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

34 **(d) This subsection applies after December 31, 2014. This
 35 subsection applies only to a county to which IC 36-6-6.2,
 36 IC 36-6-6.4, or IC 36-6-6.6 applies. If an administrator's
 37 cooperation and participation in federal surplus commodities or
 38 stamp plans can be more efficiently and expeditiously administered
 39 for a unit larger than a single township, the county plan may
 40 provide that the county:**

- 41 (1) establish a single stamp issuing agency;
- 42 (2) appoint and designate an issuing agent to issue stamps to

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1 recipients entitled to participate in the programs; and
 2 (3) pay all administrative and other costs incident to the
 3 maintenance and operation of the issuing office.

4 SECTION 72. IC 12-20-19-2, AS AMENDED BY P.L.73-2005,
 5 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2012]: Sec. 2. **After December 31, 2014, this section applies**
 7 **to a county having a consolidated city, if IC 36-6-6.6 does not apply**
 8 **to the county. After December 31, 2014, this subsection does not**
 9 **apply to any other county.** To establish a revolving fund necessary for
 10 a township trustee's an administrator's participation or administration,
 11 the township trustees, as administrators of township assistance, may
 12 make claims in the same manner as other township assistance claims
 13 are paid by the township.

14 SECTION 73. IC 12-20-19-3, AS AMENDED BY P.L.73-2005,
 15 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2012]: Sec. 3. (a) The issuing officer employed by:

- 17 (1) a township trustee; an administrator; or
 18 (2) after December 31, 2014, in the case of a county to which
 19 IC 36-6-6.2 applies, the board;

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

22 (b) The issuing officer must furnish a bond:

- 23 (1) payable to the state; and
 24 (2) conditioned upon the faithful performance of the issuing
 25 officer's duties and accurate accounting of all money in the
 26 issuing officer's possession.

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

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

- 32 (1) the township assistance accounts of the townships
 33 participating in the establishment of the revolving or other fund;
 34 or
 35 (2) after December 31, 2014, the township assistance account
 36 of the county, in the case of a county to which IC 36-6-6.2,
 37 IC 36-6-6.4, or IC 36-6-6.6 applies;

38 for the purposes set forth in this chapter.

39 SECTION 74. IC 12-20-19-4, AS AMENDED BY P.L.73-2005,
 40 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2012]: Sec. 4. (a) **After December 31, 2014, this subsection**
 42 **applies to a county having a consolidated city, if IC 36-6-6.6 does**

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1 **not apply to the county. After December 31, 2014, this subsection**
 2 **does not apply to any other county.** The ~~trustees~~ administrators
 3 participating in or cooperating with programs under this chapter may
 4 issue to eligible recipients orders or stamps for food, clothing, or other
 5 items covered under the federal plan.

6 **(b) After December 31, 2014, in a county to which IC 36-6-6.2,**
 7 **IC 36-6-6.4, or IC 36-6-6.6 applies, the administrators participating**
 8 **in or cooperating with programs under this chapter may issue to**
 9 **eligible recipients orders or stamps for food, clothing, or other**
 10 **items covered under the federal plan and in accordance with the**
 11 **county plan.**

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

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

19 SECTION 75. IC 12-20-20-1, AS AMENDED BY P.L.73-2005,
 20 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2012]: Sec. 1. (a) **After December 31, 2014, this subsection**
 22 **applies to a county having a consolidated city, if IC 36-6-6.6 does**
 23 **not apply to the county. After December 31, 2014, this subsection**
 24 **does not apply to any other county.** If a ~~township trustee,~~ as an
 25 administrator of ~~township assistance,~~ grants township assistance to an
 26 indigent individual or to any other person or agency on a township
 27 assistance order as provided by law or obligates the township for an
 28 item properly payable from township assistance money, the claim
 29 against the township must be:

- 30 (1) itemized and sworn to as provided by law;
 31 (2) accompanied by the original township assistance order, which
 32 must be itemized and signed; and
 33 (3) checked with the records of the ~~township trustee,~~ as
 34 administrator of ~~township assistance,~~ and audited and certified by
 35 the ~~township trustee:~~ administrator.

36 **(b) This subsection applies after December 31, 2014. This**
 37 **subsection applies only to a county to which IC 36-6-6.2,**
 38 **IC 36-6-6.4, or IC 36-6-6.6 applies. If an administrator grants**
 39 **township assistance to an indigent individual or to any other**
 40 **person or agency on a township assistance order as provided by**
 41 **law or creates an obligation for an item properly payable from the**
 42 **township assistance fund under IC 12-20-21-6, the claim must be:**

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- 1 (1) itemized and sworn to as provided by law;
- 2 (2) accompanied by the original township assistance order,
- 3 which must be itemized and signed;
- 4 (3) checked with the records of the administrator and
- 5 submitted to the county auditor; and
- 6 (4) audited and certified by the county auditor.

7 ~~(b)~~ (c) After December 31, 2014, this subsection applies only to
 8 a county having a consolidated city, if IC 36-6-6.6 does not apply
 9 to the county. After December 31, 2014, this subsection does not
 10 apply to any other county. The township trustee administrator shall
 11 pay claims against the township for township assistance in the same
 12 manner that other claims against the township are paid. The township
 13 trustee, administrator, when authorized to pay claims directly to
 14 vendors, shall pay a claim within forty-five (45) days. The township
 15 trustee administrator shall pay the claim from:

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

20 (d) This subsection applies after December 31, 2014. This
 21 subsection applies only to a county to which IC 36-6-6.2,
 22 IC 36-6-6.4, or IC 36-6-6.6 applies. The county auditor shall pay
 23 claims for township assistance in the same manner that other
 24 claims against the county are paid. A claim paid directly to a
 25 vendor shall be paid within forty-five (45) days. The county auditor
 26 shall pay claims from the township assistance fund under
 27 IC 12-20-21-6.

28 SECTION 76. 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, 2012]: Sec. 2. (a) If money is not available for the payment of
 31 township assistance claims under section 1 of this chapter, the
 32 township board shall appeal to borrow money under IC 12-20-24. **This**
 33 **subsection expires January 1, 2015.**

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

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

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

8 (c) After December 31, 2014, the board of commissioners may
9 borrow money or otherwise provide the money for the payment of
10 township assistance claims under section 1 of this chapter. If the
11 board of commissioners decides to borrow the money or otherwise
12 provide the money, the county fiscal body shall promptly pass
13 necessary ordinances and make the necessary appropriations to
14 enable the board of commissioners to borrow or otherwise provide
15 the money, after deciding whether to borrow money by any of the
16 following:

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

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

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

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

37 (e) After December 31, 2014, if the county fiscal body does not
38 appeal to borrow money under IC 12-20-24.5 or the appeal fails,
39 the board of commissioners shall borrow money or otherwise
40 provide the money for the payment of township assistance claims
41 under section 1 of this chapter. The county fiscal body shall
42 promptly pass necessary ordinances and make the necessary

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1 **appropriations to enable this to be done, after determining whether**
 2 **to borrow money by any of the following methods:**

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

5 **(2) The sale of county township assistance bonds or other**
 6 **county obligations.**

7 **(3) Any other lawful method of obtaining money for the**
 8 **payment of township assistance claims.**

9 SECTION 77. IC 12-20-21-2, AS AMENDED BY P.L.169-2006,
 10 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2012]: Sec. 2. **(a) After December 31, 2014, this section**
 12 **applies to a county having a consolidated city, if IC 36-6-6.6 does**
 13 **not apply to the county. After December 31, 2014, this subsection**
 14 **does not apply to any other county.**

15 **(b) Township assistance money raised by townships may not be**
 16 **commingled.**

17 SECTION 78. IC 12-20-21-3, AS AMENDED BY P.L.73-2005,
 18 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2012]: Sec. 3. **(a) After December 31, 2014, this section**
 20 **applies to a county having a consolidated city, if IC 36-6-6.6 does**
 21 **not apply to the county. After December 31, 2014, this subsection**
 22 **does not apply to any other county.**

23 **(a) (b) A township trustee An administrator and township board**
 24 **or (after December 31, 2014) county fiscal body, may levy a specific**
 25 **tax for the purpose of providing money for the payment of township**
 26 **assistance expenses in the following year. The tax may be sufficient to**
 27 **meet the entire requirement of the township in the following year or the**
 28 **part that is determined to be proper.**

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

37 SECTION 79. IC 12-20-21-6 IS ADDED TO THE INDIANA
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a) This section applies only to**
 40 **a county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies.**

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

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(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.

(h) The department of local government finance shall, for property taxes first due and payable after December 31, 2014, adjust the maximum permissible ad valorem property tax levy of each county and the maximum permissible ad valorem property tax levy of each township located in a county as necessary and proper to account for the transfer of township assistance budgeting and property tax levies from townships to counties after December 31, 2014.

SECTION 80. IC 12-20-22-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. After December 31, 2014, this chapter:**

- (1) applies to a county having a consolidated city, if IC 36-6-6.6 does not apply to the county; and
- (2) does not apply to any other county.

SECTION 81. IC 12-20-24-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. (a) After December 31, 2014, this chapter applies to a county having a consolidated city, if IC 36-6-6.6 does not apply to the county and the powers and responsibilities of the township board under this chapter are transferred to the city-county council of a county having a consolidated city.**

(b) After December 31, 2014, this chapter does not apply to any other county.

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1 SECTION 82. IC 12-20-24.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2012]:

4 **Chapter 24.5. Township Assistance Borrowing for Certain**
5 **Counties**

6 **Sec. 1. This chapter applies after December 31, 2014. This**
7 **chapter applies only to a county to which IC 36-6-6.2, IC 36-6-6.4,**
8 **or IC 36-6-6.6 applies.**

9 **Sec. 2. (a) In addition to the other methods of township**
10 **assistance financing provided by this article, if the county executive**
11 **determines that the county's township assistance fund will be**
12 **exhausted before the end of a fiscal year, the county executive shall**
13 **notify the county fiscal body of that determination.**

14 **(b) After receiving notice under subsection (a) that the county's**
15 **township assistance fund will be exhausted before the end of a**
16 **fiscal year, the county fiscal body may appeal to the department of**
17 **local government finance for the right to borrow money on a short**
18 **term basis to fund township assistance services in the county. In**
19 **the appeal, the county fiscal body must do the following:**

20 **(1) Show that the amount of money contained in the township**
21 **assistance fund will not be sufficient to fund services required**
22 **to be provided within the county by this article.**

23 **(2) Show the amount of money that the county fiscal body**
24 **estimates will be needed to fund the deficit.**

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

27 **Sec. 3. (a) If upon appeal under section 2 of this chapter the**
28 **department of local government finance determines that a county**
29 **fiscal body should be allowed to borrow money under this chapter,**
30 **the department shall order the county executive to borrow the**
31 **money from a financial institution on behalf of the county fiscal**
32 **body and to deposit the money borrowed in the county's township**
33 **assistance fund.**

34 **(b) If upon appeal under section 2 of this chapter the**
35 **department of local government finance determines that a county**
36 **fiscal body should not be allowed to borrow money, the county**
37 **fiscal body may not borrow money under this chapter for that**
38 **year.**

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

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1 **Sec. 5. The department of local government finance may not do**
 2 **any of the following:**

3 **(1) Approve a request to borrow money made under this**
 4 **chapter unless the county fiscal body determines that the**
 5 **county's township assistance fund will be exhausted before the**
 6 **fund can pay all township obligations incurred under this**
 7 **article.**

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

10 **Sec. 6. (a) If a county fiscal body:**

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

12 **(2) receives permission from the department to borrow money**
 13 **before November 1 of that year; and**

14 **(3) borrows money under this chapter;**

15 **the county fiscal body shall levy a property tax beginning in the**
 16 **next succeeding year and continuing for the term of the loan in an**
 17 **amount each year that will be sufficient to pay the principal and**
 18 **interest due on the loan for the year.**

19 **(b) If the county fiscal body:**

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

21 **(2) receives permission from the department of local**
 22 **government finance to borrow money; and**

23 **(3) borrows money in the year of the appeal under this**
 24 **chapter;**

25 **the county fiscal body shall levy a property tax beginning in the**
 26 **second succeeding year and continuing for the term of the loan in**
 27 **an amount each year that will be sufficient to pay the principal and**
 28 **interest due on the loan for the year.**

29 **(c) The property taxes levied under this section shall be retained**
 30 **by the county executive and applied by the county executive to**
 31 **retire the debt.**

32 **Sec. 7. A county fiscal body must make an additional**
 33 **appropriation before money borrowed under this chapter may be**
 34 **spent.**

35 SECTION 83. IC 12-20-25-1 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a)** This chapter
 37 applies to each county having at least one (1) distressed township.

38 **(b) This chapter expires January 1, 2015.**

39 SECTION 84. IC 12-20-26-1, AS AMENDED BY P.L.73-2005,
 40 SECTION 148, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a) After December 31, 2014,**
 42 **this section applies to a county having a consolidated city, if**

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1 **IC 36-6-6.6 does not apply to the county. After December 31, 2014,**
 2 **this subsection does not apply to any other county.**

3 (b) In a county in which a tax has been levied and raised for the
 4 payment of notes and interest on the notes issued by the board of
 5 commissioners for the purpose of paying township assistance claims
 6 against a township, the county auditor shall transfer the balance of
 7 money that remains after paying all notes and interest to the county
 8 general fund to the credit of the township assistance fund of the
 9 township in which the money was raised.

10 SECTION 85. IC 12-20-27-1, AS AMENDED BY P.L.99-2007,
 11 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2012]: Sec. 1. (a) Subject to IC 12-20-11-5(b), ~~a township~~
 13 ~~trustee who, as an~~ administrator of township assistance ~~who~~ furnishes
 14 township assistance may file a claim against the estate of a township
 15 assistance recipient who:

16 (1) dies, leaving an estate; and

17 (2) is not survived by:

18 (A) a spouse;

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

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

21 for the value of township assistance given the recipient before the
 22 recipient's death.

23 (b) **After December 31, 2014, in a county to which IC 36-6-6.2,**
 24 **IC 36-6-6.4, or IC 36-6-6.6 applies, an administrator may file a**
 25 **claim against the estate of a township assistance recipient under**
 26 **this section only if authorized by the county plan.**

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

30 SECTION 86. IC 12-20-27-1.5, AS AMENDED BY P.L.73-2005,
 31 SECTION 150, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2012]: Sec. 1.5. (a) As used in this section,
 33 "interim period" means the period:

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

38 (2) ending when the township assistance applicant or member of
 39 the applicant's household receives the judgment, compensation,
 40 or monetary benefit or leaves the household.

41 (b) Subject to IC 12-20-11-5(b), if a ~~township trustee, as an~~
 42 ~~administrator of township assistance,~~ anticipates that a township

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1 assistance applicant or a member of the applicant's household is likely
 2 to receive a judgment, compensation, or a monetary benefit from a
 3 third party, the ~~township trustee~~ **administrator** may require the
 4 applicant or the affected member of the applicant's household to:

- 5 (1) enter into a subrogation agreement; or
- 6 (2) sign a Social Security Administration's reimbursement
 7 authorization;

8 for the repayment of any township assistance benefits provided by the
 9 township **or (after December 31, 2014, in the case of a county to
 10 which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies) the county**
 11 during the interim period. A subrogation agreement authorized under
 12 subdivision (1) may only require repayment of interim benefits
 13 provided to the applicant or to the applicant's dependents who were
 14 members of the household to which township assistance benefits were
 15 paid.

16 SECTION 87. IC 12-20-28-3, AS AMENDED BY P.L.1-2009,
 17 SECTION 106, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a) After December 31, 2014,
 19 this section applies to a county having a consolidated city, if
 20 IC 36-6-6.6 does not apply to the county. After December 31, 2014,
 21 this subsection does not apply to any other county.**

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

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

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

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

- 41 (1) number of times assistance is provided; or
- 42 (2) number of households in which the individual resides during

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1 a particular year.

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

5 ~~(f)~~ (g) The township trustee administrator shall file an annual
6 statistical report on township housing, medical care, utility assistance,
7 food assistance, burial assistance, food pantry assistance, services
8 related to representative payee programs, services related to special
9 nontraditional programs, and case management services with the state
10 board of accounts. The township trustee administrator shall provide
11 a copy of the annual statistical report to the county auditor. The county
12 auditor shall keep the copy of the report in the county auditor's office.
13 Except as provided in subsection ~~(k)~~, (l), the report must be made on
14 a form provided by the state board of accounts. The report must contain
15 the following information:

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

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

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

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1 year, the state board of accounts shall file the statewide statistical
 2 report prepared under this subsection with the executive director of the
 3 legislative services agency in an electronic format under IC 5-14-6.

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

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

6 ~~(f)~~; **(g)**; and

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

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

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

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

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

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

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

31 SECTION 88. IC 12-20-28-4 IS ADDED TO THE INDIANA
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2012]: **Sec. 4. (a) This section applies after**
 34 **December 31, 2014. This section applies only to a county to which**
 35 **IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies.**

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

38 **(c) This subsection applies only to a county to which IC 36-6-6.2**
 39 **applies. The board shall file an annual statistical report on county**
 40 **housing, medical care, utility assistance, food assistance, burial**
 41 **assistance, food pantry assistance, services related to**
 42 **representative payee programs, services related to special**

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1 nontraditional programs, and case management services with the
 2 state board of accounts. The administrator of each township in the
 3 county shall complete the report for the administrator's township.
 4 The board shall compile all data received from each township into
 5 a countywide statistical report. The board shall provide a copy of
 6 the annual statistical report to the county auditor. The county
 7 auditor shall keep the copy of the report in the county auditor's
 8 office.

9 (d) This subsection applies only to a county to which IC 36-6-6.4
 10 or IC 36-6-6.6 applies. The administrator shall file an annual
 11 statistical report on county housing, medical care, utility
 12 assistance, food assistance, burial assistance, food pantry
 13 assistance, services related to representative payee programs,
 14 services related to special nontraditional programs, and case
 15 management services with the state board of accounts. The
 16 administrator shall compile all data into a countywide statistical
 17 report. The administrator shall provide a copy of the annual
 18 statistical report to the county auditor. The county auditor shall
 19 keep the copy of the report in the county auditor's office.

20 (e) Except as provided in subsection (j), the report must be made
 21 on a form provided by the state board of accounts. The report must
 22 contain the following information:

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

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provided through the efforts of the county from sources other than county funds.

(7) The total number of each of the following:

(A) Recipients of township assistance and households receiving housing assistance.

(B) Recipients assisted by the county in receiving housing assistance from sources other than county funds.

(8) The total value of benefits provided for housing assistance, including the value of benefits of housing assistance provided through the efforts of the county, from sources other than county funds.

(9) The total number of each of the following:

(A) Recipients of township assistance and households receiving food assistance.

(B) Recipients assisted by the county in receiving food assistance from sources other than county funds.

(10) The total value of food assistance provided, including the value of food assistance provided through the efforts of the county from sources other than county funds.

(11) The total number of each of the following:

(A) Recipients of township assistance and households provided health care.

(B) Recipients assisted by the county in receiving health care assistance from sources other than county funds.

(12) The total value of health care provided, including the value of health care assistance provided through the efforts of the county from sources other than county funds.

(13) The total number of funerals, burials, and cremations.

(14) The total value of funerals, burials, and cremations, including the difference between the actual value of the funerals, burials, and cremations and the amount paid by the township for the funerals, burials, and cremations.

(15) The total of each of the following:

(A) Number of nights of emergency shelter provided to the homeless.

(B) Number of nights of emergency shelter provided to homeless individuals through the efforts of the county from sources other than county funds.

(C) Value of the nights of emergency shelter provided to homeless individuals by the county and the value of the nights of emergency shelter provided through the efforts of the county from sources other than county funds.

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

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1 required to be reported.

2 (f) The state board of accounts shall compile all data reported
3 under subsection (c) into a statewide statistical report. The
4 department of local government finance shall summarize the data
5 compiled by the state board of accounts that relates to the fixing of
6 county budgets, levies, and tax rates and shall include the
7 department's summary within the statewide statistical report
8 prepared under this subsection. Before July 1 of each year, the
9 state board of accounts shall file the statewide statistical report
10 prepared under this subsection with the executive director of the
11 legislative services agency in an electronic format under IC 5-14-6.

12 (g) The state board of accounts shall forward a copy of:

13 (1) each annual report prepared under subsection (c) or (d);

14 and

15 (2) the statewide statistical report prepared under subsection

16 (f);

17 to the department and the division of family resources.

18 (h) The division of family resources shall include in the
19 division's periodic reports made to the United States Department
20 of Health and Human Services concerning the Temporary
21 Assistance for Needy Families (TANF) and Supplemental Security
22 Income (SSI) programs information forwarded to the division
23 under subsection (g) concerning the total number of recipients of
24 township assistance and the total dollar amount of benefits
25 provided.

26 (i) The department of local government finance may not
27 approve the budget of a county that failed to file an annual report
28 under subsection (c) or (d) in the preceding calendar year.

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

32 (1) The method of reporting is acceptable to both:

33 (A) the board, reporting the information in the case of a
34 county to which IC 36-6-6.2 applies or the administrator,
35 in the case of a county to which IC 36-6-6.4 or IC 36-6-6.6
36 applies; and

37 (B) the governmental entity to which the information is
38 reported.

39 (2) A written copy of information reported by electronic
40 transfer is on file with:

41 (A) the board, in the case of a county to which IC 36-6-6.2
42 applies; or

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- 1 **(B) the administrator, in the case of a county to which**
 2 **IC 36-6-6.4 or IC 36-6-6.6 applies;**
 3 **reporting information by electronic means.**
- 4 **(k) This subsection applies after December 31, 2014. This**
 5 **subsection applies only to a county to which IC 36-6-6.2 applies.**
 6 **The information required to be reported by the board under this**
 7 **section shall be maintained by the board in accordance with**
 8 **IC 5-15-6.**
- 9 **(l) This subsection applies after December 31, 2014. This**
 10 **subsection applies only to a county to which IC 36-6-6.4 or**
 11 **IC 36-6-6.6 applies. The information required to be reported by the**
 12 **administrator under this section shall be maintained by the**
 13 **administrator in accordance with IC 5-15-6.**
- 14 SECTION 89. IC 12-30-4-0.5 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. As used in this chapter,**
 17 **"board of trustees" means the county board of trustees established**
 18 **under IC 36-2-3.6.**
- 19 SECTION 90. IC 12-30-4-2, AS AMENDED BY P.L.73-2005,
 20 SECTION 157, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2012]: **Sec. 2. (a) After December 31, 2014,**
 22 **this subsection applies to a county having a consolidated city, if**
 23 **IC 36-6-6.6 does not apply to the county. After December 31, 2014,**
 24 **this subsection does not apply to any other county.** The township
 25 trustee as the administrator of township assistance shall periodically
 26 provide for the admission to the county home of indigent individuals
 27 who have become permanent charges on the township.
- 28 **(b) This subsection applies after December 31, 2014. This**
 29 **subsection applies only to a county to which IC 36-6-6.2,**
 30 **IC 36-6-6.4, or IC 36-6-6.6 applies. The administrator shall**
 31 **periodically provide for the admission to the county home of**
 32 **indigent individuals who have become permanent charges on the**
 33 **county as authorized in the county plan.**
- 34 **(c) After December 31, 2014, this subsection applies to a**
 35 **county having a consolidated city, if IC 36-6-6.6 does not apply to**
 36 **the county. After December 31, 2014, this subsection does not apply**
 37 **to any other county.** Whenever an individual who is determined to be
 38 eligible for township assistance and is entitled to temporary relief is in
 39 a township in which the individual does not have legal settlement, the
 40 township trustee as the administrator of township assistance may place
 41 the individual temporarily in the county home.
- 42 **(d) This subsection applies after December 31, 2014. This**

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1 subsection applies only to a county to which IC 36-6-6.2,
 2 IC 36-6-6.4, or IC 36-6-6.6 applies. Whenever an individual who is
 3 determined to be eligible for township assistance and is entitled to
 4 temporary relief is in the administrator's jurisdiction in which the
 5 individual does not have legal settlement, the administrator may,
 6 if authorized by the county plan, place the individual temporarily
 7 in the county home.

8 SECTION 91. IC 12-30-4-10, AS AMENDED BY P.L.73-2005,
 9 SECTION 162, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) After December 31, 2014,
 11 this subsection applies to a county having a consolidated city, if
 12 IC 36-6-6.6 does not apply to the county. After December 31, 2014,
 13 this subsection does not apply to any other county. The:

14 (1) county council shall appropriate; and

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

20 (b) This subsection applies after December 31, 2014. This
 21 subsection applies only to a county to which IC 36-6-6.2,
 22 IC 36-6-6.4, or IC 36-6-6.6 applies. The:

23 (1) county council shall appropriate for; and

24 (2) board of commissioners in each county shall advance to;
 25 the county board of trustees, in the case of a county to which
 26 IC 36-6-6.2 applies or the administrator, in the case of a county to
 27 which IC 36-6-6.4 or IC 36-6-6.6 applies, the money necessary for
 28 the relief and burial of the indigent in each township.

29 SECTION 92. IC 12-30-4-11, AS AMENDED BY P.L.73-2005,
 30 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) After December 31, 2014,
 32 this section applies to a county having a consolidated city, if
 33 IC 36-6-6.6 does not apply to the county. After December 31, 2014,
 34 this section does not apply to any other county. Each township
 35 trustee as the administrator of township assistance shall pay to the
 36 county the amount fixed for each individual admitted into the county
 37 home or other charitable institution from the township, except those
 38 otherwise able to pay the cost of their care from their own resources or
 39 from other assistance awards. Except as provided in subsection (b), The
 40 amount that may be charged to the township may not exceed one
 41 hundred dollars (\$100) per month per individual.

42 (b) This subsection applies to a county having a population of more

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1 than four hundred thousand (400,000) but less than seven hundred
 2 thousand (700,000). The amount charged the township per individual
 3 may not exceed forty-eight dollars (\$48) per month or twelve dollars
 4 (\$12) per week.

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

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

8 SECTION 93. IC 13-11-2-86 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 86. "Fiscal body"
 10 means:

- 11 (1) the county council, for a county not having a consolidated city;
- 12 (2) the city-county council of a consolidated city and county;
- 13 (3) the common council of a city;
- 14 (4) the town council of a town;
- 15 (5) ~~the township board; or~~ for a township:
 - 16 (A) **the township board, before January 1, 2015; and**
 - 17 (B) **the county fiscal body, after December 31, 2014; or**
- 18 (6) the board of directors of a conservancy district.

19 SECTION 94. IC 13-25-6-3 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Reimbursement
 21 is available under this chapter for expenses, except for expenses of a
 22 type that the agency normally incurs in responding to emergencies that
 23 do not involve hazardous materials, that are incurred in taking
 24 emergency action by an emergency response agency other than a fire
 25 department that is described in subsection (b).

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

- 29 (1) is established under IC 36-8-2-3, ~~or~~ IC 36-8-13-3(a)(1), ~~or~~
 30 **IC 36-8-13.7-4(a)(1); and**
- 31 (2) employs:
 - 32 (A) both full-time paid members and volunteer members; or
 - 33 (B) only full-time paid members.

34 SECTION 95. IC 13-25-6-5 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. An emergency
 36 response agency or a governmental entity may obtain reimbursement
 37 under this chapter by filing an action for reimbursement in a court of
 38 general jurisdiction of:

- 39 (1) a county in which a hazardous materials emergency arose; or
- 40 (2) the county in which the unit that established the fire
 41 department is located, if the emergency response agency is a fire
 42 department that:

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- 1 (A) is established by a unit under IC 36-8-2-3, or
 2 IC 36-8-13-3(a)(1), or **IC 36-8-13.7-4(a)(1)**; and
 3 (B) employs:
 4 (i) both full-time paid members and volunteer members; or
 5 (ii) only full-time paid members.
- 6 SECTION 96. IC 15-16-7-4, AS ADDED BY P.L.2-2008,
 7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2012]: Sec. 4. (a) The weed control board consists of the
 9 following members to be appointed by the authorizing body:
 10 (1) **After December 31, 2014, this subdivision applies to a**
 11 **county having a consolidated city, if IC 36-6-6.6 does not**
 12 **apply to the county. After December 31, 2014, this subsection**
 13 **does not apply to any other county.** One (1) township trustee of
 14 the county.
 15 (2) **After December 31, 2014, this subdivision applies only to**
 16 **a county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6**
 17 **applies. The county executive or county executive's designee.**
 18 ~~(2)~~ (3) One (1) soil and water conservation district supervisor.
 19 ~~(3)~~ (4) One (1) representative from the agricultural community of
 20 the county.
 21 ~~(4)~~ (5) One (1) representative from the county highway
 22 department or an appointee of the county commissioners.
 23 ~~(5)~~ (6) One (1) cooperative extension service agent from the
 24 county to serve in a nonvoting advisory capacity.
- 25 (b) Each board member shall be appointed for a term of four (4)
 26 years. All vacancies in the membership of the board shall be filled for
 27 the unexpired term in the same manner as initial appointments.
- 28 (c) The board shall elect a chairperson and a secretary. The
 29 members of the board are not entitled to receive any compensation, but
 30 are entitled to any traveling and other expenses that are necessary in the
 31 discharge of the members' duties.
- 32 SECTION 97. IC 15-16-8-0.5 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. After December 31, 2014, in**
 35 **a county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies,**
 36 **the powers and duties of the township trustee established by this**
 37 **chapter are conferred and imposed on the county executive or the**
 38 **county executive's designee.**
- 39 SECTION 98. IC 15-16-8-1.5 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. As used in this chapter,**
 42 **"fund" means:**

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- 1 **(1) the township fund; or**
- 2 **(2) after December 31, 2014, in a county to which IC 36-6-6.2,**
- 3 **IC 36-6-6.4, or IC 36-6-6.6 applies, the appropriate county**
- 4 **fund.**

5 SECTION 99. IC 15-16-8-4, AS ADDED BY P.L.2-2008,
 6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2012]: Sec. 4. (a) If a township trustee **or (after December**
 8 **31, 2014, in a county to which IC 36-6-6.2, IC 36-6-6.4, or**
 9 **IC 36-6-6.6 applies) the county executive:**

- 10 (1) has reason to believe that detrimental plants may be on real
- 11 estate; and
- 12 (2) gives the owner or person in possession of the real estate
- 13 forty-eight (48) hours notice under subsection (e);

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

16 (b) Except as provided in subsection (d), if the township trustee **or**
 17 **(after December 31, 2014, in a county to which IC 36-6-6.2,**
 18 **IC 36-6-6.4, or IC 36-6-6.6 applies) the county executive** determines
 19 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 **or (after December 31, 2014, in a county**
 33 **to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies) the county**
 34 **executive** shall cause the detrimental plants to be destroyed in a
 35 manner most practical to the trustee **or county executive** not more than
 36 eight (8) days after notice is received by the owner or person in
 37 possession of the real estate under subsection (f). The trustee **or county**
 38 **executive** may hire a person to destroy the detrimental plants. The
 39 trustee **or county executive** or the person employed to destroy the
 40 detrimental plants may enter upon the real estate where the detrimental
 41 plants are growing to destroy the detrimental plants and are not civilly
 42 or criminally liable for damage to crops, livestock, or other property

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1 occurring while carrying out the work, except for gross negligence or
2 willful or wanton destruction.

3 (d) If the county has established a county weed control board under
4 IC 15-16-7, the township trustee **or (after December 31, 2014, in a**
5 **county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies) the**
6 **county executive** may notify the county weed control board of the real
7 estate containing detrimental plants, and the board shall either assume
8 jurisdiction to control the detrimental plants or decline jurisdiction and
9 refer the matter back to the township trustee **or county executive**. The
10 county weed control board shall notify the township trustee **or county**
11 **executive** of the board's decision.

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

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

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

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

21 SECTION 100. IC 15-16-8-5, AS ADDED BY P.L.2-2008,
22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2012]: Sec. 5. (a) The township trustee **or (after December**
24 **31, 2014, in a county to which IC 36-6-6.2, IC 36-6-6.4, or**
25 **IC 36-6-6.6 applies) the county executive** may pay the following costs
26 incurred in cutting or destroying detrimental plants under this chapter:

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

31 (b) If the trustee **or (after December 31, 2014, in a county to**
32 **which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies) the county**
33 **executive** believes the infestation of the real estate with detrimental
34 plants is so great and widespread that cutting or eradication by hand
35 methods is impractical, the trustee **or county executive** shall use the
36 necessary power machinery or equipment. The trustee **or county**
37 **executive** may pay for the work at a rate per hour fixed by the township
38 trustee **or county executive** commensurate with the local hourly rate.

39 (c) When the work has been performed, the person doing the work
40 shall file an itemized bill for the work in the office of the township
41 trustee **or (after December 31, 2014, in a county to which**
42 **IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies) the county**

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1 **executive.** When the bill has been approved, the trustee shall pay the
 2 bill out of the township fund **or (after December 31, 2014, in a**
 3 **county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies) the**
 4 **appropriate county fund.** If there is no money available in the
 5 township fund for that purpose, the township board, upon finding an
 6 emergency exists, shall act under IC 36-6-6-14(b) or IC 36-6-6-15 to
 7 borrow money sufficient to meet the emergency. **After December 31,**
 8 **2014, the county fiscal body shall act in the case of a county to**
 9 **which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies.**

10 (d) ~~The trustee, when submitting estimates to the township board~~
 11 **An estimate, when submitted to the township board or (after**
 12 **December 31, 2014, in a county to which IC 36-6-6.2, IC 36-6-6.4,**
 13 **or IC 36-6-6.6 applies) the county fiscal body** for action, ~~shall~~ **must**
 14 ~~include in the estimates~~ an item sufficient to cover those expenditures.

15 SECTION 101. IC 15-16-8-6, AS ADDED BY P.L.2-2008,
 16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2012]: Sec. 6. (a) The township trustee **or (after December**
 18 **31, 2014, in a county to which IC 36-6-6.2, IC 36-6-6.4, or**
 19 **IC 36-6-6.6 applies) the county executive** shall prepare a statement
 20 that contains the following:

21 (1) A certification of the following costs:

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

23 (B) The cost of the chemicals.

24 (C) Twenty dollars (\$20) per day for each day that the trustee
 25 or the trustee's agent **or (after December 31, 2014, in a**
 26 **county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6**
 27 **applies) the county executive or the county executive's**
 28 **agent** supervises the performance of the services required
 29 under this chapter as compensation for services.

30 (2) A description of the real estate on which the labor was
 31 performed.

32 (3) A request that the owner or person in possession of the real
 33 estate pay the costs under subdivision (1) to the township trustee
 34 **or county executive.**

35 (b) The certified statement prepared under subsection (a) shall be
 36 provided:

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

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

39 (B) personal service; or

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

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1 owned by the municipality.
 2 SECTION 102. IC 15-16-8-7, AS ADDED BY P.L.2-2008,
 3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2012]: Sec. 7. (a) If the owner or person in possession of the
 5 property does not pay the amount set forth in the certified statement
 6 under section 6(a) of this chapter within ten (10) days after receiving
 7 the notice under section 6(b) of this chapter, the township trustee **or**
 8 **(after December 31, 2014, in a county to which IC 36-6-6.2,**
 9 **IC 36-6-6.4, or IC 36-6-6.6 applies) the county executive** shall file
 10 a copy of the certified statement in the office of the county auditor of
 11 the county where the real estate is located.

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

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

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

20 (2) **after December 31, 2014, in the case of a county to which**
 21 **IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies, the**
 22 **appropriate county fund.**

23 SECTION 103. IC 15-16-8-9, AS ADDED BY P.L.2-2008,
 24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2012]: Sec. 9. Except as provided in sections 5 through 8 of
 26 this chapter, the county auditor, upon receiving and filing a certified
 27 statement under section 7(a) of this chapter, shall:

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

30 (2) collect the amounts at the next tax paying time for the proper
 31 township or townships, **or (after December 31, 2014) the county**
 32 **to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies,** the
 33 same as other state, county, or township taxes are collected,
 34 including penalties, forfeitures, and sales.

35 After the amounts are collected, the amounts shall be paid to the proper
 36 trustee and placed in the township fund **or (after December 31, 2014,**
 37 **in the case of a county to which IC 36-6-6.2, IC 36-6-6.4, or**
 38 **IC 36-6-6.6 applies) placed in the appropriate county fund.**

39 SECTION 104. IC 15-16-8-10, AS ADDED BY P.L.2-2008,
 40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2012]: Sec. 10. (a) **After December 31, 2014, this subsection**
 42 **applies to a county having a consolidated city, if IC 36-6-6.6 does**

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1 **not apply to the county. After December 31, 2014, this subsection**
 2 **does not apply to any other county.** When the annual township
 3 budget is prepared, a sufficient amount shall be appropriated to enable
 4 the township officials to comply with this chapter.

5 **(b) After December 31, 2014, this subsection applies only to a**
 6 **county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies.**
 7 **When the annual county budget is prepared for 2015 and each year**
 8 **thereafter, a sufficient amount shall be appropriated to enable the**
 9 **county official to comply with this chapter.**

10 SECTION 105. IC 15-16-8-12, AS ADDED BY P.L.2-2008,
 11 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2012]: Sec. 12. (a) The Purdue University cooperative
 13 extension service shall provide technical assistance to township
 14 trustees **or (after December 31, 2014, in counties to which**
 15 **IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies) the county**
 16 **executives** for the control of detrimental plants.

17 (b) All law enforcement agencies having jurisdiction in a township
 18 **or (after December 31, 2014) a county to which IC 36-6-6.2,**
 19 **IC 36-6-6.4, or IC 36-6-6.6 applies,** shall assist the township trustee
 20 **or the county executive** in carrying out the duties imposed on the
 21 trustee **or the county executive** under this chapter.

22 SECTION 106. IC 15-16-8-14, AS ADDED BY P.L.2-2008,
 23 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2012]: Sec. 14. (a) A person who:

- 25 (1) knowingly allows detrimental plants to grow and mature on
 26 land owned or possessed by the person;
 27 (2) knowing of the existence of detrimental plants on land owned
 28 or possessed by the person, fails to cut them down or eradicate the
 29 plants by chemicals each year, as prescribed in this chapter;
 30 (3) having charge of or control over any highway:
 31 (A) knowingly allows detrimental plants to grow or mature on
 32 the right-of-way of the highway; or
 33 (B) knowing of the existence of the detrimental plants, fails to
 34 cut the plants down or eradicate the plants by using chemicals,
 35 as prescribed in this chapter;
 36 (4) having charge of or control over the right-of-way of a railroad
 37 or interurban company:
 38 (A) knowingly allows detrimental plants to grow and mature
 39 on the right-of-way; or
 40 (B) knowing of the existence of the detrimental plants, fails to
 41 cut the plants down or eradicate the plants by using chemicals,
 42 as prescribed in this chapter; or



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1 (5) knowingly sells Canada thistle (Cirsium arvense) seed;
2 commits a Class C infraction. Each day this section is violated
3 constitutes a separate infraction.

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

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

7 (2) after December 31, 2014, placed in the appropriate county
8 fund, in the case of property located in a county to which
9 IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies.

10 SECTION 107. IC 16-31-5-1 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) After December
12 31, 2014, the powers and duties of the township under this chapter
13 are transferred to the county in a county to which IC 36-6-6.2,
14 IC 36-6-6.4, or IC 36-6-6.6 applies.

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

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

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

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

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

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

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

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

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

41 SECTION 108. IC 16-41-19-7, AS AMENDED BY P.L.73-2005,
42 SECTION 169, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) As used in this section,
 2 "administrator" means the township trustee. This subsection
 3 expires January 1, 2015.

4 (b) After December 31, 2014, "administrator" means:

5 (1) the township trustee, as the administrator of township
 6 assistance in the case of:

7 (A) a county having a consolidated city, if IC 36-6-6.6 does
 8 not apply to the county; or

9 (B) a county to which IC 36-6-6.2 applies; or

10 (2) the county executive or county executive's designee as the
 11 administrator of township assistance, in the case of a county
 12 to which IC 36-6-6.4 or IC 36-6-6.6 applies.

13 (c) As used in this section, "plan" has the meaning set forth in
 14 IC 12-20-1.5-3.

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

19 (1) By the appropriate county, city, or town against which the
 20 application form is issued from general funds and not otherwise
 21 appropriated without appropriations.

22 (2) After December 31, 2014, this subdivision applies to a
 23 township in a county having a consolidated city, if IC 36-6-6.6
 24 does not apply to the county. After December 31, 2014, this
 25 subdivision does not apply to any other county. By the
 26 appropriate township against which the application form is issued
 27 from funds in the township assistance fund not otherwise
 28 appropriated without appropriations.

29 (3) This subdivision applies after December 31, 2014. This
 30 subdivision applies only to a county to which IC 36-6-6.2,
 31 IC 36-6-6.4, or IC 36-6-6.6 applies. By the county from funds
 32 in the township assistance fund not otherwise appropriated
 33 without appropriations.

34 (b) (e) A:

35 (1) township; or

36 (2) (after December 31, 2014, in the case of a county to which
 37 IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies) county;

38 is not responsible for paying for biologicals as provided in subsection
 39 ~~(a)(2)~~ (d)(2) or (d)(3) if the township trustee has evidence that the
 40 individual has the financial ability to pay for the biologicals.

41 ~~(c)~~ (f) After being presented with a legal claim for insulin being
 42 furnished to the same individual a second time, a township trustee an

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1 **administrator** may require the individual to complete and file a
 2 standard application for township assistance in order to investigate the
 3 financial condition of the individual claiming to be indigent. **After**
 4 **December 31, 2014, in a county to which IC 36-6-6.2, IC 36-6-6.4,**
 5 **or IC 36-6-6.6 applies, the administrator may require the**
 6 **individual to complete and file only the standard township**
 7 **assistance application, if the administrator is authorized to do so**
 8 **by the county plan. If a standard application is required, the trustee**
 9 **administrator shall immediately notify the individual's physician that:**

- 10 (1) the financial ability of the individual claiming to be indigent
 11 is in question; and
 12 (2) a standard application for township assistance must be filed.
 13 ~~with the township.~~

14 The township ~~or (after December 31, 2014, in the case of a county~~
 15 ~~to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies) the county~~
 16 shall continue to furnish insulin under this section until the ~~township~~
 17 ~~trustee administrator~~ completes an investigation and makes a
 18 determination as to the individual's financial ability to pay for insulin.

19 ~~(d)~~ (g) For purposes of this section, the township ~~or (after~~
 20 ~~December 31, 2014, in the case of a county to which IC 36-6-6.2,~~
 21 ~~IC 36-6-6.4, or IC 36-6-6.6 applies) the county~~ shall consider an
 22 adult individual needing insulin as an individual and not as a member
 23 of a household requesting township assistance.

24 SECTION 109. IC 20-23-3-1.5 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. (a) If a school township exists**
 27 **in a township in which a local public question is approved under**
 28 **IC 36-6-6.3, the school township shall reorganize under IC 20-23**
 29 **before July 1, 2015. The governing body shall hold public hearings**
 30 **to discuss the methods of reorganization available to the school**
 31 **township and seek testimony from the public, community and**
 32 **business leaders, teachers, administrators, and other school**
 33 **employees concerning the appropriate form for the reorganization.**

34 (b) This subsection applies if a governing body does not develop,
 35 before January 1, 2015, a reorganization plan under IC 20-23 that
 36 will be implemented before July 1, 2015. After December 31, 2014,
 37 the state board shall develop a reorganization plan for a school
 38 township to which this subsection applies and require the
 39 governing body to implement the plan.

40 (c) This section expires January 1, 2017.

41 SECTION 110. IC 22-11-14-2, AS AMENDED BY P.L.187-2006,
 42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2012]: Sec. 2. (a) The fire prevention and building safety
2 commission shall:

3 (1) adopt rules under IC 4-22-2 for the granting of permits for
4 supervised public displays of fireworks by municipalities, fair
5 associations, amusement parks, and other organizations or groups
6 of individuals; and

7 (2) establish by rule the fee for the permit, which shall be paid
8 into the fire and building services fund created under
9 IC 22-12-6-1.

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

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

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

13 (3) be made in writing; and

14 (4) be received with the applicable fee by the division of fire and
15 building safety at least five (5) business days before the display.

16 No operator who has a prior conviction for violating this chapter may
17 operate any display for one (1) year after the conviction.

18 (c) Every display shall be handled by a qualified operator approved
19 by the chief of the fire department of the municipality in which the
20 display is to be held. A display shall be located, discharged, or fired as,
21 in the opinion of:

22 (1) the chief of the fire department of the city or town in which
23 the display is to be held; or

24 (2) the township fire chief or the fire chief of the municipality
25 nearest the site proposed, in the case of a display to be held
26 outside of the corporate limits of any city or town;

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

28 **However, in the case of a county not having a consolidated city, the**
29 **county fire chief shall after December 31, 2014, carry out the duties**
30 **under subdivision (2).**

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

32 (e) A denial of a permit by a municipality shall be issued in writing
33 before the date of the display.

34 (f) A person may not possess, transport, or deliver special fireworks,
35 except as authorized under this section.

36 SECTION 111. IC 22-11-14-3.5, AS ADDED BY P.L.187-2006,
37 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2012]: Sec. 3.5. The fire prevention and building safety
39 commission may adopt rules under IC 4-22-2 that specify the
40 conditions under which the chief of a municipal ~~or~~ fire department,
41 a township fire department, **or (after December 31, 2014, in the case**
42 **of a county not having a consolidated city) a county fire**

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1 **department** may grant a permit to a person to sponsor a special
2 discharge location in the municipality, ~~or~~ township, **or county**.

3 SECTION 112. IC 22-12-1-18.7 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18.7. "Qualified entity"
5 means:

- 6 (1) a volunteer fire department (as defined in IC 36-8-12-2);
7 (2) the executive of a township providing fire protection under
8 IC 36-8-13-3(a)(1); ~~or~~
9 (3) a municipality providing fire protection to a township under
10 IC 36-8-13-3(a)(2), ~~or~~ IC 36-8-13-3(a)(3), **IC 36-8-13.7-4(a)(2),**
11 **or IC 36-8-13.7-4(a)(3); or**
12 **(4) after December 31, 2014, a county not having a**
13 **consolidated city.**

14 SECTION 113. IC 23-14-33-3.5 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2012]: **Sec. 3.5. After December 31, 2014, all**
17 **powers, duties, and responsibilities of the township and the**
18 **township trustee in:**

- 19 (1) **a county not having a consolidated city; or**
20 (2) **a county having a consolidated city, if IC 36-6-6.6 applies**
21 **to the county;**

22 **under this article are transferred to the county executive or county**
23 **executive's designee.**

24 SECTION 114. IC 23-14-33-7.6 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2012]: **Sec. 7.6. "Cemetery fund" means:**

- 27 (1) **the township fund; and**
28 (2) **after December 31, 2014, the cemetery fund for:**
29 (A) **a county not having a consolidated city; or**
30 (B) **a county having a consolidated city, if IC 36-6-6.6**
31 **applies to the county.**

32 SECTION 115. IC 23-14-33-7.7 IS ADDED TO THE INDIANA
33 CODE AS A NEW SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2012]: **Sec. 7.7. (a) This subsection applies**
35 **after December 31, 2014, only to a county subject to IC 36-6-6.2,**
36 **IC 36-6-6.4, or IC 36-6-6.6. The county (rather than the township)**
37 **may levy the cemetery tax under IC 23-14-68-4.**

38 **(b) The county fiscal body (rather than the township legislative**
39 **body) may approve a purchase under IC 23-14-69-5.**

40 SECTION 116. IC 23-14-63-1 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter applies
42 whenever ten (10) or more heads of families:

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- 1 (1) who reside in:
 2 (A) a township **or (after December 31, 2014) a county to**
 3 **which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies;** or
 4 (B) the immediate vicinity of a cemetery owned by a township
 5 **or (after December 31, 2014) a county to which**
 6 **IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies;** and
 7 (2) who own lots in and whose dead relatives are buried in a
 8 cemetery owned by the township **or (after December 31, 2014)**
 9 **a county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6**
 10 **applies;**

11 organize, either by themselves or with others, as a corporation for the
 12 burial of the dead and the maintenance of a cemetery.

13 SECTION 117. IC 23-14-63-2 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The persons
 15 described in section 1 of this chapter may file with the township trustee
 16 **or (after December 31, 2014, in a county to which IC 36-6-6.2,**
 17 **IC 36-6-6.4, or IC 36-6-6.6 applies) the county executive** a petition
 18 asking for the conveyance of the cemetery owned by the township **or**
 19 **(after December 31, 2014, in a county to which IC 36-6-6.2,**
 20 **IC 36-6-6.4, or IC 36-6-6.6 applies) the county** to the corporation.

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

- 25 (1) that is published in the township; or
 26 (2) if there is no newspaper published in the township, in the
 27 newspaper published nearest to the township.

28 SECTION 118. IC 23-14-63-4 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The township trustee
 30 **or (after December 31, 2014, in a county to which IC 36-6-6.2,**
 31 **IC 36-6-6.4, or IC 36-6-6.6 applies) the county executive,** if satisfied
 32 that the petition is signed by a majority of the owners of lots in the
 33 cemetery who are residents of the township or of the immediate vicinity
 34 of the cemetery, shall convey the cemetery to the corporation formed
 35 by the petitioners.

36 SECTION 119. IC 23-14-63-5 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) A corporation to
 38 which a cemetery is conveyed under section 4 of this chapter:

- 39 (1) shall control the cemetery;
 40 (2) shall ornament, beautify, and improve the cemetery;
 41 (3) may purchase additions and sell lots in the cemetery;
 42 (4) may assess all lots for the care, improvement, and

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1 beautification of the cemetery;
 2 (5) may receive and hold in trust gifts, donations, and legacies to
 3 be devoted to the purposes referred to in subdivisions (1) through
 4 (4); and
 5 (6) may exercise all the powers of a corporation organized under
 6 any statute for the purpose of owning, managing, and maintaining
 7 cemeteries.

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

12 SECTION 120. IC 23-14-64-1 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter applies
 14 whenever the board of directors of a cemetery association existing
 15 under any Indiana statute before March 9, 1939, determines by a
 16 majority vote to convey the real estate belonging to the association to
 17 the township **or (after December 31, 2014) the county, in the case of**
 18 **a county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies**
 19 in which the association's cemetery is located.

20 SECTION 121. IC 23-14-64-2 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A township trustee
 22 **or (after December 31, 2014, in a county to which IC 36-6-6.2,**
 23 **IC 36-6-6.4, or IC 36-6-6.6 applies) the county executive** may accept
 24 a conveyance of real estate described in section 1 of this chapter. After
 25 the conveyance, the township trustee **or county executive** shall
 26 maintain the cemetery as a public cemetery.

27 SECTION 122. IC 23-14-64-3 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) If a cemetery
 29 association that conveys real estate to a township **or (after December**
 30 **31, 2014) to a county, in the case of a county to which IC 36-6-6.2,**
 31 **IC 36-6-6.4, or IC 36-6-6.6 applies** under this chapter has endowment
 32 funds, cash, securities, or other assets, the funds, cash, securities, or
 33 other assets shall be paid over to the township trustee **or county**
 34 **executive** when the real estate owned by the association is conveyed to
 35 the township **or the county**.

36 (b) ~~A township trustee who receives~~ Cash, securities, endowment
 37 funds, or other assets **received by the township trustee or the county**
 38 **executive** under subsection (a) may ~~use them~~ **be used** only:

- 39 (1) to purchase additional land for the cemetery;
- 40 (2) to make permanent improvements to the cemetery; or
- 41 (3) for the upkeep and maintenance of the cemetery.

42 SECTION 123. IC 23-14-64-4 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. All expenses
 2 incurred by the trustee **or (after December 31, 2014, in a county to**
 3 **which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies) the county**
 4 **executive** in administering this chapter shall be paid out of the
 5 **township cemetery fund. of the township.**

6 SECTION 124. IC 23-14-68-2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The trustee of each
 8 township **or (after December 31, 2014, in a county to which**
 9 **IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies) the county**
 10 **executive** shall locate and maintain all the cemeteries described in
 11 section 1(a) of this chapter that are within the township **or the county.**
 12 However, a cemetery association claiming assistance under this chapter
 13 shall furnish a verified statement of assets and liabilities to the
 14 township trustee **or the county executive.**

15 SECTION 125. IC 23-14-68-4 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The township **or**
 17 **(after December 31, 2014, in a county to which IC 36-6-6.2,**
 18 **IC 36-6-6.4, or IC 36-6-6.6 applies) the county fiscal body** shall
 19 appropriate enough money to provide for the care, repair, and
 20 maintenance of each cemetery described in section 1(a) of this chapter
 21 that is located within the township **or county.** Funds shall be
 22 appropriated under this subsection in the same manner as other
 23 township appropriations **of the township or the county.**

24 (b) **After December 31, 2014, this subsection applies to a county**
 25 **having a consolidated city, if IC 36-6-6.6 does not apply to the**
 26 **county. After December 31, 2014, this subsection does not apply to**
 27 **any other county.** The township may levy a township cemetery tax to
 28 create a fund for maintenance of cemeteries under this chapter. If a
 29 fund has not been provided for maintenance of cemeteries under this
 30 chapter, part of the township fund may be used.

31 (c) **After December 31, 2014, in the case of a county to which**
 32 **IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies, the county may**
 33 **levy a county cemetery tax to create a fund for maintenance of**
 34 **cemeteries under this chapter. If a fund has not been provided for**
 35 **maintenance of cemeteries under this chapter, part of the county**
 36 **general fund may be used.**

37 SECTION 126. IC 23-14-69-1 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter applies
 39 to the following:

- 40 (1) A public cemetery that belongs to a township **or (after**
 41 **December 31, 2014) a county to which IC 36-6-6.2,**
 42 **IC 36-6-6.4, or IC 36-6-6.6 applies.**

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1 (2) An addition to a public cemetery that belongs to a township or
2 (after December 31, 2014) a county to which IC 36-6-6.2,
3 IC 36-6-6.4, or IC 36-6-6.6 applies.

4 SECTION 127. IC 23-14-69-2 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. This chapter does not
6 apply to the following:

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

9 (2) A cemetery that is maintained by a township or (after
10 December 31, 2014) a county to which IC 36-6-6.2,
11 IC 36-6-6.4, or IC 36-6-6.6 applies under IC 23-14-68.

12 SECTION 128. IC 23-14-69-3, AS AMENDED BY P.L.2-2008,
13 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2012]: Sec. 3. A township trustee or (after December 31,
15 2014, in a county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6
16 applies) the county executive shall care for and maintain each
17 cemetery to which this chapter applies that is located in the township
18 or the county, keeping the cemeteries in a respectable condition by:

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

21 (2) removing all unsightly accumulations and debris.

22 SECTION 129. IC 23-14-69-4 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The township
24 trustee or (after December 31, 2014, in a county to which
25 IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies) the county
26 executive may accept donations of land suitable for a public cemetery
27 if the township trustee or the county executive considers acceptance
28 of the land to be in the best interests of the township or the county.

29 (b) Donated land shall be:

30 (1) conveyed to the township or (after December 31, 2014) the
31 county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6
32 applies;

33 (2) set apart by the trustee or the county executive for a public
34 cemetery; and

35 (3) kept in good condition and repair by the township trustee or
36 the county executive.

37 SECTION 130. IC 23-14-69-5 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) After December
39 31, 2014, this subsection applies to a county having a consolidated
40 city, if IC 36-6-6.6 does not apply to the county. After December
41 31, 2014, this subsection does not apply to any other county. If:

42 (1) no land suitable for a public cemetery is donated to a

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1 township; and
 2 (2) if the township legislative body **or (after December 31, 2014)**
 3 **the county fiscal body**, adopts a resolution approving the
 4 purchase;
 5 the township executive may purchase land for the purpose of
 6 establishing a public cemetery.

7 **(b) If no land suitable for a public cemetery is donated to a**
 8 **county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies, the**
 9 **county executive (after December 31, 2014), with the approval of**
 10 **the county fiscal body, may purchase land for the purpose of**
 11 **establishing a public cemetery.**

12 ~~(b)~~ (c) When land is purchased and conveyed to:
 13 (1) the township under subsection (a); **or**
 14 (2) **(after December 31, 2014) a county to which IC 36-6-6.2,**
 15 **IC 36-6-6.4, or IC 36-6-6.6 applies;**
 16 the land must be set apart, kept in repair, and used as provided in
 17 section 6 of this chapter.

18 SECTION 131. IC 23-14-69-6 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A public cemetery
 20 of a township **or (after December 31, 2014) a county in a county to**
 21 **which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies** may be used
 22 by the inhabitants of the township **or the county** for the interment of
 23 the dead. The township trustee **or the county executive** may prescribe
 24 regulations governing the use of the cemetery.

25 SECTION 132. IC 23-14-69-7, AS AMENDED BY P.L.113-2006,
 26 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2012]: Sec. 7. (a) When a township **or (after December 31,**
 28 **2014) county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6**
 29 **applies**, acquires title to land by donation, purchase, or otherwise for
 30 a public cemetery, the trustee of the township **or (after December 31,**
 31 **2014, in a county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6**
 32 **applies) the county executive** shall:

- 33 (1) lay out the land in lots with streets and walks;
 - 34 (2) plat the land; and
 - 35 (3) record the plat in the office of the recorder of the county.
- 36 (b) For recording a plat under subsection (a), the recorder shall
 37 collect the same fees as are allowed for similar recordings.
- 38 (c) The lots laid out and platted under subsection (a) must be
 39 numbered. A specific part of the lots must be:
- 40 (1) set apart; and
 - 41 (2) designated on the plat;
- 42 for a potter's field.

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1 (d) After the plat has been recorded, the township trustee **or (after**
2 **December 31, 2014, in a county to which IC 36-6-6.2, IC 36-6-6.4,**
3 **or IC 36-6-6.6 applies) the county executive** shall appoint:

4 (1) one (1) disinterested freeholder of the township **or (after**
5 **December 31, 2014, in a county to which IC 36-6-6.2,**
6 **IC 36-6-6.4, or IC 36-6-6.6 applies) the county;** and

7 (2) one (1) disinterested appraiser licensed under IC 25-34.1;
8 who are residents of Indiana to appraise and fix the value of all the lots
9 on the plat, except the part assigned to the potter's field under
10 subsection (c). The appraisal shall be filed with and preserved by the
11 township trustee **or county executive.**

12 SECTION 133. IC 23-14-69-8 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The township
14 trustee **or (after December 31, 2014, in a county to which**
15 **IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies) the county**
16 **executive** may sell and convey the lots in a cemetery to which this
17 chapter applies at a private sale to persons who desire to purchase
18 them. The trustee **or the county executive** shall not sell a lot under this
19 subsection at less than the value fixed for the lot under section 7 of this
20 chapter.

21 (b) The proceeds of the sale of lots in a cemetery under subsection
22 (a) shall be used to pay the expenses that the township trustee **or (after**
23 **December 31, 2014, in a county to which IC 36-6-6.2, IC 36-6-6.4,**
24 **or IC 36-6-6.6 applies) the county executive** may incur under this
25 chapter for the cemetery. Any surplus shall be held as a fund for use in
26 keeping the cemetery in repair.

27 (c) The township trustee **or (after December 31, 2014, in a county**
28 **to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies) the county**
29 **executive** shall keep an accurate account of:

30 (1) the money received by the township trustee **or the county**
31 **executive** for the purpose of keeping the cemetery in repair; and

32 (2) the sums that the township trustee **or the county executive**
33 has paid out, and for which the trustee **or the county executive**
34 has taken vouchers.

35 SECTION 134. IC 23-14-69-9 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. All expenses
37 incurred by the township trustee **or (after December 31, 2014, in a**
38 **county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies) the**
39 **county executive** for administering this chapter shall be paid out of the
40 **township cemetery fund. of the township.**

41 SECTION 135. IC 23-14-70-3 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The county auditor

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1 shall distribute the interest accrued on any cemetery fund or funds
2 received under section 1 of this chapter on the last Monday of January
3 of each year to the following person or persons:

4 (1) The trustee of the township **or (after December 31, 2014, in**
5 **a county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6**
6 **applies) the county executive** in which an abandoned or
7 unincorporated cemetery is located.

8 (2) The trustee of the township **or (after December 31, 2014 in**
9 **a county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6**
10 **applies) the county executive**, lying on the east or south of the
11 cemetery if the cemetery is located on a county boundary or a
12 township boundary.

13 (3) The treasurer of the board of directors of an incorporated
14 cemetery.

15 SECTION 136. IC 23-14-70-4 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A township
17 trustee, **(after December 31, 2014, in a county to which IC 36-6-6.2,**
18 **IC 36-6-6.4, or IC 36-6-6.6 applies) the county executive**, or the
19 treasurer of the board of directors of an incorporated cemetery who
20 receives a distribution under section 3 of this chapter shall make a
21 receipt or voucher for any money paid out.

22 (b) A receipt or voucher made under subsection (a) must state:

- 23 (1) the amount paid out;
- 24 (2) the purpose for which the money was expended; and
- 25 (3) the fund from which the money came.

26 (c) The receipts and vouchers made under subsection (a) shall be:

- 27 (1) filed with the county auditor before January 2 of each year;
- 28 and
- 29 (2) presented to the board of commissioners for examination and
30 approval at the January meeting of the board of commissioners.

31 SECTION 137. IC 23-14-74-1, AS AMENDED BY P.L.2-2008,
32 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2012]: Sec. 1. A corporation, organization, association, or
34 individual that owns and has the control and management of a public
35 cemetery located in a township **or (after December 31, 2014) a**
36 **county, in the case of a county to which IC 36-6-6.2, IC 36-6-6.4, or**
37 **IC 36-6-6.6 applies**, shall keep the public cemetery in a respectable
38 condition by destroying detrimental plants (as defined in IC 15-16-8-1),
39 noxious weeds, and rank vegetation.

40 SECTION 138. IC 23-14-75-1, AS AMENDED BY P.L.163-2006,
41 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2012]: Sec. 1. This chapter applies to a city, town, or

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1 township, or (after December 31, 2014) county, in the case of a
2 county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies,
3 that:

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

7 SECTION 139. IC 23-14-75-2, AS AMENDED BY P.L.163-2006,
8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2012]: Sec. 2. If land has not been appropriated or set apart by
10 the owners by platting for a public cemetery and it is necessary to
11 purchase real estate for the cemetery:

- 12 (1) the legislative body of the city or town; or
- 13 (2) the executive of the township; or
- 14 (3) after December 31, 2014, the county executive of a county
- 15 to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies;

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

18 SECTION 140. IC 32-26-4-2 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The trustee of
20 each township, the county highway superintendent, the Indiana
21 department of transportation, or other officer in control of the
22 maintenance of a highway shall between January 1 and April 1 of each
23 year, examine all hedges, live fences, natural growths along highways,
24 and other obstructions described in section 1 of this chapter in their
25 respective jurisdictions. **However, after December 31, 2014, in the**
26 **case of a county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6**
27 **applies, the duties and obligations of a township trustee under this**
28 **chapter are transferred to the county executive or the county**
29 **executive's designee. If there are hedges, live fences, other growths,**
30 **or obstructions along the highways that have not been cut, trimmed**
31 **down, and maintained in accordance with this chapter, the owner shall**
32 **be given written notice to cut or trim the hedge or live fence and to**
33 **burn the brush trimmed from the hedge or live fence and remove any**
34 **other obstructions or growths.**

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

38 (c) If the owner is not a resident of the township, county, or state
39 where the hedge, live fence, or other obstructions or growth is located,
40 the notice shall be served upon the owner's agent or tenant residing in
41 the township. If an agent or a tenant of the owner does not reside in the
42 township, the notice shall be served by mailing a copy of the notice to

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1 the owner, directed to the owner's last known post office address.
2 (d) If the owner, agents, or tenants do not proceed to cut and trim
3 the fences and burn the brush trimmed from the fences or remove any
4 obstructions or growths within ten (10) days after notice is served, the
5 township trustee, county highway superintendent, or Indiana
6 department of transportation shall immediately:

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

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

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

26 SECTION 141. IC 32-26-9-0.6 IS ADDED TO THE INDIANA
27 CODE AS A NEW SECTION TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2012]: **Sec. 0.6. After December 31, 2014, the**
29 **powers and duties established by this chapter are conferred and**
30 **imposed on the county executive or the county executive's designee**
31 **with respect to property in a county to which IC 36-6-6.4 or**
32 **IC 36-6-6.6 applies.**

33 SECTION 142. IC 33-34-1-2 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) There are
35 established township small claims courts in each county containing a
36 consolidated city.

37 (b) The name of each court shall be the " _____ Township of
38 Marion County Small Claims Court" (insert the name of the township
39 in the blank).

40 (c) **This subsection applies after December 31, 2014, if a**
41 **majority of voters of the county approve a public question under**
42 **IC 36-6-6.5. Except as provided by state law, the small claims**

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1 courts established under this chapter operate independently from
 2 the circuit and superior courts. Except for adopting the budget and
 3 approving salaries, the city-county council does not have authority
 4 over a small claims court judge and the operations of a small
 5 claims court. The executive committee of the superior court does
 6 not have authority over a small claims court judge and the
 7 operations of a small claims court.

8 SECTION 143. IC 33-34-1-6 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. A division of the
 10 small claims court must be a full-time division or a part-time division
 11 as determined by the individual township boards **or (after December**
 12 **31, 2014) the city-county council, if a majority of voters of the**
 13 **county approve a public question under IC 36-6-6.5**, following a
 14 hearing conducted under section 7 of this chapter.

15 SECTION 144. IC 33-34-1-8 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The township trustee
 17 **or (after December 31, 2014) the clerk of the city-county council,**
 18 **if a majority of voters of the county approve a public question**
 19 **under IC 36-6-6.5**, shall give ten (10) days notice of all hearings held
 20 under section 7 of this chapter in one (1) or more newspapers of
 21 general circulation in the county.

22 SECTION 145. IC 33-34-1-9, AS AMENDED BY P.L.174-2006,
 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2012]: Sec. 9. Not more than two (2) weeks after a hearing is
 25 conducted under section 7 of this chapter, the township board **or (after**
 26 **December 31, 2014) the city-county council, if a majority of voters**
 27 **of the county approve a public question under IC 36-6-6.5**, shall,
 28 after considering the evidence, opinions, advice, and suggestions
 29 presented at the hearing, enter an order concerning:

- 30 (1) whether a small claims court shall be established or abolished
 31 in the township if the township has a population of less than
 32 fifteen thousand (15,000) persons;
 33 (2) whether the small claims court if any, shall function full time
 34 or part time;
 35 (3) the location of the small claims court courtroom and offices
 36 under IC 33-34-6-1; and
 37 (4) other relevant matters.

38 SECTION 146. IC 33-34-2-5 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) The salary of a
 40 judge who serves full time must be in an amount determined by the
 41 township board of the township in which the small claims court is
 42 located **or (after December 31, 2014) by ordinance adopted by the**

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1 **city-county council, if a majority of voters of the county approve**
2 **a public question under IC 36-6-6.5.**

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

5 (1) determined by the township board and approved by the
6 city-county council; **or**

7 (2) **after December 31, 2014, established by ordinance of the**
8 **city-county council, if a majority of voters of the county**
9 **approve a public question under IC 36-6-6.5.**

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

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

14 (1) township board of the township in which the small claims
15 court is located; **or**

16 (2) **after December 31, 2014, by ordinance adopted by the**
17 **city-county council, if a majority of voters of the county**
18 **approve a public question under IC 36-6-6.5.**

19 SECTION 147. IC 33-34-2-6 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The annual salary
21 of a judge shall be paid in twelve (12) equal monthly installments by
22 the township trustee **or (after December 31, 2014) the executive of**
23 **the consolidated city, if a majority of voters of the county approve**
24 **a public question under IC 36-6-6.5.**

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

28 SECTION 148. IC 33-34-2-14 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) The resignation
30 of a judge shall be delivered to the clerk of the circuit court. The clerk
31 shall advise the circuit court and appropriate township board. **This**
32 **subsection does not apply after December 31, 2014, if a majority of**
33 **the voters in the county approve a public question under**
34 **IC 36-6-6.5.**

35 (b) **This subsection applies after December 31, 2014, if a**
36 **majority of the voters of the county approve a public question**
37 **under IC 36-6-6.5. The resignation of a judge shall be delivered to**
38 **the clerk of the circuit court. The clerk shall advise the circuit**
39 **court.**

40 ~~(b)~~ (c) A vacancy occurring in a judgeship must be filled under
41 IC 3-13-10.

42 SECTION 149. IC 33-34-5-4, AS AMENDED BY P.L.174-2006,

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1 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2012]: Sec. 4. (a) If a judge is unable to preside over the
3 judge's small claims court during any number of days, the judge may
4 appoint in writing a person qualified to be a small claims judge under
5 IC 33-34-2-2 to preside in place of the judge.

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

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

14 SECTION 150. IC 33-34-6-1, AS AMENDED BY P.L.174-2006,
15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2012]: Sec. 1. The township trustee **or (after December 31,**
17 **2014) the executive of the consolidated city, if a majority of voters**
18 **of the county approve a public question under IC 36-6-6.5,** shall
19 provide a courtroom and an office for each judge in a convenient
20 location within the township that has:

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

27 SECTION 151. IC 33-34-6-2, AS AMENDED BY P.L.174-2006,
28 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2012]: Sec. 2. A township **or (after December 31, 2014) the**
30 **executive of the consolidated city, if a majority of voters of the**
31 **county approve a public question under IC 36-6-6.5,** shall:

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

40 SECTION 152. IC 33-34-6-3 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a) This subsection**
42 **does not apply after December 31, 2014, if a majority of voters of**

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1 **the county approve a public question under IC 36-6-6.5.** Each
2 township shall provide an appropriate and competitive salary of at least
3 five thousand six hundred dollars (\$5,600) for the number of clerks for
4 the small claims court sufficient to:

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

7 **(b) This subsection applies after December 31, 2014, if a**
8 **majority of voters of the county approve a public question under**
9 **IC 36-6-6.5. The judges shall establish with the approval of the**
10 **city-county council an appropriate and competitive salary of at**
11 **least five thousand six hundred dollars (\$5,600) for the number of**
12 **clerks for the small claims court sufficient to:**

- 13 **(1) operate efficiently; and**
- 14 **(2) adequately serve the citizens doing business with the court.**

15 SECTION 153. IC 33-34-7-3 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The judge of the
17 circuit court, with the assistance of the clerk of the circuit court, the
18 judges of the small claims courts, and the state board of accounts, shall,
19 at the expense of the townships **or (after December 31, 2014) at the**
20 **expense of the county, if a majority of voters of the county approve**
21 **a public question under IC 36-6-6.5:**

- 22 (1) provide the forms, blanks, court calendar books, judgment
23 dockets, and fee books; and
- 24 (2) make rules and instructions to direct the judges in keeping
25 records and making reports.

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

29 SECTION 154. IC 33-34-8-3, AS AMENDED BY
30 P.L.182-2009(ss), SECTION 391, IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Payment for all
32 costs made as a result of proceedings in a small claims court shall be
33 to the _____ Township of Marion County Small Claims Court (with
34 the name of the township inserted). The court shall issue a receipt for
35 all money received on a form numbered serially in duplicate. All
36 township docket fees and late fees received by the court shall be paid
37 to the township trustee **or (after December 31, 2014) the county, if**
38 **a majority of voters of the county approve a public question under**
39 **IC 36-6-6.5, at the close of each month.**

- 40 (b) The ~~court~~ **county auditor** shall:
 - 41 (1) semiannually distribute to the auditor of state:
 - 42 (A) all automated record keeping fees (IC 33-37-5-21)

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- 1 received by the court for deposit in the homeowner protection
- 2 unit account established by IC 4-6-12-9 and the state user fee
- 3 fund established under IC 33-37-9;
- 4 (B) all public defense administration fees collected by the
- 5 court under IC 33-37-5-21.2 for deposit in the state general
- 6 fund;
- 7 (C) sixty percent (60%) of all court administration fees
- 8 collected by the court under IC 33-37-5-27 for deposit in the
- 9 state general fund;
- 10 (D) all judicial insurance adjustment fees collected by the
- 11 court under IC 33-37-5-25 for deposit in the judicial branch
- 12 insurance adjustment account established by IC 33-38-5-8.2;
- 13 and
- 14 (E) seventy-five percent (75%) of all judicial salaries fees
- 15 collected by the court under IC 33-37-5-26 for deposit in the
- 16 state general fund; and
- 17 (2) distribute monthly to the county auditor all document storage
- 18 fees received by the court.
- 19 (c) The remaining twenty-five percent (25%) of the judicial salaries
- 20 fees described in ~~subdivision (1)(E)~~ **subsection (b)(1)(E)** shall be
- 21 deposited monthly in the **following**:
- 22 **(1) The township general fund of the township in which the court**
- 23 **is located. The county auditor shall deposit fees distributed under**
- 24 **~~subdivision (2)~~ subsection (b)(2) into the clerk's record**
- 25 **perpetuation fund under IC 33-37-5-2. This subdivision does not**
- 26 **apply after December 31, 2014, if a majority of voters of the**
- 27 **county approve a public question under IC 36-6-6.5.**
- 28 **(2) After December 31, 2014, if a majority of voters of the**
- 29 **county approve a public question under IC 36-6-6.5, the**
- 30 **county general fund. Deposits made under this subdivision**
- 31 **shall be credited to the township small claims courts account**
- 32 **described in section 5 of this chapter.**
- 33 ~~(c)~~ **(d) The court semiannually shall do the following:**
- 34 **(1) Pay to the township trustee of the township in which the court**
- 35 **is located the remaining forty percent (40%) of the court**
- 36 **administration fees described under subsection (b)(1)(C) to fund**
- 37 **the operations of the small claims court in the trustee's township.**
- 38 **This subdivision does not apply after December 31, 2014, if a**
- 39 **majority of voters of the county approve a public question**
- 40 **under IC 36-6-6.5.**
- 41 **(2) After December 31, 2014, if a majority of voters of the**
- 42 **county approve a public question under IC 36-6-6.5, pay to**

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1 **the clerk of the circuit court the remaining forty percent**
 2 **(40%) of the court administration fees described under**
 3 **subsection (b)(1)(C) to fund the operations of the small claims**
 4 **court. The court administration fees shall be deposited in the**
 5 **county general fund and credited to the township small claims**
 6 **courts account described in section 5 of this chapter.**

7 SECTION 155. IC 33-34-8-5 IS ADDED TO THE INDIANA
 8 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 9 **[EFFECTIVE JULY 1, 2012]: Sec. 5. (a) This section applies after**
 10 **December 31, 2014, if a majority of voters of the county approve**
 11 **a public question under IC 36-6-6.5.**

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

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

19 SECTION 156. IC 34-30-2-58, AS AMENDED BY P.L.2-2008,
 20 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2012]: Sec. 58. IC 15-16-8-4 (Concerning township trustees,
 22 **county executives**, or persons hired by them for the removal of
 23 detrimental plants upon another person's real property).

24 SECTION 157. IC 36-1-2-6, AS AMENDED BY P.L.186-2006,
 25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2012]: Sec. 6. "Fiscal body" means:

- 27 (1) **the** county council, for a county not having a consolidated
 28 city;
 29 (2) **the** city-county council, for a consolidated city or county
 30 having a consolidated city;
 31 (3) **the** common council, for a city other than a consolidated city;
 32 (4) **the** town council, for a town;
 33 (5) ~~township board~~, for a township:

34 **(A) the township board, before January 1, 2015; and**

35 **(B) the county fiscal body, after December 31, 2014;**

36 (6) **the** governing body or budget approval body, for any other
 37 political subdivision that has a governing body or budget approval
 38 body; or

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

41 SECTION 158. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,
 42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2012]: Sec. 9. "Legislative body" means: ~~the~~
2 (1) **the** board of county commissioners, for a county not subject
3 to IC 36-2-3.5 or IC 36-3-1;
4 (2) **the** county council, for a county subject to IC 36-2-3.5;
5 (3) **the** city-county council, for a consolidated city or county
6 having a consolidated city;
7 (4) **the** common council, for a city other than a consolidated city;
8 (5) **the** town council, for a town;
9 (6) ~~township board;~~ for a township:
10 (A) **the township board, before January 1, 2015; and**
11 (B) **the county fiscal body, after December 31, 2014;**
12 (7) **the** governing body of any other political subdivision that has
13 a governing body; or
14 (8) **the** chief executive officer of any other political subdivision
15 that does not have a governing body.
16 SECTION 159. IC 36-1-8-5, AS AMENDED BY P.L.1-2007,
17 SECTION 238, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) This section applies to all
19 funds raised by a general or special tax levy on all the taxable property
20 of a political subdivision.
21 (b) Whenever the purposes of a tax levy have been fulfilled and an
22 unused and unencumbered balance remains in the fund, the fiscal body
23 of the political subdivision shall order the balance of that fund to be
24 transferred as follows, unless a statute provides that it be transferred
25 otherwise:
26 (1) **Except as provided in subdivision (2),** funds of a county, to
27 the general fund or rainy day fund of the county, as provided in
28 section 5.1 of this chapter.
29 (2) **This subdivision applies after December 31, 2014. This**
30 **subdivision applies only to a county to which IC 36-6-6.2,**
31 **IC 36-6-6.4, or IC 36-6-6.6 applies. Funds of a county for**
32 **redemption of township assistance obligations, to the**
33 **township assistance fund of the county or rainy day fund of**
34 **the county, as provided in section 5.1 of this chapter.**
35 (2) (3) Funds of a municipality, to the general fund or rainy day
36 fund of the municipality, as provided in section 5.1 of this
37 chapter.
38 (3) (4) **After December 31, 2014, this subdivision applies only**
39 **to a county having a consolidated city, if IC 36-6-6.6 does not**
40 **apply to the county. After December 31, 2014, this subdivision**
41 **does not apply to any other county.** 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 160. 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, 2012]: 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 161. IC 36-1-8-18 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2012]: **Sec. 18. (a) This section applies to a**
14 **county to which IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies.**

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 162. IC 36-2-3.6 IS ADDED TO THE INDIANA CODE
22 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2012]:

24 **Chapter 3.6. County Board of Trustees**
25 **Sec. 1. This chapter applies only to a county to which**
26 **IC 36-6-6.2 applies.**

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, 2012, by the county executive.

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

(c) The county fiscal body 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 executive. 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 executive 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 12-20-1.7.**
- (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 fiscal body.**
- (5) Subject to the approval of the county fiscal body, hire necessary employees to assist the township trustee in discharging the trustee's duties concerning the provision of township assistance. An individual hired under this subdivision is a county employee.**
- (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) 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 areas of the county; and**
- (2) submit the fire protection and emergency services plan to the county legislative body for review and approval.**

(c) As provided in IC 36-8-3-1.5, the board shall act as the safety

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1 **board of the county for purposes of the county fire department.**

2 SECTION 163. IC 36-2-6-4 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section does
4 not apply to a county having a consolidated city.

5 (b) Except as provided in section 4.5 **or 4.6** of this chapter, the
6 county executive may allow a claim or order the issuance of a county
7 warrant for payment of a claim only at a regular or special meeting of
8 the executive. The county auditor may issue a county warrant for
9 payment of a claim against the county only if the executive or a court
10 orders **him the auditor** to do so. However, this subsection does not
11 apply to the issuance of warrants related to management of the
12 common or congressional school fund.

13 (c) The county executive may allow a claim if the claim:

14 (1) complies with IC 5-11-10-1.6; and

15 (2) is placed on the claim docket by the auditor at least five (5)
16 days before the meeting at which the executive is to consider the
17 claim.

18 (d) A county auditor or member of a county executive who violates
19 this section commits a Class C infraction.

20 (e) A county auditor who violates this section is liable on **his the**
21 **auditor's** official bond for twice the amount of the illegally drawn
22 warrant, which may be recovered for the benefit of the county by a
23 taxpayer of the county. A person who brings an action under this
24 subsection shall give security for costs, and the court shall allow **him**
25 **the person** a reasonable sum, including attorney's fees, out of the
26 money recovered as compensation for **his the person's** trouble and
27 expense in bringing the action. This compensation shall be specified in
28 the court's order.

29 (f) If, within sixty (60) days after the county executive allows a
30 claim, a taxpayer of the county demands that the executive refund that
31 allowance to the county, and the executive refuses to do so, the
32 taxpayer may bring an action to recover an illegal, unwarranted, or
33 unauthorized allowance for the benefit of the county. A person who
34 brings an action under this subsection shall give security for costs, and
35 the court shall allow **him the person** a reasonable sum, including
36 attorney's fees, out of the money recovered as compensation for **his the**
37 **person's** trouble and expense in bringing the action. This
38 compensation shall be specified in the court's order.

39 SECTION 164. IC 36-2-6-4.6 IS ADDED TO THE INDIANA
40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2012]: **Sec. 4.6. This section applies after**
42 **December 31, 2014. This section applies only to a county to which**

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1 IC 36-6-6.2, IC 36-6-6.4, or IC 36-6-6.6 applies. Notwithstanding
 2 IC 5-11-10, the county auditor may make payments for claims
 3 payable from the township assistance fund under IC 12-20-1-6 in
 4 advance of allowance by the county executive. Each payment of
 5 expenses under this section must be supported by a fully itemized
 6 invoice or bill and certification by the county auditor. The county
 7 executive shall review and allow the claim at its next regular or
 8 special meeting following the preapproved payment of the expense.

9 SECTION 165. IC 36-2-21 IS ADDED TO THE INDIANA CODE
 10 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2012]:

12 **Chapter 21. County Fire Protection Duties**

13 **Sec. 1. This chapter applies only to a county not having a**
 14 **consolidated city.**

15 **Sec. 2. Beginning January 1, 2015:**

- 16 (1) the county executive is responsible for providing fire
 17 protection and emergency services in the unincorporated
 18 areas of the county as provided in the county's fire protection
 19 and emergency services plan adopted under IC 36-8-13.6; and
 20 (2) the powers and duties of township government and the
 21 township trustee related to providing fire protection and
 22 emergency services in the unincorporated areas of the county
 23 are transferred to the county.

24 **Sec. 3. (a) After December 31, 2014, in a county in which a**
 25 **majority of voters vote "no" on a public question under**
 26 **IC 36-6-6.3, fire protection and emergency services in an**
 27 **unincorporated area of a county are governed by and subject to a**
 28 **county fire protection and emergency services plan adopted by the**
 29 **county board of trustees and approved by the county legislative**
 30 **body under IC 36-8-13.6.**

31 **(b) After December 31, 2014, in a county in which a majority of**
 32 **voters vote "yes" on a public question under IC 36-6-6.3, fire**
 33 **protection and emergency services in an unincorporated area of a**
 34 **county are governed by and subject to a county fire protection and**
 35 **emergency services plan proposed and approved by the county**
 36 **legislative body under IC 36-8-13.6.**

37 **Sec. 4. In carrying out fire protection and emergency services**
 38 **responsibilities under section 3 of this chapter, the county executive**
 39 **shall, as provided in the county's fire protection and emergency**
 40 **services plan adopted under IC 36-8-13.6, provide for fire**
 41 **protection and emergency services in the unincorporated areas of**
 42 **the county through any combination of:**

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- 1 **(1) operating a county fire department;**
- 2 **(2) contracting with or otherwise cooperating with any**
- 3 **municipality, county, fire protection district, volunteer fire**
- 4 **department, fire protection territory, or other entity; or**
- 5 **(3) entering into mutual aid agreements.**

6 SECTION 166. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
 7 SECTION 560, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2012]: Sec. 6.1. (a) This section applies only in
 9 a county containing a consolidated city. If the requirements of
 10 subsection (g) are satisfied, the fire departments of the following are
 11 consolidated into the fire department of a consolidated city (referred to
 12 as "the consolidated fire department"):

13 (1) A township for which the consolidation is approved by the
 14 township legislative body and trustee and the legislative body and
 15 mayor of the consolidated city.

16 (2) Any fire protection territory established under IC 36-8-19 that
 17 is located in a township described in subdivision (1).

18 (b) If the requirements of subsection (g) are satisfied, the
 19 consolidated fire department shall provide fire protection services
 20 within an entity described in subsection (a)(1) or (a)(2) in which the
 21 requirements of subsection (g) are satisfied on the date agreed to in the
 22 resolution of the township legislative body and the ordinance of the
 23 legislative body of the consolidated city.

24 (c) If the requirements of subsection (g) are satisfied and the fire
 25 department of an entity listed in subsection (a) is consolidated into the
 26 fire department of the consolidated city, all of the property, equipment,
 27 records, rights, and contracts of the department consolidated into the
 28 fire department of the consolidated city are:

- 29 (1) transferred to; or
- 30 (2) assumed by;

31 the consolidated city on the effective date of the consolidation.
 32 However, real property other than real property used as a fire station
 33 may be transferred only on terms mutually agreed to by the legislative
 34 body and mayor of the consolidated city and the trustee and legislative
 35 body of the township in which that real property is located.

36 (d) If the requirements of subsection (g) are satisfied and the fire
 37 department of an entity listed in subsection (a) is consolidated into the
 38 fire department of the consolidated city, the employees of the fire
 39 department consolidated into the fire department of the consolidated
 40 city cease employment with the department of the entity listed in
 41 subsection (a) and become employees of the consolidated fire
 42 department on the effective date of the consolidation. The consolidated

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1 city shall assume all agreements with labor organizations that:
 2 (1) are in effect on the effective date of the consolidation; and
 3 (2) apply to employees of the department consolidated into the
 4 fire department of the consolidated city who become employees
 5 of the consolidated fire department.

6 (e) If the requirements of subsection (g) are satisfied and the fire
 7 department of an entity listed in subsection (a) is consolidated into the
 8 fire department of a consolidated city, the indebtedness related to fire
 9 protection services incurred before the effective date of the
 10 consolidation by the entity or a building, holding, or leasing
 11 corporation on behalf of the entity whose fire department is
 12 consolidated into the consolidated fire department under subsection (a)
 13 shall remain the debt of the entity and does not become and may not be
 14 assumed by the consolidated city. Indebtedness related to fire
 15 protection services that is incurred by the consolidated city before the
 16 effective date of the consolidation shall remain the debt of the
 17 consolidated city, and property taxes levied to pay the debt may only
 18 be levied by the fire special service district.

19 (f) If the requirements of subsection (g) are satisfied and the fire
 20 department of an entity listed in subsection (a) is consolidated into the
 21 fire department of a consolidated city, the merit board and the merit
 22 system of the fire department that is consolidated are dissolved on the
 23 effective date of the consolidation, and the duties of the merit board are
 24 transferred to and assumed by the merit board for the consolidated fire
 25 department on the effective date of the consolidation.

26 (g) A township legislative body, after approval by the township
 27 trustee, may adopt a resolution approving the consolidation of the
 28 township's fire department with the fire department of the consolidated
 29 city. A township legislative body may adopt a resolution under this
 30 subsection only after the township legislative body has held a public
 31 hearing concerning the proposed consolidation. The township
 32 legislative body shall hold the hearing not earlier than thirty (30) days
 33 after the date the resolution is introduced. The hearing shall be
 34 conducted in accordance with IC 5-14-1.5, and notice of the hearing
 35 shall be published in accordance with IC 5-3-1. If the township
 36 legislative body has adopted a resolution under this subsection, the
 37 township legislative body shall, after approval from the township
 38 trustee, forward the resolution to the legislative body of the
 39 consolidated city. If such a resolution is forwarded to the legislative
 40 body of the consolidated city and the legislative body of the
 41 consolidated city adopts an ordinance, approved by the mayor of the
 42 consolidated city, approving the consolidation of the fire department of

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1 the township into the fire department of the consolidated city, the
2 requirements of this subsection are satisfied. The consolidation shall
3 take effect on the date agreed to by the township legislative body in its
4 resolution and by the legislative body of the consolidated city in its
5 ordinance approving the consolidation.

6 (h) The following apply if the requirements of subsection (g) are
7 satisfied:

8 (1) The consolidation of the fire department of that township is
9 effective on the date agreed to by the township legislative body in
10 the resolution and by the legislative body of the consolidated city
11 in its ordinance approving the consolidation.

12 (2) Notwithstanding any other provision, a firefighter:

13 (A) who is a member of the 1977 fund before the effective
14 date of a consolidation under this section; and

15 (B) who, after the consolidation, becomes an employee of the
16 fire department of a consolidated city under this section;

17 remains a member of the 1977 fund without being required to
18 meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The
19 firefighter shall receive credit for any service as a member of the
20 1977 fund before the consolidation to determine the firefighter's
21 eligibility for benefits under IC 36-8-8.

22 (3) Notwithstanding any other provision, a firefighter:

23 (A) who is a member of the 1937 fund before the effective
24 date of a consolidation under this section; and

25 (B) who, after the consolidation, becomes an employee of the
26 fire department of a consolidated city under this section;

27 remains a member of the 1937 fund. The firefighter shall receive
28 credit for any service as a member of the 1937 fund before the
29 consolidation to determine the firefighter's eligibility for benefits
30 under IC 36-8-7.

31 (4) For property taxes first due and payable in the year in which
32 the consolidation is effective, the maximum permissible ad
33 valorem property tax levy under IC 6-1.1-18.5:

34 (A) is increased for the consolidated city by an amount equal
35 to the maximum permissible ad valorem property tax levy in
36 the year preceding the year in which the consolidation is
37 effective for fire protection and related services by the
38 township whose fire department is consolidated into the fire
39 department of the consolidated city under this section; and

40 (B) is reduced for the township whose fire department is
41 consolidated into the fire department of the consolidated city
42 under this section by the amount equal to the maximum

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1 permissible ad valorem property tax levy in the year preceding
2 the year in which the consolidation is effective for fire
3 protection and related services for the township.
4 (5) The amount levied in the year preceding the year in which the
5 consolidation is effective by the township whose fire department
6 is consolidated into the fire department of the consolidated city
7 for the township's cumulative building and equipment fund for
8 fire protection and related services is transferred on the effective
9 date of the consolidation to the consolidated city's cumulative
10 building and equipment fund for fire protection and related
11 services, which is hereby established. The consolidated city is
12 exempted from the requirements of IC 36-8-14 and IC 6-1.1-41
13 regarding establishment of the cumulative building and
14 equipment fund for fire protection and related services.
15 (6) The local boards for the 1937 firefighters' pension fund and
16 the 1977 police officers' and firefighters' pension and disability
17 fund of the township are dissolved, and their services are
18 terminated not later than the effective date of the consolidation.
19 The duties performed by the local boards under IC 36-8-7 and
20 IC 36-8-8, respectively, are assumed by the consolidated city's
21 local board for the 1937 firefighters' pension fund and local board
22 for the 1977 police officers' and firefighters' pension and
23 disability fund, respectively. Notwithstanding any other provision,
24 the legislative body of the consolidated city may adopt an
25 ordinance to adjust the membership of the consolidated city's
26 local board to reflect the consolidation.
27 (7) The consolidated city may levy property taxes within the
28 consolidated city's maximum permissible ad valorem property tax
29 levy limit to provide for the payment of the expenses for the
30 operation of the consolidated fire department. However, property
31 taxes to fund the pension obligation under IC 36-8-7 for members
32 of the 1937 firefighters fund who were employees of the
33 consolidated city at the time of the consolidation may be levied
34 only by the fire special service district within the fire special
35 service district. The fire special service district established under
36 IC 36-3-1-6 may levy property taxes to provide for the payment
37 of expenses for the operation of the consolidated fire department
38 within the territory of the fire special service district. Property
39 taxes to fund the pension obligation under IC 36-8-8 for members
40 of the 1977 police officers' and firefighters' pension and disability
41 fund who were members of the fire department of the
42 consolidated city on the effective date of the consolidation may be

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1 levied only by the fire special service district within the fire
 2 special service district. Property taxes to fund the pension
 3 obligation for members of the 1937 firefighters fund who were
 4 not members of the fire department of the consolidated city on the
 5 effective date of the consolidation and members of the 1977
 6 police officers' and firefighters' pension and disability fund who
 7 were not members of the fire department of the consolidated city
 8 on the effective date of the consolidation may be levied by the
 9 consolidated city within the city's maximum permissible ad
 10 valorem property tax levy. However, these taxes may be levied
 11 only within the fire special service district and any townships that
 12 have consolidated fire departments under this section.

13 (8) The executive of the consolidated city shall provide for an
 14 independent evaluation and performance audit, due before March
 15 1 of the year in which the consolidation is effective and before
 16 March 1 in each of the following two (2) years, to determine:

17 (A) the amount of any cost savings, operational efficiencies, or
 18 improved service levels; and

19 (B) any tax shifts among taxpayers;

20 that result from the consolidation. The independent evaluation
 21 and performance audit must be provided to the legislative council
 22 in an electronic format under IC 5-14-6 and to the state budget
 23 committee.

24 **(i) If a local public question under IC 36-6-6.5 is approved in the**
 25 **county having a consolidated city, the fire department of a**
 26 **township described in IC 36-3-1-6.1 is on January 1, 2014,**
 27 **consolidated into the fire department of the consolidated city under**
 28 **this section as provided in IC 36-6-6.6-9.**

29 SECTION 167. IC 36-3-1-6.4 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2012]: **Sec. 6.4. (a) This section applies after**
 32 **December 31, 2014, to a county having a consolidated city.**

33 **(b) The legislative body of an excluded city, after approval by**
 34 **the executive (as defined in IC 36-1-2-5) of the excluded city, may**
 35 **adopt an ordinance approving the consolidation of the excluded**
 36 **city's fire department with the fire department of the consolidated**
 37 **city (referred to in this section as "the consolidated fire**
 38 **department"). If the legislative body of the excluded city adopts an**
 39 **ordinance under this subsection, the legislative body shall forward**
 40 **the ordinance to the clerk of the legislative body of the consolidated**
 41 **city. If the legislative body of the consolidated city adopts the**
 42 **ordinance approving the consolidation of the fire department of the**

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1 excluded city into the consolidated fire department and the
2 ordinance is approved by the mayor of the consolidated city, the
3 requirements of this subsection are satisfied.

4 (c) The following apply if the requirements of subsection (b) are
5 satisfied:

6 (1) The fire department of the excluded city is consolidated
7 into the consolidated fire department. The consolidation takes
8 effect on the date agreed to by the legislative body of the
9 excluded city in its ordinance and by the legislative body of
10 the consolidated city in its ordinance approving the
11 consolidation.

12 (2) The consolidated fire department shall provide fire
13 protection services within the excluded city on the date agreed
14 to in the ordinance of the legislative body of the excluded city
15 and the ordinance of the legislative body of the consolidated
16 city.

17 (3) All property, equipment, records, and rights of the fire
18 department of the excluded city are:

19 (A) transferred to; or

20 (B) assumed by;

21 the consolidated city on the effective date of the consolidation.
22 However, real property other than real property used as a fire
23 station may be transferred only on terms mutually agreed to
24 by the legislative body and mayor of the consolidated city and
25 the executive and legislative body of the excluded city in which
26 the real property is located.

27 (4) Each firefighter of the fire department of the excluded city
28 ceases employment with the fire department of the excluded
29 city and, if the firefighter meets the minimum standards of the
30 consolidated fire department, becomes an employee of the
31 consolidated fire department on the effective date of the
32 consolidation.

33 (5) The indebtedness of the fire department of the excluded
34 city related to fire protection services incurred before the
35 effective date of the consolidation by the entity or a building,
36 holding, or leasing corporation on behalf of the fire
37 department of the excluded city remains the debt of the entity
38 and is not and may not be assumed by the consolidated city.
39 Indebtedness related to fire protection services incurred by
40 the consolidated city before the effective date of the
41 consolidation remains the debt of the consolidated city, and
42 property taxes levied to pay the debt may be levied only by the

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fire special service district.

(6) The merit board and the merit system of the fire department of the excluded city are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(7) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the consolidated fire department under this section; remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter is entitled to receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(8) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the consolidated fire department under this section; remains a member of the 1937 fund. The firefighter is entitled to receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(9) For property taxes first due and payable in the year in which the consolidation is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the excluded city whose fire department is consolidated into the consolidated fire department under this section; and

(B) is reduced for the excluded city whose fire department is consolidated into the consolidated fire department under this section by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective

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for fire protection and related services for the excluded city.

(10) The amount levied in the year preceding the year in which the consolidation is effective by the excluded city whose fire department is consolidated into the consolidated fire department for the excluded city's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 6-1.1-41 and IC 36-8-14 regarding establishment of the cumulative building and equipment fund for fire protection and related services.

(11) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the excluded city are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8 are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other law, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

(d) The fire special service district shall be expanded to include any area of an excluded city that is served by the consolidated fire department.

SECTION 168. IC 36-3-6-4, AS AMENDED BY P.L.146-2008, SECTION 704, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) Before the Wednesday after the first Monday in July each year, the consolidated city and county shall prepare budget estimates for the ensuing budget year under this section.

(b) The following officers shall prepare for their respective departments, offices, agencies, or courts an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure they anticipate:

- (1) The director of each department of the consolidated city.
- (2) Each township assessor (if any); trustee (after June 30, 2014), township constable, if IC 36-6-6.6 applies to the county,

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1 elected county officer, ~~or~~ **and** head of a county agency.
 2 (3) The county clerk, for each court the clerk serves.
 3 **(4) The controller, for each small claims court.**
 4 (c) In addition to the estimates required by subsection (b), the
 5 county clerk shall prepare an estimate of the amount of money that is,
 6 under law, taxable against the county for the expenses of cases tried in
 7 other counties on changes of venue.
 8 (d) Each officer listed in subsection (b)(2) or (b)(3) shall append a
 9 certificate to each estimate the officer prepares stating that in the
 10 officer's opinion the amount fixed in each item will be required for the
 11 purpose indicated. The certificate must be verified by the oath of the
 12 officer.
 13 (e) An estimate for a court or division of a court is subject to
 14 modification and approval by the judge of the court or division.
 15 (f) All of the estimates ~~prepared by city officers and county officers~~
 16 shall be submitted to the controller.
 17 (g) The controller shall also prepare an itemized estimate of city and
 18 county expenditures for other purposes above the money proposed to
 19 be used by the city departments and county officers and agencies.
 20 SECTION 169. IC 36-4-4-2 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The powers of a
 22 city are divided between the executive and legislative branches of its
 23 government. A power belonging to one (1) branch of a city's
 24 government may not be exercised by the other branch.
 25 (b) **Except as provided in IC 3-5-9**, a city employee other than an
 26 elected or appointed public officer may:
 27 (1) be a candidate for ~~any~~ **an** elective office and serve in that
 28 office if elected; or
 29 (2) be appointed to any office and serve in that office if appointed;
 30 without having to resign as a city employee.
 31 SECTION 170. IC 36-6-4-3, AS AMENDED BY P.L.1-2009,
 32 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a) After December 31, 2014:**
 34 **(1) this section applies to a county having a consolidated city,**
 35 **if IC 36-6-6.6 does not apply to the county;**
 36 **(2) in the case of a county to which IC 36-6-6.4 or IC 36-6-6.6**
 37 **applies, the duties and responsibilities of a township executive**
 38 **under this section are transferred to the appropriate county**
 39 **officer; and**
 40 **(3) this section does not apply to a county to which IC 36-6-6.2**
 41 **applies.**
 42 (b) The executive shall do the 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) Attend all meetings of the township legislative body.
- 5 (5) Receive and pay out township funds.
- 6 (6) Examine and settle all accounts and demands chargeable
- 7 against the township.
- 8 (7) Administer township assistance under IC 12-20 and
- 9 IC 12-30-4.
- 10 (8) Perform the duties of fence viewer under IC 32-26.
- 11 (9) Provide and maintain cemeteries under IC 23-14.
- 12 (10) Provide fire protection under IC 36-8, except in a township
- 13 that:
- 14 (A) is located in a county having a consolidated city; and
- 15 (B) consolidated the township's fire department under
- 16 IC 36-3-1-6.1.
- 17 (11) File an annual personnel report under IC 5-11-13.
- 18 (12) Provide and maintain township parks and community centers
- 19 under IC 36-10.
- 20 (13) Destroy detrimental plants, noxious weeds, and rank
- 21 vegetation under IC 15-16-8.
- 22 (14) Provide insulin to the poor under IC 12-20-16.
- 23 (15) Perform other duties prescribed by statute.
- 24 SECTION 171. IC 36-6-4-3.1, IS ADDED TO THE INDIANA
- 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 26 [EFFECTIVE JULY 1, 2012]: **Sec. 3.1. (a) This section applies after**
- 27 **December 31, 2014. This section applies only to a county to which**
- 28 **IC 36-6-6.2 applies.**
- 29 **(b) The executive shall do the following:**
- 30 **(1) Keep a written record of official proceedings.**
- 31 **(2) Manage all township property interests.**
- 32 **(3) Keep township records open for public inspection.**
- 33 **(4) Attend all meetings of the county fiscal body.**
- 34 **(5) Receive and pay out township funds.**
- 35 **(6) Examine and settle all accounts and demands chargeable**
- 36 **against the township.**
- 37 **(7) Serve as a member of the county board of trustees under**
- 38 **IC 36-2-3.6.**
- 39 **(8) Administer township assistance under IC 12-20 and**
- 40 **IC 12-30-4.**
- 41 **(9) Perform the duties of fence viewer under IC 32-26.**
- 42 **(10) File an annual personnel report under IC 5-11-13.**

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- 1 **(11) Provide and maintain township parks and community**
- 2 **centers under IC 36-10.**
- 3 **(12) Provide insulin to the poor under IC 12-20-16 if**
- 4 **authorized in the township assistance plan prepared under**
- 5 **IC 12-20-1.5.**
- 6 **(13) Perform other duties prescribed by statute.**
- 7 SECTION 172. IC 36-6-4-11, AS AMENDED BY P.L.73-2005,
- 8 SECTION 174, IS AMENDED TO READ AS FOLLOWS
- 9 [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) At the township legislative
- 10 body's annual meeting under IC 36-6-6-11, the executive shall **do the**
- 11 **following:**
- 12 (1) Present an itemized written statement of the estimated
- 13 expenditures for which appropriations are requested, specifying
- 14 **the following:**
- 15 (A) The number of teachers employed.
- 16 (B) The salary of each teacher employed.
- 17 (C) The property of the township (and supplies on hand).
- 18 (D) The estimated value of the property of the township (and
- 19 supplies on hand).
- 20 (E) The supplies necessary for each school. ~~and~~
- 21 (F) The need for township assistance in the township. ~~and~~
- 22 **After December 31, 2014, this clause applies to a county**
- 23 **having a consolidated city, if IC 36-6-6.6 does not apply to**
- 24 **the county. After December 31, 2014, this clause does not**
- 25 **apply to any other county.**
- 26 (2) Submit to questions from the legislative body or taxpayers
- 27 concerning expenditures of the township.
- 28 (b) The written statement required under subsection (a)(1) must
- 29 comply with forms prescribed by the state board of accounts and show
- 30 the amount of each item to be charged against township funds.
- 31 SECTION 173. IC 36-6-6-2, AS AMENDED BY P.L.240-2005,
- 32 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 JULY 1, 2012]: Sec. 2. (a) Except as provided in subsection (b) and
- 34 section 2.1 of this chapter, a three (3) member township board shall be
- 35 elected under IC 3-10-2-13 by the voters of each township.
- 36 (b) The township board in a county containing a consolidated city
- 37 shall consist of seven (7) members elected under IC 3-10-2-13 by the
- 38 voters of each township.
- 39 (c) The township board is the township legislative body.
- 40 (d) The term of office of a township board member is four (4) years,
- 41 beginning January 1 after election and continuing until a successor is
- 42 elected and qualified.

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1 (e) This subsection applies only to a county having a
2 consolidated city. Notwithstanding subsection (d), an individual
3 elected to the office of township board member at the general
4 election in 2012 shall serve a two (2) year term.

5 (f) This section expires January 1, 2015.

6 SECTION 174. IC 36-6-6-2.5, AS AMENDED BY P.L.230-2005,
7 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2012]: Sec. 2.5. (a) This section applies to townships in a
9 county containing a consolidated city.

10 (b) The legislative body shall adopt a resolution that divides the
11 township into legislative body districts that:

- 12 (1) are composed of contiguous territory;
- 13 (2) are reasonably compact;
- 14 (3) respect, as nearly as reasonably practicable, precinct boundary
- 15 lines; and
- 16 (4) contain, as nearly as reasonably practicable, equal population.

17 (c) Before a legislative body may adopt a resolution that divides a
18 township into legislative body districts, the secretary of the legislative
19 body shall mail a written notice to the circuit court clerk. This notice
20 must:

- 21 (1) state that the legislative body is considering the adoption of a
- 22 resolution to divide the township into legislative body districts;
- 23 and
- 24 (2) be mailed not later than ten (10) days before the legislative
- 25 body adopts the resolution.

26 (d) The legislative body shall make a division into legislative body
27 districts at the following times:

- 28 (1) During the second year after a year in which a federal
- 29 decennial census is conducted.
- 30 (2) Subject to IC 3-11-1.5-32.5, whenever the boundary of the
- 31 township changes.

32 (e) The legislative body may make the division under this section at
33 any time, subject to IC 3-11-1.5-32.5.

34 (f) This section expires January 1, 2015.

35 SECTION 175. IC 36-6-6-3, AS AMENDED BY P.L.240-2005,
36 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2012]: Sec. 3. (a) This subsection applies to townships in a
38 county containing a consolidated city. One (1) member of the
39 legislative body must reside within each legislative body district. If a
40 member of the legislative body ceases to be a resident of the district
41 from which the member was elected, the office becomes vacant.

42 (b) This subsection applies to townships not included in subsection

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1 (a) or (c). A member of the legislative body must reside within the
2 township as provided in Article 6, Section 6 of the Constitution of the
3 State of Indiana. If a member of the legislative body ceases to be a
4 resident of the township, the office becomes vacant.

5 (c) This subsection applies to a township government that:

6 (1) is created by a merger of township governments under
7 IC 36-6-1.5; and

8 (2) elects a township board under section 2.1 of this chapter.

9 One (1) member of the legislative body must reside within the
10 boundaries of each of the former townships that merged. If a member
11 of the legislative body ceases to be a resident of that former township,
12 the office becomes vacant.

13 **(d) This section expires January 1, 2015.**

14 SECTION 176. IC 36-6-6-4, AS AMENDED BY P.L.240-2005,
15 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2012]: Sec. 4. (a) Except as provided in subsections (b) and
17 (c), two (2) members of the legislative body constitute a quorum.

18 (b) Four (4) members of the legislative body in a county containing
19 a consolidated city constitute a quorum.

20 (c) This subsection applies to a township government that:

21 (1) is created by a merger of township governments under
22 IC 36-6-1.5; and

23 (2) elects a township board under section 2.1 of this chapter.

24 A majority of the members of the legislative body constitute a quorum.
25 If a township board has an even number of members, the township
26 executive shall serve as an ex officio member of the township board for
27 the purpose of casting the deciding vote to break a tie.

28 **(d) This section expires January 1, 2015.**

29 SECTION 177. IC 36-6-6.1 IS ADDED TO THE INDIANA CODE
30 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2012]:

32 **Chapter 6.1. Transfer of Township Board Powers and Duties in**
33 **All Counties**

34 **Sec. 1. This chapter applies after December 31, 2014.**

35 **Sec. 2. On January 1, 2015, the township boards in each county**
36 **are abolished.**

37 **Sec. 3. After December 31, 2014:**

38 **(1) the county fiscal body is the fiscal body and legislative**
39 **body of each township in the county; and**

40 **(2) the county fiscal body shall exercise the legislative and**
41 **fiscal powers assigned in the Indiana Code to township**
42 **boards, including the authority to adopt the township's annual**

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1 **budget and to levy township property taxes for township**
2 **funds.**
3 **Sec. 4. (a) The abolishment of a township board under section**
4 **2 of this chapter does not invalidate:**
5 **(1) any resolutions, fees, schedules, or other actions adopted**
6 **or taken by the township board before January 1, 2015; or**
7 **(2) any appointments made by the township board before**
8 **January 1, 2015.**
9 **(b) After December 31, 2014, any reference:**
10 **(1) in the Indiana Code;**
11 **(2) in the Indiana Administrative Code; or**
12 **(3) in any resolution;**
13 **to the township board or township legislative body of a township**
14 **in a county not having a consolidated city shall be considered a**
15 **reference to the county fiscal body.**
16 SECTION 178. IC 36-6-6.2 IS ADDED TO THE INDIANA CODE
17 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2012]:
19 **Chapter 6.2. Transfer of Additional Township Powers and**
20 **Duties in Certain Counties Other Than Marion County; Transfer**
21 **of Property**
22 **Sec. 1. (a) This chapter applies after December 31, 2014.**
23 **(b) This chapter applies only to a county in which a majority of**
24 **voters vote "no" on a public question under IC 36-6-6.3.**
25 **Sec. 2. (a) After December 31, 2014, fire protection and**
26 **emergency services in an unincorporated area of a county are**
27 **governed by and subject to a county fire protection and emergency**
28 **services plan adopted under IC 36-8-13.6 by the county board of**
29 **trustees and approved by the county legislative body.**
30 **(b) After December 31, 2014, certain other township powers and**
31 **responsibilities are transferred as otherwise specified by law.**
32 **Sec. 3. (a) On January 1, 2015, all:**
33 **(1) assets;**
34 **(2) debts;**
35 **(3) property rights;**
36 **(4) equipment;**
37 **(5) records;**
38 **(6) personnel; and**
39 **(7) contracts;**
40 **of a township connected with powers and duties transferred to the**
41 **county operations are transferred to the county. To the extent that**
42 **the township and the county cannot agree on the transfers under**

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1 this subsection, the department of local government finance shall
2 make the final determination.

3 (b) If, as of December 31, 2014, a township has a local board for
4 the 1937 firefighters' pension fund or the 1977 police officers' and
5 firefighters' pension and disability fund, that local board is
6 dissolved on January 1, 2015, and the powers, duties, and
7 responsibilities of the local board under IC 36-8-7 or IC 36-8-8,
8 respectively, are assumed by the county's local board for the 1937
9 firefighters' pension fund and local board for the 1977 police
10 officers' and firefighters' pension and disability fund, respectively.
11 Notwithstanding any other provision, the legislative body of the
12 county may adopt an ordinance to adjust the membership of the
13 county's local board to reflect the dissolution of the township's
14 local board.

15 (c) As necessary, a county shall levy taxes (within the county's
16 maximum permissible ad valorem property tax levy limit) as
17 necessary to provide for the payment of pension benefits:

- 18 (1) to members of the 1937 firefighters' pension fund; and
- 19 (2) for which, before the transfer of fire protection
20 responsibilities to counties under IC 36-2-21 and IC 36-8-13.7
21 (effective January 1, 2015), the local board of a township in
22 the county was responsible.

23 Sec. 4. (a) Effective January 1, 2015, the county shall assume,
24 defease, pay, or refund all township indebtedness or lease rental
25 obligations related to a power or duty transferred to the county.
26 The county may levy property taxes to pay township indebtedness
27 or lease rental obligations incurred by a township only in the
28 geographic area of the township that originally issued the debt or
29 entered into the lease rental agreement. The former territory of the
30 township comprises a taxing district for the payment of township
31 indebtedness or lease rental obligations existing at the time of the
32 abolition or alteration.

33 (b) Notwithstanding any other law, to assume, defease, pay, or
34 refund all or a part of the indebtedness or lease rental obligations
35 described in subsection (a), the county is not required to comply
36 with any other statutory procedures or approvals that apply when
37 a unit incurs indebtedness or lease rental obligations.

38 (c) The rights of a trustee, bondholder, or leaseholder with
39 respect to any:

- 40 (1) indebtedness or lease rental obligations described in
41 subsection (a); or
- 42 (2) bond resolution, trust agreement or indenture, security

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1 agreement, purchase agreement, or other undertaking with
2 respect to indebtedness described in subsection (a);
3 remain the same, although the powers, duties, agreements, and
4 liabilities of the townships have been transferred to the county, and
5 the county shall be considered to have assumed all those powers,
6 duties, agreements, and liabilities.

7 Sec. 5. (a) On January 1, 2015, the balance in the general fund
8 of a township in the county attributable to the power and duties of
9 the township trustee transferred to the county shall be transferred
10 to the county. The department of local government finance shall
11 determine the amounts to be transferred under this subsection.

12 (b) IC 36-1-8-5 does not apply to a balance referred to in
13 subsection (a).

14 Sec. 6. (a) On January 1, 2015, the balance in the township
15 assistance fund of a township in the county attributable to the
16 duties of the township trustee:

- 17 (1) is transferred to the county; and
- 18 (2) shall be deposited in the township assistance fund
19 established under IC 12-20-21-6.

20 (b) IC 36-1-8-5 does not apply to a balance referred to in
21 subsection (a).

22 Sec. 7. Beginning January 1, 2015, and notwithstanding any
23 other law to the contrary, any revenue from a local income tax for
24 public safety under IC 6-3.5-1.1-25 or IC 6-3.5-6-31 that the
25 township would otherwise receive shall instead be paid to the
26 county.

27 Sec. 8. The department of local government finance shall adjust
28 maximum permissible property tax levies and property tax rates
29 of units of local government as necessary to account for transfers
30 of duties, powers, and obligations to the county.

31 SECTION 179. IC 36-6-6.3 IS ADDED TO THE INDIANA CODE
32 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2012]:

34 **Chapter 6.3. Public Question on Transfer of Township**
35 **Government Duties and Responsibilities in Counties Other Than**
36 **Marion County**

37 Sec. 1. This chapter applies only to a county not having a
38 consolidated city.

39 Sec. 2. The following question shall be submitted to the
40 registered voters of each county at the general election in
41 November 2012:

42 "Shall all duties of township government be transferred to

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1 _____ (insert the name of the county)? (A "yes" vote on
 2 the public question eliminates the township trustee and
 3 transfers other township powers and duties to the county.
 4 However, if the township has a township assessor, the
 5 township assessor is not eliminated and the township
 6 assessor's powers and duties are not transferred to the county.
 7 A "no" vote on the public question: (1) retains the township
 8 trustees in the county; but (2) limits the powers and duties of
 9 the township trustees to administering township assistance in
 10 the township, parks and recreation, fence viewing, and
 11 libraries, if any. The responsibility for providing township
 12 assistance throughout the county is transferred to the county
 13 and certain other township powers and duties including fire
 14 protection, weed control, and cemetery maintenance are
 15 transferred to the county. If the township has a township
 16 assessor, the township assessor is not eliminated and the
 17 township assessor's powers and duties are not transferred to
 18 the county.)".

19 **Sec. 3. (a) The county auditor shall certify a public question**
 20 **described in section 2 of this chapter under IC 3-10-9-3 to the**
 21 **county election board of the county. After the public question is**
 22 **certified, the public question shall be placed on the ballot at the**
 23 **general election in November 2012.**

24 **(b) Only the registered voters who are residents of the county**
 25 **may vote on the public question.**

26 **Sec. 4. The circuit court clerk shall certify the results of a public**
 27 **question under this chapter to the following:**

- 28 (1) The secretary of state.
- 29 (2) The county auditor.
- 30 (3) The department of local government finance.
- 31 (4) The department of state revenue.
- 32 (5) The state board of accounts.

33 **Sec. 5. If a majority of voters voting on a public question under**
 34 **this chapter in the county vote "yes" to the public question,**
 35 **township powers and duties are transferred as provided under**
 36 **IC 36-6-6.4.**

37 **Sec. 6. If a majority of voters voting on a public question under**
 38 **this chapter in the county vote "no" to the public question,**
 39 **township powers and duties are transferred as provided under**
 40 **IC 36-6-6.2.**

41 SECTION 180. IC 36-6-6.4 IS ADDED TO THE INDIANA CODE
 42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2012]:

Chapter 6.4. Transfer of Township Government Duties and Responsibilities in Counties Other Than Marion County; Transfer of Property

Sec. 1. This chapter applies only to a county in which a majority of the voters of the county vote "yes" on a public question under IC 36-6-6.3.

Sec. 2. (a) Beginning on January 1, 2015:

(1) the office of township trustee in each township in the county is abolished; and

(2) the county executive is the executive of all townships in the county and shall exercise the executive powers and duties assigned in the Indiana Code or the Indiana Administrative Code to the township executive.

(b) After December 31, 2014, fire protection and emergency services in an unincorporated area of a county are governed by and subject to a county fire protection and emergency services plan adopted under IC 36-8-13.6 by the county board of trustees and approved by the county legislative body.

Sec. 3. (a) The abolishment of the office of a township trustee under section 2 of this chapter does not invalidate:

(1) any resolutions, fees, schedules, or other actions adopted or taken by the township trustee before January 1, 2015; or

(2) any appointments made by the township trustee before January 1, 2015.

(b) After December 31, 2014, any reference:

(1) in the Indiana Code;

(2) in the Indiana Administrative Code; or

(3) in any resolution;

to the township trustee is considered a reference to the county executive.

Sec. 4. (a) Beginning January 1, 2013, a designee of the county executive shall meet at least every other month with each township trustee to effectuate the proper transition of the township's duties, obligations, and responsibilities relating to cemeteries, high weeds and grass, detrimental plants, and parks.

(b) Beginning January 1, 2013, a designee of the county executive shall meet at least monthly with each township trustee to effectuate the proper transition of the duties, obligations, and responsibilities of the trustees relating to township assistance. The designee shall prepare and maintain a report regarding the transition, and the report shall be made available to the public

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1 upon request. The county executive shall prepare a plan for
 2 delivery of township assistance services on a countywide basis
 3 under IC 12-20-1.6 and township assistance standards under
 4 IC 12-20-1.7.

5 Sec. 5. (a) On January 1, 2015, all:

- 6 (1) assets;
- 7 (2) debts;
- 8 (3) property rights;
- 9 (4) equipment;
- 10 (5) records;
- 11 (6) personnel; and
- 12 (7) contracts;

13 connected with the operations of a township in the county are
 14 transferred to the county executive.

15 (b) If, as of December 31, 2014, a township has a local board for
 16 the 1937 firefighters' pension fund or the 1977 police officers' and
 17 firefighters' pension and disability fund, that local board is
 18 dissolved on January 1, 2015, and the powers, duties, and
 19 responsibilities of the local board under IC 36-8-7 or IC 36-8-8,
 20 respectively, are assumed by the county's local board for the 1937
 21 firefighters' pension fund and local board for the 1977 police
 22 officers' and firefighters' pension and disability fund, respectively.
 23 Notwithstanding any other provision, the legislative body of the
 24 county may adopt an ordinance to adjust the membership of the
 25 county's local board to reflect the dissolution of the township's
 26 local board.

27 (c) As necessary, a county shall levy taxes (within the county's
 28 maximum permissible ad valorem property tax levy limit) as
 29 necessary to provide for the payment of pension benefits:

- 30 (1) to members of the 1937 firefighters' pension fund; and
- 31 (2) for which, before the transfer of fire protection
 32 responsibilities to counties under IC 36-2-21 and IC 36-8-13.7
 33 (effective January 1, 2015), the local board of a township in
 34 the county was responsible.

35 Sec. 6. (a) Effective January 1, 2015, the county shall assume,
 36 defease, pay, or refund all township indebtedness or lease rental
 37 obligations related to a power or duty transferred to the county.
 38 The county may levy property taxes to pay township indebtedness
 39 or lease rental obligations incurred by a township only in the
 40 geographic area of the township that originally issued the debt or
 41 entered into the lease rental agreement. The former territory of the
 42 township comprises a taxing district for the payment of township

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1 indebtedness or lease rental obligations existing at the time of the
2 abolition or alteration.

3 (b) Notwithstanding any other law, to assume, defease, pay, or
4 refund all or a part of the indebtedness or lease rental obligations
5 described in subsection (a), the county is not required to comply
6 with any other statutory procedures or approvals that apply when
7 a unit incurs indebtedness or lease rental obligations.

8 (c) The rights of a trustee, bondholder, or leaseholder with
9 respect to any:

10 (1) indebtedness or lease rental obligations described in
11 subsection (a); or

12 (2) bond resolution, trust agreement or indenture, security
13 agreement, purchase agreement, or other undertaking with
14 respect to indebtedness described in subsection (a);

15 remain the same, although the powers, duties, agreements, and
16 liabilities of the townships have been transferred to the county, and
17 the county shall be considered to have assumed all those powers,
18 duties, agreements, and liabilities.

19 Sec. 7. (a) On January 1, 2015, the balance in the general fund
20 of a township in the county attributable to the duties of the
21 township trustee under IC 36-6-4-3 is transferred to the county.
22 The department of local government finance shall determine the
23 amounts to be transferred under this subsection.

24 (b) IC 36-1-8-5 does not apply to a balance referred to in
25 subsection (a).

26 Sec. 8. (a) On January 1, 2015, the balance in the township
27 assistance fund of a township in the county attributable to the
28 duties of the township trustee:

29 (1) is transferred to the county; and

30 (2) shall be deposited in the township assistance fund
31 established under IC 12-20-21-6.

32 (b) The department of local government finance shall determine
33 the amounts to be transferred under this section.

34 (c) IC 36-1-8-5 does not apply to a balance referred to in this
35 section.

36 Sec. 9. Beginning January 1, 2015, and notwithstanding any
37 other law to the contrary, any revenue from a local income tax for
38 public safety under IC 6-3.5-1.1-25 or IC 6-3.5-6-31 that the
39 township would otherwise receive shall instead be paid to the
40 county.

41 Sec. 10. The department of local government finance shall
42 adjust maximum permissible property tax levies and property tax

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1 rates of units of local government as necessary to account for
2 transfers of duties, powers, and obligations to the county.

3 SECTION 181. IC 36-6-6.5 IS ADDED TO THE INDIANA CODE
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2012]:

6 **Chapter 6.5. Public Question on Transfer of Township
7 Government Duties and Responsibilities in Marion County**

8 **Sec. 1. This chapter applies only to a county having a
9 consolidated city.**

10 **Sec. 2. The following question shall be submitted to the
11 registered voters of each county at the general election in
12 November 2012:**

13 "Shall all duties of township government be transferred to
14 Marion County? (A "yes" vote on the public question
15 eliminates the township trustee and transfers other township
16 powers and duties to the county. A "no" vote on the public
17 question retains all township trustees and township powers
18 and duties are retained by the township.)".

19 **Sec. 3. (a) The county auditor shall certify a public question
20 described in section 2 of this chapter under IC 3-10-9-3 to the
21 county election board of the county. After the public question is
22 certified, the public question shall be placed on the ballot at the
23 general election in November 2012.**

24 **(b) Only the registered voters who are residents of the county
25 may vote on the public question.**

26 **Sec. 4. The circuit court clerk shall certify the results of a public
27 question under this chapter to the following:**

- 28 (1) The secretary of state.
- 29 (2) The county auditor.
- 30 (3) The department of local government finance.
- 31 (4) The department of state revenue.
- 32 (5) The state board of accounts.

33 **Sec. 5. If a majority of voters voting on a public question under
34 this chapter in the county vote "yes" to the public question,
35 township powers and duties are transferred as provided under
36 IC 36-6-6.6.**

37 **Sec. 6. If a majority of voters voting on a public question under
38 this chapter in the county vote "no" to the public question,
39 township powers and duties are retained by the township.**

40 SECTION 182. IC 36-6-6.6 IS ADDED TO THE INDIANA CODE
41 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2012]:

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1 **Chapter 6.6. Transfer of Township Government Duties and**
 2 **Responsibilities in Marion County; Transfer of Property**

3 **Sec. 1. (a) This chapter applies to a county having a consolidated**
 4 **city, if a majority of the voters of the county vote "yes" on a public**
 5 **question under IC 36-6-6.5.**

6 **(b) This chapter does not apply to a county not having a**
 7 **consolidated city.**

8 **Sec. 2. (a) Beginning January 1, 2013, a designee of the county**
 9 **executive shall meet monthly with a designee of each township**
 10 **trustee, constable, and small claims court judge to effectuate the**
 11 **proper transition of the duties, obligations, and responsibilities of**
 12 **the township to the county and consolidated city, as provided in**
 13 **this chapter.**

14 **(b) The county executive's designee shall, for each township,**
 15 **prepare and maintain a report regarding the transition. The report**
 16 **must be made available to the public upon request and must be**
 17 **posted on the Internet web site maintained by the county executive.**

18 **Sec. 3. (a) Effective January 1, 2015, the operations of the**
 19 **township constables and small claims courts are operations of**
 20 **county government and must be accounted for in the county**
 21 **budget.**

22 **(b) Effective January 1, 2015, employees of the township**
 23 **supporting the constable or the small claims court judge become**
 24 **employees of the county, reporting to the constable or small claims**
 25 **court judge, as appropriate, of the township by which they were**
 26 **employed on December 31, 2012.**

27 **Sec. 4. (a) On January 1, 2015, all:**

- 28 (1) assets;
- 29 (2) debts;
- 30 (3) property rights;
- 31 (4) equipment;
- 32 (5) records;
- 33 (6) personnel; and
- 34 (7) contracts;

35 **connected with the operations of township parks and township**
 36 **weed control are transferred to the consolidated city.**

37 **(b) On January 1, 2015, all:**

- 38 (1) assets;
- 39 (2) debts;
- 40 (3) property rights;
- 41 (4) equipment;
- 42 (5) records;

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1 (6) personnel; and
2 (7) contracts;
3 connected with operations of a township that have not otherwise
4 transferred are transferred to the county.

5 (c) Effective January 1, 2015, the operations of the township
6 trustees and any other remaining function performed by township
7 government are operations of county government and shall be
8 accounted for in the county budget.

9 Sec. 5. (a) Effective January 1, 2015, all township governments
10 in the county are abolished, and the duties and powers of the
11 township governments that have not previously transferred to the
12 county or consolidated city are transferred to the county or
13 consolidated city as provided in this chapter.

14 (b) Each township shall retain its geographical boundaries and
15 its name, and each constable and small claims court judge shall
16 continue to serve within the jurisdiction of the township in which
17 the constable and small claims court judge were elected.

18 (c) The term of each township constable and township small
19 claims court judge is not affected by this chapter.

20 Sec. 6. The balance on January 1, 2015, in a debt service fund of
21 a township:

- 22 (1) is transferred to the county in which the township is
23 located; and
- 24 (2) shall be used by the county to pay indebtedness or lease
25 rentals for which the fund was established.

26 Any balance remaining in the fund after all payments for
27 indebtedness or lease rentals required under this section have been
28 made is transferred to the county general fund.

29 Sec. 7. (a) On January 1, 2015, the balance in a township's
30 general fund attributable to the duties of the township trustee
31 under IC 36-6-4-3, other than the duties concerning fire protection
32 transferred under IC 36-3-1-6.1, is transferred to the county.

33 (b) The department of local government finance shall determine
34 the amounts to be transferred under subsection (a).

35 (c) IC 36-1-8-5 does not apply to a balance referred to in
36 subsection (a).

37 Sec. 8. (a) The balance in a township's township assistance fund
38 attributable to the duties of the township trustee on January 1,
39 2015:

- 40 (1) is transferred to the county; and
- 41 (2) shall be deposited in the township assistance fund
42 established under IC 12-20-21-6.

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1 (b) The department of local government finance shall determine
2 the amounts to be transferred under this section.

3 (c) IC 36-1-8-5 does not apply to a balance referred to in this
4 section.

5 Sec. 9. (a) This section does not affect the consolidation of a
6 township fire department that occurs under IC 36-3-1-6.1 before
7 January 1, 2015.

8 (b) If a local public question is approved under IC 36-6-6.5, in
9 the case of a township in the county that does not consolidate its
10 fire department under IC 36-3-1-6.1 before January 1, 2014, the
11 township fire department is consolidated on January 1, 2015, into
12 the fire department of the consolidated city.

13 (c) Notwithstanding IC 36-3-1-6.1, if a local public question is
14 approved under IC 36-6-6.5, the consolidation of the fire
15 department of a township described in subsection (b) into the fire
16 department of the consolidated city occurs on January 1, 2015,
17 without any action required by the executive and the legislative
18 body of the township or the executive and the legislative body of
19 the consolidated city.

20 Sec. 10. (a) The department of local government finance shall
21 increase the county's maximum permissible property tax levy for
22 taxes first due and payable in 2015 by an amount equal to the total
23 combined maximum permissible property tax levies for all
24 townships in the county for property taxes first due and payable in
25 2014 (excluding any township property taxes considered in making
26 an adjustment to the maximum permissible property tax levy of the
27 consolidated city under IC 6-1.1-18.5-22 and any property taxes
28 described in subsection (b)).

29 (b) The department of local government finance shall increase
30 the county's maximum permissible property tax levy for taxes first
31 due and payable in 2015 by an amount equal to the total combined
32 maximum permissible property tax levies for all townships in the
33 county for township assistance purposes for property taxes first
34 due and payable in 2014.

35 (c) The department of local government finance shall adjust the
36 maximum permissible property tax levies and property tax rates
37 of units of local government as necessary to account for transfers
38 of duties, powers, and obligations of governmental functions in a
39 county having a consolidated city, as enacted into law in 2012.

40 Sec. 11. (a) If, after abolition of a township government, there
41 exists any remaining indebtedness of the township, the territory of
42 that township comprises a taxing district for the payment of the

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1 township's indebtedness existing at the time of the abolition. Once
2 the indebtedness is paid, the taxing district is abolished.

3 (b) After abolition of a township government, the controller
4 shall determine the rate of taxation necessary to pay the township
5 indebtedness existing at the time the township was abolished. The
6 controller shall place the tax rate on the tax duplicate for the
7 abolished township government, collect the tax, and pay it over to
8 the proper creditors.

9 SECTION 183. IC 36-6-7-2 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. **Except as provided**
11 **in IC 12-20-4**, an officer of a township may appoint and remove all
12 deputies and other employees in ~~his~~ **the officer's** office, shall appoint
13 deputies and other employees necessary for the proper discharge of ~~his~~
14 **the officer's** duties, and is responsible for the official acts of ~~his~~ **the**
15 **officer's** deputies and other employees.

16 SECTION 184. IC 36-6-8-1 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This chapter
18 applies to all townships **before January 1, 2015**.

19 (b) **After December 31, 2014, this chapter applies to a township**
20 **in a county having a consolidated city, if IC 36-6-6.6 does not apply**
21 **to the county. After December 31, 2014, this chapter does not apply**
22 **to any other county.**

23 SECTION 185. IC 36-8-3-1 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter applies
25 to:

26 (1) second and third class cities; **and**

27 (2) **after December 31, 2014, counties not having a**
28 **consolidated city (for purposes of the county fire department).**

29 It also applies to other units, where specifically indicated.

30 SECTION 186. IC 36-8-3-1.5 IS ADDED TO THE INDIANA
31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. (a) This section does not**
33 **apply to a county having a consolidated city.**

34 (b) **After December 31, 2014, in a county in which a majority of**
35 **voters vote "no" on a public question under IC 36-6-6.3, the county**
36 **board of trustees established under IC 36-2-3.6-5 is considered the**
37 **safety board for purposes of the county fire department.**

38 (c) **After December 31, 2014, in a county in which a majority of**
39 **voters vote "yes" on a public question under IC 36-6-6.3, the**
40 **county legislative body shall by ordinance establish a safety board,**
41 **with the members to be appointed by the county executive.**

42 (d) **After December 31, 2014, a safety board described in this**

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1 section has the same powers and duties under this chapter for
2 purposes of the county fire department as a municipal safety board
3 has under this chapter for purposes of a municipal fire
4 department.

5 SECTION 187. IC 36-8-3.5-1.5 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. (a) This section does not**
8 **apply to a county having a consolidated city.**

9 **(b) In the case of a county to which firefighting duties and**
10 **responsibilities are transferred from townships to the county after**
11 **December 31, 2014, the county may establish a merit system under**
12 **this chapter for the county fire department.**

13 SECTION 188. IC 36-8-7-1, AS AMENDED BY P.L.227-2005,
14 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2012]: Sec. 1. (a) This chapter applies to pension benefits for
16 members of fire departments hired before May 1, 1977, in units for
17 which a 1937 fund was established before May 1, 1977.

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

- 20 (1) was hired before May 1, 1977;
- 21 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,
22 1981); and
- 23 (3) is rehired after April 30, 1977, by the same employer.

24 (c) A firefighter is covered by this chapter and not by IC 36-8-8 if
25 the firefighter:

- 26 (1) was hired before May 1, 1977;
- 27 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,
28 1981);
- 29 (3) was rehired after April 30, 1977, but before February 1, 1979;
30 and
- 31 (4) was made, before February 1, 1979, a member of a 1937 fund.

32 (d) A firefighter who:

- 33 (1) is covered by this chapter before a consolidation under
34 IC 36-3-1-6.1; and
- 35 (2) becomes a member of a fire department of a consolidated city
36 under IC 36-3-1-6.1;

37 is covered by this chapter after the effective date of the consolidation,
38 and the firefighter's service as a member of a fire department of a
39 consolidated city is considered active service under this chapter.

40 (e) A firefighter who:

- 41 (1) as of December 31, 2014, is a member of the 1937 fund as
42 a firefighter with a township fire department, fire protection

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1 territory, or fire protection district within a county; and
 2 **(2) after the transfer of fire protection responsibilities to**
 3 **counties under IC 36-2-21 and IC 36-8-13.7 (effective January**
 4 **1, 2015) becomes a member of the county fire department or**
 5 **a fire protection territory or fire protection district within the**
 6 **county;**
 7 **is covered by this chapter after the firefighter becomes a member**
 8 **of the county fire department, and the firefighter's service as a**
 9 **member of a township fire department, fire protection territory, or**
 10 **fire protection district that was covered under this chapter before**
 11 **January 1, 2015, is considered active service under this chapter.**

12 SECTION 189. IC 36-8-8-1, AS AMENDED BY P.L.227-2005,
 13 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2012]: Sec. 1. This chapter applies to:

- 15 (1) full-time police officers hired or rehired after April 30, 1977,
 16 in all municipalities, or who converted their benefits under
 17 IC 19-1-17.8-7 (repealed September 1, 1981);
- 18 (2) full-time fully paid firefighters hired or rehired after April 30,
 19 1977, or who converted their benefits under IC 19-1-36.5-7
 20 (repealed September 1, 1981);
- 21 (3) a police matron hired or rehired after April 30, 1977, and
 22 before July 1, 1996, who is a member of a police department in a
 23 second or third class city on March 31, 1996;
- 24 (4) a park ranger who:
 - 25 (A) completed at least the number of weeks of training at the
 26 Indiana law enforcement academy or a comparable law
 27 enforcement academy in another state that were required at the
 28 time the park ranger attended the Indiana law enforcement
 29 academy or the law enforcement academy in another state;
 - 30 (B) graduated from the Indiana law enforcement academy or
 31 a comparable law enforcement academy in another state; and
 - 32 (C) is employed by the parks department of a city having a
 33 population of more than one hundred twenty thousand
 34 (120,000) but less than one hundred fifty thousand (150,000);
- 35 (5) a full-time fully paid firefighter who is covered by this chapter
 36 before the effective date of consolidation and becomes a member
 37 of the fire department of a consolidated city under IC 36-3-1-6.1,
 38 provided that the firefighter's service as a member of the fire
 39 department of a consolidated city is considered active service
 40 under this chapter;
- 41 (6) except as otherwise provided, a full-time fully paid firefighter
 42 who is hired or rehired after the effective date of the consolidation

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1 by a consolidated fire department established under
 2 IC 36-3-1-6.1;
 3 (7) a full-time police officer who is covered by this chapter before
 4 the effective date of consolidation and becomes a member of the
 5 consolidated law enforcement department as part of the
 6 consolidation under IC 36-3-1-5.1, provided that the officer's
 7 service as a member of the consolidated law enforcement
 8 department is considered active service under this chapter; ~~and~~
 9 (8) except as otherwise provided, a full-time police officer who is
 10 hired or rehired after the effective date of the consolidation by a
 11 consolidated law enforcement department established under
 12 IC 36-3-1-5.1; ~~and~~

- 13 **(9) a full-time, fully paid firefighter who:**
 14 **(A) as of December 31, 2014, is a member of the 1977 fund**
 15 **as a firefighter with a township fire department, fire**
 16 **protection territory, or fire protection district within a**
 17 **county; and**
 18 **(B) after the transfer of fire protection responsibilities to**
 19 **counties under IC 36-2-21 and IC 36-8-13.7 (effective**
 20 **January 1, 2015) becomes a member of the county fire**
 21 **department or a fire protection territory or fire protection**
 22 **district within the county;**

23 except as provided by section 7 of this chapter.
 24 SECTION 190. IC 36-8-8-2.1 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.1. (a) As used in this
 26 chapter, "local board" means the following:

- 27 (1) For a unit that established a 1925 fund for its police officers,
 28 the local board described in IC 36-8-6-2.
 29 (2) **Except as provided in subdivision (3),** for a unit that
 30 established a 1937 fund for its firefighters, the local board
 31 described in IC 36-8-7-3.
 32 **(3) This subdivision does not apply to a township in a county**
 33 **having a consolidated city. For a township that established a**
 34 **1937 fund for its firefighters, "local board", after December**
 35 **31, 2014, means the local board of the county.**
 36 ~~(4)~~ (4) For a consolidated city that established a 1953 fund for its
 37 police officers, the local board described in IC 36-8-7.5-2.
 38 ~~(5)~~ (5) For a unit, other than a consolidated city, that did not
 39 establish a 1925 fund for its police officers or a 1937 fund for its
 40 firefighters, the local board described in subsection (b) or (c).

41 (b) If a unit did not establish a 1925 fund for its police officers, a
 42 local board shall be composed in the same manner described in

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1 IC 36-8-6-2(b). However, if there is not a retired member of the
2 department, no one shall be appointed to that position until such time
3 as there is a retired member.

4 (c) If a unit did not establish a 1937 fund for its firefighters, a local
5 board shall be composed in the same manner described in
6 IC 36-8-7-3(b). However, if there is not a retired member of the
7 department, no one shall be appointed to that position until such time
8 as there is a retired member.

9 SECTION 191. IC 36-8-8-7, AS AMENDED BY P.L.1-2006,
10 SECTION 575, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Except as provided in
12 subsections (d), (e), (f), (g), (h), (k), (l), **and (m), and (n):**

- 13 (1) a police officer; or
- 14 (2) a firefighter;

15 who is less than thirty-six (36) years of age and who passes the baseline
16 statewide physical and mental examinations required under section 19
17 of this chapter shall be a member of the 1977 fund and is not a member
18 of the 1925 fund, the 1937 fund, or the 1953 fund.

19 (b) A police officer or firefighter with service before May 1, 1977,
20 who is hired or rehired after April 30, 1977, may receive credit under
21 this chapter for service as a police officer or firefighter prior to entry
22 into the 1977 fund if the employer who rehires the police officer or
23 firefighter chooses to contribute to the 1977 fund the amount necessary
24 to amortize the police officer's or firefighter's prior service liability over
25 a period of not more than forty (40) years, the amount and the period
26 to be determined by the PERF board. If the employer chooses to make
27 the contributions, the police officer or firefighter is entitled to receive
28 credit for the police officer's or firefighter's prior years of service
29 without making contributions to the 1977 fund for that prior service. In
30 no event may a police officer or firefighter receive credit for prior years
31 of service if the police officer or firefighter is receiving a benefit or is
32 entitled to receive a benefit in the future from any other public pension
33 plan with respect to the prior years of service.

34 (c) Except as provided in section 18 of this chapter, a police officer
35 or firefighter is entitled to credit for all years of service after April 30,
36 1977, with the police or fire department of an employer covered by this
37 chapter.

38 (d) A police officer or firefighter with twenty (20) years of service
39 does not become a member of the 1977 fund and is not covered by this
40 chapter, if the police officer or firefighter:

- 41 (1) was hired before May 1, 1977;
- 42 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both

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1 of which were repealed September 1, 1981); and

2 (3) is rehired after April 30, 1977, by the same employer.

3 (e) A police officer or firefighter does not become a member of the
4 1977 fund and is not covered by this chapter if the police officer or
5 firefighter:

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

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

9 (3) was rehired after April 30, 1977, but before February 1, 1979;
10 and

11 (4) was made, before February 1, 1979, a member of a 1925,
12 1937, or 1953 fund.

13 (f) A police officer or firefighter does not become a member of the
14 1977 fund and is not covered by this chapter if the police officer or
15 firefighter:

16 (1) was hired by the police or fire department of a unit before May
17 1, 1977;

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

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

22 (4) is made, by the fiscal body of the other unit after December
23 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
24 unit.

25 If the police officer or firefighter is made a member of a 1925, 1937, or
26 1953 fund, the police officer or firefighter is entitled to receive credit
27 for all the police officer's or firefighter's years of service, including
28 years before January 1, 1982.

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

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

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

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

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

41 shall participate in the 1977 fund. A firefighter who participates in the
42 1977 fund under this subsection is subject to sections 18 and 21 of this

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- 1 chapter.
- 2 (h) A police officer or firefighter does not become a member of the
- 3 1977 fund and is not covered by this chapter if the individual was
- 4 appointed as:
- 5 (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- 6 (2) a police chief under a waiver under IC 36-8-4-6.5(c);
- 7 unless the executive of the unit requests that the 1977 fund accept the
- 8 individual in the 1977 fund and the individual previously was a
- 9 member of the 1977 fund.
- 10 (i) A police matron hired or rehired after April 30, 1977, and before
- 11 July 1, 1996, who is a member of a police department in a second or
- 12 third class city on March 31, 1996, is a member of the 1977 fund.
- 13 (j) A park ranger who:
- 14 (1) completed at least the number of weeks of training at the
- 15 Indiana law enforcement academy or a comparable law
- 16 enforcement academy in another state that were required at the
- 17 time the park ranger attended the Indiana law enforcement
- 18 academy or the law enforcement academy in another state;
- 19 (2) graduated from the Indiana law enforcement academy or a
- 20 comparable law enforcement academy in another state; and
- 21 (3) is employed by the parks department of a city having a
- 22 population of more than one hundred twenty thousand (120,000)
- 23 but less than one hundred fifty thousand (150,000);
- 24 is a member of the fund.
- 25 (k) Notwithstanding any other provision of this chapter, a police
- 26 officer or firefighter:
- 27 (1) who is a member of the 1977 fund before a consolidation
- 28 under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.4;**
- 29 (2) whose employer is consolidated into the consolidated law
- 30 enforcement department **under IC 36-3-1-5.1** or the **consolidated**
- 31 fire department ~~of a consolidated city~~ under IC 36-3-1-5.1, ~~or~~
- 32 IC 36-3-1-6.1, **or IC 36-3-1-6.4;** and
- 33 (3) who, after the consolidation, becomes an employee of the
- 34 consolidated law enforcement department **under IC 36-3-1-5.1**
- 35 or the consolidated fire department under ~~IC 36-3-1-5.1~~ ~~or~~
- 36 IC 36-3-1-6.1 **or IC 36-3-1-6.4;**
- 37 is a member of the 1977 fund without meeting the requirements under
- 38 sections 19 and 21 of this chapter.
- 39 (l) Notwithstanding any other provision of this chapter, if:
- 40 (1) before a consolidation under IC 8-22-3-11.6, a police officer
- 41 or firefighter provides law enforcement services or fire protection
- 42 services for an entity in a consolidated city;

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1 (2) the provision of those services is consolidated into the
 2 **consolidated** law enforcement department **under IC 36-3-1-5.1**
 3 **or the consolidated** fire department of a ~~consolidated city~~; **under**
 4 **IC 36-3-1-6.1 or IC 36-3-1-6.4**; and

5 (3) after the consolidation, the police officer or firefighter
 6 becomes an employee of the consolidated law enforcement
 7 department or the consolidated fire department under
 8 IC 8-22-3-11.6;

9 the police officer or firefighter is a member of the 1977 fund without
 10 meeting the requirements under sections 19 and 21 of this chapter.

11 **(m) Notwithstanding any other provision of this chapter, a**
 12 **firefighter who:**

13 **(1) as of December 31, 2014, is a member of the 1977 fund as**
 14 **a firefighter with a township fire department, fire protection**
 15 **territory, or fire protection district within a county; and**

16 **(2) after the transfer of fire protection responsibilities to**
 17 **counties under IC 36-2-21 and IC 36-8-13.7 (effective January**
 18 **1, 2015) becomes a member of the county fire department or**
 19 **a fire protection territory or fire protection district within the**
 20 **county;**

21 **is a member of the 1977 fund without meeting the requirements**
 22 **under sections 19 and 21 of this chapter. A firefighter described in**
 23 **this subsection is entitled to receive credit for all years of service as**
 24 **a member of the 1977 fund before becoming a member of the**
 25 **county fire department.**

26 ~~(m)~~ **(n)** A police officer or firefighter who is a member of the 1977
 27 fund under subsection (k), ~~or~~ (l), **or (m):**

28 **(1) may not be:**

29 ~~(1)~~ **(A)** retired for purposes of section 10 of this chapter; or

30 ~~(2)~~ **(B)** disabled for purposes of section 12 of this chapter; **and**

31 **(2) shall receive credit for all years of service as a member of**
 32 **the 1977 fund before the consolidation described in subsection**
 33 **(k), (l), or (m);**

34 solely because of a change in employer under the consolidation.

35 SECTION 192. IC 36-8-10-11 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The sheriff may
 37 dismiss, demote, or temporarily suspend a county police officer for
 38 cause after preferring charges in writing and after a fair public hearing
 39 before the board, which is reviewable in the circuit court. Written
 40 notice of the charges and hearing must be delivered by certified mail
 41 to the officer to be disciplined at least fourteen (14) days before the
 42 date set for the hearing. The officer may be represented by counsel. The



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1 board shall make specific findings of fact in writing to support its
2 decision.

3 (b) The sheriff may temporarily suspend an officer with or without
4 pay for a period not exceeding fifteen (15) days, without a hearing
5 before the board, after preferring charges of misconduct in writing
6 delivered to the officer.

7 (c) A county police officer may not be dismissed, demoted, or
8 temporarily suspended because of political affiliation nor after the
9 officer's probationary period, except as provided in this section. **Except**
10 **as provided in IC 3-5-9**, an officer may:

11 (1) be a candidate for elective office and serve in that office if
12 elected;

13 (2) be appointed to an office and serve in that office if appointed;
14 and

15 (3) except when in uniform or on duty, solicit votes or campaign
16 funds for the officer or others.

17 (d) The board has subpoena powers enforceable by the circuit court
18 for hearings under this section. An officer on probation may be
19 dismissed by the sheriff without a right to a hearing.

20 (e) An appeal under subsection (a) must be taken by filing in court,
21 within thirty (30) days after the date the decision is rendered, a verified
22 complaint stating in a concise manner the general nature of the charges
23 against the officer, the decision of the board, and a demand for the
24 relief asserted by the officer. A bond must also be filed that guarantees
25 the appeal will be prosecuted to a final determination and that the
26 plaintiff will pay all costs only if the court finds that the board's
27 decision should be affirmed. The bond must be approved as bonds for
28 costs are approved in other cases. The county must be named as the
29 sole defendant and the plaintiff shall have a summons issued as in other
30 cases against the county. Neither the board nor the members of it may
31 be made parties defendant to the complaint, but all are bound by
32 service upon the county and the judgment rendered by the court.

33 (f) All appeals shall be tried by the court. The appeal shall be heard
34 de novo only upon any new issues related to the charges upon which
35 the decision of the board was made. Within ten (10) days after the
36 service of summons, the board shall file in court a complete written
37 transcript of all papers, entries, and other parts of the record relating to
38 the particular case. Inspection of these documents by the person
39 affected, or by the person's agent, must be permitted by the board
40 before the appeal is filed, if requested. The court shall review the
41 record and decision of the board on appeal.

42 (g) The court shall make specific findings and state the conclusions

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1 of law upon which its decision is made. If the court finds that the
2 decision of the board appealed from should in all things be affirmed,
3 its judgment should so state. If the court finds that the decision of the
4 board appealed from should not be affirmed in all things, then the court
5 shall make a general finding, setting out sufficient facts to show the
6 nature of the proceeding and the court's decision on it. The court shall
7 either:

- 8 (1) reverse the decision of the board; or
- 9 (2) order the decision of the board to be modified.

10 (h) The final judgment of the court may be appealed by either party.
11 Upon the final disposition of the appeal by the courts, the clerk shall
12 certify and file a copy of the final judgment of the court to the board,
13 which shall conform its decisions and records to the order and
14 judgment of the court. If the decision is reversed or modified, then the
15 board shall pay to the party entitled to it any salary or wages withheld
16 from the party pending the appeal and to which the party is entitled
17 under the judgment of the court.

18 (i) Either party shall be allowed a change of venue from the court or
19 a change of judge in the same manner as such changes are allowed in
20 civil cases. The rules of trial procedure govern in all matters of
21 procedure upon the appeal that are not otherwise provided for by this
22 section.

23 (j) An appeal takes precedence over other pending litigation and
24 shall be tried and determined by the court as soon as practical.

25 SECTION 193. IC 36-8-11-4 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A county
27 legislative body may establish fire protection districts for any of the
28 following purposes:

- 29 (1) Fire protection, including the capability for extinguishing all
30 fires that might be reasonably expected because of the types of
31 improvements, personal property, and real property within the
32 boundaries of the district.
- 33 (2) Fire prevention, including identification and elimination of all
34 potential and actual sources of fire hazard.
- 35 (3) Other purposes or functions related to fire protection and fire
36 prevention.

37 (b) Any area may be established as a fire protection district, but one
38 (1) part of a district may not be completely separate from another part.
39 A municipality may be included in a district, but only if it consents by
40 ordinance, unless a majority of the freeholders of the municipality have
41 petitioned to be included in the district.

42 (c) Except as provided in subsection (d), the territory of a district

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- 1 may consist of:
- 2 (1) one (1) or more townships and parts of one (1) or more
- 3 townships in the same county; or
- 4 (2) all of the townships in the same county.
- 5 The boundaries of a district need not coincide with those of other
- 6 political subdivisions.
- 7 (d) The territory of a district may consist of a municipality that is
- 8 located in more than one (1) county.
- 9 (e) **The transfer of fire protection responsibilities to counties**
- 10 **under IC 36-2-21 and IC 36-8-13.7 (effective January 1, 2015) does**
- 11 **not terminate a fire protection district in existence under this**
- 12 **chapter as of January 1, 2015. On January 1, 2015, a county not**
- 13 **having a consolidated city shall assume any powers, duties, rights,**
- 14 **and obligations under this chapter of each township in the county**
- 15 **participating in a district.**
- 16 SECTION 194. IC 36-8-11-15 IS AMENDED TO READ AS
- 17 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) The board:
- 18 (1) has the same powers and duties as a township executive with
- 19 respect to fire protection functions, including those duties and
- 20 powers prescribed by IC 36-8-13 **and (after December 31, 2014)**
- 21 **IC 36-8-13.7**, although all cooperative and joint actions permitted
- 22 by ~~that chapter~~ **those chapters** must be undertaken according to
- 23 this chapter;
- 24 (2) has the same powers and duties as a township executive
- 25 relative to contracting with volunteer firefighting companies, as
- 26 prescribed by IC 36-8-12, ~~and~~ IC 36-8-13, **and (after December**
- 27 **31, 2014) IC 36-8-13.7;**
- 28 (3) shall appoint, fix the compensation, and prescribe the duties
- 29 of a fiscal officer, secretarial staff, persons performing special and
- 30 temporary services or providing legal counsel, and other
- 31 personnel considered necessary for the proper functioning of the
- 32 district; however, a person appointed as fiscal officer must be
- 33 bonded by good and sufficient sureties in an amount ordered by
- 34 the county legislative body to protect the district from financial
- 35 loss;
- 36 (4) shall exercise general supervision of and make regulations for
- 37 the administration of the district's affairs;
- 38 (5) shall prescribe uniform rules pertaining to investigations and
- 39 hearings;
- 40 (6) shall supervise the fiscal affairs and responsibilities of the
- 41 district;
- 42 (7) may delegate to employees of the district the authority to

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- 1 perform ministerial acts, except in cases in which final action of
- 2 the board is necessary;
- 3 (8) shall keep accurate and complete records of all departmental
- 4 proceedings, record and file all bonds and contracts, and assume
- 5 responsibility for the custody and preservation of all papers and
- 6 documents of the district;
- 7 (9) shall make an annual report to the executive and the fiscal
- 8 body of the county that at least lists the financial transactions of
- 9 the district and a statement of the progress in accomplishing the
- 10 purposes for which the district has been established;
- 11 (10) shall adopt a seal and certify all official acts;
- 12 (11) may sue and be sued collectively by its legal name ("Board
- 13 of Fire Trustees, _____ Fire Protection District"), with
- 14 service of process made on the chairman of the board, but costs
- 15 may not be taxed against the members individually in an action;
- 16 (12) may invoke any legal, equitable, or special remedy for the
- 17 enforcement of this chapter or of proper action of the board taken
- 18 in a court;
- 19 (13) shall prepare and submit to the fiscal body of the county an
- 20 annual budget for operation and maintenance expenses and for the
- 21 retirement of obligations of the district, subject to review and
- 22 approval by the fiscal body;
- 23 (14) may, if advisable, establish one (1) or more advisory
- 24 committees;
- 25 (15) may enter into agreements with and accept money from a
- 26 federal or state agency and enter into agreements with a
- 27 municipality located within or outside the district, whether or not
- 28 the municipality is a part of the district, for a purpose compatible
- 29 with the purposes for which the district exists and with the
- 30 interests of the municipality;
- 31 (16) may accept gifts of money or other property to be used for
- 32 the purposes for which the district is established;
- 33 (17) may levy taxes at a uniform rate on the real and personal
- 34 property within the district;
- 35 (18) may issue bonds and tax anticipation warrants;
- 36 (19) may incur other debts and liabilities;
- 37 (20) may purchase or rent property;
- 38 (21) may sell services or property that are produced incident to
- 39 the operations of the district making a fair and reasonable charge
- 40 for it;
- 41 (22) may make contracts or otherwise enter into agreements with
- 42 public or private persons and federal or state agencies for

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1 construction, maintenance, or operations of or in part of the
 2 district;
 3 (23) may receive and disburse money; and
 4 (24) may impose a false alarm fee or service charge under
 5 IC 36-8-13-4 **or (after December 31, 2014) IC 36-8-13.7-7.**

6 (b) Powers granted by this chapter may be used only to accomplish
 7 the purpose or purposes as stated in the ordinance or resolution
 8 establishing the district. However, an act of the board necessary and
 9 proper to accomplish the purposes for which the district is established
 10 is not invalid because it incidentally accomplishes a purpose other than
 11 one for which the district is established.

12 SECTION 195. IC 36-8-11-19 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. The department of
 14 local government finance, when approving a rate and levy fixed by the
 15 board, shall verify that a duplication of tax levies does not exist
 16 between a fire protection district and a municipality, ~~or township, or,~~
 17 **after December 31, 2014, county** within the boundaries of the district,
 18 so that taxpayers do not bear two (2) levies for the same service, except
 19 as provided by section 20 of this chapter.

20 SECTION 196. IC 36-8-11-21 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. This chapter does
 22 not require a municipality, ~~or township, or,~~ **after December 31, 2014,**
 23 **county** to disband its fire department unless its legislative body
 24 consents by ordinance.

25 SECTION 197. IC 36-8-12-1 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as
 27 provided in **subsection (b) and** section 10 of this chapter, this chapter
 28 applies to all units except counties.

29 **(b) After December 31, 2014, this chapter:**
 30 **(1) also applies to counties not having a consolidated city; and**
 31 **(2) does not apply to a township located in a county not having**
 32 **a consolidated city.**

33 **(c) On January 1, 2015, a county not having a consolidated city**
 34 **shall assume the powers, duties, rights, and obligations under this**
 35 **chapter of each township in the county.**

36 SECTION 198. IC 36-8-12-13, AS AMENDED BY P.L.208-2011,
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2012]: Sec. 13. (a) Except as provided in subsection (b), the
 39 volunteer fire department that responds first to an incident may impose
 40 a charge on the owner of property, the owner of a vehicle, or a
 41 responsible party (as defined in IC 13-11-2-191(e)) that is involved in
 42 a hazardous material or fuel spill or chemical or hazardous material

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1 related fire (as defined in IC 13-11-2-96(b)):
 2 (1) that is responded to by the volunteer fire department; and
 3 (2) that members of that volunteer fire department assisted in
 4 extinguishing, containing, or cleaning up.
 5 A second or subsequently responding volunteer fire department may
 6 not impose a charge on an owner or responsible party under this
 7 section, although it may be entitled to reimbursement from the first
 8 responding volunteer fire department in accordance with an interlocal
 9 or other agreement.
 10 (b) A volunteer fire department that is funded, in whole or in part:
 11 (1) by taxes imposed by a unit; or
 12 (2) by a contract with a unit;
 13 may not impose a charge under subsection (a) on a natural person who
 14 resides or pays property taxes within the boundaries of the unit
 15 described in subdivision (1) or (2), unless the spill or the chemical or
 16 hazardous material fire poses an imminent threat to persons or
 17 property.
 18 (c) The volunteer fire department shall bill the owner or responsible
 19 party of the vehicle for the total dollar value of the assistance that was
 20 provided, with that value determined by a method that the state fire
 21 marshal shall establish under section 16 of this chapter. A copy of the
 22 fire incident report to the state fire marshal must accompany the bill.
 23 This billing must take place within thirty (30) days after the assistance
 24 was provided. The owner or responsible party shall remit payment
 25 directly to the governmental unit providing the service. Any money that
 26 is collected under this section may be:
 27 (1) deposited in the township firefighting fund established in
 28 IC 36-8-13-4 or the county firefighting fund established under
 29 **IC 36-8-13.7-5;**
 30 (2) used to pay principal and interest on a loan made by the
 31 department of homeland security established by IC 10-19-2-1 or
 32 a division of the department for the purchase of new or used
 33 firefighting and other emergency equipment or apparatus; or
 34 (3) used for the purchase of equipment, buildings, and property
 35 for firefighting, fire protection, and other emergency services.
 36 (d) Any administrative fees charged by a fire department's agent
 37 must be paid only from fees that are collected and allowed by Indiana
 38 law and the fire marshal's schedule of fees.
 39 (e) An agent who processes fees on behalf of a fire department shall
 40 send all bills, notices, and other related materials to both the fire
 41 department and the person being billed for services.
 42 (f) All fees allowed by Indiana law and the fire marshal's fee

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1 schedule must be itemized separately from any other charges.

2 (g) The volunteer fire department may maintain a civil action to
 3 recover an unpaid charge that is imposed under subsection (a) and may,
 4 if it prevails, recover all costs of the action, including reasonable
 5 attorney's fees.

6 SECTION 199. IC 36-8-12-16, AS AMENDED BY P.L.208-2011,
 7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2012]: Sec. 16. (a) A volunteer fire department that provides
 9 service within a jurisdiction served by the department may establish a
 10 schedule of charges for the services that the department provides not
 11 to exceed the state fire marshal's recommended schedule for services.
 12 The volunteer fire department or its agent may collect a service charge
 13 according to this schedule from the owner of property that receives
 14 service if the following conditions are met:

15 (1) At the following times, the department gives notice under
 16 IC 5-3-1-4(d) in each political subdivision served by the
 17 department of the amount of the service charge for each service
 18 that the department provides:

- 19 (A) Before the schedule of service charges is initiated.
- 20 (B) When there is a change in the amount of a service charge.

21 (2) The property owner has not sent written notice to the
 22 department to refuse service by the department to the owner's
 23 property.

24 (3) The bill for payment of the service charge:

- 25 (A) is submitted to the property owner in writing within thirty
- 26 (30) days after the services are provided;
- 27 (B) includes a copy of a fire incident report in the form
- 28 prescribed by the state fire marshal, if the service was
- 29 provided for an event that requires a fire incident report;
- 30 (C) must contain verification that the bill has been approved
- 31 by the chief of the volunteer fire department; and
- 32 (D) must contain language indicating that correspondence
- 33 from the property owner and any question from the property
- 34 owner regarding the bill should be directed to the department.

35 (4) Payment is remitted directly to the governmental unit
 36 providing the service.

37 (b) A volunteer fire department shall use the revenue collected from
 38 the fire service charges under this section:

- 39 (1) for the purchase of equipment, buildings, and property for
- 40 firefighting, fire protection, or other emergency services;
- 41 (2) for deposit in the township firefighting fund established under
- 42 IC 36-8-13-4 or the county firefighting fund established under

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1 **IC 36-8-13.7-5; or**
2 (3) to pay principal and interest on a loan made by the department
3 of homeland security established by IC 10-19-2-1 or a division of
4 the department for the purchase of new or used firefighting and
5 other emergency equipment or apparatus.
6 (c) Any administrative fees charged by a fire department's agent
7 must be paid only from fees that are collected and allowed by Indiana
8 law and the fire marshal's schedule of fees.
9 (d) An agent who processes fees on behalf of a fire department shall
10 send all bills, notices, and other related materials to both the fire
11 department and the person being billed for services.
12 (e) All fees allowed by Indiana law and the fire marshal's fee
13 schedule must be itemized separately from any other charges.
14 (f) If at least twenty-five percent (25%) of the money received by a
15 volunteer fire department for providing fire protection or emergency
16 services is received under one (1) or more contracts with one (1) or
17 more political subdivisions (as defined in IC 34-6-2-110), the
18 legislative body of a contracting political subdivision must approve the
19 schedule of service charges established under subsection (a) before the
20 schedule of service charges is initiated in that political subdivision.
21 (g) A volunteer fire department that:
22 (1) has contracted with a political subdivision to provide fire
23 protection or emergency services; and
24 (2) charges for services under this section;
25 must submit a report to the legislative body of the political subdivision
26 before April 1 of each year indicating the amount of service charges
27 collected during the previous calendar year and how those funds have
28 been expended.
29 (h) The state fire marshal shall annually prepare and publish a
30 recommended schedule of service charges for fire protection services.
31 (i) The volunteer fire department or its agent may maintain a civil
32 action to recover an unpaid service charge under this section and may,
33 if it prevails, recover all costs of the action, including reasonable
34 attorney's fees.
35 SECTION 200. IC 36-8-12-17, AS AMENDED BY P.L.208-2011,
36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2012]: Sec. 17. (a) If a political subdivision has not imposed
38 its own false alarm fee or service charge, a volunteer fire department
39 that provides service within the jurisdiction may establish a service
40 charge for responding to false alarms. The volunteer fire department
41 may collect the false alarm service charge from the owner of the
42 property if the volunteer fire department dispatches firefighting

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1 apparatus or personnel to a building or premises in the township
2 **political subdivision** in response to:

- 3 (1) an alarm caused by improper installation or improper
- 4 maintenance; or
- 5 (2) a drill or test, if the fire department is not previously notified
- 6 that the alarm is a drill or test.

7 However, if the owner of property that constitutes the owner's residence
8 establishes that the alarm is under a maintenance contract with an
9 alarm company and that the alarm company has been notified of the
10 improper installation or maintenance of the alarm, the alarm company
11 is liable for the payment of the fee or service charge.

12 (b) Before establishing a false alarm service charge, the volunteer
13 fire department must provide notice under IC 5-3-1-4(d) in each
14 political subdivision served by the department of the amount of the
15 false alarm service charge. The notice required by this subsection must
16 be given:

- 17 (1) before the false alarm service charge is initiated; and
- 18 (2) before a change in the amount of the false alarm service
- 19 charge.

20 (c) A volunteer fire department may not collect a false alarm service
21 charge from a property owner or alarm company unless the
22 department's bill for payment of the service charge:

- 23 (1) is submitted to the property owner in writing within thirty (30)
- 24 days after the false alarm; and
- 25 (2) includes a copy of a fire incident report in the form prescribed
- 26 by the state fire marshal.

27 (d) A volunteer fire department shall use the money collected from
28 the false alarm service charge imposed under this section:

- 29 (1) for the purchase of equipment, buildings, and property for fire
- 30 fighting, fire protection, or other emergency services;
- 31 (2) for deposit in:
 - 32 **(A) before January 1, 2015, the township firefighting fund**
 - 33 **established under IC 36-8-13-4; or**
 - 34 **(B) after December 31, 2014, the township firefighting fund**
 - 35 **established under IC 36-8-13-4 (in the case of a township**
 - 36 **that is located in a county having a consolidated city and**
 - 37 **that has not consolidated the township's fire department**
 - 38 **under IC 36-3-1-6.1) or the county firefighting fund**
 - 39 **established under IC 36-8-13.7-5 (in the case of a county**
 - 40 **not having a consolidated city); or**
 - 41 (3) to pay principal and interest on a loan made by the department
 - 42 of homeland security established by IC 10-19-2-1 or a division of

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1 the department for the purchase of new or used firefighting and
2 other emergency equipment or apparatus.

3 (e) If at least twenty-five percent (25%) of the money received by a
4 volunteer fire department for providing fire protection or emergency
5 services is received under one (1) or more contracts with one (1) or
6 more political subdivisions (as defined in IC 34-6-2-110), the
7 legislative body of a contracting political subdivision must approve the
8 false alarm service charge established under subsection (a) before the
9 service charge is initiated in that political subdivision.

10 (f) A volunteer fire department that:

11 (1) has contracted with a political subdivision to provide fire
12 protection or emergency services; and

13 (2) imposes a false alarm service charge under this section;

14 must submit a report to the legislative body of the political subdivision
15 before April 1 of each year indicating the amount of false alarm
16 charges collected during the previous calendar year and how those
17 funds have been expended.

18 (g) The volunteer fire department may maintain a civil action to
19 recover unpaid false alarm service charges imposed under this section
20 and may, if it prevails, recover all costs of the action, including
21 reasonable attorney's fees.

22 SECTION 201. IC 36-8-12.2-2 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in this
24 chapter, "fire department" means a fire department that:

25 (1) is established under IC 36-8-2-3, ~~or~~ IC 36-8-13-3(a)(1), **or**
26 **IC 36-8-13.7-4(a)(1)**; and

27 (2) employs:

28 (A) both full-time paid members and volunteer members; or

29 (B) only full-time paid members.

30 SECTION 202. IC 36-8-12.2-8 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Money collected
32 under this chapter must be deposited in one (1) of the following:

33 (1) The general fund of the unit that established the fire
34 department under IC 36-8-2-3, ~~or~~ IC 36-8-13-3(a)(1), **or**
35 **IC 36-8-13.7-4(a)(1)**.

36 (2) A hazardous materials response fund established under section
37 8.1 of this chapter by a city or town having a fire department
38 established under IC 36-8-2-3.

39 (b) Money collected under this chapter may be used only for the
40 following:

41 (1) Purchase of supplies and equipment used in providing
42 hazardous materials emergency assistance under this chapter.

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1 (2) Training for members of the fire department in skills
 2 necessary for providing hazardous materials emergency assistance
 3 under this chapter.
 4 (3) Payment to persons with which the fire department contracts
 5 to provide services related to the hazardous materials emergency
 6 assistance provided by the fire department under this chapter.
 7 SECTION 203. IC 36-8-13-1, AS AMENDED BY P.L.227-2005,
 8 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2012]: Sec. 1. This chapter applies to all townships. However,
 10 this chapter does not apply:
 11 (1) to a township in which the fire department of the township has
 12 been consolidated under IC 36-3-1-6.1; **or**
 13 (2) **after December 31, 2014, to a township located in a county**
 14 **not having a consolidated city.**
 15 SECTION 204. IC 36-8-13.6 IS ADDED TO THE INDIANA
 16 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2012]:
 18 **Chapter 13.6. County Fire Protection and Emergency Services**
 19 **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, "county plan" means a county**
 23 **fire protection and emergency services plan.**
 24 **Sec. 3. (a) This section applies only to a county in which a**
 25 **majority of voters vote "no" on a public question under**
 26 **IC 36-6-6.3.**
 27 **(b) In a county described in subsection (a), the county board of**
 28 **trustees established under IC 36-2-3.6 shall before July 1, 2013,**
 29 **prepare a county plan and submit the county plan to the county**
 30 **legislative body for review and approval.**
 31 **(c) Except as provided in subsection (d), after a county**
 32 **legislative body receives a county plan submitted under subsection**
 33 **(b), the county legislative body shall review the county plan during**
 34 **at least two (2) public meetings at which the public and any**
 35 **interested parties shall have the opportunity to comment on the**
 36 **county plan.**
 37 **(d) If a county board of trustees does not prepare and submit a**
 38 **county plan to the county legislative body before July 1, 2013, the**
 39 **county legislative body shall instead prepare the proposed county**
 40 **plan. The public meeting and comment provisions of subsection (c)**
 41 **apply to a plan prepared under this subsection.**
 42 **Sec. 4. (a) This section applies only to a county in which a**

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1 majority of voters vote "yes" on a public question under
2 IC 36-6-6.3.

3 (b) In a county described in subsection (a), the county legislative
4 body shall propose a county plan.

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

10 Sec. 5. (a) A county legislative body shall before January 1,
11 2014, adopt an ordinance finally approving:

12 (1) the county plan as submitted by the county board of
13 trustees under section 3(b) of this chapter or as proposed by
14 the county legislative body under section 4(b) of this chapter;

15 (2) the county plan as subsequently amended by the county
16 legislative body after the county plan is submitted by the
17 county board of trustees under section 3(b) of this chapter or
18 proposed by the county legislative body under section 4(b) of
19 this chapter; or

20 (3) the county plan as prepared by the county legislative body
21 under section 3(d) of this chapter.

22 (b) If a county legislative body does not adopt an ordinance
23 finally approving a county plan under subsection (a) before
24 January 1, 2014, the division of fire and building safety established
25 by IC 10-19-7-1 shall instead adopt the county plan for that county.

26 Sec. 6. A county legislative body may periodically amend the
27 ordinance setting forth the county plan.

28 Sec. 7. (a) A county plan must provide that after December 31,
29 2014, the county is responsible for fire protection and emergency
30 services in the unincorporated areas of the county.

31 (b) A county plan must include the following:

32 (1) A comprehensive plan providing for fire protection,
33 emergency medical services, and hazardous materials
34 response in the unincorporated areas of the county in an
35 efficient and cost effective manner. The plan must describe
36 the facilities, equipment, and personnel that will be used to
37 provide fire protection and emergency services in the
38 unincorporated areas of the county.

39 (2) A description of the standards of service and protocols for
40 fire protection and emergency service.

41 (3) A plan specifying the transition of fire protection and
42 emergency services from existing township fire departments

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1 **and other providers of fire protection and emergency services**
2 **to county administered fire protection and emergency services**
3 **in the unincorporated areas of the county.**
4 **(4) A description of:**
5 **(A) the organization of the county fire department; and**
6 **(B) any residency requirements that will apply to members**
7 **of the county fire department.**
8 **(5) A description of any fire protection districts, fire**
9 **protection territories, volunteer fire departments, or other**
10 **units of government that will be established or used to provide**
11 **fire protection service or with which the county will contract**
12 **or otherwise enter into an agreement for fire protection and**
13 **emergency services. The county plan must provide that the**
14 **executive of the county will provide for fire protection and**
15 **emergency services in the unincorporated areas of the county**
16 **through any combination of the following:**
17 **(A) The operation of a county fire department.**
18 **(B) Contracting with or otherwise cooperating with any**
19 **municipality, county, fire protection district, volunteer fire**
20 **department, fire protection territory, or other entity.**
21 **SECTION 205. IC 36-8-13.7 IS ADDED TO THE INDIANA**
22 **CODE AS A NEW CHAPTER TO READ AS FOLLOWS**
23 **[EFFECTIVE JULY 1, 2012]:**
24 **Chapter 13.7. County Fire Protection and Emergency Services**
25 **Sec. 1. This chapter does not apply to a county having a**
26 **consolidated city.**
27 **Sec. 2. As used in this chapter, "county plan" means a county**
28 **fire protection and emergency services plan approved under**
29 **IC 36-8-13.6.**
30 **Sec. 3. (a) Beginning January 1, 2015, the executive of a county**
31 **shall provide for fire protection and emergency services in the**
32 **unincorporated areas of the county in the manner specified in the**
33 **county plan.**
34 **(b) As provided in IC 36-2-21, in carrying out fire protection**
35 **and emergency services responsibilities, the county executive shall,**
36 **as provided in the county plan, provide for fire protection and**
37 **emergency services in the unincorporated areas of the county**
38 **through any combination of:**
39 **(1) operating a county fire department;**
40 **(2) contracting with or otherwise cooperating with any**
41 **municipality, county, fire protection district, volunteer fire**
42 **department, fire protection territory, or other entity; or**

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(3) entering into mutual aid agreements.
Sec. 4. (a) The executive of a county, with the approval of the county fiscal body and according to the county plan, may do the following in carrying out the county's responsibility to provide fire protection and emergency services in the unincorporated areas 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 areas 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 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

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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 both of 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 county's provision of the services to the municipality without a contract.

In a county providing services to a municipality under this section, the legislative body of a municipality in the county, the county fiscal body, or the county executive may opt out of participation under this subsection by adopting an ordinance or resolution before July 1 of a year.

Sec. 5. (a) Each county shall establish a county firefighting fund that is the exclusive fund used by the county for the payment of costs attributable to providing fire protection or emergency services under section 4 of this chapter and for no other purposes. The money in the fund may be paid out by the county executive upon appropriation by the county fiscal body.

(b) Each county may levy, for property taxes due in 2015 and thereafter, a tax for the county firefighting fund. Other than a county providing fire protection or emergency services, or both, to municipalities in the county under section 4(b) of this chapter, the tax levy is on all taxable real and personal property in the county that is outside the corporate boundaries of municipalities. Subject to the levy limitations under IC 6-1.1-18.5, the county levy must be in an amount sufficient to pay all costs attributable to fire protection and emergency services that are not paid from other revenues available to the fund. The tax rate and levy must be established in accordance with the procedures set forth in IC 6-1.1-17.

(c) In addition to the tax levy under this section and service charges received under IC 36-8-12-13 and IC 36-8-12-16, the

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1 executive may accept donations to the county for firefighting and
 2 other emergency services and shall place the donations in the
 3 county firefighting fund, keeping an accurate record of the sums
 4 received. A person may also donate partial payment of any
 5 purchase of firefighting or other emergency services equipment
 6 made by the county.

7 Sec. 6. (a) This section applies to a county that provides fire
 8 protection or emergency services, or both, to a municipality in the
 9 county under section 4(b) of this chapter.

10 (b) With the consent of the county fiscal body, the county
 11 executive shall pay the expenses for fire protection and emergency
 12 services in the county, both inside and outside the corporate
 13 boundaries of participating municipalities, from any combination
 14 of the following county funds, regardless of when the funds were
 15 established:

16 (1) The county firefighting fund under section 5(a) of this
 17 chapter.

18 (2) The cumulative building and equipment fund under
 19 IC 36-8-14.

20 (3) The debt fund for taxes levied under section 10 of this
 21 chapter.

22 (c) Subject to the levy limitations under IC 6-1.1-18.5, the tax
 23 rate and levy for the county firefighting fund, the cumulative
 24 building and equipment fund, or the debt fund must be in an
 25 amount sufficient to pay all costs attributable to fire protection or
 26 emergency services that are provided to the county and the
 27 participating municipalities that are not paid from other available
 28 revenues. The tax rate and levy for each fund must be established
 29 in accordance with the procedures set forth in IC 6-1.1-17 and
 30 apply both inside and outside the corporate boundaries of
 31 participating municipalities.

32 (d) The county executive may accept donations for firefighting
 33 and emergency services. The county executive shall place donations
 34 in the county firefighting fund. A person may donate partial
 35 payment of a purchase of firefighting or emergency services
 36 equipment made by the county.

37 Sec. 7. (a) If a fire department serving a county dispatches fire
 38 apparatus or personnel to a building or premises in the county in
 39 response to:

40 (1) an alarm caused by improper installation or improper
 41 maintenance of the alarm; or

42 (2) a drill or test, if the fire department is not previously

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1 notified that the alarm is a drill or test;
 2 the county may impose a fee or service charge upon the owner of
 3 the property. However, if the owner of property that constitutes
 4 the owner's residence establishes that the alarm is under a
 5 maintenance contract with an alarm company and that the alarm
 6 company has been notified of the improper installation or
 7 maintenance of the alarm, the alarm company is liable for the
 8 payment of the fee or service charge.

9 (b) The amount of a fee or service charge imposed under
 10 subsection (a) shall be determined by the county legislative body.
 11 All money received by the county from the fee or service charge
 12 must be deposited in the county's firefighting fund established
 13 under section 5 of this chapter.

14 Sec. 8. (a) For counties and municipalities that elect to have the
 15 county provide fire protection and emergency services under
 16 section 4(b) of this chapter, the department of local government
 17 finance shall adjust each county's and each municipality's
 18 maximum permissible ad valorem property tax levy in the year
 19 following the year in which the election is made, as determined
 20 under IC 6-1.1-18.5-3, to reflect the change from provision of fire
 21 protection under a contract between the municipality and the
 22 county to imposition by the county of a property tax levy on the
 23 taxable property located within the corporate boundaries of each
 24 municipality. Each municipality's maximum permissible ad
 25 valorem property tax levy shall be reduced by the amount of the
 26 municipality's property tax levy that was imposed by the
 27 municipality to meet the obligations to the county under the fire
 28 protection contract. The county's maximum permissible ad
 29 valorem property tax levy shall be increased by the product of:

30 (1) the assessed value growth quotient determined under
 31 IC 6-1.1-18.5-2 for the ensuing calendar year; multiplied by

32 (2) the amount the county received:

33 (A) in the year in which the election is made; and

34 (B) as fire protection contract payments from all
 35 municipalities whose levy is decreased under this section.

36 (b) For purposes of determining a county's or municipality's
 37 maximum permissible ad valorem property tax levy under
 38 IC 6-1.1-18.5-3 for years following the first year after the year in
 39 which the election is made, a county's or municipality's maximum
 40 permissible ad valorem property tax levy is the levy after the
 41 adjustment made under subsection (a).

42 Sec. 9. After a sufficient appropriation has been made and

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1 approved and is available for the purchase of firefighting
2 apparatus and equipment, including housing, the county executive,
3 with the approval of the county fiscal body, may purchase
4 firefighting apparatus and equipment for the county on an
5 installment conditional sale or mortgage contract running for a
6 period not exceeding:

- 7 (1) six (6) years; or
- 8 (2) fifteen (15) years for a county that is purchasing the
9 firefighting equipment with funding from the:
 - 10 (A) state or its instrumentalities; or
 - 11 (B) federal government or its instrumentalities.

12 The purchase must be amortized in equal or approximately equal
13 installments payable on January 1 and July 1 each year.

14 Sec. 10. (a) Subject to section 11 of this chapter and subject to
15 approval of the county fiscal body, the county executive and county
16 legislative body, on behalf of the county, also may borrow the
17 money necessary to make a purchase of firefighting apparatus and
18 equipment from a financial institution in Indiana on the terms
19 described in section 9 of this chapter. The county executive and
20 county legislative body shall, on behalf of the county, execute and
21 deliver to the institution the negotiable note or bond of the county
22 for the sum borrowed. The note or bond must bear interest, with
23 both principal and interest payable in equal or approximately
24 equal installments on January 1 and July 1 each year over a period
25 not exceeding six (6) years.

26 (b) The first installment of principal and interest on a contract,
27 chattel mortgage, note, or bond is due on the next January 1 or
28 July 1 following the first tax collection for which it is possible for
29 the county to levy a tax. The county fiscal body shall levy a tax each
30 year sufficient to pay the obligation according to its terms and shall
31 appropriate the proceeds of the tax for this purpose. An obligation
32 of the county executed under this chapter is a valid and binding
33 obligation of the county.

34 Sec. 11. (a) If the county executive and the legislative body
35 determine that money should be borrowed under section 10 of this
36 chapter, not less than ten (10) taxpayers in the county who disagree
37 with the determination may file a petition in the office of the
38 county auditor not more than thirty (30) days after notice of the
39 determination is given. The petition must state the taxpayers'
40 objections and the reasons why the taxpayers believe the
41 borrowing to be unnecessary or unwise.

42 (b) The county auditor shall immediately certify a copy of the

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1 petition, together with other data necessary to present the
2 questions involved, to the department of local government finance.
3 Upon receipt of the certified petition and other data, the
4 department of local government finance shall fix a date, time, and
5 place for the hearing of the matter. The hearing shall be held not
6 less than five (5) days and not more than thirty (30) days after the
7 receipt of the certified documents.

8 (c) The hearing shall be held in the county where the petition
9 arose.

10 (d) Notice of the hearing shall be given by the department of
11 local government finance to the county and to the first ten (10)
12 petitioners listed on the petition by letter. The letter shall be sent
13 to each of the first ten (10) petitioners at the petitioner's usual
14 place of residence at least five (5) days before the date of the
15 hearing.

16 (e) A:
17 (1) taxpayer who signed a petition filed under subsection (a);
18 or
19 (2) county against which a petition under subsection (a) is
20 filed;

21 may petition for judicial review of the final determination of the
22 department of local government finance under this section. The
23 petition must be filed in the tax court not more than forty-five (45)
24 days after the date of the department's final determination.

25 Sec. 12. (a) All purchases of firefighting apparatus and
26 equipment under this chapter shall be made in the manner
27 provided by statute for the purchase of county supplies. If the
28 amount involved is sufficient to require notice under statutes for
29 bids in connection with the purchase of apparatus or equipment,
30 the notice must offer all bidders the opportunity of proposing to
31 sell the apparatus or equipment to the county upon a conditional
32 sale or mortgage contract.

33 (b) A bidder proposing to sell on a conditional sale or mortgage
34 contract shall state in the bidder's bid the proposed interest rate
35 and terms of the conditional sale or contract, to be considered by
36 the county executive and legislative body in determining the best
37 bid received.

38 (c) All bids submitted must specify the cash price at which the
39 bidder proposes to sell the apparatus or equipment to the county
40 so that the executive and legislative body may determine whether
41 it is in the best interest of the county to purchase the apparatus or
42 equipment on the terms of a conditional sale or mortgage contract

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1 proposed by the bidder or to purchase the apparatus or equipment
2 for cash if sufficient funds are available or can be raised by
3 negotiating a loan with a financial institution in accordance with
4 section 10 of this chapter.

5 Sec. 13. A county having a regularly organized fire department
6 employing full-time firefighters may procure at the county's
7 expense:

- 8 (1) an insurance policy for each member of the fire
- 9 department insuring the member against loss of life or
- 10 dismemberment while in the performance of regularly
- 11 assigned duties; and
- 12 (2) group insurance providing supplemental income
- 13 protection for a member of the fire department who has been
- 14 injured during the course of employment.

15 The insurance coverage shall be selected with the consent of the
16 members and is supplemental to other benefits provided to an
17 injured member by law.

18 Sec. 14. (a) A county shall pay the expenses, as described in
19 subsection (b), necessary for the care of a full-time paid firefighter
20 who:

- 21 (1) suffers an injury; or
- 22 (2) contracts an illness;

23 during the performance of the firefighter's duty.

24 (b) The county shall pay for the following expenses incurred by
25 a firefighter described in subsection (a):

- 26 (1) Medical and surgical care.
- 27 (2) Medicines and laboratory, curative, and palliative agents
- 28 and means.
- 29 (3) X-ray, diagnostic, and therapeutic services, including
- 30 during the recovery period.
- 31 (4) Hospital and special nursing care if the physician or
- 32 surgeon in charge considers it necessary for proper recovery.

33 (c) Expenditures required by subsection (a) shall be paid from
34 the county firefighting fund established under section 5 of this
35 chapter.

36 (d) A county that has paid for the care of a firefighter under
37 subsection (a) has a cause of action for reimbursement of the
38 amount paid under subsection (a) against any third party against
39 whom the firefighter has a cause of action for an injury sustained
40 because of, or an illness caused by, the third party. The county's
41 cause of action under this subsection is in addition to, and not in
42 lieu of, the cause of action of the firefighter against the third party.

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1 **Sec. 15. Notwithstanding section 5 of this chapter, a county**
 2 **fiscal body may after December 31, 2014, authorize the county**
 3 **executive to borrow a specified sum from a county fund other than**
 4 **the county firefighting fund established under section 5 of this**
 5 **chapter if the county fiscal body finds that an emergency requiring**
 6 **the expenditure of money is related to paying the operating**
 7 **expenses of a county fire department or a volunteer fire**
 8 **department. The county fiscal body shall provide for payment of**
 9 **the debt by imposing a levy to the credit of the fund from which the**
 10 **amount was borrowed under this subsection.**

11 SECTION 206. IC 36-8-14-1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a) Except as**
 13 **provided in subsection (b), this chapter applies to all units except**
 14 **counties.**

15 **(b) After December 31, 2014, this chapter:**
 16 **(1) also applies to counties to which fire protection duties and**
 17 **responsibilities are transferred under IC 36-2-21; and**
 18 **(2) does not apply to townships located in a county described**
 19 **in subdivision (1).**

20 **However, a county described in subdivision (1) may, before**
 21 **January 1, 2015, take any action required under this chapter that**
 22 **is necessary to provide for the cumulative building and equipment**
 23 **fund to be established in 2015 and to impose the property tax levy**
 24 **under this chapter beginning in 2015.**

25 SECTION 207. IC 36-8-14-2 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) As used in this
 27 section, "emergency medical services" has the meaning set forth in
 28 IC 16-18-2-110.

29 (b) As used in this section, "volunteer fire department" has the
 30 meaning set forth in IC 36-8-12-2.

31 (c) The legislative body of a unit or the board of fire trustees of a
 32 fire protection district may provide a cumulative building and
 33 equipment fund under IC 6-1.1-41 for the following purposes:

- 34 (1) The:
- 35 (A) purchase, construction, renovation, or addition to
 - 36 buildings; or
 - 37 (B) purchase of land;
- 38 used by the fire department or a volunteer fire department serving
- 39 the unit.
- 40 (2) The purchase of firefighting equipment for use of the fire
- 41 department or a volunteer fire department serving the unit,
- 42 including making the required payments under a lease rental with

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- 1 option to purchase agreement made to acquire the equipment.
- 2 (3) In a municipality, the purchase of police radio equipment.
- 3 (4) The:
- 4 (A) purchase, construction, renovation, or addition to a
- 5 building;
- 6 (B) purchase of land; or
- 7 (C) purchase of equipment;
- 8 for use of a provider of emergency medical services under
- 9 IC 16-31-5 to the unit establishing the fund.
- 10 (d) In addition to the requirements of IC 6-1.1-41, before a
- 11 cumulative fund may be established by a township fire protection
- 12 district, the county legislative body which appoints the trustees of the
- 13 fire protection district must approve the establishment of the fund.
- 14 **(e) This subsection does not apply to a county having a**
- 15 **consolidated city. The following apply on January 1, 2015:**
- 16 **(1) A cumulative building and equipment fund is established**
- 17 **for each county. The adoption and approval provisions of**
- 18 **IC 6-1.1-41 do not apply to the establishment of the fund**
- 19 **under this subsection. The provisions of IC 6-1.1-41**
- 20 **concerning the adoption of a tax levy apply to the fund.**
- 21 **However, a county may before January 1, 2015, take any**
- 22 **action required under this chapter that is necessary to provide**
- 23 **for the cumulative building and equipment fund to be**
- 24 **established in 2015 and to impose the property tax levy under**
- 25 **this chapter beginning in 2015.**
- 26 **(2) Each cumulative building and equipment fund established**
- 27 **by a township in the county is abolished, and the balance in**
- 28 **the township's cumulative building and equipment fund shall**
- 29 **be transferred to the county's cumulative building and**
- 30 **equipment fund established under subdivision (1).**
- 31 SECTION 208. IC 36-8-14-4 IS AMENDED TO READ AS
- 32 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) To provide for
- 33 the cumulative building and equipment fund established under this
- 34 chapter, the legislative body may levy a tax on all taxable property
- 35 within the taxing district in compliance with IC 6-1.1-41. The tax rate
- 36 may not exceed three and thirty-three hundredths cents (\$0.0333) on
- 37 each one hundred dollars (\$100) of assessed valuation of property in
- 38 the taxing district.
- 39 (b) As the tax is collected, it shall be deposited in a qualified public
- 40 depository or depositories and held in a special fund to be known as:
- 41 **(1) the "building or remodeling, firefighting, and police radio**
- 42 **equipment fund" in the case of a municipality; or as**

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1 (2) the "building or remodeling and fire equipment fund" in the
2 case of a township, **a county (after December 31, 2014, in the**
3 **case of a county not having a consolidated city),** or a fire
4 protection district.

5 SECTION 209. IC 36-8-16.5-51, AS AMENDED BY P.L. 173-2011,
6 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2012]: Sec. 51. (a) For purposes of this section, a PSAP
8 includes a public safety communications system operated and
9 maintained under IC 36-8-15.

10 (b) As used in this section, "PSAP operator" means:

- 11 (1) a political subdivision; or
- 12 (2) an agency;

13 that operates a PSAP. The term does not include any entity described
14 in subsection (c)(1) through (c)(3).

15 (c) Subject to subsection (d), after December 31, 2014, a county
16 may not contain more than two (2) PSAPs **in the case of a county**
17 **having a consolidated city, or one (1) PSAP, in the case of a county**
18 **not having a consolidated city.** However, a county may contain one
19 (1) or more PSAPs in addition to the number of PSAPs authorized by
20 this section, as long as any additional PSAPs are operated: ~~by:~~

- 21 (1) **by** a state educational institution;
- 22 (2) **by** an airport authority established for a county having a
23 consolidated city; or
- 24 (3) in a county having a consolidated city, **by** an excluded city (as
25 defined in IC 36-3-1-7).

26 (d) If, on ~~March 15, 2008;~~ **July 1, 2012,** a county does not contain
27 more than one (1) PSAP, not including any PSAP operated by an entity
28 described in subsection (c)(1) through (c)(3), an additional PSAP may
29 not be established and operated in the county ~~on or after March 15,~~
30 ~~2008;~~ unless the additional PSAP is established and operated by:

- 31 (1) a state educational institution; **or**
- 32 (2) in the case of a county having a consolidated city, an airport
33 authority established for the county. ~~or~~
- 34 ~~(3) the municipality having the largest population in the county or~~
35 ~~an agency of that municipality.~~

36 (e) ~~Before January 1, 2015;~~ each PSAP operator in a county that
37 **This subsection applies only to PSAP operators located in a county**
38 **having a consolidated city. If the county** contains more than the
39 number of PSAPs authorized by subsection (c), **each PSAP operator**
40 **in the county** shall enter into an interlocal agreement under IC 36-1-7
41 with every other PSAP operator in the county to ensure that the county
42 does not contain more than the number of PSAPs authorized by

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1 subsection (c) after December 31, 2014.
 2 (f) **This subsection applies only to an interlocal agreement**
 3 **concerning PSAPs located in a county having a consolidated city.**
 4 An interlocal agreement required under subsection (e) may include as
 5 parties, in addition to the PSAP operators required to enter into the
 6 interlocal agreement under subsection (e), any of the following that
 7 seek to be served by a county's authorized PSAPs after December 31,
 8 2014:
 9 (1) Other counties contiguous to the county.
 10 (2) Other political subdivisions in a county contiguous to the
 11 county.
 12 (3) Other PSAP operators in a county contiguous to the county.
 13 (g) **This subsection applies only to an interlocal agreement**
 14 **concerning PSAPs located in a county having a consolidated city.**
 15 An interlocal agreement required under subsection (e) must provide for
 16 the following:
 17 (1) A plan for the:
 18 (A) consolidation;
 19 (B) reorganization; or
 20 (C) elimination;
 21 of one (1) or more of the county's PSAPs, as necessary to ensure
 22 that the county does not contain more than the number of PSAPs
 23 authorized by subsection (c) after December 31, 2014.
 24 (2) A plan for funding and staffing the PSAP or PSAPs that will
 25 serve:
 26 (A) the county; and
 27 (B) any areas contiguous to the county, if additional parties
 28 described in subsection (f) participate in the interlocal
 29 agreement;
 30 after December 31, 2014.
 31 (3) Subject to any applicable state or federal requirements,
 32 protocol to be followed by the county's PSAP or PSAPs in:
 33 (A) receiving incoming 911 calls; and
 34 (B) dispatching appropriate public safety agencies to respond
 35 to the calls;
 36 after December 31, 2014.
 37 (4) Any other matters that the participating PSAP operators or
 38 parties described in subsection (f), if any, determine are necessary
 39 to ensure that the county does not contain more than the number
 40 of PSAPs authorized by subsection (c) after December 31, 2014.
 41 (h) **This subsection applies only to PSAP operators located in a**
 42 **county not having a consolidated city. PSAP operators shall adopt**

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an interlocal agreement that provides for the following:

(1) The agreement must provide for the funding and staffing of the PSAP that after December 31, 2014, will serve the county and (if additional parties participate in the PSAP through interlocal agreement) any areas contiguous to the county.

(2) The agreement must provide 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.

(3) Subject to any applicable state or federal requirements, the agreement must specify the protocol to be followed by the county's PSAP in:

(A) receiving incoming 911 calls; and

(B) dispatching appropriate public safety agencies to respond to the calls;

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 210. IC 36-8-19-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.7. (a) This section does not apply to townships in 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.

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1 SECTION 211. IC 36-8-19-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Subject to
3 subsections (b), ~~and (c)~~, **and (d)**, the legislative bodies of at least two
4 (2) contiguous units may establish a fire protection territory for any of
5 the following purposes:

6 (1) Fire protection, including the capability for extinguishing all
7 fires that might be reasonably expected because of the types of
8 improvements, personal property, and real property within the
9 boundaries of the territory.

10 (2) Fire prevention, including identification and elimination of all
11 potential and actual sources of fire hazard.

12 (3) Other purposes or functions related to fire protection and fire
13 prevention.

14 (b) Not more than one (1) unit within the proposed territory may be
15 designated as the provider unit for the territory.

16 (c) The boundaries of a territory need not coincide with those of
17 other political subdivisions.

18 **(d) This subsection does not apply to a county having a**
19 **consolidated city, unless the county is subject to IC 36-6-6.6. A**
20 **township may not after December 31, 2012, establish a fire**
21 **protection territory without the approval of the legislative body of**
22 **the county in which the township is located.**

23 SECTION 212. IC 36-8-19-8, AS AMENDED BY
24 P.L.182-2009(ss), SECTION 443, IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Upon the
26 adoption of identical ordinances or resolutions, or both, by the
27 participating units under section 6 of this chapter, the designated
28 provider unit must establish a fire protection territory fund from which
29 all expenses of operating and maintaining the fire protection services
30 within the territory, including repairs, fees, salaries, depreciation on all
31 depreciable assets, rents, supplies, contingencies, and all other
32 expenses lawfully incurred within the territory shall be paid. The
33 purposes described in this subsection are the sole purposes of the fund,
34 and money in the fund may not be used for any other expenses. Except
35 as allowed in subsections (d) and (e) and section 8.5 of this chapter, the
36 provider unit is not authorized to transfer money out of the fund at any
37 time.

38 (b) The fund consists of the following:

39 (1) All receipts from the tax imposed under this section.

40 (2) Any money transferred to the fund by the provider unit as
41 authorized under subsection (d).

42 (3) Any receipts from a false alarm fee or service charge imposed

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1 by the participating units under IC 36-8-13-4 or IC 36-8-13.7-7.

2 (4) Any money transferred to the fund by a participating unit
3 under section 8.6 of this chapter.

4 (c) The provider unit, with the assistance of each of the other
5 participating units, shall annually budget the necessary money to meet
6 the expenses of operation and maintenance of the fire protection
7 services within the territory, plus a reasonable operating balance, not
8 to exceed twenty percent (20%) of the budgeted expenses. Except as
9 provided in IC 6-1.1-18.5-10.5, after estimating expenses and receipts
10 of money, the provider unit shall establish the tax levy required to fund
11 the estimated budget. The amount budgeted under this subsection shall
12 be considered a part of each of the participating unit's budget.

13 (d) If the amount levied in a particular year is insufficient to cover
14 the costs incurred in providing fire protection services within the
15 territory, the provider unit may transfer from available sources to the
16 fire protection territory fund the money needed to cover those costs. In
17 this case:

18 (1) the levy in the following year shall be increased by the amount
19 required to be transferred; and

20 (2) the provider unit is entitled to transfer the amount described
21 in subdivision (1) from the fund as reimbursement to the provider
22 unit.

23 (e) If the amount levied in a particular year exceeds the amount
24 necessary to cover the costs incurred in providing fire protection
25 services within the territory, the levy in the following year shall be
26 reduced by the amount of surplus money that is not transferred to the
27 equipment replacement fund established under section 8.5 of this
28 chapter. The amount that may be transferred to the equipment
29 replacement fund may not exceed five percent (5%) of the levy for that
30 fund for that year. Each participating unit must agree to the amount to
31 be transferred by adopting an ordinance (if the unit is a county or
32 municipality) or a resolution (if the unit is a township) that specifies an
33 identical amount to be transferred.

34 (f) The tax under this section is subject to the tax levy limitations
35 imposed under IC 6-1.1-18.5-10.5.

36 SECTION 213. IC 36-10-7-1 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) **Subject to**
38 **subsections (b) and (c)**, this chapter applies to the townships indicated
39 in each section.

40 (b) **This subsection applies after December 31, 2014. Any**
41 **reference in this chapter to "township board" is considered a**
42 **reference to the county fiscal body.**

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- 1 **(c) This subsection applies after December 31, 2014. In a county**
- 2 **to which IC 36-6-6.4 or IC 36-6-6.6 applies:**
- 3 **(1) the powers and duties of a township trustee concerning**
- 4 **parks and recreation under this chapter are transferred to the**
- 5 **county executive or the county executive's designee;**
- 6 **(2) any reference in this chapter to "township trustee" or**
- 7 **"trustee" is considered a reference to the county executive or**
- 8 **the county executive's designee to administer this chapter;**
- 9 **and**
- 10 **(3) this chapter does not apply to a township located in the**
- 11 **county.**

12 SECTION 214. IC 36-10-7.5-1 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a) Except as**
 14 **provided in subsections (b) and (c), this chapter applies to all**
 15 **townships.**

16 **(b) This subsection applies after December 31, 2014. Any**
 17 **reference in this chapter to "township board" is considered a**
 18 **reference to the county fiscal body.**

- 19 **(c) This subsection applies after December 31, 2014. In a county**
- 20 **to which IC 36-6-6.4 or IC 36-6-6.6 applies:**
- 21 **(1) the powers and duties of a township trustee concerning**
- 22 **parks and recreation under this chapter are transferred to the**
- 23 **county executive;**
- 24 **(2) any reference in this chapter to "township trustee" or**
- 25 **"trustee" is considered a reference to the county executive or**
- 26 **the county executive's designee to administer this chapter;**
- 27 **and**
- 28 **(3) this chapter does not apply to a township located in the**
- 29 **county.**

30 SECTION 215. IC 36-12-1-7.5 IS ADDED TO THE INDIANA
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2012]: Sec. 7.5. **(a) After December 31, 2014,**
 33 **any reference in this chapter to "township board" is considered a**
 34 **reference to the county fiscal body.**

- 35 **(b) This subsection applies after December 31, 2014. In a county**
- 36 **to which IC 36-6-6.4 or IC 36-6-6.6 applies:**
- 37 **(1) the powers and duties of a township trustee concerning**
- 38 **libraries under this chapter are transferred to the county**
- 39 **executive or the county executive's designee;**
- 40 **(2) any reference in this chapter to "township trustee" or**
- 41 **"trustee" is considered a reference to the county executive or**
- 42 **the county executive's designee to administer this chapter;**

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- 1 **(3) all responsibilities and obligations of a township**
- 2 **government with respect to a public library, library district,**
- 3 **or provision or receipt of library services by contract are**
- 4 **terminated, and the township government's responsibilities**
- 5 **and obligations are assumed by the county;**
- 6 **(4) the elimination of township government under IC 36-6-6.4**
- 7 **or IC 36-6-6.6 does not terminate a public library, library**
- 8 **district, or contract for provision or receipt of library services**
- 9 **in existence on December 31, 2014; and**
- 10 **(5) this chapter does not apply to a township located in the**
- 11 **county.**

12 SECTION 216. IC 36-12-2-13, AS ADDED BY P.L.1-2005,
 13 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2012]: Sec. 13. This section applies to the appointment of
 15 members to the library board of a public library serving a library
 16 district that is entirely located in one (1) township and includes part or
 17 all of only one (1) municipality. For a public library under this section,
 18 the appointments under section 9(4) and 9(5) of this chapter shall be
 19 made as follows:

- 20 (1) One (1) member appointed **as follows:**
- 21 (A) By the legislative body of the township in which the
- 22 library district is located.
- 23 **(B) This clause applies after December 31, 2014. This**
- 24 **clause applies only to a county to which IC 36-6-6.4**
- 25 **applies. The member is appointed by the legislative body**
- 26 **of the county.**
- 27 (2) One (1) member appointed by the legislative body of the
- 28 municipality in which the library district is located.

29 SECTION 217. [EFFECTIVE JULY 1, 2012] (a) **As used in this**
 30 **SECTION, "committee" refers to the interim study committee on**
 31 **township assistance standards review established by this**
 32 **SECTION.**

33 **(b) The interim study committee on township assistance**
 34 **standards review is established. The committee shall review the**
 35 **provisions in IC 12 concerning township assistance standards and**
 36 **make recommendations to the general assembly to codify and**
 37 **revise those statutes to make the statutes clear, concise, and easy to**
 38 **interpret and to apply.**

39 **(c) The committee shall operate under the policies governing**
 40 **study committees adopted by the legislative council.**

41 **(d) The affirmative votes of a majority of the voting members**
 42 **appointed to the committee are required for the committee to take**

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1 **action on any measure, including final reports.**
2 **(e) This SECTION expires December 31, 2012.**

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