
HOUSE BILL No. 1317

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5; IC 3-8-1; IC 3-10; IC 3-11; IC 4-3-22-14.5; IC 5-3-1-3; IC 5-4-1-4; IC 5-11-13-1; IC 5-22-22-12; IC 6-1.1; IC 12-7-2; IC 12-20; IC 12-30-4-0.5; IC 13-11-2; IC 15-16; IC 16-41-19-7; IC 20-23-3-1.5; IC 23-14; IC 32-26; IC 33-34; IC 34-30-2-58; IC 35-51-36-1; IC 36-1; IC 36-1.5-1-10; IC 36-2; IC 36-3; IC 36-5-1-20; IC 36-6; IC 36-8; IC 36-9; IC 36-10; IC 36-12-1-7.5; IC 36-12-2-13.

Synopsis: Local government issues. Specifies that after December 31, 2012, in each county: (1) the county fiscal body is the fiscal body and legislative body of each township in the county; and (2) the county fiscal body shall exercise the legislative and fiscal powers assigned in the Indiana Code to township boards, including the authority to adopt the township's annual budget and to levy township property taxes for township funds. Specifies that for township budgets adopted for 2013, the total amount appropriated for a particular year may not exceed the result of: (1) the total amount appropriated for the previous year; multiplied by (2) the assessed value growth quotient applicable to the township for the particular year. Provides that if the county fiscal body determines that a township cannot carry out its governmental functions for 2013 under these appropriation limitations, the county fiscal body may appeal to the department of local government finance (DLGF) for relief from the appropriation limitations. Requires a public question to be placed on the November 2012 general election ballot in each county regarding whether the voters want to abolish the offices of township trustee and (if applicable) township assessor. Provides that if a majority of voters in a county approve the public question, on January 1, 2014: (1) the powers and duties of the township regarding township
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Effective: Upon passage; July 1, 2012.

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January 11, 2012, read first time and referred to Committee on Government and Regulatory Reform.



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

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2012, a township may collect property taxes for a capital improvement fund in a particular year only if the township trustee prepares and the county fiscal body approves a proposed or amended capital improvement plan in the immediately preceding year. Abolishes the Marion County board of commissioners effective July 1, 2012. Requires the office of management and budget to annually prepare a report that includes certain information regarding each township. Requires the report to be submitted to the executive director of the legislative services agency and to county councils. Specifies that an office of a political subdivision must include the address, telephone number, and regular office hours (if any) of the office in at least one local telephone directory. Requires a public meeting or a public hearing of an official or governing body of a political subdivision to be held in a public place. Requires the annual report of a county, city, town, or township to list separately each expenditure that is made to reimburse the executive of that unit for the executive's use of real and personal property for public business, including any reimbursements made for the use of a private residence, personal telephone, or personal vehicle for public business. Specifies that an individual who is a relative of an officer of a political subdivision may not be employed by the political subdivision. Provides that an individual who is a relative of an employee of a political subdivision may not be employed in a position in which the individual would have a direct supervisory or subordinate relationship with the employee who is the individual's relative. Specifies that until January 1, 2013, this provision does not require the termination or reassignment of an employee from a position held by that individual before July 1, 2012. Prohibits a political subdivision from entering into or renewing contracts with certain individuals or firms. Provides that the annual report filed by a local government unit with the state board of accounts must include a statement by the executive officer of the unit certifying that the political subdivision is in compliance with the nepotism provisions. Provides that if the political subdivision is not in compliance, the DLGF may not approve the political subdivision's budget or additional appropriations for the ensuing calendar year until the state board of accounts certifies to the DLGF that the political subdivision is in compliance. Provides that the DLGF may not approve the budget or any additional appropriations of a political subdivision that fails to file: (1) an annual fiscal report; or (2) a personnel report; for the preceding year. Provides that an employee of a political subdivision is considered to have resigned from employment with the unit if the employee: (1) assumes the elected executive office of the political subdivision; or (2) becomes an elected member of the political subdivision's executive, legislative, or fiscal body. Makes this provision apply to an employee of a political subdivision who assumes an elected office after June 30, 2012. Provides that in the case of an individual who, on June 30, 2012, holds an elected office of the political subdivision that employs the individual, the individual may continue to hold that elected office and simultaneously be an employee of the political subdivision until the end of the term of office in which the individual was serving on June 30, 2012. Specifies that this provision does not prohibit an employee of a political subdivision from holding an elected office of a political subdivision other than the political subdivision that employs the employee. Provides that a member of a board, commission, committee, council, or any other body with the responsibility of administering the affairs of a unit may not participate in a decision or vote of the body if the member: (1) has a pecuniary interest in; or (2) derives a profit from;

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

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Introduced

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. 1317

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 3-5-2-22 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2012]: Sec. 22. "Executive" means **the**:
3 (1) board of county commissioners, for a county ~~not having that~~:
4 (A) **does not have** a consolidated city; **and**
5 (B) **is not subject to IC 36-2-2.5;**
6 (2) **chief executive officer elected under IC 36-2-2.5, for a**
7 **county that**:
8 (A) **does not have a consolidated city; and**
9 (B) **is subject to IC 36-2-2.5;**
10 ~~(2)~~ (3) mayor of the consolidated city, for a county having a
11 consolidated city;
12 ~~(3)~~ (4) mayor, for a city;
13 ~~(4)~~ (5) president of the town council, for a town; or
14 ~~(5)~~ (6) trustee, for a township.
15 SECTION 2. IC 3-5-2-25 IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2012]: Sec. 25. "Fiscal body" means:

- 2 (1) county council, for a county not having a consolidated city;
 3 (2) city-county council, for a consolidated city or county having
 4 a consolidated city;
 5 (3) common council, for a second or third class city;
 6 (4) town council, for a town;
 7 (5) ~~township board~~, for a township:
 8 (A) **the township board, before January 1, 2013; and**
 9 (B) **the county fiscal body, after December 31, 2012; or**
 10 (6) governing body or budget approval body, for any other
 11 political subdivision.

12 SECTION 3. IC 3-5-9 IS ADDED TO THE INDIANA CODE AS
 13 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2012]:

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

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

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

- 21 (1) **The elected executive or an elected member of the**
 22 **executive body of a political subdivision.**
 23 (2) **An elected member of the legislative body of a political**
 24 **subdivision.**
 25 (3) **An elected member of the fiscal body of a political**
 26 **subdivision.**

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

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

34 **(b) In the case of an individual who, on June 30, 2012, holds an**
 35 **elected office of the political subdivision that employs the**
 36 **individual, the individual may, notwithstanding any other**
 37 **provision of this chapter, continue to hold that elected office and**
 38 **simultaneously be an employee of the political subdivision until the**
 39 **end of the term of office in which the individual was serving on**
 40 **June 30, 2012.**

41 **Sec. 5. This chapter does not prohibit a government employee**
 42 **from holding an elected office of a political subdivision other than**

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1 **the political subdivision that employs the government employee.**
2 SECTION 4. IC 3-8-1-21 IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2012]: Sec. 21. (a) A candidate for the office
4 of county commissioner must:

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

10 **(b) This subsection applies to elections in a county in which a**
11 **county chief executive officer is elected under IC 36-2-2.5. A**
12 **candidate for the office of county chief executive officer must have**
13 **resided in the county for at least one (1) year before the election, as**
14 **provided in Article 6, Section 4 of the Constitution of the State of**
15 **Indiana.**

16 SECTION 5. IC 3-8-1-31 IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2012]: Sec. 31. (a) **This section does not apply**
18 **after December 31, 2013, if the county approves a public question**
19 **under IC 36-6-1.2.**

20 (b) A candidate for the office of constable of a small claims court
21 must:

- 22 (1) have resided in the township for more than one (1) year upon
23 taking office; and
- 24 (2) be at least twenty-one (21) years old upon taking office.

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

32 OFFICIAL PRIMARY BALLOT

33 _____ Party

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

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1 button) in the location indicated.

2 Vote for one (1) only

3 Representative in Congress

4 (1) AB _____

5 (2) CD _____

6 (3) EF _____

7 (4) GH _____

8 *(b) Local public questions shall be placed on the primary election*
 9 *ballot after the voting instructions described in subsection (a) and*
 10 *before the offices described in subsection (e).*

11 *(c) The local public questions described in subsection (b) shall be*
 12 *placed:*

13 *(1) in a separate column on the ballot if voting is by paper ballot;*

14 *(2) after the voting instructions described in subsection (a) and*
 15 *before the offices described in subsection (e), in the form*
 16 *specified in IC 3-11-13-11 if voting is by ballot card; or*

17 *(3) as provided by either of the following if voting is by an*
 18 *electronic voting system:*

19 *(A) On a separate screen for a public question.*

20 *(B) After the voting instructions described in subsection (a)*
 21 *and before the offices described in subsection (e), in the form*
 22 *specified in IC 3-11-14-3.5.*

23 *(d) A public question shall be placed on the primary election ballot*
 24 *in the following form:*

25 *(The explanatory text for the public question,*
 26 *if required by law.)*

27 *"Shall (insert public question)?"*

28 YES

29 NO

30 ~~(e)~~ *(e) The offices with candidates for nomination shall be placed*
 31 *on the primary election ballot in the following order:*

32 (1) Federal and state offices:

33 (A) President of the United States.

34 (B) United States Senator.

35 (C) Governor.

36 (D) United States Representative.

37 (2) Legislative offices:

38 (A) State senator.

39 (B) State representative.

40 (3) Circuit offices and county judicial offices:

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

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- 1 one (1) judge of the circuit court.
 2 (B) Judge of the superior court, and unless otherwise specified
 3 under IC 33, with each division separate if there is more than
 4 one (1) judge of the superior court.
 5 (C) Judge of the probate court.
 6 ~~(D) Judge of the county court, with each division separate, as~~
 7 ~~required by IC 33-30-3-3.~~
 8 ~~(E) (D) Prosecuting attorney.~~
 9 ~~(F) (E) Circuit court clerk.~~
 10 (4) County offices:
 11 (A) County auditor.
 12 (B) County recorder.
 13 (C) County treasurer.
 14 (D) County sheriff.
 15 (E) County coroner.
 16 (F) County surveyor.
 17 (G) County assessor.
 18 (H) County commissioner, **except in a county that is subject**
 19 **to IC 36-2-2.5.**
 20 **(I) County chief executive officer, in a county that is**
 21 **subject to IC 36-2-2.5.**
 22 ~~(J) (J) County council member.~~
 23 (5) Township offices:
 24 (A) Township assessor (only in a township referred to in
 25 IC 36-6-5-1(d)). **This subdivision does not apply to elections**
 26 **in 2014 and thereafter in a county that approves a public**
 27 **question under IC 36-6-1.2.**
 28 (B) Township trustee. **This subdivision does not apply to**
 29 **elections in 2014 and thereafter in a county that approves**
 30 **a public question under IC 36-6-1.2.**
 31 (C) Township board member. **This subdivision does not**
 32 **apply to elections in 2012 and thereafter.**
 33 (D) Judge of the small claims court.
 34 (E) Constable of the small claims court. **This subdivision does**
 35 **not apply to elections in 2014 and thereafter in a county**
 36 **that approves a public question under IC 36-6-1.2.**
 37 (6) City offices:
 38 (A) Mayor.
 39 (B) Clerk or clerk-treasurer.
 40 (C) Judge of the city court.
 41 (D) City-county council member or common council member.
 42 (7) Town offices:

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- 1 (A) Clerk-treasurer.
 2 (B) Judge of the town court.
 3 (C) Town council member.
 4 ~~(e)~~ (f) The political party offices with candidates for election shall
 5 be placed on the primary election ballot in the following order after the
 6 offices described in subsection ~~(b)~~ (e):
 7 (1) Precinct committeeman.
 8 (2) State convention delegate.
 9 ~~(d)~~ (g) The following local offices to be elected at the primary
 10 election and public questions shall be placed on the primary election
 11 ballot in the following order after the offices described in subsection
 12 ~~(c)~~ (f).
 13 (1) School board offices to be elected at the primary election.
 14 (2) Other (1) Local offices to be elected at the primary election.
 15 (3) (2) Local public questions.
 16 ~~(e)~~ (h) The offices and public questions described in subsection ~~(d)~~
 17 (g) shall be placed:
 18 (1) in a separate column on the ballot if voting is by paper ballot;
 19 (2) after the offices described in subsection ~~(c)~~ (f) in the form
 20 specified in IC 3-11-13-11 if voting is by ballot card; or
 21 (3) either:
 22 (A) on a separate screen for each office or public question; or
 23 (B) after the offices described in subsection ~~(c)~~ (f) in the form
 24 specified in IC 3-11-14-3.5;
 25 if voting is by an electronic voting system.
 26 (f) A public question shall be placed on the primary election ballot
 27 in the following form:
 28 (The explanatory text for the public question,
 29 if required by law.)
 30 "Shall (insert public question)?"
 31 YES
 32 NO
 33 SECTION 7. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,
 34 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2012]: Sec. 13. (a) The following public officials shall be
 36 elected at the general election before their terms of office expire and
 37 every four (4) years thereafter:
 38 (1) Clerk of the circuit court.
 39 (2) County auditor.
 40 (3) County recorder.
 41 (4) County treasurer.
 42 (5) County sheriff.



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- 1 (6) County coroner.
 2 (7) County surveyor.
 3 (8) County assessor.
 4 (9) County commissioner, **except in a county that is subject to**
 5 **IC 36-2-2.5.**
 6 **(10) County chief executive officer, in a county that is subject**
 7 **to IC 36-2-2.5.**
 8 ~~(11)~~ (11) County council member.
 9 ~~(12)~~ **(12) Township trustee. This subdivision does not apply to**
 10 **elections in 2014 and thereafter in a county that approves a**
 11 **public question under IC 36-6-1.2.**
 12 ~~(13)~~ **(13) Township board member. This subdivision does not**
 13 **apply to elections in 2012 and thereafter.**
 14 ~~(14)~~ **(14) Township assessor (only in a township referred to in**
 15 **IC 36-6-5-1(d)). This subdivision does not apply to elections in**
 16 **2014 and thereafter in a county that approves a public**
 17 **question under IC 36-6-1.2.**
 18 ~~(15)~~ (15) Judge of a small claims court.
 19 ~~(16)~~ **(16) Constable of a small claims court. This subdivision**
 20 **does not apply to elections in 2014 and thereafter in a county**
 21 **that approves a public question under IC 36-6-1.2.**
 22 (b) **Notwithstanding subsection (a), an individual elected to the**
 23 **office of township board member at the general election in 2010**
 24 **shall serve a two (2) year term. This subsection expires January 1,**
 25 **2014.**
 26 (c) **This subsection applies to a township in a county that**
 27 **approves a public question under IC 36-6-1.2. Notwithstanding**
 28 **subsection (a), an individual elected to the office of township**
 29 **trustee at the general election in 2010 shall serve a three (3) year**
 30 **term. This subsection expires January 1, 2014.**
 31 SECTION 8. IC 3-11-1.5-32.5 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 32.5. (a) This section
 33 applies to townships in a county containing a consolidated city.
 34 (b) The legislative body of a township may not change the boundary
 35 of a legislative body district established under IC 36-6-6-2.5 after
 36 November 8 of the year preceding the year in which an election is held
 37 to elect township board members and before the day following the date
 38 on which an election is held to elect township board members.
 39 (c) **This section expires January 1, 2013.**
 40 SECTION 9. IC 3-11-2-12, AS AMENDED BY P.L.190-2011,
 41 SECTION 5, AND AS AMENDED BY P.L.201-2011, SECTION 5, IS
 42 CORRECTED AND AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2012]: Sec. 12. The following offices shall be
 2 placed on the general election ballot in the following order *after the*
 3 *public questions described in section 10(a) of this chapter:*

- 4 (1) Federal and state offices:
 5 (A) President and Vice President of the United States.
 6 (B) United States Senator.
 7 (C) Governor and lieutenant governor.
 8 (D) Secretary of state.
 9 (E) Auditor of state.
 10 (F) Treasurer of state.
 11 (G) Attorney general.
 12 (H) Superintendent of public instruction.
 13 (I) United States Representative.
- 14 (2) Legislative offices:
 15 (A) State senator.
 16 (B) State representative.
- 17 (3) Circuit offices and county judicial offices:
 18 (A) Judge of the circuit court, and unless otherwise specified
 19 under IC 33, with each division separate if there is more than
 20 one (1) judge of the circuit court.
 21 (B) Judge of the superior court, and unless otherwise specified
 22 under IC 33, with each division separate if there is more than
 23 one (1) judge of the superior court.
 24 (C) Judge of the probate court.
 25 ~~(D) Judge of the county court, with each division separate, as~~
 26 ~~required by IC 33-30-3-3.~~
 27 ~~(D)~~ (D) Prosecuting attorney.
 28 ~~(E)~~ (E) Clerk of the circuit court.
- 29 (4) County offices:
 30 (A) County auditor.
 31 (B) County recorder.
 32 (C) County treasurer.
 33 (D) County sheriff.
 34 (E) County coroner.
 35 (F) County surveyor.
 36 (G) County assessor.
 37 (H) County commissioner, **except in a county that is subject**
 38 **to IC 36-2-2.5.**
 39 **(I) County chief executive officer, in a county that is**
 40 **subject to IC 36-2-2.5.**
 41 ~~(J)~~ **(J)** County council member.
- 42 (5) Township offices:

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- 1 (A) Township assessor (only in a township referred to in
- 2 IC 36-6-5-1(d)). **This clause does not apply to elections in**
- 3 **2014 and thereafter in a county that approves a public**
- 4 **question under IC 36-6-1.2.**
- 5 (B) Township trustee. **This clause does not apply to elections**
- 6 **in 2014 and thereafter in a county that approves a public**
- 7 **question under IC 36-6-1.2.**
- 8 (C) Township board member. **This clause does not apply to**
- 9 **elections in 2012 and thereafter.**
- 10 (D) Judge of the small claims court.
- 11 (E) Constable of the small claims court. **This clause does not**
- 12 **apply to elections in 2014 and thereafter in a county that**
- 13 **approves a public question under IC 36-6-1.2.**
- 14 (6) City offices:
- 15 (A) Mayor.
- 16 (B) Clerk or clerk-treasurer.
- 17 (C) Judge of the city court.
- 18 (D) City-county council member or common council member.
- 19 (7) Town offices:
- 20 (A) Clerk-treasurer.
- 21 (B) Judge of the town court.
- 22 (C) Town council member.

23 SECTION 10. IC 4-3-22-14.5 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2012]: **Sec. 14.5. (a) The OMB shall annually**
 26 **prepare a report that includes the following information for each**
 27 **township for the preceding calendar year:**

- 28 (1) **The population of the township.**
- 29 (2) **The budget, property tax levies, and property tax rates**
- 30 **adopted by the county fiscal body and approved by the**
- 31 **department of local government finance.**
- 32 (3) **The assessed valuation in the township used to determine**
- 33 **property taxes first due and payable in the preceding calendar**
- 34 **year.**
- 35 (4) **The balance in each township fund as of the end of the**
- 36 **preceding calendar year.**
- 37 (5) **A summary of the township assistance information**
- 38 **submitted by the township trustee under IC 12-20-28-3.**
- 39 (6) **A summary of any statutory compliance issues or**
- 40 **exceptions noted by the state board of accounts in its**
- 41 **examination report for the township for the preceding**
- 42 **calendar year.**

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- 1 **(7) A description of any interlocal agreements in effect**
- 2 **concerning the township's functions and duties.**
- 3 **(8) A description of any resolutions or petitions concerning**
- 4 **the township that were adopted or submitted under IC 36-1.5**
- 5 **(government modernization) during the preceding calendar**
- 6 **year.**
- 7 **(9) A description of the property owned or leased by the**
- 8 **township.**
- 9 **(b) To the extent that the information required by subsection (a)**
- 10 **has not been previously submitted to or certified by the OMB or**
- 11 **the department of local government finance, a township shall**
- 12 **submit the information to the OMB in an electronic format**
- 13 **prescribed by the state board of accounts on a schedule established**
- 14 **by the state board of accounts.**
- 15 **(c) The OMB shall do the following before July 1 of each year:**
- 16 **(1) Submit a copy of the report prepared under subsection (a)**
- 17 **to the executive director of the legislative services agency in**
- 18 **an electronic format under IC 5-14-6.**
- 19 **(2) Submit to the county council of each county a copy of the**
- 20 **information compiled in the report for each township within**
- 21 **the county.**
- 22 **(d) This section does not apply after December 31, 2013, in a**
- 23 **county that approves a public question under IC 36-6-1.2.**
- 24 SECTION 11. IC 5-3-1-3, AS AMENDED BY P.L.1-2005,
- 25 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2012]: Sec. 3. (a) Within sixty (60) days after the expiration
- 27 of each calendar year, the fiscal officer of each civil city and town in
- 28 Indiana shall publish an annual report of the receipts and expenditures
- 29 of the city or town during the preceding calendar year.
- 30 **(b) The annual financial report of a city or town must separately**
- 31 **list each expenditure that is made to reimburse the city or town**
- 32 **executive for the executive's use of tangible property (as defined in**
- 33 **IC 6-1.1-1-19) for public business, including any reimbursements**
- 34 **made for the executive's use of a private residence, a personal**
- 35 **telephone, or a personal vehicle for public business. As used in this**
- 36 **section, "private residence" means a place that is not a public**
- 37 **place.**
- 38 **(c) Not earlier than August 1 or later than August 15 of each**
- 39 **year, the secretary of each school corporation in Indiana shall publish**
- 40 **an annual financial report.**
- 41 **(d) In the annual financial report the school corporation shall**
- 42 **include the following:**

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- 1 (1) Actual receipts and expenditures by major accounts as
- 2 compared to the budget advertised under IC 6-1.1-17-3 for the
- 3 prior calendar year.
- 4 (2) The salary schedule for all certificated employees (as defined
- 5 in IC 20-29-2-4) as of June 30, with the number of employees at
- 6 each salary increment. However, the listing of salaries of
- 7 individual teachers is not required.
- 8 (3) The extracurricular salary schedule as of June 30.
- 9 (4) The range of rates of pay for all noncertificated employees by
- 10 specific classification.
- 11 (5) The number of employees who are full-time certificated,
- 12 part-time certificated, full-time noncertificated, and part-time
- 13 noncertificated.
- 14 (6) The lowest, highest, and average salary for the administrative
- 15 staff and the number of administrators without a listing of the
- 16 names of particular administrators.
- 17 (7) The number of students enrolled at each grade level and the
- 18 total enrollment.
- 19 (8) The assessed valuation of the school corporation for the prior
- 20 and current calendar year.
- 21 (9) The tax rate for each fund for the prior and current calendar
- 22 year.
- 23 (10) In the general fund, capital projects fund, and transportation
- 24 fund, a report of the total payment made to each vendor for the
- 25 specific fund in excess of two thousand five hundred dollars
- 26 (\$2,500) during the prior calendar year. However, a school
- 27 corporation is not required to include more than two hundred
- 28 (200) vendors whose total payment to each vendor was in excess
- 29 of two thousand five hundred dollars (\$2,500). A school
- 30 corporation shall list the vendors in descending order from the
- 31 vendor with the highest total payment to the vendor with the
- 32 lowest total payment above the minimum listed in this
- 33 subdivision.
- 34 (11) A statement providing that the contracts, vouchers, and bills
- 35 for all payments made by the school corporation are in its
- 36 possession and open to public inspection.
- 37 (12) The total indebtedness as of the end of the prior calendar
- 38 year showing the total amount of notes, bonds, certificates, claims
- 39 due, total amount due from such corporation for public
- 40 improvement assessments or intersections of streets, and any and
- 41 all other evidences of indebtedness outstanding and unpaid at the
- 42 close of the prior calendar year.

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- 1 ~~(d)~~ (e) The school corporation may provide an interpretation or
- 2 explanation of the information included in the financial report.
- 3 ~~(e)~~ (f) The department of education shall do the following:
- 4 (1) Develop guidelines for the preparation and form of the
- 5 financial report.
- 6 (2) Provide information to assist school corporations in the
- 7 preparation of the financial report.
- 8 ~~(f)~~ (g) The annual reports required by this section and IC 36-2-2-19
- 9 and the abstract required by IC 36-6-4-13 shall each be published one
- 10 (1) time only, in accordance with this chapter.
- 11 ~~(g)~~ (h) Each school corporation shall submit to the department of
- 12 education a copy of the financial report required under this section. The
- 13 department of education shall make the financial reports available for
- 14 public inspection.
- 15 SECTION 12. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS
- 16 [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) As used in this section,
- 17 "political subdivision" has the meaning set forth in IC 36-1-2-13.
- 18 (b) The copy of the oath under section 2 of this chapter shall be
- 19 deposited by the person as follows:
- 20 (1) **The oath** of all officers whose oath is endorsed on or attached
- 21 to the commission and whose duties are not limited to a particular
- 22 county or of a justice, judge, or prosecuting attorney, in the office
- 23 of the secretary of state.
- 24 (2) **The oath** of the circuit court clerk, officers of a political
- 25 subdivision or school corporation, and constables of a small
- 26 claims court, in the circuit court clerk's office of the county
- 27 containing the greatest percentage of the population of the
- 28 political subdivision or school corporation. **This subdivision does**
- 29 **not apply after December 31, 2013, if the county approves the**
- 30 **public question under IC 36-6-1.2.**
- 31 (3) **This subdivision applies after December 31, 2013, if the**
- 32 **county approves the public question under IC 36-6-1.2. The**
- 33 **oath of the following shall be deposited by the person in the**
- 34 **circuit court clerk's office of the county containing the**
- 35 **greatest percentage of the population of the political**
- 36 **subdivision or school corporation:**
- 37 (A) **The circuit court clerk.**
- 38 (B) **Officers of a political subdivision or school**
- 39 **corporation.**
- 40 ~~(3)~~ (4) **The oath** of a deputy prosecuting attorney, in the office of
- 41 the clerk of the circuit court of the county in which the deputy
- 42 prosecuting attorney resides or serves.

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1 SECTION 13. IC 5-11-13-1, AS AMENDED BY P.L.172-2011,
 2 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2012]: Sec. 1. (a) Every state, county, city, town, township, or
 4 school official, elective or appointive, who is the head of or in charge
 5 of any office, department, board, or commission of the state or of any
 6 county, city, town, or township, and every state, county, city, town, or
 7 township employee or agent who is the head of, or in charge of, or the
 8 executive officer of any department, bureau, board, or commission of
 9 the state, county, city, town, or township, and every executive officer
 10 by whatever title designated, who is in charge of any state educational
 11 institution or of any other state, county, or city institution, shall during
 12 the month of January of each year prepare, make, and sign a written or
 13 printed certified report, correctly and completely showing the names
 14 and business addresses of each and all officers, employees, and agents
 15 in their respective offices, departments, boards, commissions, and
 16 institutions, and the respective duties and compensation of each, and
 17 shall forthwith file said report in the office of the state examiner of the
 18 state board of accounts. However, no more than one (1) report covering
 19 the same officers, employees, and agents need be made from the state
 20 or any county, city, town, township, or school unit in any one (1) year.

21 **(b) This subsection applies only to a political subdivision subject**
 22 **to IC 36-1-6.5. A report under subsection (a) that is submitted after**
 23 **December 31, 2012, by the political subdivision must include a**
 24 **statement by the executive (as defined in IC 36-1-2-5) of the**
 25 **political subdivision, regarding whether the political subdivision**
 26 **has implemented a policy that complies with IC 36-1-6.5. If the**
 27 **political subdivision does not implement a policy that complies with**
 28 **IC 36-1-6.5, the department of local government finance may not**
 29 **approve the political subdivision's budget or any additional**
 30 **appropriations for the political subdivision for the ensuing**
 31 **calendar year.**

32 ~~(b)~~ (c) The department of local government finance may not
 33 approve the budget of a county, city, town, or township or a
 34 supplemental appropriation for a county, city, town, or township until
 35 the county, city, town, or township files an annual report under
 36 subsection (a) for the preceding calendar year.

37 SECTION 14. IC 5-22-22-12, AS AMENDED BY P.L.128-2008,
 38 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2012]: Sec. 12. (a) This section applies to the following
 40 surplus property:

- 41 (1) Fire trucks.
- 42 (2) Emergency service vehicles.



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- 1 (3) Firefighting or emergency services equipment.
- 2 (b) As used in this section, "fire department" refers to any of the
- 3 following:
- 4 (1) A volunteer fire department (as defined in IC 36-8-12-2).
- 5 (2) The board of fire trustees of a fire protection district
- 6 established under IC 36-8-11.
- 7 **(3) After December 31, 2013, a fire trustee of a fire protection**
- 8 **district established under IC 36-8-11-4.5.**
- 9 ~~(4)~~ **(4)** The provider unit of a fire protection territory established
- 10 under IC 36-8-19.
- 11 (c) Notwithstanding section 4, 4.5, or 5 of this chapter, a
- 12 governmental body may transfer title of surplus property to a fire
- 13 department for the fire department's use in providing fire protection or
- 14 emergency services.
- 15 (d) A fire department located in the same county as the
- 16 governmental body offering the surplus property for transfer has the
- 17 right of first refusal for all surplus property offered. Surplus property
- 18 that is refused by the fire departments located in the same county as the
- 19 governmental body may be transferred to any fire department in
- 20 Indiana.
- 21 (e) A governmental body may transfer title of surplus property to a
- 22 fire department under this section by:
- 23 (1) sale;
- 24 (2) gift; or
- 25 (3) another arrangement acceptable to the governmental body and
- 26 the fire department.
- 27 SECTION 15. IC 6-1.1-11-4, AS AMENDED BY P.L.173-2011,
- 28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2012]: Sec. 4. (a) The exemption application referred to in
- 30 section 3 of this chapter is not required if the exempt property is owned
- 31 by the United States, the state, an agency of this state, or a political
- 32 subdivision (as defined in IC 36-1-2-13). However, this subsection
- 33 applies only when the property is used, and in the case of real property
- 34 occupied, by the owner.
- 35 (b) The exemption application referred to in section 3 of this chapter
- 36 is not required if the exempt property is a cemetery:
- 37 (1) described by IC 6-1.1-2-7; or
- 38 (2) maintained by a township executive **or (after December 31,**
- 39 **2013, in a county that approves a public question under**
- 40 **IC 36-6-1.2) the county executive** under IC 23-14-68.
- 41 (c) The exemption application referred to in section 3 of this chapter
- 42 is not required if the exempt property is owned by the bureau of motor

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

2 (d) The exemption application referred to in section 3 or 3.5 of this
3 chapter is not required if:

4 (1) the exempt property is:

5 (A) tangible property used for religious purposes described in
6 IC 6-1.1-10-21;

7 (B) tangible property owned by a church or religious society
8 used for educational purposes described in IC 6-1.1-10-16;

9 (C) other tangible property owned, occupied, and used by a
10 person for educational, literary, scientific, religious, or
11 charitable purposes described in IC 6-1.1-10-16; or

12 (D) other tangible property owned by a fraternity or sorority
13 (as defined in IC 6-1.1-10-24).

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

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

22 A change in ownership of property does not terminate an exemption of
23 the property if after the change in ownership the property continues to
24 meet the requirements for an exemption under IC 6-1.1-10-16,
25 IC 6-1.1-10-21, or IC 6-1.1-10-24. However, if title to any of the real
26 property subject to the exemption changes or any of the tangible
27 property subject to the exemption is used for a nonexempt purpose after
28 the date of the last properly filed exemption application, the person that
29 obtained the exemption or the current owner of the property shall notify
30 the county assessor for the county where the tangible property is
31 located of the change in the year that the change occurs. The notice
32 must be in the form prescribed by the department of local government
33 finance. If the county assessor discovers that title to property granted
34 an exemption described in IC 6-1.1-10-16, IC 6-1.1-10-21, or
35 IC 6-1.1-10-24 has changed, the county assessor shall notify the
36 persons entitled to a tax statement under IC 6-1.1-22-8.1 for the
37 property of the change in title and indicate that the county auditor will
38 suspend the exemption for the property until the persons provide the
39 county assessor with an affidavit, signed under penalties of perjury, that
40 identifies the new owners of the property and indicates that the
41 property continues to meet the requirements for an exemption under
42 IC 6-1.1-10-21, IC 6-1.1-10-16, or IC 6-1.1-10-24. Upon receipt of the

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1 affidavit, the county assessor shall reinstate the exemption for the years
2 for which the exemption was suspended and each year thereafter that
3 the property continues to meet the requirements for an exemption under
4 IC 6-1.1-10-21, IC 6-1.1-10-16, or IC 6-1.1-10-24.

5 SECTION 16. IC 6-1.1-17-2, AS AMENDED BY P.L.1-2006,
6 SECTION 135, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) When formulating an annual
8 budget estimate, the proper officers of a political subdivision shall
9 prepare an estimate of the amount of revenue which the political
10 subdivision will receive from the state for and during the budget year
11 for which the budget is being formulated. These estimated revenues
12 shall be shown in the budget estimate and shall be taken into
13 consideration in calculating the tax levy which is to be made for the
14 ensuing calendar year. However, this section does not apply to funds
15 to be received from the state or the federal government for:

- 16 (1) township assistance;
- 17 (2) unemployment relief;
- 18 (3) old age pensions; or
- 19 (4) other funds which may at any time be made available under
20 "The Economic Security Act" or under any other federal act
21 which provides for civil and public works projects.

22 (b) When formulating an annual budget estimate, the proper officers
23 of a political subdivision shall prepare an estimate of the amount of
24 revenue that the political subdivision will receive under a development
25 agreement (as defined in IC 36-1-8-9.5) for and during the budget year
26 for which the budget is being formulated. Revenue received under a
27 development agreement may not be used to reduce the political
28 subdivision's maximum levy under IC 6-1.1-18.5 but may be used at
29 the discretion of the political subdivision to reduce the property tax
30 levy of the political subdivision for a particular year.

31 **(c) When formulating a proposed annual budget estimate for**
32 **2013 and thereafter, the township executive and the county fiscal**
33 **body shall, with regard to a township capital improvement fund or**
34 **cumulative building fund, consider the township capital**
35 **improvement plan prepared under IC 36-6-10.**

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

39 SECTION 17. IC 6-1.1-17-3, AS AMENDED BY P.L.182-2009(ss),
40 SECTION 114, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The proper officers of a
42 political subdivision shall formulate its estimated budget and its

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1 proposed tax rate and tax levy on the form prescribed by the
 2 department of local government finance and approved by the state
 3 board of accounts. The political subdivision shall give notice by
 4 publication to taxpayers of:

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

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

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

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

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

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

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

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

42 **(d) This subsection applies only to a county that approves a**

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1 public question under IC 36-6-1.2. This subsection applies to
 2 budgets for calendar years after 2013 and to property taxes first
 3 due and payable after 2013. Notwithstanding any other law, in
 4 2013 and each year thereafter, the county executive shall estimate
 5 the amount necessary to meet the cost of township assistance in the
 6 county for the ensuing calendar year. The county fiscal body shall
 7 adopt with the county budget for property taxes due in 2014 and
 8 each year thereafter a uniform tax rate throughout the county
 9 sufficient to meet the estimated cost of township assistance in the
 10 county. The taxes collected as a result of the tax rate adopted under
 11 this subsection shall be credited to the township assistance fund
 12 established under IC 12-20-21-6.

13 (e) The following apply to township budgets adopted for 2013:

14 (1) Except as provided in subdivision (2), the total amount
 15 appropriated by the township board for a particular year
 16 (including any additional appropriations made for that year)
 17 may not exceed the result of:

18 (A) the total amount appropriated for the previous year
 19 (including any additional appropriations made for that
 20 year); multiplied by

21 (B) the assessed value growth quotient determined under
 22 IC 6-1.1-18.5-2 and applicable to the township for the
 23 particular year.

24 (2) If the county fiscal body determines after a public hearing
 25 that a township cannot carry out its governmental functions
 26 for 2013 under the appropriation limitations imposed by
 27 subdivision (1), the county fiscal body may appeal before
 28 October 20, 2012, to the department of local government
 29 finance for relief from the appropriation limitations for the
 30 ensuing year. In the appeal, the county fiscal body must state
 31 that the township will be unable to carry out the
 32 governmental functions committed to it by law unless the
 33 township is given relief from the appropriation limits. The
 34 county fiscal body must support the appeal by reasonably
 35 detailed statements of fact. The department of local
 36 government finance shall review the merits of the appeal. If
 37 the department of local government finance determines after
 38 reviewing the appeal that the township cannot carry out its
 39 governmental functions for a year under the appropriation
 40 limitations imposed by subdivision (1), the department of local
 41 government finance may grant relief from those
 42 appropriation limitations in the manner determined to be

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appropriate by the department of local government finance. This subsection expires January 1, 2014.

SECTION 18. 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) In the case of a county that approves a public question under IC 36-6-1.2 and that assumes township assistance duties from townships in the county, a separate maximum permissible ad valorem property tax levy for township assistance shall be determined as provided in this section for 2014 and thereafter.**

(b) In the case of a county that approves a public question under IC 36-6-1.2, the county's maximum permissible ad valorem property tax levy for township assistance for property taxes first due and payable in 2014 is equal to the result of:

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

(c) In the case of a county that approves a public question under IC 36-6-1.2, the county's maximum permissible ad valorem property tax levy for township assistance for property taxes for an ensuing calendar year after 2014 is equal to:

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

SECTION 19. IC 6-1.1-24-6.8, AS ADDED BY P.L.98-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 6.8. (a) For purposes of this section, in a county containing a consolidated city, "county executive" refers to the board of commissioners of the county as provided in IC 36-3-3-10: county auditor.**

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

- (1) A lien has been acquired on the parcel under section 6(a) of this chapter.**
- (2) The parcel is unimproved on the date the parcel is offered for sale under this chapter.**
- (3) The construction of a structure intended for residential use on the parcel is permitted by law.**

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- 1 (4) On the date the parcel is offered for sale under this chapter,
- 2 the parcel is contiguous to one (1) or more parcels that satisfy the
- 3 following:
- 4 (A) One (1) or more of the following are located on the
- 5 contiguous parcel:
- 6 (i) A structure occupied for residential use.
- 7 (ii) A structure used in conjunction with a structure
- 8 occupied for residential use.
- 9 (B) The contiguous parcel is eligible for the standard
- 10 deduction under IC 6-1.1-12-37.
- 11 (c) The county legislative body may, by ordinance, establish criteria
- 12 for the identification of vacant parcels to be offered for sale under this
- 13 section. The criteria may include the following:
- 14 (1) Limitations on the use of the parcel under local zoning and
- 15 land use requirements.
- 16 (2) Minimum parcel area sufficient for construction of
- 17 improvements.
- 18 (3) Any other factor considered appropriate by the county
- 19 legislative body.
- 20 In a county containing a consolidated city, the county legislative body
- 21 may adopt an ordinance under this subsection only upon
- 22 recommendation by the ~~board of commissioners provided in~~
- 23 ~~IC 36-3-3-10:~~ **county auditor.**
- 24 (d) If the county legislative body adopts an ordinance under
- 25 subsection (c), the county executive shall for each tax sale:
- 26 (1) by resolution, identify each vacant parcel that the county
- 27 executive desires to sell under this section; and
- 28 (2) subject to subsection (e), give written notice to the owner of
- 29 record of each parcel referred to in subsection (b)(4) that is
- 30 contiguous to the vacant parcel.
- 31 (e) The notice under subsection (d)(2) with respect to each vacant
- 32 parcel must include at least the following:
- 33 (1) A description of the vacant parcel by:
- 34 (A) legal description; and
- 35 (B) parcel number or street address, or both.
- 36 (2) Notice that the county executive will accept written
- 37 applications from owners of parcels described in subsection (b)(4)
- 38 as provided in subsection (f).
- 39 (3) Notice of the deadline for applications referred to in
- 40 subdivision (2) and of the information to be included in the
- 41 applications.
- 42 (4) Notice that the vacant parcel will be sold to the successful

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1 applicant for one dollar (\$1).

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

3 (f) To be eligible to purchase a vacant parcel under this section, the
4 owner of a contiguous parcel referred to in subsection (b)(4) must file
5 a written application with the county executive. The application must:

6 (1) identify the vacant parcel that the applicant desires to
7 purchase; and

8 (2) include any other information required by the county
9 executive.

10 (g) If more than one (1) application to purchase a single vacant
11 parcel is filed with the county executive, the county executive shall
12 conduct a drawing between or among the applicants in which each
13 applicant has an equal chance to be selected as the transferee of the
14 vacant parcel.

15 (h) The county executive shall by resolution make a final
16 determination concerning the vacant parcels that are to be sold under
17 this section.

18 (i) After the final determination of vacant parcels to be sold under
19 subsection (h), the county executive shall:

20 (1) on behalf of the county, cause all delinquent taxes, special
21 assessments, penalties, interest, and costs of sale with respect to
22 the vacant parcels to be removed from the tax duplicate;

23 (2) give notice of the final determination to:

24 (A) the successful applicant;

25 (B) the county auditor; and

26 (C) the township assessor, or the county assessor if there is no
27 township assessor for the township.

28 (j) Upon receipt of notice under subsection (i)(2):

29 (1) the county auditor shall:

30 (A) collect the purchase price from each successful applicant;
31 and

32 (B) subject to subsection (k), prepare a deed transferring each
33 vacant parcel to the successful applicant; and

34 (2) the township assessor or county assessor shall consolidate
35 each vacant parcel sold and the contiguous parcel owned by the
36 successful applicant into a single parcel.

37 (k) The county auditor shall include in the deed prepared under
38 subsection (j)(1)(B) reference to the exemption under subsection (l).

39 (l) Except as provided in subsection (m), each consolidated parcel
40 referred to in subsection (j)(2) is entitled to an exemption from property
41 taxation beginning on the assessment date that next succeeds the
42 consolidation in the amount of the assessed value at the time of

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1 consolidation of the vacant parcel that was subject to the consolidation.
 2 (m) The exemption under subsection (l) is terminated as of the
 3 assessment date that next succeeds the earlier of the following:
 4 (1) Five (5) years after the transfer of title to the successful
 5 applicant.
 6 (2) The first transfer of title to the consolidated parcel that occurs
 7 after the consolidation.
 8 SECTION 20. IC 12-7-2-22, AS AMENDED BY P.L.145-2006,
 9 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2012]: Sec. 22. "Board" means the following:
 11 (1) For purposes of IC 12-10-10 and IC 12-10-11, the community
 12 and home options to institutional care for the elderly and disabled
 13 board established by IC 12-10-11-1.
 14 (2) For purposes of IC 12-12-7-5, the meaning set forth in
 15 IC 12-12-7-5(a).
 16 (3) For purposes of IC 12-15-35, the meaning set forth in
 17 IC 12-15-35-2.
 18 **(4) For purposes of IC 12-20, the meaning set forth in**
 19 **IC 12-20-1.5-2.**
 20 SECTION 21. IC 12-7-2-24.9, AS ADDED BY P.L.180-2005,
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2012]: Sec. 24.9. "Case contact", for purposes of
 23 IC 12-20-28-3 **and IC 12-20-28-4**, has the meaning set forth in
 24 ~~IC 12-20-28-3(b)~~. **IC 12-20-28-3(c)**.
 25 SECTION 22. IC 12-7-2-140.5, AS AMENDED BY P.L.3-2008,
 26 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2012]: Sec. 140.5. "Plan", for purposes of:
 28 (1) IC 12-15-44.2, has the meaning set forth in IC 12-15-44.2-1;
 29 **and**
 30 **(2) IC 12-20, means a township assistance plan prepared**
 31 **under IC 12-20-1.6.**
 32 SECTION 23. IC 12-7-2-192.3, AS AMENDED BY P.L.1-2006,
 33 SECTION 184, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2012]: Sec. 192.3. "Total number of households
 35 containing township assistance recipients", for purposes of
 36 IC 12-20-28-3 **and IC 12-20-28-4**, has the meaning set forth in
 37 ~~IC 12-20-28-3(c)~~. **IC 12-20-28-3(d)**.
 38 SECTION 24. IC 12-7-2-192.4, AS AMENDED BY P.L.180-2005,
 39 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2012]: Sec. 192.4. "Total number of recipients", for purposes
 41 of IC 12-20-28-3 **and IC 12-20-28-4**, has the meaning set forth in
 42 ~~IC 12-20-28-3(d)~~. **IC 12-20-28-3(e)**.

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1 SECTION 25. IC 12-7-2-192.5, AS AMENDED BY P.L.180-2005,
 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2012]: Sec. 192.5. "Total number of requests for assistance",
 4 for purposes of IC 12-20-28-3 **and IC 12-20-28-4**, has the meaning set
 5 forth in ~~IC 12-20-28-3(e)~~: **IC 12-20-28-3(f)**.

6 SECTION 26. IC 12-20-1-4, AS AMENDED BY P.L.73-2005,
 7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2012]: Sec. 4. (a) This section does not apply to an attorney
 9 who is admitted to practice law in Indiana.

10 (b) A person who receives any item of value from an applicant or a
 11 recipient in connection with assisting that applicant or recipient in
 12 obtaining township assistance commits township assistance
 13 profiteering, a Class C misdemeanor.

14 (c) A person who unfairly profits from the:

- 15 (1) sale, lease, or rental of goods or shelter; or
 16 (2) provision of services;

17 to a township assistance recipient commits township assistance fraud,
 18 a Class D felony. For purposes of this subsection, a person unfairly
 19 profits if the person receives payment from the township trustee **or**
 20 **(after December 31, 2013, in a county that approves a public**
 21 **question under IC 36-6-1.2) the county trustee** for goods or services
 22 that the person does not provide or the person charges the township
 23 trustee **or (after December 31, 2013, in a county that approves a**
 24 **public question under IC 36-6-1.2) the county trustee** more for the
 25 goods or services than the person would charge members of the public.

26 (d) In addition to any other penalty imposed for a conviction under
 27 subsection (c), a person who is convicted of township assistance fraud
 28 is ineligible to participate in the township assistance program for thirty
 29 (30) years after the date of the conviction.

30 SECTION 27. IC 12-20-1-7 IS ADDED TO THE INDIANA CODE
 31 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2012]: **Sec. 7. (a) This section applies only to a county that**
 33 **approves a public question under IC 36-6-1.2.**

34 **(b) The county shall establish in 2014 a township assistance fund**
 35 **for the county.**

36 **(c) Beginning with property taxes first due and payable in 2014,**
 37 **the fund shall be raised by a tax levy that:**

- 38 **(1) is in addition to all other tax levies authorized; and**
 39 **(2) shall be levied annually by the county fiscal body on all**
 40 **taxable property in the county in the amount necessary to pay**
 41 **the items, awards, claims, allowances, assistance, and other**
 42 **expenses set forth in the annual county township assistance**

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- 1 **budget for the township.**
- 2 **(d) The tax imposed under this section shall be collected as other**
- 3 **county ad valorem taxes are collected.**
- 4 **(e) The following shall be paid into the fund:**
 - 5 **(1) All receipts from the tax imposed under this section.**
 - 6 **(2) Earnings on the money deposited in the fund.**
 - 7 **(3) Any other money required by law to be placed in the fund.**
- 8 **(f) The fund is available to pay expenses and obligations set**
- 9 **forth in the annual budget.**
- 10 **(g) Money in the fund at the end of a budget year does not**
- 11 **revert to the county general fund.**
- 12 SECTION 28. IC 12-20-1.5 IS ADDED TO THE INDIANA CODE
- 13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 14 UPON PASSAGE]:
- 15 **Chapter 1.5. Township Assistance Planning Board**
- 16 **Sec. 1. This chapter applies to all counties.**
- 17 **Sec. 2. As used in this chapter, "board" means the township**
- 18 **assistance planning board established for a county under section 3**
- 19 **of this chapter.**
- 20 **Sec. 3. (a) Each county shall establish a township assistance**
- 21 **planning board. The county executive shall appoint the members**
- 22 **of the board not later than June 30, 2012. The board consists of the**
- 23 **following members:**
 - 24 **(1) One (1) trustee from an unincorporated area of the county.**
 - 25 **However, if there is no unincorporated area in the county, the**
 - 26 **member appointed under this section must be from an**
 - 27 **incorporated area in the county.**
 - 28 **(2) One (1) trustee from an incorporated area of the county.**
 - 29 **(3) One (1) person employed by a faith based human services**
 - 30 **provider agency.**
 - 31 **(4) One (1) person employed by a government funded human**
 - 32 **services provider agency.**
 - 33 **(5) One (1) person employed by a nonprofit human services**
 - 34 **provider agency.**
 - 35 **(6) Two (2) citizen members who:**
 - 36 **(A) are not employed by; and**
 - 37 **(B) are not a party to a contract with;**
 - 38 **a township or a human services provider agency.**
 - 39 **(7) One (1) member of the county fiscal body.**
 - 40 **(8) One (1) member of the fiscal body of the municipality in**
 - 41 **the county with the largest population.**
 - 42 **(b) If the county approves a public question under IC 36-6-1.2,**

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1 the county trustee appointed under IC 12-20-1.7 shall serve as an
2 advisory member to the board after December 31, 2013. The
3 advisory member has all the privileges of membership, except the
4 right to vote.

5 (c) A majority of the voting members of the board constitutes a
6 quorum. An affirmative vote of a majority of the members of the
7 board is required for the board to take action.

8 Sec. 4. (a) The first meeting of the board shall be convened not
9 later than August 1, 2012, by the member of the county fiscal body
10 appointed to the board.

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

13 (c) The members of the board serve at the pleasure of the
14 appointing authority.

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

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

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

22 Sec. 6. Before June 1, 2013, the board shall adopt a resolution
23 approving standards that meet the requirements of this article and
24 forward the resolution to the county fiscal body for adoption. The
25 standards adopted by the county fiscal body take effect January 1,
26 2014.

27 SECTION 29. IC 12-20-1.6 IS ADDED TO THE INDIANA CODE
28 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2012]:

30 **Chapter 1.6. Plan for Delivery of Township Assistance Services**
31 **Throughout the County**

32 Sec. 1. Except as specifically provided, this chapter applies after
33 December 31, 2013. This chapter applies only to a county that
34 approves a public question under IC 36-6-1.2.

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

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

40 Sec. 4. (a) Before June 1, 2013, the board shall develop a plan
41 for the delivery of township assistance services throughout the
42 county that is consistent with the standards adopted under

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1 IC 12-20-1.5 and this chapter. The plan must apply to the provision
2 of township assistance services after December 31, 2013.

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

5 (1) Whether the county will:
6 (A) provide township assistance services by means of its
7 own workforce; or

8 (B) contract with a service provider to provide some or all
9 township assistance services.

10 (2) Office hours, locations, and staffing levels.

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

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

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

22 (b) If:
23 (1) the county executive adopts an ordinance approving the
24 plan; and

25 (2) the ordinance is approved by the county fiscal body;
26 the plan and the transfer of township assistance responsibilities to
27 the county take effect January 1, 2014.

28 SECTION 30. IC 12-20-1.7 IS ADDED TO THE INDIANA CODE
29 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2012]:

31 Chapter 1.7. County Trustee

32 Sec. 1. This chapter applies after December 31, 2013. This
33 chapter applies only to a county that approves a public question
34 under IC 36-6-1.2.

35 Sec. 2. (a) The county executive shall appoint a county trustee
36 to administer township assistance. The county trustee shall carry
37 out the county trustee's powers and duties as directed by the
38 county executive.

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

41 Sec. 3. The county trustee may not have a conviction for
42 township assistance fraud under IC 12-20-1-4.

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1 **Sec. 4. (a) The county trustee shall perform all duties related to**
2 **township assistance that were performed by township trustees in**
3 **the county before township government was abolished. The county**
4 **trustee, in performing the powers and duties under IC 12-20 and**
5 **IC 12-30-4, acts as the administrator of township assistance for the**
6 **county.**

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

9 **(1) Administer emergency assistance within the standards**
10 **adopted under IC 12-20-1.5, including:**

11 **(A) accepting and processing applications for township**
12 **assistance;**

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

14 **(C) approving and denying applications for township**
15 **assistance;**

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

17 **(E) working with other governmental and nonprofit**
18 **providers of assistance to direct applicants to other**
19 **resources.**

20 **(2) Hire and manage staff.**

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

22 **(4) Administer the township assistance fund established under**
23 **IC 12-20-21-6.**

24 **(5) Complete the annual township assistance statistical report**
25 **under IC 12-20-28 and maintain data on township assistance.**

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

28 **(7) Manage contracts with human services providers for any**
29 **of the duties and responsibilities of the county trustee.**

30 **(8) Any other responsibility provided for by law.**

31 **SECTION 31. IC 12-20-2-1, AS AMENDED BY P.L.73-2005,**
32 **SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
33 **JULY 1, 2012]: Sec. 1. (a) This section does not apply after**
34 **December 31, 2013, in a county that approves a public question**
35 **under IC 36-6-1.2.**

36 **(b) A suit or proceeding in favor of or against a township trustee**
37 **concerning township assistance shall be conducted in favor of or**
38 **against the township in the township's corporate name.**

39 **SECTION 32. IC 12-20-3-3, AS AMENDED BY P.L.73-2005,**
40 **SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
41 **JULY 1, 2012]: Sec. 3. (a) This section does not apply after**
42 **December 31, 2013, in a county that approves a public question**

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under IC 36-6-1.2.

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

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

SECTION 33. IC 12-20-4-2, AS AMENDED BY P.L.73-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) **This subsection does not apply after December 31, 2013, in a county that approves a public question under IC 36-6-1.2.** The township trustee of each township, in the trustee's official capacity as chief executive officer within the township may do the following:

(1) Employ supervisors, investigators, assistants, or other necessary employees in discharging the township trustee's duties concerning the provision of township assistance.

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

(b) This subsection applies after December 31, 2013. This subsection applies only in a county that approves a public question under IC 36-6-1.2. The county trustee:

(1) shall, subject to the approval of the county fiscal body, hire employees and staff; and

(2) may, subject to the approval of the county fiscal body, establish offices throughout the county;

for the provision of township assistance in accordance with the county plan.

SECTION 34. IC 12-20-4-3, AS AMENDED BY P.L.73-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) **This subsection does not apply after December 31, 2013, in a county that approves a public question under IC 36-6-1.2.** The township trustee shall determine the number of township assistance supervisors, investigators, assistants, or other necessary employees that are employed by the township to administer township assistance.

(b) This subsection applies after December 31, 2013. This

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1 subsection applies only to a county that approves a public question
2 under IC 36-6-1.2. The county trustee may:

3 (1) in accordance with the county plan; and

4 (2) subject to the approval of the county fiscal body;

5 determine the number of township assistance supervisors,
6 investigators, assistants, or other necessary employees that are
7 employed by the county to administer township assistance.

8 ~~(b)~~ (c) This subsection does not apply after December 31, 2013,
9 in a county that approves a public question under IC 36-6-1.2. The
10 pay of township assistance supervisors, investigators, assistants, and
11 other necessary employees shall be fixed by the township trustee
12 subject only to the total budgetary appropriation for personnel services
13 for the administration of township assistance approved by the township
14 board.

15 (d) This subsection applies after December 31, 2013. This
16 subsection applies only to a county that approves a public question
17 under IC 36-6-1.2. The pay of township assistance employees shall
18 be fixed in the manner provided by law for other county salaries.

19 ~~(e)~~ (e) This subsection does not apply after December 31, 2013,
20 in a county that approves a public question under IC 36-6-1.2. A
21 township assistance supervisor, investigator, assistant, or other
22 necessary employee who uses an automobile in the performance of the
23 employee's work is entitled to the same mileage paid to state officers
24 and employees.

25 (f) This subsection applies after December 31, 2013. This
26 subsection applies only to a county that approves a public question
27 under IC 36-6-1.2. A township assistance employee of a county is
28 entitled to a sum for mileage at a rate determined by the county
29 fiscal body.

30 SECTION 35. IC 12-20-4-5, AS AMENDED BY P.L.73-2005,
31 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2012]: Sec. 5. (a) This subsection does not apply after
33 December 31, 2013, in a county that approves a public question
34 under IC 36-6-1.2. The number of supervisors of township assistance
35 investigators may not exceed one (1) supervisor for the first four (4)
36 township assistance investigators. If there are more than four (4)
37 township assistance investigators, the township trustee may employ one
38 (1) additional supervisor for each twelve (12) township assistance
39 investigators or major fraction of that number.

40 (b) This subsection applies after December 31, 2013. This
41 subsection applies only to a county that approves a public question
42 under IC 36-6-1.2. If there are more than four (4) township

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1 assistance investigators, the county trustee may, if provided by the
2 county plan, and subject to the approval of the county fiscal body,
3 employ one (1) additional supervisor for each twelve (12) township
4 assistance investigators or major fraction of that number.

5 (c) This subsection applies after December 31, 2013. This
6 subsection applies only to a county that approves a public question
7 under IC 36-6-1.2. The county may hire the number of additional
8 supervisors provided for in the county plan.

9 (b) (d) This subsection does not apply after December 31, 2013,
10 in a county that approves a public question under IC 36-6-1.2. The
11 pay for supervisors of township assistance investigators shall be fixed
12 in the manner provided by law for other township salaries.

13 (e) This subsection applies after December 31, 2013. This
14 subsection applies only to a county that approves a public question
15 under IC 36-6-1.2. The pay of township assistance investigators
16 shall be fixed in the manner provided by law for other county
17 salaries.

18 SECTION 36. IC 12-20-4-7, AS AMENDED BY P.L.73-2005,
19 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2012]: Sec. 7. (a) ~~Two (2) or more townships in the same~~
21 ~~county.~~ **The following** may jointly employ an investigator to
22 investigate township assistance applicants and recipients:

- 23 (1) **Two (2) or more townships in the same county.**
- 24 (2) **After December 31, 2013, two (2) or more counties that**
- 25 **have approved a public question under IC 36-6-1.2.**

26 (b) Payment for investigations conducted under this section shall be
27 made on the basis of the number of cases handled for each township in
28 the same manner and at the same rate as otherwise provided for the
29 payment of investigators under this chapter. **This subsection does not**
30 **apply after December 31, 2013, to a county that approves a public**
31 **question under IC 36-6-1.2.**

32 SECTION 37. IC 12-20-4-11, AS AMENDED BY P.L.73-2005,
33 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2012]: Sec. 11. (a) A township assistance supervisor,
35 investigator, assistant, or other necessary employee shall be paid only
36 for the number of days the employee is actually engaged in
37 employment during each month.

38 (b) A township assistance supervisor, investigator, assistant, or other
39 necessary employee shall be paid at the rate established by the
40 township trustee from an appropriation by the township board with no
41 deduction for legal holidays.

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

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

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

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

13 **(f) This section does not apply after December 31, 2013, in a**
14 **county that approves a public question under IC 36-6-1.2.**

15 SECTION 38. IC 12-20-4-13 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. The:

17 (1) township trustee, ~~may~~, with the approval of the township
18 board; or

19 (2) **county trustee (after December 31, 2013, in a county that**
20 **approves a public question under IC 36-6-1.2), if permitted by**
21 **the county plan and subject to the approval of the county**
22 **fiscal body;**

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

25 SECTION 39. IC 12-20-5-4 IS ADDED TO THE INDIANA CODE
26 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
27 **1, 2012]: Sec. 4. This chapter does not apply after December 31,**
28 **2013, in a county that approves a public question under**
29 **IC 36-6-1.2.**

30 SECTION 40. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005,
31 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2012]: Sec. 1. (a) The township trustee shall process all
33 applications for township assistance according to uniform written
34 standards and without consideration of the race, creed, nationality, or
35 gender of the applicant or any member of the applicant's household.

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

38 (1) governed by the requirements of this article;

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

42 (3) **for standards applicable after December 31, 2012,**

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1 **proposed by the township assistance planning board and**
 2 **adopted by ordinance of the county fiscal body;**
 3 ~~(3)~~ **(4)** reviewed and updated annually to reflect changes in the
 4 cost of basic necessities in the township and changes in the law;
 5 ~~(4)~~ **(5)** published in a single written document, including addenda
 6 attached to the document; ~~and~~
 7 ~~(5)~~ **(6)** posted in a place prominently visible to the public in all
 8 offices of the township trustee where township assistance
 9 applications are taken or processed; **and**
 10 **(7) posted on the county's Internet web site, if the county**
 11 **maintains an Internet web site.**

12 SECTION 41. IC 12-20-5.5-2, AS AMENDED BY P.L.73-2005,
 13 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2012]: Sec. 2. (a) Standards for the administration of township
 15 assistance must ~~contain~~ **establish at a minimum** the following:

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

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

33 SECTION 42. IC 12-20-5.5-5, AS AMENDED BY P.L.73-2005,
 34 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2012]: Sec. 5. The township's **or (after December 31, 2012)**
 36 **county's** standards for the administration of township assistance must
 37 include all applicable standards governing the provision of basic
 38 necessities, including maximum amounts, special conditions, or other
 39 limitations on eligibility, if any have been established for one (1) or
 40 more basic necessities.

41 SECTION 43. IC 12-20-5.5-6 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) A township

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1 trustee **or, for standards applicable after December 31, 2012, the**
 2 **county fiscal body** shall set income standards for the township that
 3 provide for financial eligibility in an amount consistent with reasonable
 4 costs of basic necessities in the trustee's particular township.

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

9 SECTION 44. IC 12-20-6-0.5 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 0.5. (a) As used in this
 11 section, "member of the applicant's household" includes any person
 12 who lives in the same residence as the applicant.

13 (b) The township trustee **or (after December 31, 2013, in the case**
 14 **of a county that approves a public question under IC 36-6-1.2) the**
 15 **county trustee** shall determine whether an applicant or a member of
 16 the applicant's household has been denied assistance under
 17 IC 12-14-1-1, IC 12-14-1-1.5, IC 12-14-2-5.1, IC 12-14-2-5.3,
 18 IC 12-14-2-18, IC 12-14-2-20, IC 12-14-2-21, IC 12-14-2-24,
 19 IC 12-14-2-26, IC 12-14-2.5, or IC 12-14-5.5.

20 (c) A township trustee has no obligation to extend aid to an
 21 applicant or to a member of an applicant's household who has been
 22 denied assistance as described in subsection (b). **This subsection does**
 23 **not apply after December 31, 2013, in a county that approves a**
 24 **public question under IC 36-6-1.2.**

25 (d) **This subsection applies after December 31, 2013. This**
 26 **subsection applies only to a county that approves a public question**
 27 **under IC 36-6-1.2. A county plan may provide that a county trustee**
 28 **has no obligation to extend aid to an applicant or to a member of**
 29 **an applicant's household who has been denied assistance as**
 30 **described in subsection (b).**

31 ~~(d)~~ (e) A township trustee **or (after December 31, 2013, in the case**
 32 **of a county that approves a public question under IC 36-6-1.2) a**
 33 **county trustee** shall not extend aid to an applicant or to a member of
 34 an applicant's household if the applicant or the member of the
 35 applicant's household has been convicted of an offense under
 36 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 **or**
 38 **(after December 31, 2013, in the case of a county that**
 39 **approves a public question under IC 36-6-1.2) a county**
 40 **trustee** shall not extend aid to the applicant or the member of the
 41 applicant's household for one (1) year after the conviction.

42 (2) If the conviction is a felony, a township trustee **or (after**

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1 **December 31, 2013, in the case of a county that approves a**
2 **public question under IC 36-6-1.2) a county trustee** shall not
3 extend aid to the applicant or the member of the applicant's
4 household for ten (10) years after the conviction.

5 SECTION 45. IC 12-20-6-1, AS AMENDED BY P.L.73-2005,
6 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2012]: Sec. 1. (a) A township trustee **or (after December 31,**
8 **2013, in the case of a county that approves a public question under**
9 **IC 36-6-1.2) a county trustee** may not extend aid to an individual or
10 a household unless an application and affidavit setting forth the
11 personal condition of the individual or household has been filed with
12 the trustee within one hundred eighty (180) days before the date aid is
13 extended.

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

19 (c) An applicant for utility assistance under IC 12-20-16-3(a) must
20 comply with ~~IC 12-20-16-3(d)~~: **IC 12-20-16-3(e)**.

21 (d) The township trustee **or (after December 31, 2013, in the case**
22 **of a county that approves a public question under IC 36-6-1.2) a**
23 **county trustee** may not extend additional or continuing aid to an
24 individual or a household unless the individual or household files an
25 affidavit with the request for assistance affirming how, if at all, the
26 personal condition of the individual or the household has changed from
27 that set forth in the individual's or household's most recent application.

28 (e) The township trustee **or (after December 31, 2013, in the case**
29 **of a county that approves a public question under IC 36-6-1.2) a**
30 **county trustee** shall assist an applicant for township assistance in
31 completing a township assistance application if the applicant:

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

36 SECTION 46. IC 12-20-6-3, AS AMENDED BY P.L.145-2006,
37 SECTION 112, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Each township trustee **or**
39 **(after December 31, 2013, in the case of a county that approves a**
40 **public question under IC 36-6-1.2) the county trustee** shall obtain
41 information about public assistance programs and services
42 administered by the division of family resources and county offices

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1 under this article, the Social Security Administration, the federal Food
2 Stamp program (7 U.S.C. 2011 et seq.), or by another federal or state
3 governmental entity.

4 **(b) If a township trustee or (after December 31, 2013, in the case**
5 **of a county that approves a public question under IC 36-6-1.2) a**
6 **county trustee** believes a township assistance applicant or a member
7 of the applicant's household may be eligible for a public assistance
8 program, the trustee may not extend aid to the applicant or the
9 applicant's household unless the applicant verifies that:

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

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

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

23 SECTION 47. IC 12-20-6-5, AS AMENDED BY P.L.145-2006,
24 SECTION 113, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2012]: Sec. 5. If the township trustee **or (after**
26 **December 31, 2013, in the case of a county that approves a public**
27 **question under IC 36-6-1.2) the county trustee** determines that an
28 applicant or a member of the applicant's household who is granted
29 emergency township assistance under section ~~3(3)~~ **3(b)(3)** of this
30 chapter may be eligible for public assistance other than township
31 assistance, the applicant shall, not more than fifteen (15) working days
32 after the date that emergency township assistance was granted, file an
33 application for public assistance and comply with all the requirements
34 necessary for completing the application process for public assistance
35 administered by the division of family resources and county offices or
36 another federal or state governmental entity. An applicant or a member
37 of the applicant's household who fails to file an application for public
38 assistance not more than fifteen (15) working days after the date that
39 emergency township assistance was granted may not be granted
40 township assistance for sixty (60) days following the grant of township
41 assistance on an emergency basis.

42 SECTION 48. IC 12-20-6-5.5, AS AMENDED BY P.L.145-2006,

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1 SECTION 114, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2012]: Sec. 5.5. (a) This section does not apply
 3 in an emergency.

4 (b) If, before granting township assistance, the township trustee **or**
 5 **(after December 31, 2013, in the case of a county that approves a**
 6 **public question under IC 36-6-1.2) the county trustee** determines
 7 that an applicant or a member of an applicant's household may be
 8 eligible for public assistance other than township assistance, the
 9 applicant or household member shall, when referred by the township
 10 trustee **or the county trustee**, make an application and comply with all
 11 necessary requirements for completing the application process for
 12 public assistance administered by:

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

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

- 16 (1) file an application as specified in subsection (b); and
 17 (2) show evidence that the application, as referred by the
 18 township trustee **or (after December 31, 2013, in the case of a**
 19 **county that approves a public question under IC 36-6-1.2) the**
 20 **county trustee** was filed not more than fifteen (15) working days
 21 after the ~~township~~ trustee's referral;

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

23 SECTION 49. IC 12-20-6-6.5, AS AMENDED BY P.L.73-2005,
 24 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2012]: Sec. 6.5. (a) If an individual has been convicted of an
 26 offense under IC 35-43-5-7, a township trustee **or (after December 31,**
 27 **2013, in the case of a county that approves a public question under**
 28 **IC 36-6-1.2) a county trustee** may not extend aid to or for the benefit
 29 of that individual for the following periods:

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

34 (b) If a township trustee **or (after December 31, 2013, in the case**
 35 **of a county that approves a public question under IC 36-6-1.2) a**
 36 **county trustee** finds that an individual has obtained township
 37 assistance from any township **or (after December 31, 2013) county**
 38 by means of conduct described in IC 35-43-5-7, the township trustee
 39 **or county trustee** may refuse to extend aid to or for the benefit of that
 40 individual for sixty (60) days after the later of the:

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

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1 improper conduct.
 2 SECTION 50. IC 12-20-6-6.6, AS AMENDED BY P.L.73-2005,
 3 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2012]: Sec. 6.6. Notwithstanding any other provision of this
 5 article:

6 (1) a township trustee **or (after December 31, 2013, in the case**
 7 **of a county that approves a public question under IC 36-6-1.2)**
 8 **a county trustee** may not extend aid to or for the benefit of an
 9 individual if that aid would pay for goods or services provided to
 10 or for the benefit of the individual; and

11 (2) a:
 12 (A) township; or
 13 (B) **after December 31, 2013, county that approves a public**
 14 **question under IC 36-6-1.2 (if so provided in the county**
 15 **plan);**

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

20 SECTION 51. IC 12-20-6-7, AS AMENDED BY P.L.73-2005,
 21 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2012]: Sec. 7. (a) In a case of emergency, a trustee shall
 23 accept and promptly act upon a completed application from an
 24 individual requesting assistance.

25 **(b) This subsection does not apply after December 31, 2013, in**
 26 **a county that approves a public question under IC 36-6-1.2.** In a
 27 nonemergency request for township assistance, the trustee shall act on
 28 the completed application not later than seventy-two (72) hours after
 29 receiving the application, excluding weekends and legal holidays listed
 30 in IC 1-1-9. The trustee's office shall retain a copy of each application
 31 and affidavit whether or not relief is granted.

32 **(c) This subsection applies after December 31, 2013. This**
 33 **subsection applies only to a county that approves a public question**
 34 **under IC 36-6-1.2. In a nonemergency request for township**
 35 **assistance, the county trustee shall act on the completed application**
 36 **not later than the earlier of the following:**

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

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

42 ~~(b)~~ (d) The actions that a trustee may take on a completed

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1 application for township assistance, except in a case of emergency, are
2 the following:

3 (1) Grant assistance.

4 (2) Deny assistance, including a partial denial of assistance
5 requested.

6 (3) Leave the decision pending. **After December 31, 2013, the**
7 **county trustee in a county that approves a public question**
8 **under IC 36-6-1.2 may leave the decision pending only if**
9 **permitted by the county plan.**

10 ~~(e)~~ (e) A decision pending determination under subsection ~~(b)~~(3):
11 (d)(3):

12 (1) may not remain pending for more than seventy-two (72) hours
13 after the expiration of the period described in subsection ~~(a)~~; (b);
14 and

15 (2) must include a statement listing the specific reasons that
16 assistance is not granted or denied within the period required
17 under subsection ~~(a)~~; (b).

18 **This subsection does not apply after December 31, 2013, in a**
19 **county that approves a public question under IC 36-6-1.2.**

20 (f) **This subsection applies after December 31, 2013. This**
21 **subsection applies only to a county that approves a public question**
22 **under IC 36-6-1.2. A decision pending determination under**
23 **subsection (d)(3):**

24 (1) may not remain pending for more than the earlier of:

25 (A) the period specified in the county plan; or

26 (B) seventy-two (72) hours after the expiration of the
27 period described in subsection (c); and

28 (2) must include a statement listing the specific reasons that
29 assistance is not granted or denied within the period required
30 under subsection (c).

31 (g) **If a township trustee or (after December 31, 2013, in the case**
32 **of a county that approves a public question under IC 36-6-1.2) a**
33 **county trustee does not:**

34 (1) accept a completed application for township assistance; or

35 (2) grant or deny a completed application for township
36 assistance within the period required under this section;

37 **the application is considered denied, and the denial may be**
38 **appealed under IC 12-20-15.1.**

39 SECTION 52. IC 12-20-6-8, AS AMENDED BY P.L.73-2005,
40 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2012]: Sec. 8. (a) A township trustee **or (after December 31,**
42 **2013, in the case of a county that approves a public question under**

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1 **IC 36-6-1.2) a county trustee** shall promptly notify in writing each
2 applicant for township assistance of action taken upon a completed
3 application for township assistance, ~~The trustee shall do~~ **including** the
4 following:

5 (1) **The trustee shall** mail notice or provide personal notice not
6 later than seventy-two (72) hours, excluding weekends and legal
7 holidays listed in IC 1-1-9, after the completed application is
8 received advising the applicant of the right to appeal an adverse
9 decision of the trustee to the board of commissioners. **This**
10 **subdivision does not apply after December 31, 2013, in a**
11 **county that approves a public question under IC 36-6-1.2.**

12 (2) **This subdivision applies after December 31, 2013, and**
13 **applies only to a county that approves a public question under**
14 **IC 36-6-1.2. The trustee shall mail notice or provide personal**
15 **notice not later than the earlier of:**

- 16 (A) **the time specified in the county plan; or**
- 17 (B) **seventy-two (72) hours, excluding weekends and legal**
- 18 **holidays listed in IC 1-1-9, after the completed application**
- 19 **is received;**

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

23 ~~(2)~~ (3) **The trustee shall** include in the notice required under
24 ~~subdivision subdivisions~~ **subdivisions (1) and (2) the following:**

- 25 (A) The type and amount of assistance granted.
- 26 (B) The type and amount of assistance denied or partially
- 27 granted.
- 28 (C) Specific reasons for denying all or part of the assistance
- 29 requested.
- 30 (D) Information advising the applicant of the procedures for
- 31 appeal to the board of commissioners **or (after December 31,**
- 32 **2013, in the case of a county that approves a public**
- 33 **question under IC 36-6-1.2) to the circuit court having**
- 34 **jurisdiction in the county.**
- 35 (E) **After December 31, 2013, in the case of a county that**
- 36 **approves a public question under IC 36-6-1.2, any other**
- 37 **information required by the county plan.**

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

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

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

7 **This subsection does not apply after December 31, 2013, in a**
 8 **county that approves a public question under IC 36-6-1.2.**

9 SECTION 53. IC 12-20-6-9, AS AMENDED BY P.L.73-2005,
 10 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2012]: Sec. 9. (a) If an application for township assistance is
 12 made to the township trustee as administrator of township assistance
 13 **or (after December 31, 2013, in the case of a county that approves**
 14 **a public question under IC 36-6-1.2) to the county trustee, the**
 15 ~~township trustee as administrator of township assistance,~~ shall carefully
 16 investigate the circumstances of the applicant and each member of the
 17 applicant's household.

18 (b) **A township trustee or (after December 31, 2013, in the case**
 19 **of a county that approves a public question under IC 36-6-1.2) a**
 20 **county trustee shall investigate** to ascertain the following:

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

42 SECTION 54. IC 12-20-6-10, AS AMENDED BY P.L.73-2005,

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1 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2012]: Sec. 10. (a) As used in this section, "relative" includes
3 only the parent, stepparent, child, stepchild, sibling, stepsibling,
4 grandparent, stepgrandparent, grandchild, or stepgrandchild of a
5 township assistance applicant.

6 (b) If an applicant who applies for township assistance or a member
7 of the applicant's household has a relative living in the township **or**
8 **(after December 31, 2013, in the case of a county that approves a**
9 **public question under IC 36-6-1.2) the county** who is able to assist
10 the applicant or member of the applicant's household, the ~~township~~
11 trustee shall, as administrator of township assistance and before
12 granting aid a second time, ask the relative to help the applicant or
13 member of the applicant's household, either with material relief or by
14 furnishing employment.

15 (c) A township trustee **or (after December 31, 2013, in the case of**
16 **a county that approves a public question under IC 36-6-1.2) a**
17 **county trustee** may not use township assistance funds to pay the cost
18 of an applicant's shelter with a relative who is the applicant's landlord
19 if the applicant lives in:

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

26 (d) If shelter payments are made to a relative of a township
27 assistance applicant on behalf of the applicant or a member of the
28 applicant's household, the **township trustee or (after December 31,**
29 **2013, in the case of a county that approves a public question under**
30 **IC 36-6-1.2) the county trustee** may file a lien against the relative's
31 real property for the amount of township shelter assistance granted.

32 SECTION 55. IC 12-20-7-0.5 IS ADDED TO THE INDIANA
33 CODE AS A NEW SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2012]: Sec. 0.5. (a) **After December 31, 2012,**
35 **any reference in this chapter to "township board" is considered a**
36 **reference to the county fiscal body.**

- 37 (b) **After December 31, 2013, any reference in this chapter to:**
38 **(1) "township" in the case of a township in a county that**
39 **approves a public question under IC 36-6-1.2 is considered a**
40 **reference to the county; and**
41 **(2) "township trustee" or "trustee" in the case of a township**
42 **trustee in a county that approves a public question under**

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IC 36-6-1.2 is considered a reference to the county trustee appointed under IC 12-20-1.7.

SECTION 56. IC 12-20-7-1, AS AMENDED BY P.L.145-2006, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Each applicant and each adult member of the applicant's household seeking township assistance must consent to a disclosure and release of information about the applicant and the applicant's household before township assistance may be provided by the township trustee. The consent must be made by signing a form prescribed by the state board of accounts. The form must include the following:

- (1) The applicant's name, case number, and address.
- (2) The types of information being solicited, including the following:
 - (A) Countable income.
 - (B) Countable assets.
 - (C) Wasted resources.
 - (D) Relatives capable of providing assistance.
 - (E) Past or present employment.
 - (F) Pending claims or causes of action.
 - (G) A medical condition if relevant to work or workfare requirements.
 - (H) Any other information required by law.
- (3) The names of individuals, agencies, and township trustee offices that will receive the information.
- (4) The expiration date of the permission to disclose information.

(b) Information that is declared to be confidential by state or federal statute may not be obtained under the consent form prescribed by this section.

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

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

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

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

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1 alternate arrangements to obtain the individual's signature.

2 SECTION 57. IC 12-20-8-1.5 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. Any reference in this chapter**
5 **to:**

6 (1) "township" in the case of a township in a county that
7 approves a public question under IC 36-6-1.2 is considered a
8 reference to the county; and

9 (2) "township trustee" or "trustee" in the case of a county
10 that approves a public question under IC 36-6-1.2 is
11 considered a reference to the county trustee appointed under
12 IC 12-20-1.7.

13 SECTION 58. IC 12-20-8-1.6 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2012]: **Sec. 1.6. (a) This section applies after**
16 **December 31, 2013. This section applies only to a county that**
17 **approves a public question under IC 36-6-1.2.**

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

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

27 SECTION 59. IC 12-20-8-3, AS AMENDED BY P.L.73-2005,
28 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2012]: **Sec. 3. (a) The township trustee may deny township**
30 **assistance to an individual if the township trustee determines that the**
31 **individual does not intend to make the township or county the**
32 **individual's sole place of residence.**

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

37 (c) **This section does not apply after December 31, 2013, to a**
38 **county that approves a public question under IC 36-6-1.2.**

39 SECTION 60. IC 12-20-9-0.5 IS ADDED TO THE INDIANA
40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. (a) Notwithstanding any**
42 **other law, after December 31, 2013, a county or county trustee is**

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1 subject to section 3 or 5 of this chapter only if the provisions of the
2 section are included in the county plan.

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

4 (1) "township" in the case of a township in a county that
5 approves a public question under IC 36-6-1.2 is considered a
6 reference to the county; and

7 (2) "township trustee" or "trustee" in the case of a county
8 that approves a public question under IC 36-6-1.2 is
9 considered a reference to the county trustee appointed under
10 IC 12-20-1.7.

11 SECTION 61. IC 12-20-10-0.5 IS ADDED TO THE INDIANA
12 CODE AS A NEW SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. After December 31, 2013, any**
14 **reference in this chapter to "county trustee" refers to the county**
15 **trustee appointed under IC 12-20-1.7.**

16 SECTION 62. IC 12-20-10-3.5, AS AMENDED BY P.L.73-2005,
17 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2012]: Sec. 3.5. If a township assistance applicant or a
19 member of the applicant's household claims an inability to work due to
20 health, the township trustee **or (after December 31, 2013, in the case**
21 **of a county that approves a public question under IC 36-6-1.2) the**
22 **county trustee, if permitted by the county plan,** may require and
23 provide for any medical examination necessary for the township trustee
24 to determine whether the applicant or household member is able to
25 perform work.

26 SECTION 63. IC 12-20-10-4, AS AMENDED BY P.L.73-2005,
27 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2012]: Sec. 4. (a) The township trustee may call upon
29 residents of the township to aid in finding employment for a township
30 assistance applicant who is able to work. **This subsection does not**
31 **apply after December 31, 2013 to a county that approves a public**
32 **question under IC 36-6-1.2.**

33 (b) **This subsection applies after December 31, 2013. This**
34 **subsection applies only to a county that approves a public question**
35 **under IC 36-6-1.2. The county trustee may call upon residents of**
36 **the county to aid in finding employment for a township assistance**
37 **applicant who is able to work.**

38 SECTION 64. IC 12-20-11-0.5 IS ADDED TO THE INDIANA
39 CODE AS A NEW SECTION TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. After December 31, 2013, any**
41 **reference in this chapter to:**

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

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1 a public question is approved under IC 36-6-1.2 is considered
2 a reference to the county; and

3 (2) "township trustee" or "trustee" in the case of a township
4 in a county in which a public question is approved under
5 IC 36-6-1.2 is considered a reference to the county trustee
6 appointed under IC 12-20-1.7.

7 SECTION 65. IC 12-20-12-1, AS AMENDED BY P.L.73-2005,
8 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2012]: Sec. 1. As a condition of continuing eligibility, a
10 township trustee or (after December 31, 2013, in the case of a county
11 that approves a public question under IC 36-6-1.2) a county trustee
12 may require a recipient of township assistance or any member of a
13 recipient's household to participate in an appropriate work training
14 program that is offered to the recipient or a member of the recipient's
15 household within the county or an adjoining township in another
16 county by a:

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

19 SECTION 66. IC 12-20-13-0.5 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2012]: Sec. 0.5. (a) Notwithstanding any
22 other law, after December 31, 2013, a county that approves a
23 public question under IC 36-6-1.2 is not subject to a provision of
24 this chapter unless the county includes the provision in the county
25 plan.

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

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

30 (1) "township" in the case of a township in a county in which
31 a public question is approved under IC 36-6-1.2 is considered
32 a reference to the county; and

33 (2) "township trustee" or "trustee" in the case of a township
34 in a county in which a public question is approved under
35 IC 36-6-1.2 is considered a reference to the county trustee
36 appointed under IC 12-20-1.7.

37 SECTION 67. IC 12-20-15-0.5 IS ADDED TO THE INDIANA
38 CODE AS A NEW SECTION TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2012]: Sec. 0.5. This chapter does not apply
40 after December 31, 2013, to a county that approves a public
41 question under IC 36-6-1.2.

42 SECTION 68. IC 12-20-15.1 IS ADDED TO THE INDIANA

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1 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2012]:

3 **Chapter 15.1. Appeals of Denial or Reduction in the Amount of**
4 **Township Assistance in Counties that Approve a Public Question**
5 **Under IC 36-6-1.2**

6 **Sec. 1. This chapter applies after December 31, 2013. This**
7 **chapter applies only to a county that approves a public question**
8 **under IC 36-6-1.2.**

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

12 **Sec. 3. In hearing an appeal, the court is governed by the**
13 **county's township assistance standards for determining eligibility**
14 **for granting township assistance in the county adopted under**
15 **IC 12-20-1.5. If legally sufficient standards have not been**
16 **established, the court is guided by the circumstances of the case.**

17 SECTION 69. IC 12-20-16-0.6 IS ADDED TO THE INDIANA
18 CODE AS A NEW SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2012]: **Sec. 0.6. (a) After December 31, 2012,**
20 **any reference in this chapter to "township board" is considered a**
21 **reference to the county fiscal body.**

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

23 **(1) "township" in the case of a township in a county in which**
24 **a public question is approved under IC 36-6-1.2 is considered**
25 **a reference to the county; and**

26 **(2) "township trustee" or "trustee" in the case of a township**
27 **in a county in which a public question is approved under**
28 **IC 36-6-1.2 is considered a reference to the county trustee**
29 **appointed under IC 12-20-1.7.**

30 SECTION 70. IC 12-20-17-0.5 IS ADDED TO THE INDIANA
31 CODE AS A NEW SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. (a) Notwithstanding any**
33 **other law, after December 31, 2013, a county or county trustee of**
34 **a county that approves a public question under IC 36-6-1.2 is not**
35 **subject to section 2 or 4 of this chapter unless the county includes**
36 **the provision in the county plan.**

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

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

40 **(1) "township" in the case of a township in a county in which**
41 **a public question is approved under IC 36-6-1.2 is considered**
42 **a reference to the county; and**

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1 **(2) "township trustee" or "trustee" in the case of a township**
 2 **in a county in which a public question is approved under**
 3 **IC 36-6-1.2 is considered a reference to the county trustee**
 4 **appointed under IC 12-20-1.7.**

5 SECTION 71. IC 12-20-18-0.5 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. (a) Notwithstanding any**
 8 **other law, after December 31, 2013, a county or county trustee is**
 9 **not subject to any provision of this chapter unless the county**
 10 **includes the provision in the county plan.**

11 **(b) After December 31, 2013, any reference in this chapter to:**
 12 **(1) "township" in the case of a township in a county in which**
 13 **a public question is approved under IC 36-6-1.2 is considered**
 14 **a reference to the county; and**
 15 **(2) "township trustee" or "trustee" in the case of a township**
 16 **in a county in which a public question is approved under**
 17 **IC 36-6-1.2 is considered a reference to the county trustee**
 18 **appointed under IC 12-20-1.7.**

19 SECTION 72. IC 12-20-19-0.5 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. (a) Notwithstanding any**
 22 **other law, after December 31, 2013, a county or county trustee is**
 23 **not subject to any provision of this chapter unless the county**
 24 **includes the provision in the county's plan.**

25 **(b) After December 31, 2013, any reference in this chapter to:**
 26 **(1) "township" in the case of a township in a county in which**
 27 **a public question is approved under IC 36-6-1.2 is considered**
 28 **a reference to the county; and**
 29 **(2) "township trustee" or "trustee" in the case of a township**
 30 **in a county in which a public question is approved under**
 31 **IC 36-6-1.2 is considered a reference to the county trustee**
 32 **appointed under IC 12-20-1.7.**

33 SECTION 73. IC 12-20-20-1, AS AMENDED BY P.L.73-2005,
 34 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2012]: **Sec. 1. (a) After December 31, 2013, this subsection**
 36 **applies only to a county that does not approve a public question**
 37 **under IC 36-6-1.2. If a township trustee, as administrator of township**
 38 **assistance, grants township assistance to an indigent individual or to**
 39 **any other person or agency on a township assistance order as provided**
 40 **by law or obligates the township for an item properly payable from**
 41 **township assistance money, the claim against the township must be:**

42 (1) itemized and sworn to as provided by law;

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- 1 (2) accompanied by the original township assistance order, which
- 2 must be itemized and signed; and
- 3 (3) checked with the records of the township trustee, as
- 4 administrator of township assistance, and audited and certified by
- 5 the township trustee.

6 **(b) After December 31, 2013, this subsection applies only to a**
 7 **county that does not approve a public question under IC 36-6-1.2.**
 8 The township trustee shall pay claims against the township for
 9 township assistance in the same manner that other claims against the
 10 township are paid. The township trustee, when authorized to pay claims
 11 directly to vendors, shall pay a claim within forty-five (45) days. The
 12 township trustee shall pay the claim from:

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

17 **(c) This subsection applies after December 31, 2013. This**
 18 **subsection applies only to a county that approves a public question**
 19 **under IC 36-6-1.2. A county trustee shall pay claims against the**
 20 **county for township assistance in the same manner that other**
 21 **claims against the county are paid.**

22 SECTION 74. IC 12-20-20-2, AS AMENDED BY P.L.73-2005,
 23 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2012]: Sec. 2. (a) If money is not available for the payment of
 25 township assistance claims under section 1 of this chapter, the
 26 township board shall appeal to borrow money under IC 12-20-24.

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

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

42 (c) This subsection applies only to a county having a consolidated

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1 city. If a township board does not appeal to borrow money under
 2 IC 12-20-24 or if an appeal fails, the board of commissioners shall
 3 borrow money or otherwise provide the money. The county fiscal body
 4 shall promptly pass necessary ordinances and make the necessary
 5 appropriations to enable this to be done, after determining whether to
 6 borrow money by any of the following methods:

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

9 (2) The sale of county township assistance bonds or other county
 10 obligations.

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

13 **(d) After December 31, 2013, this section applies only to a**
 14 **county that does not approve a public question under IC 36-6-1.2.**

15 SECTION 75. IC 12-20-20-4, AS AMENDED BY P.L.73-2005,
 16 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2012]: Sec. 4. The state board of accounts shall prescribe the
 18 forms for the purchase of and payment for township assistance items.
 19 **After December 31, 2013, this section applies only to a county that**
 20 **does not approve a public question under IC 36-6-1.2.**

21 SECTION 76. IC 12-20-21-2, AS AMENDED BY P.L.169-2006,
 22 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2012]: Sec. 2. Township assistance money raised by
 24 townships or **(after December 31, 2013) a county that has approved**
 25 **a public question under IC 36-6-1.2** may not be commingled.

26 SECTION 77. IC 12-20-21-3, AS AMENDED BY P.L.73-2005,
 27 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2012]: Sec. 3. (a) A township trustee and township board may
 29 levy a specific tax for the purpose of providing money for the payment
 30 of township assistance expenses in the following year. The tax may be
 31 sufficient to meet the entire requirement of the township in the
 32 following year or the part that is determined to be proper.

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

41 **(c) After December 31, 2013, this section applies only to a**
 42 **county that does not approve a public question under IC 36-6-1.2.**

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1 SECTION 78. IC 12-20-21-6 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2012]: **Sec. 6. (a) This section applies after**
 4 **December 31, 2013. This section applies only to a county that**
 5 **approves a public question under IC 36-6-1.2. The county shall**
 6 **establish a township assistance fund not later than January 1, 2014.**

7 **(b) The fund shall be raised by a tax levy that:**

8 **(1) is in addition to all other tax levies authorized; and**

9 **(2) shall be levied annually for property taxes first due and**
 10 **payable in 2014 and thereafter by the county fiscal body on all**
 11 **taxable property in the county in the amount necessary to pay**
 12 **the items, awards, claims, allowances, assistance, and other**
 13 **expenses set forth in the annual county township assistance**
 14 **budget.**

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

17 **(d) The following shall be paid into the fund:**

18 **(1) All receipts from the tax imposed under this section.**

19 **(2) Any other money required by law to be placed in the fund.**

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

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

24 **(g) The department of local government finance shall, for**
 25 **property taxes first due and payable after December 31, 2013,**
 26 **adjust the maximum permissible ad valorem property tax levy of**
 27 **each county that approves a public question under IC 36-6-1.2 as**
 28 **necessary and proper to account for the transfer of township**
 29 **assistance budgeting and property tax levies from townships to**
 30 **counties after December 31, 2013.**

31 SECTION 79. IC 12-20-22-0.5 IS ADDED TO THE INDIANA
 32 CODE AS A NEW SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. After December 31, 2013, this**
 34 **chapter applies only to a county that does not approve a public**
 35 **question under IC 36-6-1.2.**

36 SECTION 80. IC 12-20-24-0.5 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. After December 31, 2013, this**
 39 **chapter applies only to a county that does not approve a public**
 40 **question under IC 36-6-1.2.**

41 SECTION 81. IC 12-20-24.5 IS ADDED TO THE INDIANA
 42 CODE AS A NEW CHAPTER TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2012]:

2 **Chapter 24.5. Township Assistance Borrowing for Counties**
 3 **That Approve a Public Question Under IC 36-6-1.2**

4 **Sec. 1. This chapter applies after December 31, 2013. This**
 5 **chapter applies only to a county that approves a public question**
 6 **under IC 36-6-1.2.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (3) borrows money under this chapter;

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

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

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

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

21 (3) borrows money in the year of the appeal under this
 22 chapter;

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

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

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

33 SECTION 82. IC 12-20-25-0.5 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply**
 36 **after December 31, 2013, to a county that approves a public**
 37 **question under IC 36-6-1.2.**

38 SECTION 83. IC 12-20-26-0.5 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. This chapter does not apply**
 41 **after December 31, 2013, to a county that approves a public**
 42 **question under IC 36-6-1.2.**



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1 SECTION 84. IC 12-20-27-0.5 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. Notwithstanding any other**
 4 **law, after December 31, 2013, any reference in this chapter to:**

5 (1) "township" in the case of a township in a county that
 6 approves a public question under IC 36-6-1.2 is considered a
 7 reference to the county; and

8 (2) "township trustee" or "trustee" in the case of a township
 9 in a county that approves a public question under IC 36-6-1.2
 10 is considered a reference to the county trustee appointed
 11 under IC 12-20-1.7.

12 SECTION 85. IC 12-20-28-3, AS AMENDED BY P.L.1-2009,
 13 SECTION 106, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2012]: **Sec. 3. (a) After December 31, 2013,**
 15 **this section applies only to a county that does not approve a public**
 16 **question under IC 36-6-1.2.**

17 (a) (b) The definitions in this section apply to a report that is
 18 required to be filed under this section.

19 (b) (c) As used in this section, "case contact" means any act of
 20 service in which a township employee has reason to enter a comment
 21 or narrative into the record of an application for township assistance
 22 under this article regardless of whether the applicant receives or does
 23 not receive township assistance funds.

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

31 (d) (e) As used in this section, "total number of recipients" means
 32 the number of individuals who are members of a household that
 33 receives assistance on at least one (1) occasion during the calendar
 34 year. An individual may be counted only one (1) time during a calendar
 35 year regardless of the:

36 (1) number of times assistance is provided; or

37 (2) number of households in which the individual resides during
 38 a particular year.

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

42 (f) (g) The township trustee shall file an annual statistical report on

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

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

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

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

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

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

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

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

16 (1) The method of reporting is acceptable to both the township
17 trustee reporting the information and the governmental entity to
18 which the information is reported.

19 (2) A written copy of information reported by electronic transfer
20 is on file with the township trustee reporting information by
21 electronic means.

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

25 SECTION 86. IC 12-20-28-4 IS ADDED TO THE INDIANA
26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2012]: **Sec. 4. (a) This section applies after**
28 **December 31, 2013. This section applies only to a county that**
29 **approves a public question under IC 36-6-1.2.**

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

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

34 **(d) The county trustee shall file an annual statistical report on**
35 **county housing, medical care, utility assistance, food assistance,**
36 **burial assistance, food pantry assistance, services related to**
37 **representative payee programs, services related to special**
38 **nontraditional programs, and case management services with the**
39 **state board of accounts. The county trustee shall provide a copy of**
40 **the annual statistical report to the county auditor. The county**
41 **auditor shall keep the copy of the report in the county auditor's**
42 **office. Except as provided in subsection (i), the report must be**

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1 made on a form provided by the state board of accounts. The
2 report must contain the following information:

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

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- 1 **(11) The total number of each of the following:**
- 2 **(A) Recipients of township assistance and households**
- 3 **provided health care.**
- 4 **(B) Recipients assisted by the county in receiving health**
- 5 **care assistance from sources other than county funds.**
- 6 **(12) The total value of health care provided, including the**
- 7 **value of health care assistance provided through the efforts of**
- 8 **the county from sources other than county funds.**
- 9 **(13) The total number of funerals, burials, and cremations.**
- 10 **(14) The total value of funerals, burials, and cremations,**
- 11 **including the difference between the actual value of the**
- 12 **funerals, burials, and cremations and the amount paid by the**
- 13 **county for the funerals, burials, and cremations.**
- 14 **(15) The total of each of the following:**
- 15 **(A) Number of nights of emergency shelter provided to**
- 16 **homeless individuals.**
- 17 **(B) Number of nights of emergency shelter provided to**
- 18 **homeless individuals through the efforts of the county from**
- 19 **sources other than county funds.**
- 20 **(C) Value of the nights of emergency shelter provided to**
- 21 **homeless individuals by the county and the value of the**
- 22 **nights of emergency shelter provided through the efforts**
- 23 **of the county from sources other than county funds.**
- 24 **(16) The total of each of the following:**
- 25 **(A) Number of referrals of township assistance applicants**
- 26 **to other programs.**
- 27 **(B) Value of the services provided by the county in making**
- 28 **referrals to other programs.**
- 29 **(17) The total number of training programs or job placements**
- 30 **found for recipients of township assistance with the assistance**
- 31 **of the county trustee.**
- 32 **(18) The number of hours spent by recipients of township**
- 33 **assistance at workfare.**
- 34 **(19) The total value of the services provided by workfare to**
- 35 **the county and other agencies.**
- 36 **(20) The total amount of reimbursement for assistance**
- 37 **received from:**
- 38 **(A) recipients;**
- 39 **(B) members of recipients' households; or**
- 40 **(C) recipients' estates;**
- 41 **under IC 12-20-6-10, IC 12-20-27-1, or IC 12-20-27-1.5.**
- 42 **(21) The total amount of reimbursement for assistance**

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- received from medical programs under IC 12-20-16-2(e).
- (22) The total of each of the following:
 - (A) Number of individuals assisted through a representative payee program.
 - (B) Amount of funds processed through the representative payee program that are not county funds.
- (23) The total of each of the following:
 - (A) Number of individuals assisted through special nontraditional programs provided through the township or the county without the expenditure of county funds.
 - (B) Amount of funds used to provide the special nontraditional programs that are not county funds.
- (24) The total of each of the following:
 - (A) Number of hours an investigator of township assistance spends providing case management services to a recipient of township assistance or a member of a household receiving township assistance.
 - (B) Value of the case management services provided.
- (25) The total number of housing inspections performed by the county.

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

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

(f) The state board of accounts shall forward a copy of:
(1) each annual report forwarded to the board under subsection (d); and
(2) the statewide statistical report under subsection (e);
to the department and the division of family resources.

(g) The division of family resources shall include in the division's periodic reports made to the United States Department of Health and Human Services concerning the Temporary

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1 Assistance for Needy Families (TANF) and Supplemental Security
2 Income (SSI) programs information forwarded to the division
3 under subsection (f) concerning the total number of recipients of
4 township assistance and the total dollar amount of benefits
5 provided.

6 (h) The department may not approve the budget of a county
7 that failed to file an annual statistical report under subsection (d)
8 in the preceding calendar year.

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

12 (1) The method of reporting is acceptable to both the board
13 reporting the information and the governmental entity to
14 which the information is reported.

15 (2) A written copy of information reported by electronic
16 transfer is on file with the board reporting information by
17 electronic means.

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

21 SECTION 87. IC 12-30-4-0.5 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. Notwithstanding any other**
24 **law, after December 31, 2013, any reference in this chapter to:**

25 (1) "township" in the case of a township in a county that
26 approves a public question under IC 36-6-1.2 is considered a
27 reference to the county; and

28 (2) "township trustee" or "trustee" in the case of a township
29 in a county that approves a public question under IC 36-6-1.2
30 is considered a reference to the county trustee appointed
31 under IC 12-20-1.7.

32 SECTION 88. IC 13-11-2-74 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 74. "Executive" means
34 the:

35 (1) board of commissioners of a county **not having that:**

36 (A) **does not have** a consolidated city; **and**

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

38 (2) **chief executive officer elected under IC 36-2-2.5, for a**
39 **county that:**

40 (A) **does not have a consolidated city; and**

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

42 (⊖) (3) **mayor of the consolidated city, for a county having a**

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1 consolidated city;

2 ~~(3)~~ (4) mayor of a city; or

3 ~~(4)~~ (5) president of the town council of a town.

4 SECTION 89. IC 13-11-2-86 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 86. "Fiscal body"
6 means:

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

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

9 (3) the common council of a city;

10 (4) the town council of a town;

11 (5) ~~the township board, or for~~ a township:

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

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

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

15 SECTION 90. IC 15-16-7-4, AS ADDED BY P.L.2-2008,
16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2012]: Sec. 4. (a) The weed control board consists of the
18 following members to be appointed by the authorizing body:

19 (1) One (1) **member who is:**

20 (A) **a township trustee of a township in the county; or**

21 (B) **after December 31, 2013, in the case of a county that**
22 **approves a public question under IC 36-6-1.2, the county**
23 **officer or employee responsible for the destruction of**
24 **detrimental plants described in this chapter or the officer's**
25 **or employee's designee.**

26 (2) One (1) soil and water conservation district supervisor.

27 (3) One (1) representative from the agricultural community of the
28 county.

29 (4) One (1) representative from the county highway department
30 or an appointee of the county commissioners.

31 (5) One (1) cooperative extension service agent from the county
32 to serve in a nonvoting advisory capacity.

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

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

40 SECTION 91. IC 15-16-8-0.5 IS ADDED TO THE INDIANA
41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. (a) After December 31, 2013,**



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1 the powers and duties established by this chapter are conferred
2 and imposed on the county executive or the county executive's
3 designee with respect to property in a township that is located in a
4 county that approves a public question under IC 36-6-1.2.

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

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

9 (1) "township", in the case of a township in a county that
10 approves a public question under IC 36-6-1.2, is considered a
11 reference to the geographic area of a dissolved township in a
12 county; and

13 (2) "township trustee" or "trustee", in the case of a township
14 in a county that approves a public question under IC 36-6-1.2,
15 is considered a reference to the county executive or the county
16 executive's designee to administer this chapter.

17 SECTION 92. IC 16-41-19-7, AS AMENDED BY P.L.73-2005,
18 SECTION 169, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) As used in this section,
20 "county trustee" means a county trustee appointed under
21 IC 12-20-1.7.

22 (b) As used in this section, "plan" means a township assistance
23 plan prepared under IC 12-20-1.6.

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

27 (1) by the appropriate county, city, or town against which the
28 application form is issued from general funds; and

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

31 (3) after December 31, 2013, in the case of a county that
32 approves a public question under IC 36-6-1.2, from funds in
33 the county's township assistance fund;

34 not otherwise appropriated without appropriations.

35 (b) (d) A:

36 (1) township; or

37 (2) (after December 31, 2013) county that approves a public
38 question under IC 36-6-1.2;

39 is not responsible for paying for biologicals as provided in subsection
40 (a)(2) (c)(2) or (c)(3) if the township trustee or (after December 31,
41 2013) county trustee has evidence that the individual has the financial
42 ability to pay for the biologicals.

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1 (e) After being presented with a legal claim for insulin being
2 furnished to the same individual a second time, a township trustee **or**
3 **(after December 31, 2013) a county trustee, if provided in the**
4 **county plan,** may require the individual to complete and file a standard
5 application for township assistance in order to investigate the financial
6 condition of the individual claiming to be indigent. The trustee shall
7 immediately notify the individual's physician that:

8 (1) the financial ability of the individual claiming to be indigent
9 is in question; and

10 (2) a standard application for township assistance must be filed
11 with the township **or (after December 31, 2013, in the case of**
12 **a county that approves a public question under IC 36-6-1.2)**
13 **the county.**

14 The township **or (after December 31, 2013, in the case of a county**
15 **that approves a public question under IC 36-6-1.2) the county** shall
16 continue to furnish insulin under this section until the township trustee
17 **or the county trustee** completes an investigation and makes a
18 determination as to the individual's financial ability to pay for insulin.

19 (f) For purposes of this section, the township **or (after**
20 **December 31, 2013, in the case of a county that approves a public**
21 **question under IC 36-6-1.2) the county** shall consider an adult
22 individual needing insulin as an individual and not as a member of a
23 household requesting township assistance.

24 SECTION 93. 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 public question is approved under**
28 **IC 36-6-1.2, the school township shall reorganize under IC 20-23**
29 **before January 1, 2014. The governing body shall hold public**
30 **hearings to discuss the methods of reorganization available to the**
31 **school township and seek testimony from the public, community**
32 **and 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 July 1, 2013, a reorganization plan under IC 20-23 that will
36 be implemented before January 1, 2014. After June 30, 2013, the
37 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 94. IC 23-14-31-26, AS AMENDED BY P.L.34-2011,
42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2012]: Sec. 26. (a) Except as provided in subsection (c), the
 2 following persons, in the priority listed, have the right to serve as an
 3 authorizing agent:

4 (1) A person:

5 (A) granted the authority to serve in a funeral planning
 6 declaration executed by the decedent under IC 29-2-19; or

7 (B) named in a United States Department of Defense form
 8 "Record of Emergency Data" (DD Form 93) or a successor
 9 form adopted by the United States Department of Defense, if
 10 the decedent died while serving in any branch of the United
 11 States Armed Forces (as defined in 10 U.S.C. 1481) and
 12 completed the form.

13 (2) An individual specifically granted the authority to serve in a
 14 power of attorney or a health care power of attorney executed by
 15 the decedent under IC 30-5-5-16.

16 (3) The individual who was the spouse of the decedent at the time
 17 of the decedent's death, except when:

18 (A) a petition to dissolve the marriage or for legal separation
 19 of the decedent and spouse is pending with a court at the time
 20 of the decedent's death, unless a court finds that the decedent
 21 and spouse were reconciled before the decedent's death; or

22 (B) a court determines the decedent and spouse were
 23 physically and emotionally separated at the time of death and
 24 the separation was for an extended time that clearly
 25 demonstrates an absence of due affection, trust, and regard for
 26 the decedent.

27 (4) The decedent's surviving adult child or, if more than one (1)
 28 adult child is surviving, the majority of the adult children.
 29 However, less than half of the surviving adult children have the
 30 rights under this subdivision if the adult children have used
 31 reasonable efforts to notify the other surviving adult children of
 32 their intentions and are not aware of any opposition to the final
 33 disposition instructions by more than half of the surviving adult
 34 children.

35 (5) The decedent's surviving parent or parents. If one (1) of the
 36 parents is absent, the parent who is present has authority under
 37 this subdivision if the parent who is present has used reasonable
 38 efforts to notify the absent parent.

39 (6) The decedent's surviving sibling or, if more than one (1)
 40 sibling is surviving, the majority of the surviving siblings.
 41 However, less than half of the surviving siblings have the rights
 42 under this subdivision if the siblings have used reasonable efforts

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1 to notify the other surviving siblings of their intentions and are
 2 not aware of any opposition to the final disposition instructions by
 3 more than half of the surviving siblings.

4 (7) The individual in the next degree of kinship under IC 29-1-2-1
 5 to inherit the estate of the decedent or, if more than one (1)
 6 individual of the same degree is surviving, the majority of those
 7 who ~~have~~ **are of** the same degree. However, less than half of the
 8 individuals who ~~have~~ **are of** the same degree of kinship have the
 9 rights under this subdivision if they have used reasonable efforts
 10 to notify the other individuals who ~~have~~ **are of** the same degree
 11 of kinship of their intentions and are not aware of any opposition
 12 to the final disposition instructions by more than half of the
 13 individuals who ~~have~~ **are of** the same degree of kinship.

14 (8) If none of the persons described in subdivisions (1) through
 15 (7) are available, any other person willing to act and arrange for
 16 the final disposition of the ~~decedent~~, **decedent's remains**,
 17 including a funeral home that:

18 (A) has a valid prepaid funeral plan executed under IC 30-2-13
 19 that makes arrangements for the disposition of the ~~decedent~~;
 20 **decedent's remains**; and

21 (B) attests in writing that a good faith effort has been made to
 22 contact any living individuals described in subdivisions (1)
 23 through (7).

24 (9) In the case of an indigent or other individual whose final
 25 disposition is the responsibility of the state, ~~or township, or~~ **(after**
 26 **December 31, 2013) county, in the case of a county that**
 27 **approves a public question under IC 36-6-1.2**, the following
 28 may serve as the authorizing agent:

29 (A) If none of the persons identified in subdivisions (1)
 30 through (8) are available:

- 31 (i) a public administrator, including a responsible township
 32 trustee or the trustee's designee **or (after December 31,**
 33 **2013) a county trustee in the case of a county that**
 34 **approves a public question under IC 36-6-1.2**; or
 35 (ii) the coroner.

36 (B) A state appointed guardian.

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

42 (10) In the absence of any person under subdivisions (1) through

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- 1 (9), any person willing to assume the responsibility as the
 2 authorizing agent, as specified in this article.
- 3 (b) When a body part of a nondeceased individual is to be cremated,
 4 a representative of the institution that has arranged with the crematory
 5 authority to cremate the body part may serve as the authorizing agent.
- 6 (c) If:
- 7 (1) the death of the decedent appears to have been the result of:
 8 (A) murder (IC 35-42-1-1);
 9 (B) voluntary manslaughter (IC 35-42-1-3); or
 10 (C) another criminal act, if the death does not result from the
 11 operation of a vehicle; and
- 12 (2) the coroner, in consultation with the law enforcement agency
 13 investigating the death of the decedent, determines that there is a
 14 reasonable suspicion that a person described in subsection (a)
 15 committed the offense;
 16 the person referred to in subdivision (2) may not serve as the
 17 authorizing agent.
- 18 (d) The coroner, in consultation with the law enforcement agency
 19 investigating the death of the decedent, shall inform the crematory
 20 authority of the determination referred to in subsection (c)(2).
- 21 (e) If a person vested with a right under subsection (a) does not
 22 exercise that right not later than seventy-two (72) hours after the person
 23 receives notification of the death of the decedent, the person forfeits the
 24 person's right to determine the final disposition of the ~~decedent~~;
 25 **decedent's remains**, and the right to determine final disposition passes
 26 to the next person described in subsection (a).
- 27 (f) A crematory authority owner has the right to rely, in good faith,
 28 on the representations of a person listed in subsection (a) that any other
 29 individuals ~~on~~ of the same degree of kinship have been notified of the
 30 final disposition instructions.
- 31 (g) If there is a dispute concerning the disposition of a ~~decedent~~;
 32 **decedent's remains**, a crematory authority is not liable for refusing to
 33 accept the remains of the decedent until the crematory authority
 34 receives:
- 35 (1) a court order; or
 36 (2) a written agreement signed by the disputing parties;
 37 that determines the final disposition of the ~~decedent~~. **decedent's**
 38 **remains**. If a crematory authority agrees to shelter the remains of the
 39 decedent while the parties are in dispute, the crematory authority may
 40 collect any applicable fees for storing the remains, including legal fees
 41 that are incurred.
- 42 (h) Any cause of action filed under this section must be filed in the

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1 probate court in the county where the decedent resided, unless the
2 decedent was not a resident of Indiana.

3 (i) A spouse seeking a judicial determination under subsection
4 (a)(3)(A) that the decedent and spouse were reconciled before the
5 decedent's death may petition the court having jurisdiction over the
6 dissolution or separation proceeding to make this determination by
7 filing the petition under the same cause number as the dissolution or
8 separation proceeding. A spouse who files a petition under this
9 subsection is not required to pay a filing fee.

10 SECTION 95. IC 23-14-33-3.5 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2012]: **Sec. 3.5. (a) After December 31, 2013,**
13 **in a county that approves a public question under IC 36-6-1.2, the**
14 **powers and duties established by this chapter through IC 23-14-76**
15 **are conferred and imposed on the county executive or the county**
16 **executive's designee with respect to property in the county.**

17 (b) After December 31, 2012, any reference in this chapter
18 through IC 23-14-76 to "township board" is considered a reference
19 to the county fiscal body.

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

22 (1) "township", in the case of a township in a county that
23 approves a public question under IC 36-6-1.2, is considered a
24 reference to the geographic area of a dissolved township in a
25 county; and

26 (2) "township trustee" or "trustee", in the case of a township
27 in a county that approves a public question under IC 36-6-1.2,
28 is considered a reference to the county executive or the county
29 executive's designee to administer this chapter.

30 SECTION 96. IC 32-26-4-2 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The trustee of
32 each township, the county highway superintendent, the Indiana
33 department of transportation, or other officer in control of the
34 maintenance of a highway shall between January 1 and April 1 of each
35 year, examine all hedges, live fences, natural growths along highways,
36 and other obstructions described in section 1 of this chapter in their
37 respective jurisdictions. **However, after December 31, 2013, in the**
38 **case of a township in a county that approves a public question**
39 **under IC 36-6-1.2, the duties and obligations of a township trustee**
40 **under this chapter are transferred to the appropriate county**
41 **executive or the county executive's designee.** If there are hedges, live
42 fences, other growths, or obstructions along the highways that have not

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1 been cut, trimmed down, and maintained in accordance with this
2 chapter, the owner shall be given written notice to cut or trim the hedge
3 or live fence and to burn the brush trimmed from the hedge or live
4 fence and remove any other obstructions or growths.

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

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

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

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

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

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

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

38 SECTION 97. IC 32-26-9-0.6 IS ADDED TO THE INDIANA
39 CODE AS A NEW SECTION TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2012]: **Sec. 0.6. (a) After December 31, 2013,**
41 **the powers and duties established by this chapter are conferred**
42 **and imposed on the county executive or the county executive's**

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1 designee with respect to property in a county that approves a
2 public question under IC 36-6-1.2.

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

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

7 (1) "township", in the case of a township in a county that
8 approves a public question under IC 36-6-1.2, is considered a
9 reference to the geographic area of a dissolved township in a
10 county; and

11 (2) "township trustee" or "trustee", in the case of a township
12 in a county that approves a public question under IC 36-6-1.2,
13 is considered a reference to the county executive or the county
14 executive's designee to administer this chapter.

15 SECTION 98. IC 33-34-1-2 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) There are
17 established township small claims courts in each county containing a
18 consolidated city.

19 (b) The name of each court shall be the " _____ Township of
20 Marion County Small Claims Court" (insert the name of the township
21 in the blank).

22 (c) **This subsection applies after December 31, 2013, if the**
23 **county approves a public question under IC 36-6-1.2. Except as**
24 **provided by state law, the small claims courts established under**
25 **this chapter operate independently from the circuit and superior**
26 **courts. Except for adopting the budget and approving salaries, the**
27 **city-county council does not have authority over a small claims**
28 **court judge and the operations of a small claims court. The**
29 **executive committee of the superior court does not have authority**
30 **over a small claims court judge and the operations of a small**
31 **claims court.**

32 SECTION 99. IC 33-34-1-8 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The township trustee
34 or (after December 31, 2013, if the county approves a public
35 question under IC 36-6-1.2) the clerk of the city-county council
36 shall give ten (10) days notice of all hearings held under section 7 of
37 this chapter in one (1) or more newspapers of general circulation in the
38 county.

39 SECTION 100. IC 33-34-1-9, AS AMENDED BY P.L.174-2006,
40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2012]: Sec. 9. Not more than two (2) weeks after a hearing is
42 conducted under section 7 of this chapter, the township board or (after

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1 **December 31, 2012) the city-county council of the consolidated city**
 2 shall, after considering the evidence, opinions, advice, and suggestions
 3 presented at the hearing, enter an order concerning:

4 (1) whether a small claims court shall be established or abolished
 5 in the township if the township has a population of less than
 6 fifteen thousand (15,000) persons;

7 (2) whether the small claims court if any, shall function full time
 8 or part time;

9 (3) the location of the small claims court courtroom and offices
 10 under IC 33-34-6-1; and

11 (4) other relevant matters.

12 SECTION 101. IC 33-34-2-5 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) The salary of a
 14 judge who serves full time must be in an amount determined by the
 15 township board of the township in which the small claims court is
 16 located **or (after December 31, 2013) in an amount established by**
 17 **ordinance adopted by the city-county council.**

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

20 (1) determined by the township board and approved by the
 21 city-county council; **or**

22 (2) **after December 31, 2013, established by ordinance of the**
 23 **city-county council.**

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

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

28 (1) **by the** township board of the township in which the small
 29 claims court is located; **or**

30 (2) **after December 31, 2013, by ordinance adopted by the**
 31 **city-county council.**

32 SECTION 102. IC 33-34-2-6 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The annual salary
 34 of a judge shall be paid in twelve (12) equal monthly installments by
 35 the township trustee **or (after December 31, 2013, if the county**
 36 **approves a public question under IC 36-6-1.2) the executive of the**
 37 **consolidated city.**

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

41 SECTION 103. IC 33-34-2-14 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) The resignation

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1 of a judge shall be delivered to the clerk of the circuit court. The clerk
 2 shall advise the circuit court and appropriate township board. **This**
 3 **subsection expires January 1, 2014.**

4 **(b) This subsection applies after December 31, 2013. The**
 5 **resignation of a judge shall be delivered to the clerk of the circuit**
 6 **court. The clerk shall advise the circuit court.**

7 ~~(b)~~ (c) A vacancy occurring in a judgeship must be filled under
 8 IC 3-13-10.

9 SECTION 104. IC 33-34-5-4, AS AMENDED BY P.L.174-2006,
 10 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2012]: Sec. 4. (a) If a judge is unable to preside over the
 12 judge's small claims court during any number of days, the judge may
 13 appoint in writing a person qualified to be a small claims judge under
 14 IC 33-34-2-2 to preside in place of the judge.

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

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

23 SECTION 105. IC 33-34-6-1, AS AMENDED BY P.L.174-2006,
 24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2012]: Sec. 1. The township trustee **or (after December 31,**
 26 **2013, if the county approves a public question under IC 36-6-1.2)**
 27 **the executive of the consolidated city** shall provide a courtroom and
 28 an office for each judge in a convenient location within the township
 29 that has:

- 30 (1) adequate access;
- 31 (2) sufficient parking facilities;
- 32 (3) a separate and appropriate courtroom;
- 33 (4) proper space and facilities for the bailiff, clerks, and other
 34 employees; and
- 35 (5) enough room for files and supplies.

36 SECTION 106. IC 33-34-6-2, AS AMENDED BY P.L.174-2006,
 37 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2012]: Sec. 2. A township **or (after December 31, 2013, if**
 39 **the county approves a public question under IC 36-6-1.2) the**
 40 **executive of the consolidated city** shall:

- 41 (1) furnish all:
 - 42 (A) supplies, including all blanks, forms, stationery, and



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- 1 papers of every kind, required for use in all cases in the
 2 township small claims court; and
 3 (B) furniture, books, and other necessary equipment and
 4 supplies; and
 5 (2) provide for all necessary maintenance and upkeep of the
 6 facilities where court is held.

7 SECTION 107. IC 33-34-6-3 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a) This subsection**
 9 **does not apply after December 31, 2013, if the county approves a**
 10 **public question under IC 36-6-1.2.** Each township shall provide an
 11 appropriate and competitive salary of at least five thousand six hundred
 12 dollars (\$5,600) for the number of clerks for the small claims court
 13 sufficient to:

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

16 **(b) This subsection applies after December 31, 2013, if the**
 17 **county approves a public question under IC 36-6-1.2. The judges**
 18 **shall establish with the approval of the city-county council an**
 19 **appropriate and competitive salary of at least five thousand six**
 20 **hundred dollars (\$5,600) for the number of clerks for the small**
 21 **claims court sufficient to:**

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

24 SECTION 108. IC 33-34-6-4 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) **This section does**
 26 **not apply after December 31, 2013, if the county approves a public**
 27 **question under IC 36-6-1.2.** The voters of each township having a
 28 small claims court shall elect a constable for the small claims court at
 29 the general election every four (4) years for a term of office of four (4)
 30 years, beginning January 1 after election and continuing until a
 31 successor is elected and qualified. The ballot must state the:

- 32 (1) name of the candidate; and
 33 (2) court for which the candidate is to serve.
 34 (b) Each small claims court shall have a constable who:
 35 (1) acts as the bailiff of the court;
 36 (2) serves the court's personal service of process;
 37 (3) has police powers to:
 38 (A) make arrests;
 39 (B) keep the peace; and
 40 (C) carry out the orders of the court;
 41 (4) must meet the qualifications prescribed by IC 3-8-1-31;
 42 (5) is compensated for each process that is delivered to effect

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1 personal service when serving as the bailiff for the court;

2 (6) is responsible for:

3 (A) the preparation and mailing of all registered or certified
4 service and is compensated for each process served by mail;
5 and

6 (B) all the official acts of the deputies;

7 (7) is compensated solely from the service of process fees
8 collected under IC 33-34-8-1; and

9 (8) may require a deputy to give a bond for the proper discharge
10 of the deputy's duties for an amount fixed by the constable.

11 (c) The elected constable may appoint full-time and part-time
12 deputies for assistance in the performance of official duties who:

13 (1) perform all the official duties required to be performed by the
14 constable;

15 (2) possess the same statutory and common law powers and
16 authority as the constable;

17 (3) must take the same oath required of the constable;

18 (4) are compensated solely from the service of process fees
19 collected under IC 33-34-8-1; and

20 (5) serve at the pleasure of the constable and may be dismissed at
21 any time with or without cause.

22 (d) If there is an:

23 (1) emergency; or

24 (2) inability of a constable to carry out the constable's duties;

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

27 SECTION 109. IC 33-34-6-4.5 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. (a) This section applies after
30 December 31, 2013, if the county approves a public question under
31 IC 36-6-1.2.**

32 **(b) Not later than June 30, 2013, a designee of the executive of
33 a county having a consolidated city shall begin a transition process
34 with the constables of the small claims courts in the county to
35 properly transfer the functions, duties, and responsibilities of the
36 constables to the executive. The designee of the executive shall
37 present to the executive a report on the status of the transition. The
38 report is a public record for purposes of IC 5-14-3 and shall be
39 made available to the public upon request. The transfer of the
40 functions, duties, and responsibilities of each constable to the
41 executive is effective January 1, 2014. On January 1, 2014, all:**

42 (1) assets;

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1 (2) debts;
 2 (3) property rights;
 3 (4) equipment;
 4 (5) records; and
 5 (6) contracts;
 6 connected with the operations of each constable are transferred to
 7 the executive.

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

- 11 (1) act as bailiffs of the court;
 12 (2) serve the court's personal service of process;
 13 (3) carry out the orders of the court; and
 14 (4) prepare and mail all registered or certified service.

15 (d) As part of the annual budget process of the county having a
 16 consolidated city, the legislative body of the county shall establish
 17 an appropriate salary for each county employee responsible for
 18 constable duties, including the constable, for 2014 and thereafter.

19 SECTION 110. IC 33-34-7-3 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The judge of the
 21 circuit court, with the assistance of the clerk of the circuit court, the
 22 judges of the small claims courts, and the state board of accounts, shall,
 23 at the expense of the townships **or (after December 31, 2013, if the**
 24 **county approves a public question under IC 36-6-1.2) at the**
 25 **expense of the county:**

- 26 (1) provide the forms, blanks, court calendar books, judgment
 27 dockets, and fee books; and
 28 (2) make rules and instructions to direct the judges in keeping
 29 records and making reports.

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

33 SECTION 111. IC 33-34-8-1, AS AMENDED BY P.L.176-2005,
 34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2012]: Sec. 1. (a) The following fees and costs apply to cases
 36 in the small claims court:

- 37 (1) A township docket fee of five dollars (\$5) plus forty-five
 38 percent (45%) of the infraction or ordinance violation costs fee
 39 under IC 33-37-4-2.
 40 (2) The bailiff's service of process by registered or certified mail
 41 fee of thirteen dollars (\$13) for each service. **This subdivision**
 42 **does not apply after December 31, 2013, if the county**

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1 **approves a public question under IC 36-6-1.2.**

2 **(3) After December 31, 2013, if the county approves a public**
 3 **question under IC 36-6-1.2, a fee for service of process by**
 4 **registered or certified mail of thirteen dollars (\$13) for each**
 5 **service.**

6 ~~(3)~~ **(4)** The cost for the personal service of process by the bailiff
 7 or other process server of thirteen dollars (\$13) for each service.

8 **This subdivision does not apply after December 31, 2013, if**
 9 **the county approves a public question under IC 36-6-1.2.**

10 **(5) After December 31, 2013, if the county approves a public**
 11 **question under IC 36-6-1.2, the cost for the personal service**
 12 **of process by the process server of thirteen dollars (\$13) for**
 13 **each service.**

14 ~~(4)~~ **(6)** Witness fees, if any, in the amount provided by
 15 IC 33-37-10-3 to be taxed and charged in the circuit court.

16 ~~(5)~~ **(7)** A redocketing fee, if any, of five dollars (\$5).

17 ~~(6)~~ **(8)** A document storage fee under IC 33-37-5-20.

18 ~~(7)~~ **(9)** An automated record keeping fee under IC 33-37-5-21.

19 ~~(8)~~ **(10)** A late fee, if any, under IC 33-37-5-22.

20 ~~(9)~~ **(11)** A public defense administration fee under
 21 IC 33-37-5-21.2.

22 ~~(10)~~ **(12)** A judicial insurance adjustment fee under
 23 IC 33-37-5-25.

24 ~~(11)~~ **(13)** A judicial salaries fee under IC 33-37-5-26.

25 ~~(12)~~ **(14)** A court administration fee under IC 33-37-5-27.

26 The docket fee and the cost for the initial service of process shall be
 27 paid at the institution of a case. The cost of service after the initial
 28 service shall be assessed and paid after service has been made. The
 29 cost of witness fees shall be paid before the witnesses are called.

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

33 SECTION 112. IC 33-34-8-3, AS AMENDED BY
 34 P.L.182-2009(ss), SECTION 391, IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Payment for all
 36 costs made as a result of proceedings in a small claims court shall be
 37 to the _____ Township of Marion County Small Claims Court (with
 38 the name of the township inserted). The court shall issue a receipt for
 39 all money received on a form numbered serially in duplicate. All
 40 township docket fees and late fees received by the court shall be paid
 41 to the township trustee **or (after December 31, 2013) the county, if**
 42 **the county approves a public question under IC 36-6-1.2, at the**

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- 1 close of each month.
- 2 (b) The ~~court~~ **county auditor** shall:
- 3 (1) semiannually distribute to the auditor of state:
- 4 (A) all automated record keeping fees (IC 33-37-5-21)
- 5 received by the court for deposit in the homeowner protection
- 6 unit account established by IC 4-6-12-9 and the state user fee
- 7 fund established under IC 33-37-9;
- 8 (B) all public defense administration fees collected by the
- 9 court under IC 33-37-5-21.2 for deposit in the state general
- 10 fund;
- 11 (C) sixty percent (60%) of all court administration fees
- 12 collected by the court under IC 33-37-5-27 for deposit in the
- 13 state general fund;
- 14 (D) all judicial insurance adjustment fees collected by the
- 15 court under IC 33-37-5-25 for deposit in the judicial branch
- 16 insurance adjustment account established by IC 33-38-5-8.2;
- 17 and
- 18 (E) seventy-five percent (75%) of all judicial salaries fees
- 19 collected by the court under IC 33-37-5-26 for deposit in the
- 20 state general fund; and
- 21 (2) distribute monthly to the county auditor all document storage
- 22 fees received by the court.
- 23 (c) The remaining twenty-five percent (25%) of the judicial salaries
- 24 fees described in ~~subdivision (1)(E)~~ **subsection (b)(1)(E)** shall be
- 25 deposited monthly in the **following**:
- 26 **(1) The township general fund of the township in which the court**
- 27 **is located. The county auditor shall deposit fees distributed under**
- 28 **subdivision (2) subsection (b)(2) into the clerk's record**
- 29 **perpetuation fund under IC 33-37-5-2. This subdivision does not**
- 30 **apply after December 31, 2013, if the county approves a**
- 31 **public question under IC 36-6-1.2.**
- 32 **(2) After December 31, 2013, if the county approves a public**
- 33 **question under IC 36-6-1.2, the county general fund. Deposits**
- 34 **made under this subdivision shall be credited to the township**
- 35 **small claims courts account described in section 5 of this**
- 36 **chapter.**
- 37 (d) The court semiannually shall **do the following**:
- 38 (1) Pay to the township trustee of the township in which the court
- 39 is located the remaining forty percent (40%) of the court
- 40 administration fees described under subsection (b)(1)(C) to fund
- 41 the operations of the small claims court in the trustee's township.
- 42 **This subdivision does not apply after December 31, 2013, if**

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1 the county approves a public question under IC 36-6-1.2.
 2 (2) After December 31, 2013, if the county approves a public
 3 question under IC 36-6-1.2, pay to the clerk of the circuit
 4 court the remaining forty percent (40%) of the court
 5 administration fees described under subsection (b)(1)(C) to
 6 fund the operations of the small claims court. The court
 7 administration fees shall be deposited in the county general
 8 fund and credited to the township small claims courts account
 9 described in section 5 of this chapter.

10 SECTION 113. IC 33-34-8-5 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) This section applies after
 13 December 31, 2013, if the county approves a public question under
 14 IC 36-6-1.2.

15 (b) Fees and costs paid and collected under sections 1 and 3 of
 16 this chapter shall be deposited in the county general fund and
 17 credited to a separate account identified as the township small
 18 claims courts account.

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

22 SECTION 114. IC 34-30-2-58, AS AMENDED BY P.L.2-2008,
 23 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2012]: Sec. 58. IC 15-16-8-4 (Concerning township trustees,
 25 county officers or employees, or persons hired by them for the
 26 removal of detrimental plants upon another person's real property).

27 SECTION 115. IC 35-51-36-1, AS ADDED BY P.L.70-2011,
 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 UPON PASSAGE]: Sec. 1. The following statutes define crimes in
 30 IC 36:

- 31 IC 36-2-2-13 (Concerning county government).
- 32 **IC 36-2-2.5-15 (Concerning county chief executive officers).**
- 33 IC 36-2-6-8 (Concerning county government).
- 34 IC 36-2-6-12 (Concerning county government).
- 35 IC 36-2-7-18 (Concerning county government).
- 36 IC 36-2-8-6 (Concerning county government).
- 37 IC 36-2-9-13 (Concerning county government).
- 38 IC 36-2-9-14 (Concerning county government).
- 39 IC 36-2-9.5-7 (Concerning county government).
- 40 IC 36-2-9.5-9 (Concerning county government).
- 41 IC 36-2-13-5 (Concerning county government).
- 42 IC 36-2-14-10 (Concerning county government).

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- 1 IC 36-2-14-17 (Concerning county government).
 2 IC 36-2-14-21 (Concerning county government).
 3 IC 36-4-8-13 (Concerning government of cities and towns).
 4 IC 36-7-12-27.5 (Concerning planning and development).
 5 IC 36-7-14-40 (Concerning planning and development).
 6 IC 36-7-15.1-27 (Concerning planning and development).
 7 IC 36-7-30-28 (Concerning planning and development).
 8 IC 36-7-30.5-36 (Concerning planning and development).
 9 IC 36-8-3.5-23 (Concerning public safety).
 10 IC 36-8-10-9 (Concerning public safety).
 11 IC 36-8-16-16 (Concerning public safety).
 12 IC 36-8-16.5-47 (Concerning public safety).
 13 IC 36-8-16.5-48 (Concerning public safety).
 14 IC 36-8-16.5-49 (Concerning public safety).
 15 IC 36-9-14-7 (Concerning transportation and public works).
 16 IC 36-10-3-39 (Concerning recreation, culture, and community
 17 facilities).
 18 IC 36-10-4-5 (Concerning recreation, culture, and community
 19 facilities).
 20 IC 36-10-4-40 (Concerning recreation, culture, and community
 21 facilities).
 22 SECTION 116. IC 36-1-2-5 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. "Executive" means
 24 **the:**
 25 (1) board of commissioners, for a county **not having that:**
 26 (A) **does not have** a consolidated city; **and**
 27 (B) **is not subject to IC 36-2-2.5;**
 28 (2) **chief executive officer elected under IC 36-2-2.5, for a**
 29 **county that:**
 30 (A) **does not have a consolidated city; and**
 31 (B) **is subject to IC 36-2-2.5;**
 32 ~~(3)~~ (3) mayor of the consolidated city, for a county having a
 33 consolidated city;
 34 ~~(4)~~ (4) mayor, for a city;
 35 ~~(5)~~ (5) president of the town council, for a town;
 36 ~~(6)~~ (6) trustee, for a township;
 37 ~~(7)~~ (7) superintendent, for a school corporation; or
 38 ~~(8)~~ (8) chief executive officer, for any other political subdivision.
 39 SECTION 117. IC 36-1-2-6, AS AMENDED BY P.L.186-2006,
 40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2012]: Sec. 6. "Fiscal body" means:
 42 (1) county council, for a county not having a consolidated city;

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- 1 (2) city-county council, for a consolidated city or county having
- 2 a consolidated city;
- 3 (3) common council, for a city other than a consolidated city;
- 4 (4) town council, for a town;
- 5 (5) ~~township board~~; for a township:
- 6 (A) **the township board, before January 1, 2013; and**
- 7 (B) **the county fiscal body, after December 31, 2012;**
- 8 (6) governing body or budget approval body, for any other
- 9 political subdivision that has a governing body or budget approval
- 10 body; or
- 11 (7) chief executive officer of any other political subdivision that
- 12 does not have a governing body or budget approval body.

13 SECTION 118. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,
 14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2012]: Sec. 9. "Legislative body" means: ~~the~~:

- 16 (1) ~~the~~ board of county commissioners, for a county not subject
- 17 to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1;
- 18 (2) ~~the~~ county council, for a county subject to **IC 36-2-2.5 or**
- 19 **IC 36-2-3.5**;
- 20 (3) ~~the~~ city-county council, for a consolidated city or county
- 21 having a consolidated city;
- 22 (4) ~~the~~ common council, for a city other than a consolidated city;
- 23 (5) ~~the~~ town council, for a town;
- 24 (6) ~~township board~~; for a township:
- 25 (A) **the township board, before January 1, 2013; and**
- 26 (B) **the county fiscal body, after December 31, 2012;**
- 27 (7) ~~the~~ governing body of any other political subdivision that has
- 28 a governing body; or
- 29 (8) ~~the~~ chief executive officer of any other political subdivision
- 30 that does not have a governing body.

31 SECTION 119. IC 36-1-3-6 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) If there is a
 33 constitutional or statutory provision requiring a specific manner for
 34 exercising a power, a unit wanting to exercise the power must do so in
 35 that manner.

- 36 (b) If there is no constitutional or statutory provision requiring a
- 37 specific manner for exercising a power, a unit wanting to exercise the
- 38 power must either:
- 39 (1) if the unit is a county or municipality, adopt an ordinance
- 40 prescribing a specific manner for exercising the power;
- 41 (2) if the unit is a township, adopt a resolution prescribing a
- 42 specific manner for exercising the power; or

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1 (3) comply with a statutory provision permitting a specific manner
2 for exercising the power.

3 (c) An ordinance under subsection (b)(1) must be adopted as
4 follows:

5 (1) In a municipality, by the legislative body of the municipality.

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

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

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

11 SECTION 120. IC 36-1-6.5 IS ADDED TO THE INDIANA CODE
12 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2012]:

14 **Chapter 6.5. Employment of Relatives; Contracting With**
15 **Relatives**

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

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

20 **Sec. 3. As used in this chapter, "officer" means an elected or**
21 **appointed officer of a political subdivision.**

22 **Sec. 4. (a) As used in this chapter, "relative" means any of the**
23 **following:**

24 (1) A husband.

25 (2) A wife.

26 (3) A father, grandfather, or stepfather.

27 (4) A mother, grandmother, or stepmother.

28 (5) A son, grandson, stepson, or son-in-law.

29 (6) A daughter, granddaughter, stepdaughter, or
30 daughter-in-law.

31 (7) A brother or stepbrother.

32 (8) A sister or stepsister.

33 (9) An aunt.

34 (10) An uncle.

35 (11) A niece.

36 (12) A nephew.

37 (13) A first cousin.

38 (b) A relative by adoption, half-blood, marriage, or remarriage
39 is considered a relative of whole kinship for purposes of this
40 chapter.

41 **Sec. 5. (a) An individual who is a relative of an officer of a**
42 **political subdivision may not be an employee of the political**

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1 subdivision.

2 (b) An individual who is a relative of an employee of a political
3 subdivision may not be employed by the political subdivision in a
4 position in which the individual would have a direct supervisory or
5 subordinate relationship with the employee who is the individual's
6 relative.

7 Sec. 6. (a) A political subdivision may not enter into a contract
8 or renew a contract with:

9 (1) an individual to provide goods or services to the political
10 subdivision, if the individual is a relative of an officer; or

11 (2) a business entity to provide goods or services, if a relative
12 of an officer has an ownership interest in the business entity.

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

15 (1) an individual contractor under subsection (a)(1); or

16 (2) a business entity under subsection (a)(2);

17 is a relative of an officer of the political subdivision.

18 (c) This section does not affect the initial term of a contract in
19 existence at the time the term of office of an officer of the political
20 subdivision begins.

21 Sec. 7. This chapter does not require the termination or
22 reassignment of any employee of a political subdivision from any
23 position held by that individual before July 1, 2012. This section
24 expires January 1, 2013.

25 Sec. 8. If a political subdivision is required to file an annual
26 report with the state board of accounts under IC 5-11-13-1, the
27 annual report must include a statement by the executive officer of
28 the political subdivision that the political subdivision has
29 implemented a policy that complies with this chapter.

30 Sec. 9. If the state board of accounts finds that a political
31 subdivision is not in compliance with this chapter, the state board
32 of accounts shall forward the information to the department of
33 local government finance.

34 Sec. 10. If a political subdivision fails to comply with this
35 chapter, the department of local government finance may not
36 approve:

37 (1) the political subdivision's budget; or

38 (2) any additional appropriations for the political subdivision;
39 for the ensuing calendar year until the state board of accounts
40 certifies to the department of local government finance that the
41 political subdivision is in compliance with this chapter.

42 SECTION 121. IC 36-1-6.6 IS ADDED TO THE INDIANA CODE

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1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2012]:

3 **Chapter 6.6. Conflict of Interest**

4 **Sec. 1. This chapter applies to all units.**

5 **Sec. 2. As used in this chapter, "governmental body" means a**
6 **board, commission, committee, council, or other body with the**
7 **responsibility of administering the affairs of a unit.**

8 **Sec. 3. As used in this chapter, "member" means an appointed**
9 **or elected member of a body of a unit.**

10 **Sec. 4. A member may not participate in any decision or vote of**
11 **the governmental body if the member:**

12 (1) has a pecuniary interest in; or

13 (2) derives a profit from;

14 a contract, purchase, sale, employment, or other matter connected
15 with the unit.

16 **Sec. 5. A member is prohibited under this chapter from**
17 **participating in any decision involving the merger, consolidation,**
18 **or reorganization of the unit's functions or services if the member**
19 **is also an employee of a unit involved in the merger.**

20 **Sec. 6. A member shall:**

21 (1) disclose in writing to the governmental body on which the
22 member serves any pecuniary interest or profit of the member
23 described in section 4 of this chapter; and

24 (2) provide a copy of the disclosure to the state board of
25 accounts.

26 **The member shall abstain from participating in any decision or**
27 **voting on any matter that affects the interest or profit.**

28 **Sec. 7. (a) This section applies if a governmental body has the**
29 **responsibility to fix the salaries, wages, or remuneration of the**
30 **members for serving on the governmental body.**

31 **(b) This chapter does not prohibit a member from participating**
32 **in a decision or vote of the governmental body regarding a matter**
33 **in subsection (a).**

34 SECTION 122. IC 36-1-8-18 IS ADDED TO THE INDIANA
35 CODE AS A NEW SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2012]: **Sec. 18. (a) Each office of a political**
37 **subdivision must include the address, telephone number, and**
38 **regular office hours (if any) of the office in at least one (1) local**
39 **telephone directory.**

40 **(b) A public meeting or a public hearing of an official or**
41 **governing body of a political subdivision must be held in a public**
42 **place and not in a private residence.**

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1 SECTION 123. IC 36-1-11-5.7, AS AMENDED BY P.L.128-2008,
 2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2012]: Sec. 5.7. (a) As used in this section, "fire department"
 4 refers to any of the following:

- 5 (1) A volunteer fire department (as defined in IC 36-8-12-2).
 6 (2) The board of fire trustees of a fire protection district
 7 established under IC 36-8-11.
 8 **(3) After December 31, 2013, a fire trustee of a fire protection**
 9 **district established under IC 36-8-11-4.5.**

10 ~~(3)~~ **(4)** The provider unit of a fire protection territory established
 11 under IC 36-8-19.

12 (b) Notwithstanding IC 5-22-22 and sections 4, 4.1, 4.2, and 5 of
 13 this chapter, a disposing agent of a political subdivision may sell or
 14 transfer:

- 15 (1) real property; or
 16 (2) tangible or intangible personal property, licenses, or any
 17 interest in the tangible or intangible personal property or licenses;
 18 without consideration or for a nominal consideration to a fire
 19 department for construction of a fire station or other purposes related
 20 to firefighting.

21 SECTION 124. IC 36-1.5-1-10 IS ADDED TO THE INDIANA
 22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2012]: **Sec. 10. (a) This section applies if:**

- 24 **(1) a township reorganizes under this article with one (1) or**
 25 **more townships; and**
 26 **(2) the new political subdivision that results from the**
 27 **reorganization is not a city or town.**

28 **(b) After December 31, 2012, the fiscal body of the resulting new**
 29 **political subdivision is the county fiscal body, which shall fix the**
 30 **budget, tax rate, and tax levy of the new political subdivision under**
 31 **IC 6-1.1-17-5.**

32 SECTION 125. IC 36-2-2-1 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **Except as**
 34 **specifically provided, this chapter applies to all counties not does not**
 35 **apply to the following:**

- 36 **(1) A county** having a consolidated city.
 37 **(2) A county in which a county chief executive officer has been**
 38 **elected and is serving under IC 36-2-2.5.**

39 SECTION 126. IC 36-2-2-4, AS AMENDED BY P.L.230-2005,
 40 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2012]: Sec. 4. (a) This subsection does not apply to a county
 42 having a population of:

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1 (1) more than four hundred thousand (400,000) but less than
2 seven hundred thousand (700,000); or

3 (2) more than two hundred **fifty** thousand (~~200,000~~) (**250,000**) but
4 less than ~~three two~~ hundred **seventy** thousand (~~300,000~~);
5 (**270,000**).

6 The executive shall divide the county into three (3) districts that are
7 composed of contiguous territory and are reasonably compact. The
8 district boundaries drawn by the executive must not cross precinct
9 boundary lines and must divide townships only when a division is
10 clearly necessary to accomplish redistricting under this section. If
11 necessary, the county auditor shall call a special meeting of the
12 executive to establish or revise districts.

13 (b) This subsection applies to a county having a population of more
14 than four hundred thousand (400,000) but less than seven hundred
15 thousand (700,000). A county redistricting commission shall divide the
16 county into three (3) single-member districts that comply with
17 subsection (d). The commission is composed of:

18 (1) the members of the Indiana election commission;

19 (2) two (2) members of the senate selected by the president pro
20 tempore, one (1) from each political party; and

21 (3) two (2) members of the house of representatives selected by
22 the speaker, one (1) from each political party.

23 The legislative members of the commission have no vote and may act
24 only in an advisory capacity. A majority vote of the voting members is
25 required for the commission to take action. The commission may meet
26 as frequently as necessary to perform its duty under this subsection.
27 The commission's members serve without additional compensation
28 above that provided for them as members of the Indiana election
29 commission, the senate, or the house of representatives. **If a county to
30 which this subsection applies adopts a county government
31 structure in which a chief executive officer is elected under
32 IC 36-2-2.5, the county redistricting commission under this
33 subsection is not abolished and continues in existence for purposes
34 of dividing, as necessary, the county into county council districts.**

35 (c) This subsection applies to a county having a population of more
36 than two hundred **fifty** thousand (~~200,000~~) (**250,000**) but less than
37 ~~three two~~ hundred **seventy** thousand (~~300,000~~). (**270,000**). The
38 executive shall divide the county into three (3) single-member districts
39 that comply with subsection (d).

40 (d) Single-member districts established under subsection (b) or (c)
41 must:

42 (1) be compact, subject only to natural boundary lines (such as

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- 1 railroads, major highways, rivers, creeks, parks, and major
 2 industrial complexes);
 3 (2) contain, as nearly as is possible, equal population; and
 4 (3) not cross precinct lines.
 5 (e) A division under subsection (a), (b), or (c) shall be made:
 6 (1) during the first year after a year in which a federal decennial
 7 census is conducted; and
 8 (2) when the county adopts an order declaring a county boundary
 9 to be changed under IC 36-2-1-2.
 10 (f) A division under subsection (a), (b), or (c) may be made in any
 11 odd-numbered year not described in subsection (e).

12 SECTION 127. IC 36-2-2-19 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. **(a)** At its second
 14 regular meeting each year, the executive shall make an accurate
 15 statement of the county's receipts and expenditures during the
 16 preceding calendar year. The statement must include the name of and
 17 total compensation paid to each county officer, deputy, and employee.
 18 **The statement must separately list each expenditure that is made**
 19 **to reimburse the county executive for the executive's use of**
 20 **tangible property (as defined in IC 6-1.1-1-19) for public business,**
 21 **including any reimbursements made for the executive's use of a**
 22 **private residence, a personal telephone, or a personal vehicle for**
 23 **public business. As used in this section, "private residence" means**
 24 **a place that is not a public place.**

25 **(b)** The executive shall post this statement at the courthouse door
 26 and two (2) other places in the county and shall publish it in the
 27 manner prescribed by IC 5-3-1.

28 SECTION 128. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE
 29 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2012]:

31 **Chapter 2.4. Determination of County Government Structure**

32 **Sec. 1. This chapter does not apply to a county having a**
 33 **consolidated city.**

34 **Sec. 2. (a) Subject to subsection (b), the county executive may**
 35 **adopt an ordinance providing that the voters of the county shall**
 36 **elect:**

- 37 **(1) a single county commissioner under IC 36-2-2.5 who has**
 38 **the executive powers and duties of the county; and**
 39 **(2) a county council that has the legislative and fiscal powers**
 40 **and duties of the county.**

41 **(b) An ordinance may be adopted under this chapter only:**

- 42 **(1) during an odd-numbered year; or**

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- 1 (2) before July 1 of an even-numbered year.
- 2 (c) If the vote on the adoption of the ordinance is unanimous, the
- 3 executive and legislative structure and functions of the county are
- 4 reorganized under IC 36-2-2.5.
- 5 (d) If the ordinance is adopted, but the vote on the ordinance is
- 6 not unanimous, a public question shall be held in the county on
- 7 whether or not the executive and legislative structure and functions
- 8 of the county should be reorganized under IC 36-2-2.5.
- 9 (e) If an ordinance described in subsection (d) is adopted, the
- 10 county auditor shall certify the adoption of the ordinance to the
- 11 county election board as provided in IC 3-10-9.
- 12 Sec. 3. If an ordinance is certified under section 2(e) of this
- 13 chapter, the county election board shall place the following public
- 14 question on the ballot at the next general election held in the
- 15 county:
- 16 "Shall the county government of _____(insert the
- 17 name of the county) County be reorganized to place all
- 18 executive powers in a single elected county commissioner and
- 19 to place all legislative and fiscal powers in the county
- 20 council?".
- 21 Sec. 4. IC 3, except where inconsistent with this chapter, applies
- 22 to a public question placed on the ballot under this chapter.
- 23 Sec. 5. If a majority of the voters of a county who vote on a
- 24 public question under this chapter vote in favor of the public
- 25 question, the following apply:
- 26 (1) IC 36-2-2.5 applies to the county instead of IC 36-2-2.
- 27 (2) The county executive consists of one (1) commissioner.
- 28 (3) The county may not subsequently be governed under
- 29 IC 36-2-2.
- 30 (4) The county commissioner described in subdivision (2)
- 31 shall:
- 32 (A) be elected at the second general election held after the
- 33 year the public question is approved; and
- 34 (B) take office January 1 after the individual's election.
- 35 (5) The term of office of each member of the county executive
- 36 elected under IC 36-2-2 is as follows:
- 37 (A) The term of a member elected at the general election
- 38 held in the year the public question is approved:
- 39 (i) is four (4) years; and
- 40 (ii) expires at the end of the day on December 31 after
- 41 the election described in subdivision (4).
- 42 (B) The term of a member elected at the first general

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1 election held after the year the public question is
2 approved:

3 (i) is two (2) years; and

4 (ii) expires at the end of the day on December 31 after
5 the election described in subdivision (4).

6 (6) IC 36-2-3.7 applies to the county.

7 SECTION 129. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2012]:

10 Chapter 2.5. County Commissioner as the Chief Executive
11 Officer

12 Sec. 1. Except as specifically provided by law, this chapter
13 applies to each county:

14 (1) that does not have a consolidated city; and

15 (2) in which:

16 (A) an ordinance has been adopted unanimously by the
17 county executive as described in IC 36-2-2.4-2(c) to
18 reorganize all executive powers in a single elected county
19 commissioner and to place all legislative and fiscal powers
20 in the county council; or

21 (B) an ordinance has been adopted by the county executive
22 as described in IC 36-2-2.4-2(d) to reorganize all executive
23 powers in a single elected county commissioner and to
24 place all legislative and fiscal powers in the county council,
25 and a public question to reorganize all executive powers in
26 a single elected county commissioner and to place all
27 legislative and fiscal powers in the county council has been
28 approved by the voters of the county under IC 36-2-2.4.

29 Sec. 2. As used in this chapter, "chief executive officer" means
30 the single county commissioner who is elected as the county chief
31 executive officer under IC 3-10-2-13.

32 Sec. 3. In a county to which this chapter applies:

33 (1) the voters of the county:

34 (A) shall elect one (1) chief executive officer in the second
35 general election after:

36 (i) the ordinance described in IC 36-2-2.4-2(c) is
37 adopted; or

38 (ii) the public question has been approved by the voters
39 of the county under IC 36-2-2.4;

40 and every four (4) years thereafter; and

41 (B) beginning with the second general election after:

42 (i) the ordinance described in IC 36-2-2.4-2(c) is

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1 adopted; or
2 (ii) the public question has been approved by the voters
3 of the county under IC 36-2-2.4;
4 shall not elect a board of county commissioners;
5 (2) the board of county commissioners for the county is
6 abolished January 1 of the year following the year in which
7 the first county chief executive officer is elected; and
8 (3) notwithstanding IC 36-2-2-3, the term of each county
9 commissioner serving on December 31 of the year in which
10 the first county chief executive officer is elected expires
11 January 1 of the year following the year in which the first
12 county chief executive officer is elected.
13 Sec. 4. (a) The term of office of a chief executive officer is four
14 (4) years, beginning January 1 after election and continuing until
15 a successor is elected and qualified.
16 (b) To be eligible for election as the chief executive officer, an
17 individual must meet the qualifications prescribed by IC 3-8-1-21.
18 If an individual does not remain a resident of the county after
19 taking office as the chief executive officer, the individual forfeits
20 the office. The county legislative body shall declare the office
21 vacant whenever the chief executive officer forfeits office under
22 this subsection.
23 Sec. 5. (a) On January 1 following the year in which the first
24 county chief executive officer is elected, all property, assets, funds,
25 equipment, records, rights, contracts, obligations, and liabilities of
26 the board of county commissioners of a county are transferred to
27 or assumed by the chief executive officer.
28 (b) The abolishment of the board of county commissioners of a
29 county on January 1 following the year in which the first county
30 chief executive officer is elected does not invalidate:
31 (1) any ordinances, resolutions, fees, schedules, or other
32 actions adopted or taken by the board of county
33 commissioners before the board is abolished; or
34 (2) any appointments made by the board of county
35 commissioners before the board is abolished.
36 Sec. 6. (a) All powers and duties of the county that are executive
37 or administrative in nature (including any power of appointment
38 related to executive or administrative functions) shall be exercised
39 or performed by the chief executive officer, except to the extent
40 that these powers and duties are expressly assigned by law to
41 another elected or appointed officer. The chief executive officer
42 shall transact the business of the county in the name of "The Chief

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1 Executive Officer of the County of _____".

2 (b) For purposes of a county subject to this chapter, after

3 December 31 of the year in which the first county chief executive

4 officer is elected, any reference:

5 (1) in the Indiana Code;

6 (2) in the Indiana Administrative Code;

7 (3) in an ordinance or resolution; or

8 (4) in any deed, lease, contract, or other official document or

9 instrument;

10 to the board of commissioners pertaining to the executive powers

11 of a county is considered a reference to the chief executive officer

12 of the county.

13 (c) For purposes of a county subject to this chapter, after

14 December 31 of the year in which the first county chief executive

15 officer is elected, any reference:

16 (1) in the Indiana Code;

17 (2) in the Indiana Administrative Code;

18 (3) in an ordinance or resolution; or

19 (4) in any deed, lease, contract, or other official document or

20 instrument;

21 related to the executive powers and duties of the board of county

22 commissioners is considered a reference to the powers and duties

23 of the chief executive officer of the county.

24 (d) For purposes of a county subject to this chapter, after

25 December 31 of the year in which the first county chief executive

26 officer is elected, the county council has the legislative and fiscal

27 powers and duties of the county as provided in IC 36-2-3.7.

28 **Sec. 7. The chief executive officer shall do the following:**

29 (1) Report on the condition of the county before March 1 of

30 each year to the county legislative body and to the residents of

31 the county.

32 (2) Recommend before March 1 of each year to the county

33 legislative body any action or program the chief executive

34 officer considers necessary for the improvement of the county

35 and the welfare of county residents.

36 (3) Submit to the county legislative body an annual budget in

37 accordance with IC 36-2-5.

38 (4) Establish the procedures to be followed by all county

39 departments, offices, and agencies under the chief executive

40 officer's jurisdiction to the extent these procedures are not

41 expressly assigned by law to another elected or appointed

42 officer.

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- (5) Administer all statutes, ordinances, and regulations applicable to the county, to the extent the administration of these matters is not expressly assigned by law to another elected or appointed officer.**
- (6) Supervise the care and custody of all county property.**
- (7) Supervise the collection of revenues and control all disbursements and expenditures, and prepare a complete account of all expenditures, to the extent these matters are not expressly assigned by law to another elected or appointed officer.**
- (8) Review, analyze, and forecast trends for county services and finances and programs of all county governmental entities, and report and recommend on these to the county legislative body by March 15 of each year.**
- (9) Negotiate contracts for the county.**
- (10) Make recommendations concerning the nature and location of county improvements, and provide for the execution of those improvements.**
- (11) Supervise county administrative offices, except for the offices of elected officers.**
- (12) Do the following in January of each year:**
 - (A) Make a settlement with the county treasurer for the preceding calendar year and include a copy of the settlement sheet in the order book of the chief executive officer.**
 - (B) Make an accurate statement of the county's receipts and expenditures during the preceding calendar year. The statement must include the name of and total compensation paid to each county officer, deputy, and employee. The statement must separately list each expenditure that is made to reimburse the chief executive officer for the chief executive officer's use of tangible property (as defined in IC 6-1.1-1-19) for public business, including any reimbursements made for the chief executive officer's use of a private residence, a personal telephone, or a personal vehicle for public business. As used in this section, "private residence" means a place that is not a public place. The chief executive officer shall post this statement at the courthouse door and two (2) other places in the county and shall publish it in the manner prescribed by IC 5-3-1.**
- (13) Perform other duties and functions that are assigned to**

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1 the chief executive officer by statute or ordinance.

2 **Sec. 8. The chief executive officer may do any of the following:**

3 (1) Order any department, office, or agency under the chief
4 executive officer's jurisdiction to undertake any task for
5 another department, office, or agency under the chief
6 executive officer's jurisdiction on a temporary basis, if
7 necessary for the proper and efficient administration of
8 county government.

9 (2) Establish and administer centralized budgeting,
10 centralized personnel selection, and centralized purchasing.

11 (3) Audit the accounts of officers who deal with money
12 belonging to or appropriated for the benefit of the county.

13 (4) Approve accounts chargeable against the county and
14 direct the raising of money necessary for county expenses.

15 (5) Make orders concerning county property, including orders
16 for:

17 (A) the sale of the county's public buildings and the
18 acquisition of land in the county seat on which to build new
19 public buildings; and

20 (B) the acquisition of land for a public square and the
21 maintenance of that square.

22 However, a conveyance or purchase by a county of land
23 having a value of one thousand dollars (\$1,000) or more must
24 be authorized by an ordinance of the county legislative body
25 fixing the terms and conditions of the transaction.

26 **Sec. 9. (a) The chief executive officer shall establish and**
27 **maintain a county courthouse, county jail, and public offices for**
28 **the county clerk, the county auditor, the county recorder, the**
29 **county treasurer, the county sheriff, and the county surveyor.**

30 (b) Offices for the surveyor must be in the courthouse or at the
31 county seat.

32 (c) Offices for the sheriff may be located:

33 (1) in the courthouse;

34 (2) inside the corporate limits of the county seat; or

35 (3) outside the corporate limits of the county seat but within
36 the limits of the county.

37 **Sec. 10. (a) The chief executive officer may grant licenses,**
38 **permits, or franchises for the use of county property if the licenses,**
39 **permits, or franchises:**

40 (1) are not exclusive;

41 (2) are of a definite duration; and

42 (3) are assignable only with the consent of the chief executive

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- 1 **officer.**
- 2 **(b) If a public utility or municipally owned or operated utility**
- 3 **that carries on business outside the corporate boundaries of**
- 4 **municipalities in the county is engaged in an activity substantially**
- 5 **similar to that for which a license, permit, or franchise for the use**
- 6 **of county property is sought, the chief executive officer may grant**
- 7 **the license, permit, or franchise only with the consent of the utility**
- 8 **regulatory commission. The commission may give its consent only**
- 9 **if it determines, after a public hearing of all interested parties, that**
- 10 **public necessity and convenience require the substantially similar**
- 11 **activity.**
- 12 **(c) The provisions of this section that concern securing the**
- 13 **consent of the utility regulatory commission do not apply to**
- 14 **municipally owned or operated utilities.**
- 15 **Sec. 11. Notwithstanding any other law, if a statute requires a**
- 16 **county executive to take an executive action by ordinance or**
- 17 **resolution, a chief executive officer shall instead take the action by**
- 18 **issuing an executive order.**
- 19 **Sec. 12. (a) If the chief executive officer is disqualified from**
- 20 **acting in a quasi-judicial proceeding, the chief executive officer**
- 21 **shall cease to act in that proceeding. Not later than ten (10) days**
- 22 **after the finding that the chief executive officer is disqualified to**
- 23 **act in a proceeding, the county auditor shall send a certified copy**
- 24 **of the record of the proceeding to the judge of the circuit court for**
- 25 **the county. If the judge affirms the disqualification of the chief**
- 26 **executive officer, the judge shall appoint a disinterested and**
- 27 **competent person to serve as a special executive in the proceeding.**
- 28 **(b) A person who consents to serve as a special executive must**
- 29 **have the same qualifications as an elected chief executive officer.**
- 30 **The person's appointment and oath shall be filed with the county**
- 31 **auditor and entered on the records of the chief executive officer. A**
- 32 **person appointed as a special executive may conduct the**
- 33 **proceeding until a final determination is reached.**
- 34 **Sec. 13. The chief executive officer shall keep the chief executive**
- 35 **officer's office open on each business day.**
- 36 **Sec. 14. Appointments made by the chief executive officer shall**
- 37 **be certified by the county auditor, under the seal of the chief**
- 38 **executive officer.**
- 39 **Sec. 15. (a) The chief executive officer may employ a person:**
- 40 **(1) to perform a duty required of a county officer by statute;**
- 41 **or**
- 42 **(2) on a commission or percentage basis;**

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1 only if the employment is expressly authorized by statute or is
 2 found by the chief executive officer to be necessary to the public
 3 interest.

4 (b) If a person's employment under subsection (a) is not
 5 expressly authorized by statute, the contract for the person's
 6 employment must be filed with the circuit court for the county, and
 7 the person must file the person's claims for compensation with that
 8 court. Any taxpayer may contest a claim under this section.

9 (c) A chief executive officer who recklessly violates this section
 10 commits a Class C misdemeanor and forfeits the person's office.

11 Sec. 16. The chief executive officer shall appear before the
 12 legislative body of the county at least once each month and at other
 13 times as needed to conduct all necessary county business.

14 Sec. 17. (a) A party to a proceeding before the chief executive
 15 officer who is aggrieved by a decision of the chief executive officer
 16 may appeal that decision to the circuit court for the county.

17 (b) A person who is not a party to a proceeding before the chief
 18 executive officer may appeal a decision of the chief executive
 19 officer only if the person files with the county auditor an affidavit:

20 (1) specifically setting forth the person's interest in the matter
 21 decided; and

22 (2) alleging that the person is aggrieved by the decision of the
 23 chief executive officer.

24 (c) An appeal under this section must be taken not later than
 25 thirty (30) days after the chief executive officer makes the decision
 26 by which the appellant is aggrieved.

27 (d) An appellant under this section must file with the county
 28 auditor a bond conditioned on due prosecution of the appeal. The
 29 bond is subject to approval by the county auditor and must be in
 30 an amount sufficient to provide security for court costs.

31 (e) Not later than twenty (20) days after the county auditor
 32 receives the appeal bond, the county auditor shall prepare a
 33 complete transcript of the proceedings of the chief executive officer
 34 related to the decision appealed from and shall deliver the
 35 transcript, all documents filed during the proceedings, and the
 36 appeal bond to the clerk of the circuit court.

37 Sec. 18. (a) An appeal under section 17 of this chapter shall be
 38 docketed among the other causes pending in the circuit court and
 39 shall be tried as an original cause.

40 (b) A court may decide an appeal under section 17 of this
 41 chapter by:

42 (1) affirming the decision of the chief executive officer; or

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1 (2) remanding the cause to the chief executive officer with
2 directions as to how to proceed;
3 and may require the chief executive officer to comply with this
4 decision.

5 Sec. 19. (a) The county auditor or the chief executive officer may
6 administer any oaths required by this chapter.

7 (b) The county sheriff or a county police officer shall attend the
8 meetings of the chief executive officer, if requested by the chief
9 executive officer, and shall execute the chief executive officer's
10 orders.

11 Sec. 20. (a) Appointments made by the chief executive officer
12 shall be certified by the county auditor, under the seal of the chief
13 executive officer.

14 (b) If a copy of the chief executive officer's proceedings has been
15 signed and sealed by the county auditor and introduced into
16 evidence in court, that copy is presumed to be an accurate record
17 of the chief executive officer's proceedings.

18 Sec. 21. If publication of a notice, report, or statement of any
19 kind is required and a county is liable for the cost of that
20 publication, the chief executive officer may not make or pay for
21 publication in more than one (1) newspaper unless publication in
22 two (2) newspapers is required. A person who violates this section
23 commits a Class C infraction.

24 Sec. 22. (a) The chief executive officer may employ and fix the
25 compensation of an attorney to represent and advise the executive.

26 (b) For purposes of Article 2, Section 9 of the Constitution of the
27 State of Indiana, employment by a chief executive officer as an
28 attorney does not constitute a lucrative office.

29 SECTION 130. IC 36-2-3-4, AS AMENDED BY P.L.230-2005,
30 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2012]: Sec. 4. (a) This subsection does not apply to a county
32 having a population of:

33 (1) more than four hundred thousand (400,000) but less than
34 seven hundred thousand (700,000); or

35 (2) more than two hundred ~~twenty~~ **fifty** thousand (~~200,000~~) (**250,000**) but
36 less than ~~three two~~ **two** hundred ~~seventy~~ thousand (~~300,000~~):
37 (**270,000**).

38 The county executive shall by ordinance **or, in a county subject to**
39 **IC 36-2-2.5, by resolution** divide the county into four (4) contiguous,
40 single-member districts that comply with subsection (d). If necessary,
41 the county auditor shall call a special meeting of the executive to
42 establish or revise districts. One (1) member of the fiscal body shall be



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1 elected by the voters of each of the four (4) districts. Three (3) at-large
2 members of the fiscal body shall be elected by the voters of the whole
3 county.

4 (b) This subsection applies to a county having a population of more
5 than four hundred thousand (400,000) but less than seven hundred
6 thousand (700,000). The county redistricting commission established
7 under IC 36-2-2-4 shall divide the county into seven (7) single-member
8 districts that comply with subsection (d). One (1) member of the fiscal
9 body shall be elected by the voters of each of these seven (7)
10 single-member districts.

11 (c) This subsection applies to a county having a population of more
12 than two hundred **fifty** thousand (~~200,000~~) **(250,000)** but less than
13 **three two** hundred **seventy** thousand (~~300,000~~) **(270,000)**. The fiscal
14 body shall divide the county into nine (9) single-member districts that
15 comply with subsection (d). Three (3) of these districts must be
16 contained within each of the three (3) districts established under
17 IC 36-2-2-4(c). One (1) member of the fiscal body shall be elected by
18 the voters of each of these nine (9) single-member districts.

19 (d) Single-member districts established under subsection (a), (b), or
20 (c) must:

21 (1) be compact, subject only to natural boundary lines (such as
22 railroads, major highways, rivers, creeks, parks, and major
23 industrial complexes);

24 (2) not cross precinct boundary lines;

25 (3) contain, as nearly as possible, equal population; and

26 (4) include whole townships, except when a division is clearly
27 necessary to accomplish redistricting under this section.

28 (e) A division under subsection (a), (b), or (c) shall be made:

29 (1) during the first year after a year in which a federal decennial
30 census is conducted; and

31 (2) when the county executive adopts an order declaring a county
32 boundary to be changed under IC 36-2-1-2.

33 (f) A division under subsection (a), (b), or (c) may be made in any
34 odd-numbered year not described in subsection (e).

35 SECTION 131. IC 36-2-3.5-1 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a) Except as**
37 **provided in subsection (b)**, this chapter applies to:

38 (1) a county having a population of:

39 (A) more than four hundred thousand (400,000) but less than
40 seven hundred thousand (700,000); or

41 (B) more than two hundred **fifty** thousand (~~200,000~~) **(250,000)**
42 but less than **three two** hundred **seventy** thousand (~~300,000~~);

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1 **(270,000);** and
 2 (2) any other county not having a consolidated city, if both the
 3 county executive and the county fiscal body adopt identical
 4 ordinances providing for the county to be governed by this
 5 chapter beginning on a specified effective date.

6 **(b) Except as provided in section 6(c) of this chapter, this**
 7 **chapter does not apply to a county beginning after December 31 of**
 8 **the year in which a chief executive officer is first elected under**
 9 **IC 36-2-2.5.**

10 SECTION 132. IC 36-2-3.5-6 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) A court may issue
 12 an order, before final hearing, to stay an election if there is sufficient
 13 evidence to withstand a motion for summary judgment that the county
 14 has not been divided into districts that comply with IC 36-2-2-4 or
 15 IC 36-2-3-4. A preliminary hearing on the question may be held upon
 16 the court's own motion.

17 (b) Final judgment on the merits in such a case shall be made within
 18 thirty (30) days of the stay of election order. If the redistricting is found
 19 not to be in compliance with law, the court shall retain jurisdiction and
 20 shall order the proper officials to submit within thirty (30) days a
 21 redistricting plan complying with law. If the proper officials fail to
 22 comply with the order, the court shall order the Indiana election
 23 commission to divide the county into districts in compliance with law.

24 **(c) If this chapter applied to a county at the time a chief**
 25 **executive officer is first elected under IC 36-2-2.5, this section**
 26 **continues to apply to the county after the election of the chief**
 27 **executive officer.**

28 SECTION 133. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE
 29 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2012]:

31 **Chapter 3.7. County Council as the County Legislative Body**

32 **Sec. 1. Except as specifically provided by law, this chapter**
 33 **applies to each county:**

- 34 **(1) that does not have a consolidated city; and**
 35 **(2) in which:**
 36 **(A) an ordinance has been adopted unanimously by the**
 37 **county executive as described in IC 36-2-2.4-2(c) to**
 38 **reorganize all executive powers in a single elected county**
 39 **executive and to place all legislative and fiscal powers in**
 40 **the county council; or**
 41 **(B) an ordinance has been adopted by the county executive**
 42 **as described in IC 36-2-2.4-2(d) to reorganize all executive**

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1 powers in a single elected county executive and to place all
2 legislative and fiscal powers in the county council, and a
3 public question to reorganize all executive powers in a
4 single elected county executive and to place all legislative
5 and fiscal powers in the county council has been approved
6 by the voters of the county under IC 36-2-2.4.

7 Sec. 2. As used in this chapter, "chief executive officer" means
8 the county chief executive officer elected under IC 3-10-2-13.

9 Sec. 3. In a county to which this chapter applies:

10 (1) the voters of the county shall continue to elect members of
11 the county council; and

12 (2) beginning on January 1 following the year in which the
13 first county chief executive officer is elected:

14 (A) the executive and legislative powers of the county are
15 divided between separate branches of county government,
16 and a power belonging to one (1) branch of county
17 government may not be exercised by the other branch of
18 county government;

19 (B) the county council is the county legislative body as well
20 as the county fiscal body; and

21 (C) the chief executive officer is the county executive of the
22 county and has the executive and administrative powers
23 and duties of the county as provided in IC 36-2-2.5.

24 Sec. 4. (a) All powers and duties of the county that are legislative
25 in nature (including any power of appointment related to
26 legislative functions) shall be exercised or performed by the county
27 council functioning as the county legislative body.

28 (b) The county council has the same legislative powers and
29 duties that the board of county commissioners in the county had
30 before the board of county commissioners was abolished.

31 (c) For purposes of a county subject to this chapter, after
32 December 31 of the year in which the first county chief executive
33 officer is elected, any reference:

34 (1) in the Indiana Code;

35 (2) in the Indiana Administrative Code;

36 (3) in an ordinance or resolution; or

37 (4) in any deed, lease, contract, or other official document or
38 instrument;

39 to the board of commissioners pertaining to the legislative powers
40 of a county is considered a reference to the legislative powers of the
41 county council of the county.

42 (d) For purposes of a county subject to this chapter, after

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1 **December 31 of the year in which the first county chief executive**
 2 **officer is elected, any reference:**
 3 **(1) in the Indiana Code;**
 4 **(2) in the Indiana Administrative Code;**
 5 **(3) in an ordinance or resolution; or**
 6 **(4) in any deed, lease, contract, or other official document or**
 7 **instrument;**
 8 **related to the legislative powers and duties of the board of county**
 9 **commissioners is considered a reference to the powers and duties**
 10 **of the county council of the county.**

11 **Sec. 5. The county council may do any of the following:**
 12 **(1) Establish committees that are necessary to carry out the**
 13 **county council's functions.**
 14 **(2) Employ legal and administrative personnel necessary to**
 15 **carry out the county council's functions.**
 16 **(3) Pass all ordinances, orders, resolutions, and motions for**
 17 **the government of the county, in the manner prescribed by**
 18 **IC 36-2-4.**
 19 **(4) Receive gifts, bequests, and grants from public or private**
 20 **sources.**
 21 **(5) Conduct investigations into the conduct of county business**
 22 **for the purpose of correcting deficiencies and ensuring**
 23 **adherence to law and county ordinances and policies.**
 24 **(6) Establish, by ordinance, new county departments,**
 25 **divisions, or agencies whenever necessary to promote efficient**
 26 **county government.**

27 SECTION 134. IC 36-2-4-8, AS AMENDED BY P.L.159-2011,
 28 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2012]: Sec. 8. (a) An ordinance, order, or resolution is
 30 considered adopted when it is signed by the presiding officer. If
 31 required, an adopted ordinance, order, or resolution must be
 32 promulgated or published according to statute before it takes effect.

33 (b) An ordinance prescribing a penalty or forfeiture for a violation
 34 must, before it takes effect, be published once each week for two (2)
 35 consecutive weeks, according to IC 5-3-1. However, if such an
 36 ordinance is adopted by the legislative body of a county subject to
 37 **IC 36-2-2.5 or IC 36-2-3.5** and there is an urgent necessity requiring
 38 its immediate effectiveness, it need not be published if:

- 39 (1) the county executive proclaims the urgent necessity; and
 40 (2) copies of the ordinance are posted in three (3) public places in
 41 each of the districts of the county before it takes effect.
 42 (c) The following apply in addition to the other requirements of this

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section:

(1) An ordinance or resolution passed by the legislative body of a county subject to IC 36-2-3.5 is considered adopted only if it is:

(A) approved by signature of a majority of the county executive;

(B) neither approved nor vetoed by a majority of the executive, within ten (10) days after passage by the legislative body; or

(C) passed over the veto of the executive by a two-thirds (2/3) vote of the legislative body, within sixty (60) days after presentation of the ordinance or resolution to the executive.

(2) Subject to subsection (g), the legislative body of a county shall:

(A) subject to subdivision (3), give written notice to the department of environmental management not later than sixty (60) days before amendment or repeal of an environmental restrictive ordinance; and

(B) give written notice to the department of environmental management not later than thirty (30) days after passage, amendment, or repeal of an environmental restrictive ordinance.

(3) Upon written request by the legislative body, the department of environmental management may waive the notice requirement of subdivision (2)(A).

(4) An environmental restrictive ordinance passed or amended after 2009 by the legislative body must state the notice requirements of subdivision (2).

(5) The failure of an environmental restrictive ordinance to comply with subdivision (4) does not void the ordinance.

(d) After an ordinance or resolution passed by the legislative body of a county subject to IC 36-2-3.5 has been signed by the presiding officer, the county auditor shall present it to the county executive, and record the time of the presentation. Within ten (10) days after an ordinance or resolution is presented to it, the executive shall:

(1) approve the ordinance or resolution, by signature of a majority of the executive, and send the legislative body a message announcing its approval; or

(2) veto the ordinance or resolution, by returning it to the legislative body with a message announcing its veto and stating its reasons for the veto.

(e) This section (other than subsection (c)(2)) does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

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1 (f) An ordinance increasing a building permit fee on new
 2 development must:

3 (1) be published:

4 (A) one (1) time in accordance with IC 5-3-1; and

5 (B) not later than thirty (30) days after the ordinance is
 6 adopted by the legislative body in accordance with IC 5-3-1;
 7 and

8 (2) delay the implementation of the fee increase for ninety (90)
 9 days after the date the ordinance is published under subdivision
 10 (1).

11 (g) The notice requirements of subsection (c)(2) apply only if the
 12 municipal corporation received under IC 13-25-5-8.5(f) written notice
 13 that the department is relying on the environmental restrictive
 14 ordinance referred to in subsection (c)(2) as part of a risk based
 15 remediation proposal:

16 (1) approved by the department; and

17 (2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or
 18 IC 13-25-5.

19 SECTION 135. IC 36-2-6-4.6 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2012]: **Sec. 4.6. (a) This section applies after
 22 December 31, 2013. This section applies only to a county that
 23 approves a public question under IC 36-6-1.2.**

24 **(b) Notwithstanding IC 5-11-10, the county auditor may make
 25 payments for claims payable from the township assistance fund
 26 under IC 12-20-21-6 in advance of allowance by the county
 27 executive. Each payment of expenses under this section must be
 28 supported by a fully itemized invoice or bill and certification by the
 29 county auditor. The county executive shall review and allow the
 30 claim at its next regular or special meeting following the
 31 preapproved payment of the expense.**

32 SECTION 136. IC 36-3-1-5 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) When a first class
 34 city becomes a consolidated city, the officers who become the
 35 executive and legislative body of the consolidated city under section
 36 4(c) of this chapter also become the executive and legislative body of
 37 the county.

38 (b) The members of the board of commissioners of the county are
 39 entitled to remain in office until their terms expire, although the board
 40 is no longer the executive of the county. As their terms expire or their
 41 positions become vacant, they shall be replaced by the following
 42 officers in the following order:

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1 (1) The county treasurer:
 2 (2) The county auditor:
 3 (3) The county assessor:
 4 These three (3) officers then serve ex officio as commissioners under
 5 IC 36-3-3-10:

6 SECTION 137. 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 public question is approved under IC 36-6-1.2 in a county**
 25 **having a consolidated city, the fire department of a township**
 26 **described in IC 36-6-1.3-3(b) is consolidated into the fire**
 27 **department of the consolidated city under this section on the**
 28 **earlier of the following, without any approvals otherwise required**
 29 **under this section:**

30 **(1) The date the mayor of the consolidated city establishes by**
 31 **executive order.**

32 **(2) January 1, 2014.**

33 **To ensure an orderly transition, the mayor may order the**
 34 **consolidation of one (1) or more such fire departments into the**
 35 **consolidated fire department with each executive order. The mayor**
 36 **shall, by certified mail, provide at least sixty (60) days notice of the**
 37 **effective date of the consolidation to the trustee of the township**
 38 **affected.**

39 SECTION 138. IC 36-3-3-9 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. The executive shall
 41 perform the duties and exercise the powers prescribed for the board of
 42 commissioners of the county by statutes other than this title, except for

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1 the following:

2 (1) duties and powers vested in the city-county legislative body by

3 IC 36-3-4.

4 (2) Duties and powers retained by the board of commissioners of

5 the county under section 10 of this chapter:

6 SECTION 139. IC 36-3-3-10 IS REPEALED [EFFECTIVE JULY

7 1, 2012]. Sec. 10. (a) The board of commissioners of the county is

8 composed of the county treasurer, the county auditor, and the county

9 assessor. These officers shall serve ex officio as commissioners without

10 additional compensation for performing the duties of the board:

11 (b) The board of commissioners:

12 (1) shall make the appointments required by statute to be made by

13 the board of commissioners of a county;

14 (2) shall perform the duties and exercise the powers prescribed by

15 statutes pertaining to the issuance and payment of bonds of the

16 county and the expenditure of the unexpended proceeds of those

17 bonds; and

18 (3) may exercise the powers granted it by Article 9, Section 3 of

19 the Constitution of the State of Indiana and by IC 12-30-3.

20 SECTION 140. IC 36-3-5-2.8, AS ADDED BY P.L.227-2005,

21 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

22 JULY 1, 2012]: Sec. 2.8. (a) Except as provided in subsections (b) and

23 (c), the controller:

24 (1) has all the powers; and

25 (2) performs all the duties;

26 of the county auditor under law.

27 (b) The controller:

28 (1) does not have the powers; and

29 (2) may not perform the duties;

30 of the county auditor under IC 36-2-9.5 and IC 36-3-6. or as a member

31 of the board of commissioners of the county under IC 36-3-3-10.

32 (c) Notwithstanding subsection (a) or any other law, the executive,

33 with the approval of the legislative body, may allocate the duties of the

34 county auditor, except the duties referred to in subsection (b), among:

35 (1) the controller;

36 (2) the county assessor;

37 (3) the county auditor; or

38 (4) other appropriate city or county officials.

39 SECTION 141. IC 36-5-1-20 IS AMENDED TO READ AS

40 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 20. (a) This section

41 does not apply to a town described by IC 36-5-1-11.5.

42 (b) A town subject to this chapter may be dissolved if the county

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1 election board of the county in which the greatest percentage of
2 population of the town is located conducts a public hearing and finds
3 that the town has not elected town officers or had a functioning town
4 government during the preceding ten (10) years.

5 (c) The county election board shall certify the board's findings to the
6 county executive, who may adopt an ordinance or (in a county subject
7 to **IC 36-2-2.5 or IC 36-2-3.5**) issue an order to dissolve the town.

8 SECTION 142. IC 36-6-1.2 IS ADDED TO THE INDIANA CODE
9 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2012]:

11 **Chapter 1.2. Local Public Question on Eliminating Township**
12 **Government; Transfer of Duties and Responsibilities; Transfer of**
13 **Property**

14 **Sec. 1. This chapter applies to all counties.**

15 **Sec. 2. (a) The following question shall be submitted to the**
16 **registered voters of Marion County at the general election in**
17 **November 2012:**

18 "Shall the duties of township government be transferred to
19 Marion County? (A "yes" vote on the public question
20 eliminates the township trustee in all townships in the county,
21 transfers township fire protection duties to the fire
22 department of the consolidated city, and transfers other
23 township powers and duties to the county. A "no" vote on the
24 public question retains the township trustees in the county.)".

25 (b) The following question shall be submitted to the registered
26 voters of each county (other than Marion County) at the general
27 election in November 2012:

28 "Shall the duties of township government be transferred to
29 _____ (insert the name of the county)? (A "yes" vote on
30 the public question eliminates the township trustee and
31 township assessor (if any) in all townships in the county,
32 transfers township fire protection duties to a fire protection
33 district, and transfers other township powers and duties to the
34 county. A "no" vote on the public question retains the
35 township trustees in the county.)".

36 **Sec. 3. (a) The county auditor shall certify a public question**
37 **described in section 2 of this chapter under IC 3-10-9-3 to the**
38 **county election board of the county. After the public question is**
39 **certified, the public question shall be placed on the ballot at the**
40 **general election in November 2012.**

41 (b) Only the registered voters who are residents of the county
42 may vote on the public question.

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1 **Sec. 4. Public funds from any source may not be expended by a**
 2 **political subdivision or by the state to promote a position on a**
 3 **public question under this chapter. A political subdivision or the**
 4 **state may not promote a position on a public question under this**
 5 **chapter by doing any of the following:**

6 (1) **Allowing facilities or equipment, including mail and**
 7 **messaging systems, owned by the political subdivision or state**
 8 **to be used for public relations purposes to promote a position**
 9 **on the public question.**

10 (2) **Making an expenditure of money from a fund controlled**
 11 **by the political subdivision or the state to promote a position**
 12 **on the public question.**

13 (3) **Using an employee to promote a position on the public**
 14 **question during the employee's normal working hours or paid**
 15 **overtime, or otherwise compelling an employee to promote a**
 16 **position on the public question at any time.**

17 **Sec. 5. The circuit court clerk shall certify the results of a public**
 18 **question under this chapter to the following:**

19 (1) **The secretary of state.**

20 (2) **The county auditor.**

21 (3) **The department of local government finance.**

22 (4) **The department of state revenue.**

23 (5) **The state board of accounts.**

24 **Sec. 6. If a majority of the voters voting on a public question**
 25 **under this chapter in the county vote "yes" to the public question,**
 26 **beginning on January 1, 2014:**

27 (1) **the office of township trustee in each township in the**
 28 **county is abolished;**

29 (2) **the county executive is the executive of all townships in the**
 30 **county and shall exercise the executive powers and duties**
 31 **assigned in the Indiana Code or the Indiana Administrative**
 32 **Code to the township executive;**

33 (3) **the office of township assessor, if a township has a**
 34 **township assessor, is abolished; and**

35 (4) **the county assessor has the powers and duties of the**
 36 **township assessor (if any).**

37 **Sec. 7. (a) The abolishment of the office of a township trustee**
 38 **and township assessor (if any) under section 6 of this chapter does**
 39 **not invalidate:**

40 (1) **any resolutions, fees, schedules, or other actions adopted**
 41 **or taken by the township trustee or township assessor before**
 42 **January 1, 2014; or**

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1 (2) any appointments made by the township trustee or
2 township assessor before January 1, 2014.
3 (b) In a county in which a township trustee or township assessor
4 is abolished under section 6 of this chapter, after December 31,
5 2013, any reference:
6 (1) in the Indiana Code;
7 (2) in the Indiana Administrative Code; or
8 (3) in any resolution;
9 to the township trustee is considered a reference to the county
10 executive and to the township assessor is considered a reference to
11 the county assessor.
12 Sec. 8. Beginning January 1, 2013, in a county in which a public
13 question under this chapter is approved, a designee of the executive
14 shall meet at least every other month with each township trustee to
15 effectuate the proper transition of the township's duties,
16 obligations, and responsibilities relating to cemeteries, high weeds
17 and grass, detrimental plants, and parks. In a county in which a
18 public question under this chapter is approved, the following shall
19 occur:
20 (1) Beginning January 1, 2013, a designee of the county
21 executive shall meet at least monthly with each township
22 trustee to effectuate the proper transition of the duties,
23 obligations, and responsibilities of the trustees relating to
24 township assistance. The designee shall prepare and maintain
25 a report regarding the transition, and the report shall be
26 made available to the public upon request.
27 (2) Beginning January 1, 2013, a designee of the county
28 executive in a county having a consolidated city shall meet at
29 least every other month with each township trustee to
30 effectuate the proper transition of the duties, obligations, and
31 responsibilities of the trustees relating to small claims courts
32 to the county executive. The designee shall prepare and
33 maintain a report regarding the transition, and the report
34 shall be made available to the public upon request.
35 Sec. 9. (a) Except as provided in subsection (b) and
36 IC 36-3-1-6.1, if a public question under this chapter is approved,
37 on January 1, 2014, 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 the operations of a township in the county related**
 4 **to fire services are transferred to the fire protection district**
 5 **established under IC 36-8-11-4.5.**

6 **(b) If a public question under this chapter is approved, on**
 7 **January 1, 2014, all:**

- 8 (1) assets;
- 9 (2) debts;
- 10 (3) property rights;
- 11 (4) equipment;
- 12 (5) records;
- 13 (6) personnel; and
- 14 (7) contracts;

15 **connected with the operations related to fire services of a township**
 16 **that is wholly contained within a fire protection district as of**
 17 **December 31, 2013, are transferred to the fire protection district.**

18 **(c) If a public question under this chapter is approved, on**
 19 **January 1, 2014, all:**

- 20 (1) assets;
- 21 (2) debts;
- 22 (3) property rights;
- 23 (4) equipment;
- 24 (5) records;
- 25 (6) personnel; and
- 26 (7) contracts;

27 **connected with the operations of a township in the county related**
 28 **to township functions other than those specified under subsection**
 29 **(a) are transferred to the county executive.**

30 **Sec. 10. (a) Except as provided in subsection (b) and**
 31 **IC 36-3-1-6.1, if a public question under this chapter is approved**
 32 **in a county, the balance on January 1, 2014, in a debt service fund**
 33 **related to fire protection of a township located in the county:**

- 34 (1) is transferred to the fire protection district established
- 35 under IC 36-8-11-4.5 in which the township is located; and
- 36 (2) shall be used by the fire protection district to pay
- 37 indebtedness or lease rentals for which the fund was
- 38 established.

39 **Any balance remaining in the fund after all payments for**
 40 **indebtedness or lease rentals required under this section have been**
 41 **made is transferred to the general fund of the fire protection**
 42 **district.**

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1 (b) If a public question under this chapter is approved, the
2 balance on January 1, 2014, in a debt service fund related to fire
3 protection of a township that is wholly contained within a fire
4 protection district as of December 31, 2013:

5 (1) is transferred to the fire protection district in which the
6 township is wholly contained; and

7 (2) shall be used by the fire protection district to pay
8 indebtedness or lease rentals for which the fund was
9 established.

10 Any balance remaining in the fund after all payments for
11 indebtedness or lease rentals required under this section have been
12 made is transferred to the general fund of the fire protection
13 district.

14 (c) If a public question under this chapter is approved in a
15 county, the balance on January 1, 2014, in a debt service fund
16 related to township functions other than those specified under
17 subsection (a) or (b):

18 (1) is transferred to the county in which the township is
19 located; and

20 (2) shall be used by the county to pay indebtedness or lease
21 rentals for which the fund was established.

22 Any balance remaining in the fund after all payments for
23 indebtedness or lease rentals required under this section have been
24 made is transferred to the county general fund.

25 Sec. 11. (a) If a public question under this chapter is approved
26 in a county, on January 1, 2014, the balance in the general fund of
27 a township in the county attributable to the duties of the township
28 trustee under IC 36-6-4-3, other than the duties concerning fire
29 protection transferred under IC 36-3-1-6.1, is transferred to the
30 executive.

31 (b) If a public question under this chapter is approved in a
32 county having a consolidated city, on January 1, 2014, the balance
33 in the general fund of a township in the county attributable to the
34 duties of the township trustee related to administering small claims
35 courts is transferred to the county executive.

36 (c) The department of local government finance shall determine
37 the amounts to be transferred under subsections (a) and (b).

38 (d) IC 36-1-8-5 does not apply to a balance referred to in
39 subsection (a).

40 Sec. 12. (a) If a public question under this chapter is approved
41 in a county, the balance in the township assistance fund of a
42 township in the county attributable to the duties of the township

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trustee on January 1, 2014:

(1) is transferred to the county; and

(2) shall be deposited in the township assistance fund established under IC 12-20-21-6.

(b) The department of local government finance shall determine the amounts to be transferred under this section.

(c) IC 36-1-8-5 does not apply to a balance referred to in this section.

Sec. 13. If a public question under this chapter is approved in a county:

(1) effective January 1, 2014, the operations of the township constable in a township located in the county; and

(2) effective January 1, 2014, the operations of the small claims courts in a township located in the county;

shall be accounted for in the county budget.

Sec. 14. Effective January 1, 2014, in a county that approves a public question under this chapter, a municipality has the right of first refusal for a township's park land and buildings that are located within the municipality. If the municipality agrees to the transfer of some or all of the township's park land and buildings that are located in the municipality, the property (and all obligations related to the property) shall be transferred to the municipality. If the municipality does not agree to the transfer of some or all of the township's park land and buildings that are located in the municipality, the property (and all obligations related to the property) that is not accepted by the municipality shall be transferred to the county.

Sec. 15. Indebtedness that was incurred by a township before the township government is abolished under this chapter:

(1) may not be imposed on taxpayers that were not responsible for payment of the indebtedness before the abolishment of the township government; and

(2) must be paid by the taxpayers that were responsible for payment of the indebtedness before the abolishment of the township government.

Sec. 16. The department of local government finance shall adjust maximum permissible property tax levies and property tax rates of units of local government as necessary to account for transfers of duties, powers, and obligations under this chapter.

SECTION 143. IC 36-6-1.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

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1 **Chapter 1.3. Fire Protection Districts in Townships in Which**
 2 **Township Government Has Been Abolished**

3 **Sec. 1. This chapter applies to all counties in which a public**
 4 **question is approved under IC 36-6-1.2.**

5 **Sec. 2. Except as provided in section 3 of this chapter, if a public**
 6 **question is approved under IC 36-6-1.2 in a county, the functions,**
 7 **duties, and responsibilities of the township with respect to**
 8 **providing fire protection and related services are transferred on**
 9 **January 1, 2014, to a fire protection district established for that**
 10 **township as provided in IC 36-8-11-4.5.**

11 **Sec. 3. (a) If a public question is approved under IC 36-6-1.2 in**
 12 **the county having a consolidated city, in the case of a township in**
 13 **the county that has not consolidated its fire department under**
 14 **IC 36-3-1-6.1:**

15 **(1) the township fire department is consolidated into the fire**
 16 **department of the consolidated city as provided in**
 17 **IC 36-3-1-6.1(i); and**

18 **(2) a fire protection district is not established under this**
 19 **chapter in that township.**

20 **(b) Notwithstanding IC 36-3-1-6.1, if a public question is**
 21 **approved under IC 36-6-1.2 in the county having a consolidated**
 22 **city, the consolidation of the fire department of a township**
 23 **described in subsection (a) into the fire department of the**
 24 **consolidated city occurs as provided in IC 36-3-1-6.1(i), without**
 25 **any action required by the township executive, the township**
 26 **legislative body, or the legislative body of the consolidated city.**

27 **Sec. 4. (a) Except as provided in section 3 of this chapter and**
 28 **IC 36-3-1-6.1, and except as otherwise provided by law, if a public**
 29 **question is approved under IC 36-6-1.2 in a county, on January 1,**
 30 **2014, all:**

31 **(1) assets;**

32 **(2) debts;**

33 **(3) property rights;**

34 **(4) equipment;**

35 **(5) records;**

36 **(6) personnel (except as otherwise provided for by statute);**
 37 **and**

38 **(7) contracts;**

39 **connected with the fire protection and related operations of a**
 40 **township in which a fire protection district is established under**
 41 **IC 36-8-11-4.5 are transferred to the fire protection district.**

42 **(b) In the case of a township that is located in a county in which**

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1 a public question is approved under IC 36-6-1.2 and that is a
2 participating unit in a fire protection territory as of January 1,
3 2014:

4 (1) the powers and duties of the township related to the fire
5 protection territory are transferred to the fire protection
6 district established under IC 36-8-11-4.5; and

7 (2) the fire protection district established under
8 IC 36-8-11-4.5 assumes all assets, debts, property rights,
9 equipment, records, personnel, and contracts related to the
10 township's participation as a participating unit in the fire
11 protection territory.

12 **Sec. 5. This chapter does not affect the rights, powers, and**
13 **responsibilities of a fire protection district in existence as of**
14 **January 1, 2014.**

15 **Sec. 6. A fire protection district shall not be established under**
16 **this section in the territory of a township that is included in a fire**
17 **protection district as of January 1, 2014.**

18 **Sec. 7. Except as otherwise provided by law, IC 36-8-11 governs**
19 **a fire protection district established as provided in IC 36-8-11-4.5.**

20 **Sec. 8. The department of local government finance shall adjust**
21 **maximum permissible property tax levies and property tax rates**
22 **of units of local government as necessary to account for transfers**
23 **of duties, powers, and obligations under this chapter.**

24 SECTION 144. IC 36-6-4-12 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) At the annual
26 meeting of the township legislative body under IC 36-6-6-9 the
27 executive shall present a complete report of all receipts and
28 expenditures of the preceding calendar year, including the balance to
29 the credit of each fund controlled by the executive. If the executive
30 controls any money that is not included in a particular fund, then the
31 executive shall state all the facts concerning that money in the report.

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

- 34 (1) why the payment was made;
- 35 (2) that the receipt is for the exact sum received;
- 36 (3) that no part of the sum has been retained by the executive; and
- 37 (4) that no part of the sum has been or is to be returned to the
38 executive or any other person.

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

40 (c) **The report must separately list each expenditure that is**
41 **made to reimburse the executive for the executive's use of tangible**
42 **property (as defined in IC 6-1.1-1-19) for public business, including**

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1 **any reimbursements made for the executive's use of a private**
2 **residence, a personal telephone, or a personal vehicle for public**
3 **business. As used in this section, "private residence" means a place**
4 **that is not a public place.**

5 (c) (d) The executive shall swear or affirm that:

- 6 (1) the report shows all sums received by ~~him~~; **the executive**;
- 7 (2) the expenditures credited have been fully paid in the sums
- 8 stated, without express or implied agreement that any part of the
- 9 sums is to be retained by or returned to the executive or any other
- 10 person; and
- 11 (3) the executive has received no money or other property in
- 12 consideration of any contract entered into on behalf of the
- 13 township.

14 (d) (e) Within ten (10) days after the legislative body's action under
15 IC 36-6-6-9, the executive shall file a copy of the report and its
16 accompanying vouchers, as adopted by the legislative body, in the
17 county auditor's office. The legislative body may, for the benefit of the
18 township, bring a civil action against the executive if the executive fails
19 to file the report within ten (10) days after the legislative body's action.
20 The legislative body may recover five dollars (\$5) for each day beyond
21 the time limit for filing the report, until the report is filed.

22 SECTION 145. IC 36-6-5-1, AS AMENDED BY P.L.1-2009,
23 SECTION 164, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Subject to subsection (g),
25 before 2009, a township assessor shall be elected under IC 3-10-2-13
26 by the voters of each township:

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

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

- 36 (1) having a population of more than five thousand (5,000) but
- 37 not more than eight thousand (8,000), if:
 - 38 (A) the legislative body of the township, by resolution,
 - 39 declares that the office of township assessor is necessary; and
 - 40 (B) the resolution is filed with the county election board not
 - 41 later than the first date that a declaration of candidacy may be
 - 42 filed under IC 3-8-2; and

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1 (2) in which the number of parcels of real property on January 1,
2 2008, is at least fifteen thousand (15,000).

3 (c) Subject to subsection (g), a township government that is created
4 by merger under IC 36-6-1.5 shall elect only one (1) township assessor
5 under this section.

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

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

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

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

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

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

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

30 **(i) Notwithstanding any other law, on January 1, 2014, in the**
31 **case of a county that approves a public question under IC 36-6-1.2:**

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

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

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

36 **The transfer of powers and duties under this subsection does not**
37 **affect any assessment, assessment appeal, or other official action**
38 **of a township assessor relating to property assessment made before**
39 **the transfer of powers and duties of the township assessor. Any**
40 **assessment, assessment appeal, or other official action made by a**
41 **township assessor within the scope of the township assessor's**
42 **official duties under IC 6-1.1 or this chapter before the transfer of**

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1 powers and duties to the county assessor is considered to have been
2 made by the county assessor.

3 (j) Each township assessor whose powers and duties are
4 transferred to the county assessor under subsection (i) shall
5 organize the records of the township assessor's office relating to
6 those duties in a manner prescribed by the department of local
7 government finance and transfer the records to the county assessor
8 in the manner and at the time directed by the department of local
9 government finance. The department of local government finance
10 shall determine a procedure and schedule for the transfer of the
11 records. A township assessor whose powers and duties are
12 transferred to the county assessor under subsection (i) and the
13 county assessor to whom the powers and duties are transferred
14 shall assist each other and coordinate their efforts to ensure an
15 orderly transfer of all township assessor records to the county
16 assessor and to provide for an uninterrupted and professional
17 transition of powers and duties from the township assessor to the
18 county assessor consistent with the directions of the department of
19 local government finance.

20 SECTION 146. IC 36-6-6-1 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This chapter
22 applies to all townships.

23 (b) On January 1, 2013, the township boards in each county are
24 abolished.

25 (c) After December 31, 2012:

- 26 (1) the county fiscal body is the fiscal body and legislative
- 27 body of each township in the county; and
- 28 (2) the county fiscal body shall exercise the legislative and
- 29 fiscal powers assigned in the Indiana Code to township
- 30 boards, including the authority to adopt the township's annual
- 31 budget and to levy township property taxes for township
- 32 funds.

33 (d) The abolishment of a township board under subsection (b)
34 does not invalidate:

- 35 (1) any resolutions, fees, or schedules adopted or other actions
- 36 taken by the township board before January 1, 2013; or
- 37 (2) any appointments made by the township board before
- 38 January 1, 2013.

39 (e) After December 31, 2012, any reference in the Indiana Code,
40 in the Indiana Administrative Code, or in any resolution to the
41 township board of a county is considered a reference to the county
42 fiscal body.

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1 SECTION 147. IC 36-6-10 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]:

4 **Chapter 10. Township Capital Improvement Plan**

5 **Sec. 1. This chapter applies after December 31, 2012. However,**
6 **after December 31, 2013, this chapter applies only to a county that**
7 **approves a public question under IC 36-6-1.2.**

8 **Sec. 2. As used in this chapter, "capital improvement" means:**

- 9 (1) acquisition of land;
- 10 (2) site improvements;
- 11 (3) infrastructure improvements;
- 12 (4) construction of buildings or structures;
- 13 (5) rehabilitation, renovation, or enlargement of buildings or
- 14 structures; or
- 15 (6) acquisition or improvement of machinery, equipment,
- 16 furnishings, or facilities.

17 **Sec. 3. As used in this chapter, "capital improvement fund"**
18 **means a township fund in which the money in the fund may be used**
19 **for the payment of capital improvements. The term includes:**

- 20 (1) a cumulative firefighting building and equipment fund
- 21 under IC 36-8-14;
- 22 (2) an equipment replacement fund under IC 36-8-19-8.5;
- 23 (3) a cumulative township vehicle and building fund under
- 24 IC 36-9-17.5;
- 25 (4) a cumulative building fund under IC 36-10-7.5-19; and
- 26 (5) any other fund established by a township for the payment
- 27 of capital improvements.

28 **Sec. 4. As used in this chapter, "plan" refers to a township**
29 **capital improvement plan adopted or amended under this chapter.**

30 **Sec. 5. Before a township may collect property taxes for a**
31 **capital improvement fund in a particular year, the township**
32 **trustee must prepare a proposed or amended plan in the**
33 **immediately preceding year. The county fiscal body, not later than**
34 **August 1, shall hold a public hearing on a proposed or amended**
35 **plan and adopt the proposed or amended plan.**

36 **Sec. 6. (a) The department of local government finance shall**
37 **prescribe the format of the plan.**

38 **(b) A plan must:**

- 39 (1) apply to at least the three (3) years immediately following
- 40 the year the plan is adopted;
- 41 (2) estimate for each year to which the plan applies the nature
- 42 and amount of proposed expenditures from the capital

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improvement fund; and

(3) estimate:

- (A) the source of all revenue to be dedicated to the proposed expenditures in the upcoming calendar year; and**
- (B) the amount of property taxes to be collected in the upcoming calendar year and retained in the fund for expenditures proposed for a later year.**

Sec. 7. A township trustee, with the approval of the county fiscal body, may amend a plan to:

- (1) provide money for the purposes of the fund; or**
- (2) supplement money accumulated in the fund for the purposes of the fund.**

Sec. 8. The plan shall be considered by:

- (1) the county fiscal body in making the annual budget estimate under IC 6-1.1-17-2; and**
- (2) the department of local government finance when reviewing a budget, tax rate, and tax levy of a township under IC 6-1.1-17-16.**

SECTION 148. IC 36-8-2-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 14. Not later than January 1, 2014, each fire department within a county must enter into a mutual aid agreement with one (1) or more other fire departments within the county.**

SECTION 149. IC 36-8-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2. As used in this chapter:**

- (1) "Board" refers to the board of fire trustees of a fire protection district.**
- (2) "Fire trustee" means, after December 31, 2013, the fire trustee of a fire protection district established under section 4.5 of this chapter.**
- (3) "Fiscal officer" means a bonded employee of the fire protection district charged with the faithful receipt and disbursement of the funds of the district.**
- (4) "Freeholder" means an individual who holds land in fee, for life, or for some indeterminate period of time, whether or not in joint title.**
- (5) "Interested person" includes a freeholder or corporation owning lands within the proposed or established fire protection district, a person whose property may be condemned or injured by the district, the proper officer of a municipality, an affected state**

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- 1 agency, and all local plan commissions.
- 2 **(6)** "Joint title" means joint tenancy, tenancy in common, or
- 3 tenancy by the entireties.
- 4 **(7)** "Primary county" refers to the county where the largest portion
- 5 of a municipality is located if the municipality is located in two
- 6 (2) counties.
- 7 **(8)** "Secondary county" refers to the county where the smallest
- 8 portion of a municipality is located if the municipality is located
- 9 in two (2) counties.
- 10 SECTION 150. IC 36-8-11-4.5 IS ADDED TO THE INDIANA
- 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 12 [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. (a) This section does not**
- 13 **apply in a county having a consolidated city.**
- 14 **(b) Notwithstanding any other law and except as provided in**
- 15 **this section, a fire protection district is established effective**
- 16 **January 1, 2014, in the territory of each township in a county that**
- 17 **approves a public question under IC 36-6-1.2.**
- 18 **(c) The following apply to a fire protection district established**
- 19 **under this section:**
- 20 **(1) The fire protection district consists of all unincorporated**
- 21 **area that is located in the township and that as of December**
- 22 **31, 2013, is not included in a fire protection district. A**
- 23 **municipality located within the fire protection district may be**
- 24 **included in the fire protection district, but only if the**
- 25 **municipality consents by ordinance.**
- 26 **(2) No action by a county legislative body, freeholders, or any**
- 27 **other entity is necessary to establish the fire protection**
- 28 **district.**
- 29 **(3) The fire protection district may merge with one (1) or**
- 30 **more other fire protection districts as provided in this**
- 31 **chapter.**
- 32 **(4) The fire protection district may be a participating unit in**
- 33 **a fire protection territory under IC 36-8-19.**
- 34 **(5) The assets, liabilities, and obligations of the township**
- 35 **government that is abolished under IC 36-6-1.2 concerning**
- 36 **fire protection are transferred to the fire protection district as**
- 37 **provided in IC 36-6-1.3.**
- 38 **(6) Except as specifically provided by law, a fire protection**
- 39 **district established under this section is governed by and**
- 40 **subject to this chapter and all other laws and rules governing**
- 41 **fire protection districts.**
- 42 **(d) This section does not affect the rights, powers, and**

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1 responsibilities of a fire protection district in existence as of
2 January 1, 2014.

3 (e) A fire protection district shall not be established under this
4 section in the territory of a township that is included in a fire
5 protection district as of January 1, 2014.

6 SECTION 151. IC 36-8-11-12 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) This section
8 does not apply to a fire protection district established under section
9 4.5 of this chapter.

10 (a) (b) Within thirty (30) days after the ordinance or resolution
11 establishing the district becomes final, the county legislative body shall
12 appoint a board of fire trustees. The trustees must be qualified by
13 knowledge and experience in matters pertaining to fire protection and
14 related activities in the district. A person who:

- 15 (1) is a party to a contract with the district; or
- 16 (2) is a member, an employee, a director, or a shareholder of a
17 corporation or association that has a contract with the district;

18 may not be appointed or serve as a trustee. The legislative body shall
19 appoint one (1) trustee from each township or part of a township
20 contained in the district and one (1) trustee from each municipality
21 contained in the district. If the number of trustees selected by this
22 method is an even number, the legislative body shall appoint one (1)
23 additional trustee so that the number of trustees is always an odd
24 number. If the requirements of this section do not provide at least three
25 (3) trustees, the legislative body shall make additional appointments so
26 that there is a minimum of three (3) trustees.

27 (b) (c) The original trustees shall be appointed as follows:

- 28 (1) One (1) for a term of one (1) year.
- 29 (2) One (1) for a term of two (2) years.
- 30 (3) One (1) for a term of three (3) years.
- 31 (4) All others for a term of four (4) years.

32 The terms expire on the first Monday of January of the year their
33 appointments expire. As the terms expire, each new appointment is for
34 a term of four (4) years.

35 (c) (d) If a vacancy occurs on the board, the county legislative body
36 shall appoint a trustee with the qualifications specified in subsection (a)
37 (b) for the unexpired term.

38 SECTION 152. IC 36-8-11-12.5 IS ADDED TO THE INDIANA
39 CODE AS A NEW SECTION TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2012]: Sec. 12.5. The following apply to a fire
41 protection district established under section 4.5 of this chapter:

- 42 (1) The fire protection district shall not have a board of fire

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- trustees.
- (2) The county executive shall appoint a fire trustee to manage the operation of the fire protection district.**
- (3) A fire trustee:**
 - (A) must be a resident of the fire protection district; and**
 - (B) may not be an employee of the fire protection district.**
- (4) A fire trustee shall be appointed for a four (4) year term, beginning on January 1 of the first year of the fire trustee's term.**
- (5) The initial fire trustee shall be appointed for a four (4) year term, beginning on January 1, 2014.**
- (6) The county fiscal body shall by ordinance set the salary of each fire trustee in the county. The salary of a fire trustee shall be paid by the fire protection district.**
- (7) A fire trustee:**
 - (A) may not be a relative (as defined in IC 14-33-5.4-2) of a member of the county fiscal body, county legislative body, or county executive body; and**
 - (B) may not be a member of the fire department serving the fire protection district.**
- (8) Except as specifically provided by law, after December 31, 2013:**
 - (A) the fire trustee of a fire protection district to which this section applies has the powers, duties, rights, and responsibilities that a board of fire trustees has in a fire protection district to which this section does not apply; and**
 - (B) a reference in this chapter or in any law to a board of fire trustees is considered a reference to the fire trustee in the case of a fire protection district to which this section applies.**
- (9) The fire trustee shall arrange for office space and keep a record of all transactions and minutes of all hearings or meetings of the fire trustee. All records and minutes must be available for public inspection.**

SECTION 153. IC 36-8-11-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. **(a) This section does not apply to a fire trustee appointed under section 12.5 of this chapter.**

~~(a)~~ **(b)** At the first regular meeting each year, the trustees of the board shall elect a chairman and vice chairman from their number. The vice chairman shall act as chairman during the absence or disability of the chairman.

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1 ~~(b)~~ (c) A majority of the trustees constitutes a quorum. An action of
2 the board is official, however, only if it is authorized by a majority of
3 the trustees at a regular or properly called special meeting.

4 ~~(c)~~ (d) Each trustee may receive not more than twenty dollars (\$20)
5 a day for each day devoted to the work of the district. In addition, each
6 trustee may be reimbursed for actual expenses, including traveling
7 expense at a rate equivalent to that provided by statute for state
8 employees. Claims for expense reimbursement must be accompanied
9 by an itemized written statement and approved by a recorded motion
10 of the board.

11 ~~(d)~~ (e) At the time the county legislative body initially appoints the
12 board, it shall order where the board will maintain its offices. The
13 offices may not be changed without approval of the legislative body.
14 The board shall arrange for office space and keep a record of all
15 transactions and minutes of all meetings in the office. All records and
16 minutes shall be kept available for public inspection.

17 SECTION 154. IC 36-8-11-15 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) The board:

19 (1) has the same powers and duties as a township executive with
20 respect to fire protection functions, including those duties and
21 powers prescribed by IC 36-8-13, although all cooperative and
22 joint actions permitted by that chapter must be undertaken
23 according to 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;

27 (3) shall appoint, fix the compensation, and prescribe the duties
28 of a fiscal officer, secretarial staff, persons performing special and
29 temporary services or providing legal counsel, and other
30 personnel considered necessary for the proper functioning of the
31 district; however, a person appointed as fiscal officer must be
32 bonded by good and sufficient sureties in an amount ordered by
33 the county legislative body to protect the district from financial
34 loss;

35 (4) shall exercise general supervision of and make regulations for
36 the administration of the district's affairs;

37 (5) shall prescribe uniform rules pertaining to investigations and
38 hearings;

39 (6) shall supervise the fiscal affairs and responsibilities of the
40 district;

41 (7) may delegate to employees of the district the authority to
42 perform ministerial acts, except in cases in which final action of

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- 1 the board is necessary;
- 2 (8) shall keep accurate and complete records of all departmental
- 3 proceedings, record and file all bonds and contracts, and assume
- 4 responsibility for the custody and preservation of all papers and
- 5 documents of the district;
- 6 (9) shall make an annual report to the executive and the fiscal
- 7 body of the county that at least lists the financial transactions of
- 8 the district and a statement of the progress in accomplishing the
- 9 purposes for which the district has been established;
- 10 (10) shall adopt a seal and certify all official acts;
- 11 (11) may sue and be sued collectively by its legal name ("Board
- 12 of Fire Trustees, _____ Fire Protection District"), with
- 13 service of process made on the chairman of the board, but costs
- 14 may not be taxed against the members individually in an action;
- 15 (12) may invoke any legal, equitable, or special remedy for the
- 16 enforcement of this chapter or of proper action of the board taken
- 17 in a court;
- 18 (13) shall prepare and submit to the fiscal body of the county an
- 19 annual budget for operation and maintenance expenses and for the
- 20 retirement of obligations of the district, subject to review and
- 21 approval by the fiscal body;
- 22 (14) may, if advisable, establish one (1) or more advisory
- 23 committees;
- 24 (15) may enter into agreements with and accept money from a
- 25 federal or state agency and enter into agreements with a
- 26 municipality located within or outside the district, whether or not
- 27 the municipality is a part of the district, for a purpose compatible
- 28 with the purposes for which the district exists and with the
- 29 interests of the municipality;
- 30 (16) may accept gifts of money or other property to be used for
- 31 the purposes for which the district is established;
- 32 (17) may levy taxes at a uniform rate on the real and personal
- 33 property within the district;
- 34 (18) may issue bonds and tax anticipation warrants;
- 35 (19) may incur other debts and liabilities;
- 36 (20) may purchase or rent property;
- 37 (21) may sell services or property that are produced incident to
- 38 the operations of the district making a fair and reasonable charge
- 39 for it;
- 40 (22) may make contracts or otherwise enter into agreements with
- 41 public or private persons and federal or state agencies for
- 42 construction, maintenance, or operations of or in part of the

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1 district;
 2 (23) may receive and disburse money; and
 3 (24) may impose a false alarm fee or service charge under
 4 IC 36-8-13-4.

5 (b) Powers granted by this chapter may be used only to accomplish
 6 the purpose or purposes as stated in the ordinance or resolution
 7 establishing the district. However, an act of the board necessary and
 8 proper to accomplish the purposes for which the district is established
 9 is not invalid because it incidentally accomplishes a purpose other than
 10 one for which the district is established.

11 (c) **Except as provided in subsection (d), in a fire protection**
 12 **district established under section 4.5 of this chapter, the fire trustee**
 13 **has after December 31, 2013, all the powers, duties, rights, and**
 14 **responsibilities of a board of fire trustees under this section.**

15 (d) **In a fire protection district established under section 4.5 of**
 16 **this chapter, the fire trustee may:**

- 17 (1) **levy taxes at a uniform rate on the real and personal**
- 18 **property within the district;**
- 19 (2) **issue bonds and tax anticipation warrants; and**
- 20 (3) **incur other debts and liabilities;**
- 21 **only after approval by the county fiscal body.**

22 SECTION 155. IC 36-8-11-17 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. Bonds may be
 24 issued only against the taxable property of a fire protection district and
 25 may be paid in part by revenues derived from reasonable charges for
 26 services or property produced incident to the operation of the district.
 27 Bonds shall be issued in the same manner as conservancy district bonds
 28 are issued under IC 14-33-11. **Bonds issued after December 31, 2013,**
 29 **by a fire protection district established under section 4.5 of this**
 30 **chapter must be approved by the county fiscal body.**

31 SECTION 156. IC 36-8-11-18, AS AMENDED BY P.L.146-2008,
 32 SECTION 780, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) The board shall annually
 34 budget the necessary money to meet the expenses of operation and
 35 maintenance of the district, including repairs, fees, salaries,
 36 depreciation on all depreciable assets, rents, supplies, contingencies,
 37 bond redemption, and all other expenses lawfully incurred by the
 38 district. After estimating expenses and receipts of money, the board
 39 shall establish the tax levy required to fund the estimated budget. **In a**
 40 **fire protection district established under section 4.5 of this chapter,**
 41 **the tax levy required to fund the estimated budget must be**
 42 **approved by the county fiscal body.**

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1 (b) The budget must be approved by the fiscal body of the county,
 2 the county board of tax adjustment, and the department of local
 3 government finance.

4 (c) Upon approval by the department of local government finance,
 5 the board shall certify the approved tax levy to the auditor of the county
 6 having land within the district. The auditor shall have the levy entered
 7 on the county treasurer's tax records for collection. After collection of
 8 the taxes the auditor shall issue a warrant on the treasurer to transfer
 9 the revenues collected to the board, as provided by statute.

10 SECTION 157. IC 36-8-11-21 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 21. (a) This chapter
 12 does not require a municipality or **(before January 1, 2014) a**
 13 township to disband its fire department unless its legislative body
 14 consents by ordinance.

15 **(b) IC 36-6-1.3 applies after December 31, 2013, to a township**
 16 **located in a county that has approved a public question under**
 17 **IC 36-6-1.2.**

18 SECTION 158. IC 36-8-11-23, AS AMENDED BY P.L.146-2008,
 19 SECTION 782, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) Any fire protection district
 21 may merge with one (1) or more protection districts to form a single
 22 district if at least one-eighth (1/8) of the aggregate external boundaries
 23 of the districts coincide.

24 (b) The legislative body of the county where at least two (2) districts
 25 are located (or if the districts are located in more than one (1) county,
 26 the legislative body of each county) shall, if petitioned by freeholders
 27 in the two (2) districts, adopt an ordinance merging the districts into a
 28 single fire protection district.

29 (c) Freeholders who desire the merger of at least two (2) fire
 30 protection districts must initiate proceedings by filing a petition in the
 31 office of the county auditor of each county where a district is located.
 32 The petition must be signed:

33 (1) by at least twenty percent (20%), with a minimum of five
 34 hundred (500) from each district, of the freeholders owning land
 35 within the district; or
 36 (2) by a majority of the freeholders from the districts;
 37 whichever is less.

38 (d) The petition described in subsection (c) must state the same
 39 items listed in section 7 of this chapter. Sections 6, 8, and 9 of this
 40 chapter apply to the petition and to the legislative body of each county
 41 in the proposed district.

42 (e) The board of fire trustees for each district shall form a single

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1 board, which shall continue to be appointed as prescribed by section 12
 2 of this chapter. **In the case of a merger of fire protection districts**
 3 **that includes one (1) or more fire protection districts established**
 4 **under section 4.5 of this chapter, the county legislative body (or**
 5 **county legislative bodies acting jointly, if the merger involves fire**
 6 **protection districts from more than one (1) county) shall appoint**
 7 **an individual to serve as fire trustee of the merged fire protection**
 8 **district.** In addition, sections 13, 14, and 15 of this chapter relating to
 9 the board of fire trustees apply to the board of the merged district,
 10 except that if the merged district lies in more than one (1) county, the
 11 county legislative bodies serving the combined district shall jointly
 12 decide where the board shall locate (or approve relocation of) its office.

13 (f) Sections 16, 17, 18, 19, and 21 of this chapter relating to the
 14 taxing district, bonds, annual budget, tax levies, and disbanding of fire
 15 departments apply to a merged district. However, the budget must be
 16 approved by the county fiscal body and county board of tax adjustment
 17 in each county in the merged district. In addition, the auditor of each
 18 county in the district shall perform the duties described in section 18(c)
 19 of this chapter.

20 SECTION 159. IC 36-8-11-24 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 24. (a) Proceedings to
 22 dissolve a fire protection district may be instituted by the filing of a
 23 petition with the county legislative body that formed the district. If the
 24 proceedings are for dissolution of a district to which section 5.1 of this
 25 chapter applies, the proceedings may be instituted by the filing of a
 26 petition with the primary county or the secondary county, or both.

27 (b) The petition must be signed:

28 (1) by at least twenty percent (20%), with a minimum of five
 29 hundred (500), of the freeholders owning land within the district;

30 or

31 (2) by a majority of those freeholders owning land within the
 32 district;

33 whichever is less.

34 (c) Except as provided in subsection (d), the provisions of section
 35 8 of this chapter concerning a petition to establish a district apply to a
 36 dissolution petition.

37 (d) If the district is established under section 5.1 of this chapter, the
 38 provisions of section 5.1 of this chapter apply to a petition to dissolve
 39 the district.

40 (e) Except as provided in subsection (f), a petition against the
 41 dissolution of the fire protection district may be presented to the county
 42 legislative body at or after a hearing on the petition to dissolve a district

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1 and before the adoption of an ordinance or resolution dissolving the
2 district. If the legislative body finds that it contains the signatures of
3 fifty-one percent (51%) of the freeholders within the district or of the
4 freeholders who own two-thirds (2/3) of the real property within the
5 district, determined by assessed valuation, the legislative body shall
6 dismiss the petition for the dissolution of the district.

7 (f) If a district is established under section 5.1 of this chapter, the
8 provisions of section 9.5 of this chapter apply to a petition to dissolve
9 the district.

10 (g) If, after the public hearing, the legislative body determines that
11 dissolution should occur, it shall adopt an ordinance dissolving the
12 district. If the district is established under section 5.1 of this chapter,
13 both legislative bodies of the counties containing the district must
14 adopt ordinances dissolving the district after determining in a public
15 hearing that the district should be dissolved.

16 (h) A dissolution takes effect three (3) months after the later of the
17 adoption of the ordinance under subsection (g) or the payment of the
18 district's debts and liabilities, including its liabilities under IC 34-13-2
19 and IC 34-13-3. The property owned by the district after payment of
20 debts and liabilities shall be disposed of in the manner chosen by the
21 county legislative body or county legislative bodies. Dissolution of a
22 district does not affect the validity of any contract to which the district
23 is a party.

24 (i) A person aggrieved by a decision made by the county legislative
25 body or county legislative bodies under this section may, within thirty
26 (30) days, appeal the decision to the circuit court for any county in
27 which the district is located. The appeal is instituted by giving written
28 notice to each county legislative body within which the district is
29 located and filing with the circuit court clerk a bond in the sum of five
30 hundred dollars (\$500), with surety approved by the legislative body or
31 legislative bodies. The bond must provide that the appeal will be duly
32 prosecuted and that the appellants will pay all costs if the appeal is
33 decided against them. When an appeal is instituted, the county
34 legislative body or county legislative bodies shall file with the circuit
35 court clerk a transcript of all proceedings in the case, together with all
36 papers filed in the case. The county legislative body or county
37 legislative bodies may not take further action in the case until the
38 appeal is heard and determined. An appeal under this subsection shall
39 be heard by the circuit court without a jury. Change of venue from the
40 judge may be granted, but change of venue from the county may not be
41 granted.

42 (j) **This section expires January 1, 2014.**

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1 SECTION 160. IC 36-8-14-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) As used in this
 3 section, "emergency medical services" has the meaning set forth in
 4 IC 16-18-2-110.

5 (b) As used in this section, "volunteer fire department" has the
 6 meaning set forth in IC 36-8-12-2.

7 (c) The legislative body of a unit, ~~or~~ the board of fire trustees of a
 8 fire protection district, **or (after December 31, 2013, in the case of a**
 9 **fire protection district established under IC 36-8-11-4.5) the fire**
 10 **trustee** may provide a cumulative building and equipment fund under
 11 IC 6-1.1-41 for the following purposes:

12 (1) The:

13 (A) purchase, construction, renovation, or addition to
 14 buildings; or

15 (B) purchase of land;

16 used by the fire department or a volunteer fire department serving
 17 the unit.

18 (2) The purchase of firefighting equipment for use of the fire
 19 department or a volunteer fire department serving the unit,
 20 including making the required payments under a lease rental with
 21 option to purchase agreement made to acquire the equipment.

22 (3) In a municipality, the purchase of police radio equipment.

23 (4) The:

24 (A) purchase, construction, renovation, or addition to a
 25 building;

26 (B) purchase of land; or

27 (C) purchase of equipment;

28 for use of a provider of emergency medical services under
 29 IC 16-31-5 to the unit establishing the fund.

30 (d) In addition to the requirements of IC 6-1.1-41, before a
 31 cumulative fund may be established by a township fire protection
 32 district, the county legislative body which appoints the trustees of the
 33 fire protection district **or (after December 31, 2013, in the case of a**
 34 **fire protection district established under IC 36-8-11-4.5) the fiscal**
 35 **body of the county in which the fire protection district is located**
 36 must approve the establishment of the fund.

37 SECTION 161. IC 36-8-19-5 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) Subject to
 39 subsections (b) and (c), the legislative bodies of at least two (2)
 40 contiguous units may establish a fire protection territory for any of the
 41 following purposes:

42 (1) Fire protection, including the capability for extinguishing all

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- 1 fires that might be reasonably expected because of the types of
- 2 improvements, personal property, and real property within the
- 3 boundaries of the territory.
- 4 (2) Fire prevention, including identification and elimination of all
- 5 potential and actual sources of fire hazard.
- 6 (3) Other purposes or functions related to fire protection and fire
- 7 prevention.
- 8 (b) Not more than one (1) unit within the proposed territory may be
- 9 designated as the provider unit for the territory.
- 10 (c) The boundaries of a territory need not coincide with those of
- 11 other political subdivisions.
- 12 **(d) A fire protection district established under IC 36-8-11-4.5:**
- 13 **(1) may be a participating unit after December 31, 2013, in a**
- 14 **fire protection territory; and**
- 15 **(2) is considered after December 31, 2013, to be a unit for**
- 16 **purposes of this chapter.**
- 17 **(e) In the case of a fire protection district established under**
- 18 **IC 36-8-11-4.5, the legislative body of the county in which the fire**
- 19 **protection territory is located is considered for purposes of this**
- 20 **chapter to be the legislative body of the fire protection district.**
- 21 SECTION 162. IC 36-9-13-2 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. For purposes of this
- 23 chapter, the following are considered the governing bodies of their
- 24 respective eligible entities:
- 25 (1) Board of commissioners, for a county not subject to
- 26 **IC 36-2-2.5**, IC 36-2-3.5 or IC 36-3-1.
- 27 (2) County council, for a county subject to **IC 36-2-2.5** or
- 28 IC 36-2-3.5.
- 29 (3) City-county council, for a consolidated city or county having
- 30 a consolidated city.
- 31 (4) Common council, for a city other than a consolidated city.
- 32 (5) Town council, for a town.
- 33 (6) Trustee and township board, for a civil or school township.
- 34 (7) Board of school trustees, board of school commissioners, or
- 35 school board, for a school corporation.
- 36 (8) Board of trustees, for a health and hospital corporation.
- 37 SECTION 163. IC 36-9-27-5 IS AMENDED TO READ AS
- 38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except in a
- 39 county having a consolidated city **or as provided in subsection (d)**,
- 40 the drainage board consists of either:
- 41 (1) the county executive; or
- 42 (2) three (3) or five (5) persons, at least one (1) of whom must be

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1 a member of the executive, appointed by the executive;
2 at the option of the executive. Appointees under subdivision (2) must
3 be resident freeholders of the county who are knowledgeable in
4 drainage matters. Freeholders appointed to the board serve for terms of
5 three (3) years, with their initial appointments made so as to provide for
6 staggering of terms on an annual basis. In addition, the county surveyor
7 serves on the board as an ex officio, nonvoting member.

8 (b) In a county having a consolidated city, the board of public works
9 of the consolidated city comprises the drainage board, subject to
10 IC 36-3-4-23.

11 (c) In a county having a consolidated city, the department of public
12 works of the consolidated city has all the powers, duties, and
13 responsibilities of the county surveyor under this chapter, subject to
14 IC 36-3-4-23.

15 **(d) In a county that is subject to IC 36-2-2.5:**

16 **(1) the drainage board consists of three (3) persons appointed**
17 **by the county council;**

18 **(2) appointees under this subsection must be resident**
19 **freeholders of the county who are knowledgeable in drainage**
20 **matters;**

21 **(3) the freeholders appointed to the drainage board serve for**
22 **terms of three (3) years, with their initial appointments made**
23 **so as to provide for staggering of terms on an annual basis;**

24 **(4) the county surveyor serves on the drainage board as an ex**
25 **officio, nonvoting member; and**

26 **(5) the terms of persons serving on the drainage board at the**
27 **time the first chief executive officer is elected under**
28 **IC 36-2-2.5 expire on January 1 of the year following that**
29 **election, and the county council shall make the appointments**
30 **to the board as provided in this subsection.**

31 SECTION 164. IC 36-10-7-1 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a) Subject to**
33 **subsections (b) and (c), this chapter applies to the townships indicated**
34 **in each section.**

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

38 **(c) After December 31, 2013, in a county that approves a public**
39 **question under IC 36-6-1.2:**

40 **(1) the powers and duties of a township trustee concerning**
41 **parks and recreation under this chapter are transferred to the**
42 **county executive;**

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- 1 **(2) any reference in this chapter to "township trustee" or**
- 2 **"trustee" is considered a reference to the county executive or**
- 3 **the county executive's designee to administer this chapter;**
- 4 **and**
- 5 **(3) this chapter does not apply to a township located in the**
- 6 **county.**

7 SECTION 165. IC 36-10-7.5-1 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. **(a) Except as**
 9 **provided in subsections (b) and (c), this chapter applies to all**
 10 townships.

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

14 **(c) After December 31, 2013, in a county that approves a public**
 15 **question under IC 36-6-1.2:**

- 16 **(1) the powers and duties of a township trustee concerning**
- 17 **public libraries, library districts, or provision or receipt of**
- 18 **library services by contract under this chapter are transferred to the**
- 19 **county executive;**
- 20 **(2) any reference in this chapter to "township trustee" or**
- 21 **"trustee" is considered a reference to the county executive or**
- 22 **the county executive's designee to administer this chapter;**
- 23 **and**
- 24 **(3) this chapter does not apply to a township located in the**
- 25 **county.**

26 SECTION 166. IC 36-12-1-7.5 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2012]: Sec. 7.5. **(a) After December 31, 2012,**
 29 **any reference in this chapter to "township board" is considered a**
 30 **reference to the county fiscal body.**

31 **(b) After December 31, 2013, in a county that approves a public**
 32 **question under IC 36-6-1.2:**

- 33 **(1) the powers and duties of a township trustee concerning**
- 34 **public libraries, library districts, or provision or receipt of**
- 35 **library services by contract under this chapter are**
- 36 **transferred to the county executive;**
- 37 **(2) any reference in this chapter to "township trustee" or**
- 38 **"trustee" is considered a reference to the county executive or**
- 39 **the county executive's designee to administer this chapter;**
- 40 **(3) all responsibilities and obligations of a township**
- 41 **government with respect to a public library, a library district,**
- 42 **or provision or receipt of library services by contract are**
 terminated, and the township government's responsibilities

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1 **and obligations are assumed by the county;**
 2 **(4) the elimination of township government under IC 36-6-1.2**
 3 **does not terminate a public library, library district, or**
 4 **contract for provision or receipt of library services in**
 5 **existence on December 31, 2013; and**
 6 **(5) this chapter does not apply to a township located in the**
 7 **county.**

8 SECTION 167. IC 36-12-2-13, AS ADDED BY P.L.1-2005,
 9 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2012]: Sec. 13. This section applies to the appointment of
 11 members to the library board of a public library serving a library
 12 district that is entirely located in one (1) township and includes part or
 13 all of only one (1) municipality. For a public library under this section,
 14 the appointments under section 9(4) and 9(5) of this chapter shall be
 15 made as follows:

- 16 (1) One (1) member appointed **as follows:**
 17 **(A) By the legislative body of the township in which the**
 18 **library district is located. This clause expires January 1,**
 19 **2013.**
 20 **(B) After December 31, 2012, the member shall be**
 21 **appointed by the legislative body of the county.**

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

24 SECTION 168. [EFFECTIVE UPON PASSAGE] **(a) As used in**
 25 **this SECTION, "committee" refers to the interim study committee**
 26 **on township assistance established by this section.**

27 **(b) The interim study committee on township assistance is**
 28 **established. The committee shall study:**

- 29 **(1) the base level of township assistance that a township or**
 30 **county should be required to provide; and**
 31 **(2) changing references to "township assistance" in the**
 32 **Indiana Code to "emergency assistance".**

33 **(c) The committee shall operate under the policies governing**
 34 **study committees adopted by the legislative council.**

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

38 **(e) This SECTION expires December 31, 2013.**

39 SECTION 169. [EFFECTIVE JULY 1, 2012] **(a) The legislative**
 40 **services agency shall prepare, as directed by the legislative council,**
 41 **legislation for introduction in the 2013 regular session of the**
 42 **general assembly to organize and correct statutes affected by this**

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1 **act, if necessary.**
2 **(b) This SECTION expires July 1, 2013.**
3 **SECTION 170. An emergency is declared for this act.**

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