
HOUSE BILL No. 1342

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-8-1-31.5; IC 3-10; IC 3-11-2-12; IC 5-11-1-4; IC 6-1.1-17; IC 12-20; IC 15-16-8-0.5; IC 16-31-5-1; IC 16-41-19-7; IC 23-14; IC 32-26; IC 33-34; IC 36-1; IC 36-6; IC 36-8; IC 36-9-17.5-1; IC 36-10; IC 36-12-1-7.5.

Synopsis: Local government issues. Provides that after December 31, 2014, in a township containing territory within a municipality that has a population of at least 10,000: (1) the township may continue to exercise the township's powers and duties only within the territory of the township that is unincorporated or is within a municipality that is located in the township and has a population of less than 10,000; and (2) within each municipality that has a population of at least 10,000 or within a consolidated city, the municipal executive shall exercise the powers and duties otherwise granted to the township trustee, and the municipal fiscal and legislative body shall exercise the powers and duties otherwise granted to the township board. Specifies that in the case of a township that has all of the township's territory within a municipality having a population of at least 10,000 or a county having a consolidated city, the offices of township trustee, township board, and township assessor (if any) of the township are abolished on January 1, 2015. Provides that after December 31, 2014, in a county having a consolidated city, salaries of small claims court judges shall be established by ordinance of the city-county council and shall be paid by the county in the same installments as judges of the superior court in the county. Provides that for elections in 2014 and thereafter, a
(Continued next page)

Effective: April 1, 2012; July 1, 2012; January 1, 2013; January 1, 2015.

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



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candidate for the office of township board or township trustee must reside in the area of the township that is in unincorporated territory or is within a municipality that is located in the township and has a population of less than 10,000. Provides that a township with a population of less than 1,500 must, before January 1, 2015, merge with another township government under the township merger statutes. Requires the department of local government finance (DLGF) to adjust the maximum permissible property tax levies, maximum permissible property tax rates, and budgets of: (1) each township from which powers, duties, and obligations are transferred; and (2) each municipality or county to which powers, duties, and obligations are transferred; as the DLGF determines necessary to account for the transfers of those duties, powers, and obligations. Provides that under certain conditions, an additional township assistance levy shall be imposed in 2015 and thereafter on property within the unincorporated territory of the township and within municipalities located in the township and having a population of less than 10,000. Specifies that if such a levy is imposed, the revenue is transferred to municipalities having a population of at least 10,000 within the township and must be used for township assistance purposes. Makes the following changes concerning township government: (1) Provides that if a trustee does not accept a completed application for township assistance or does not grant or deny a completed application for township assistance within the period required by statute, the application is considered denied, and the denial may be appealed to the board of county commissioners. (2) Provides that after December 31, 2014, the total compensation and benefits paid to a township board member may not exceed \$5,000 per year. (3) Specifies that each township office must include the address and telephone number of the township office in at least one local telephone directory. (4) Requires all township trustees to maintain a telephone answering machine or service and respond to inquiries within a specified time. (5) Requires a public hearing of a township legislative body to be held in a public place if one is available in the township. (6) Provides that if the township board fails to adopt township standards for two years, the DLGF may not approve the township budget and levy, and township board members may not receive any salary until the standards are adopted. (7) Provides that if the township trustee fails to file the township standards with the board of county commissioners for two years, the DLGF may not approve the township's budget and levy and the township trustee may not receive any salary until the standards are filed. (8) Provides that a township trustee may receive rental payments from the township for use of office space located in the trustee's private residence only if the space is used exclusively for conducting official township business and the rental payments do not exceed the rate charged for comparable commercial office space. Specifies that the annual report of a local governmental unit must be filed with the state board of accounts not later than March 1 of each fiscal year. Provides that an individual who is an immediate family member of an officer or employee of a political subdivision may not be employed by the political subdivision in a position in which the individual would have a direct supervisory or subordinate relationship with the officer or employee who is the individual's immediate family member. Specifies that this provision does not require the termination or reassignment of an employee from a position held by that individual before January 1, 2012. Changes certain population parameters to reflect the population count determined under the 2010 decennial census.

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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. 1342

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 3-8-1-31.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2012]: **Sec. 31.5. For elections in 2014 and thereafter, a candidate**
4 **for:**
5 (1) **the office of township board; or**
6 (2) **the office of township trustee;**
7 **in a township described in IC 36-6-1.2-3 must reside in the area of**
8 **the township that is in unincorporated territory or is within a**
9 **municipality that is located in the township and has a population**
10 **of less than ten thousand (10,000).**
11 SECTION 2. IC 3-10-1-19, AS AMENDED BY P.L.179-2011,
12 SECTION 6, P.L.190-2011, SECTION 1, AND P.L.201-2011,
13 SECTION 3, IS CORRECTED AND AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 19. (a) The ballot for
15 a primary election shall be printed in substantially the following form



1 for all the offices for which candidates have qualified under IC 3-8:

2 OFFICIAL PRIMARY BALLOT

3 _____ Party

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

14 Vote for one (1) only

15 Representative in Congress

16 (1) AB _____

17 (2) CD _____

18 (3) EF _____

19 (4) GH _____

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

23 (c) The local public questions described in subsection (b) shall be
24 placed:

- 25 (1) in a separate column on the ballot if voting is by paper ballot;
- 26 (2) after the voting instructions described in subsection (a) and
- 27 before the offices described in subsection (e), in the form
- 28 specified in IC 3-11-13-11 if voting is by ballot card; or
- 29 (3) either of the following if voting is by an electronic voting
- 30 system:

31 (A) On a separate screen for a public question.

32 (B) After the voting instructions described in subsection (a)
33 and before the offices described in subsection (e), in the form
34 specified in IC 3-11-14-3.5.

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

37 (The explanatory text for the public question,
38 if required by law.)

39 "Shall (insert public question)?"

40 YES

41 NO

42 ~~(b)~~ (e) The offices with candidates for nomination shall be placed

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- 1 on the primary election ballot in the following order:
- 2 (1) Federal and state offices:
- 3 (A) President of the United States.
- 4 (B) United States Senator.
- 5 (C) Governor.
- 6 (D) United States Representative.
- 7 (2) Legislative offices:
- 8 (A) State senator.
- 9 (B) State representative.
- 10 (3) Circuit offices and county judicial offices:
- 11 (A) Judge of the circuit court, and unless otherwise specified
- 12 under IC 33, with each division separate if there is more than
- 13 one (1) judge of the circuit court.
- 14 (B) Judge of the superior court, and unless otherwise specified
- 15 under IC 33, with each division separate if there is more than
- 16 one (1) judge of the superior court.
- 17 (C) Judge of the probate court.
- 18 ~~(D) Judge of the county court, with each division separate, as~~
- 19 ~~required by IC 33-30-3-3.~~
- 20 ~~(D)~~ (D) Prosecuting attorney.
- 21 ~~(E)~~ (E) Circuit court clerk.
- 22 (4) County offices:
- 23 (A) County auditor.
- 24 (B) County recorder.
- 25 (C) County treasurer.
- 26 (D) County sheriff.
- 27 (E) County coroner.
- 28 (F) County surveyor.
- 29 (G) County assessor.
- 30 (H) County commissioner.
- 31 (I) County council member.
- 32 (5) Township offices:
- 33 (A) Township assessor (only in a township referred to in
- 34 IC 36-6-5-1(d)). **This clause does not apply to elections in**
- 35 **2014 and thereafter in a township described in**
- 36 **IC 36-6-1.2-4.**
- 37 (B) Township trustee. **This clause does not apply to elections**
- 38 **in 2014 and thereafter in a township described in**
- 39 **IC 36-6-1.2-4.**
- 40 (C) Township board member. **This clause does not apply to**
- 41 **elections in 2014 and thereafter in a township described in**
- 42 **IC 36-6-1.2-4.**

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

COPY



1 JULY 1, 2012]: Sec. 13. (a) The following public officials shall be
 2 elected at the general election before their terms of office expire and
 3 every four (4) years thereafter:

- 4 (1) Clerk of the circuit court.
 5 (2) County auditor.
 6 (3) County recorder.
 7 (4) County treasurer.
 8 (5) County sheriff.
 9 (6) County coroner.
 10 (7) County surveyor.
 11 (8) County assessor.
 12 (9) County commissioner.
 13 (10) County council member.
 14 (11) Township trustee. **This subdivision does not apply to**
 15 **elections in 2014 and thereafter in a township described in**
 16 **IC 36-6-1.2-4.**
 17 (12) Township board member. **This subdivision does not apply**
 18 **to elections in 2014 and thereafter in a township described in**
 19 **IC 36-6-1.2-4.**
 20 (13) Township assessor (only in a township referred to in
 21 IC 36-6-5-1(d)). **This subdivision does not apply to elections in**
 22 **2014 and thereafter in a township described in IC 36-6-1.2-4.**
 23 (14) Judge of a small claims court.
 24 (15) Constable of a small claims court.

25 (b) **This subsection applies only to a township described in**
 26 **IC 36-6-1.2-4. Notwithstanding subsection (a), the term of office of**
 27 **an individual elected to any of the following offices at the general**
 28 **election in 2010 expires January 1, 2014:**

- 29 (1) **Township trustee.**
 30 (2) **Township board member.**
 31 (3) **Township assessor.**

32 **This subsection expires July 1, 2015.**

33 SECTION 4. IC 3-11-2-12, AS AMENDED BY P.L.190-2011,
 34 SECTION 5, AND AS AMENDED BY P.L.201-2011, SECTION 5, IS
 35 CORRECTED AND AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2012]: Sec. 12. The following offices shall be
 37 placed on the general election ballot in the following order *after the*
 38 *public questions described in section 10(a) of this chapter:*

- 39 (1) Federal and state offices:
 40 (A) President and Vice President of the United States.
 41 (B) United States Senator.
 42 (C) Governor and lieutenant governor.

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- 1 (D) Secretary of state.
 2 (E) Auditor of state.
 3 (F) Treasurer of state.
 4 (G) Attorney general.
 5 (H) Superintendent of public instruction.
 6 (I) United States Representative.
 7 (2) Legislative offices:
 8 (A) State senator.
 9 (B) State representative.
 10 (3) Circuit offices and county judicial offices:
 11 (A) Judge of the circuit court, and unless otherwise specified
 12 under IC 33, with each division separate if there is more than
 13 one (1) judge of the circuit court.
 14 (B) Judge of the superior court, and unless otherwise specified
 15 under IC 33, with each division separate if there is more than
 16 one (1) judge of the superior court.
 17 (C) Judge of the probate court.
 18 ~~(D) Judge of the county court, with each division separate, as~~
 19 ~~required by IC 33-30-3-3.~~
 20 ~~(D)~~ (D) Prosecuting attorney.
 21 ~~(E)~~ (E) Clerk of the circuit court.
 22 (4) County offices:
 23 (A) County auditor.
 24 (B) County recorder.
 25 (C) County treasurer.
 26 (D) County sheriff.
 27 (E) County coroner.
 28 (F) County surveyor.
 29 (G) County assessor.
 30 (H) County commissioner.
 31 (I) County council member.
 32 (5) Township offices:
 33 (A) Township assessor (only in a township referred to in
 34 IC 36-6-5-1(d)). **This clause does not apply to elections in**
 35 **2014 and thereafter in a township described in**
 36 **IC 36-6-1.2-4.**
 37 (B) Township trustee. **This clause does not apply to elections**
 38 **in 2014 and thereafter in a township described in**
 39 **IC 36-6-1.2-4.**
 40 (C) Township board member. **This clause does not apply to**
 41 **elections in 2014 and thereafter in a township described in**
 42 **IC 36-6-1.2-4.**

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- 1 (D) Judge of the small claims court.
 2 (E) Constable of the small claims court.
 3 (6) City offices:
 4 (A) Mayor.
 5 (B) Clerk or clerk-treasurer.
 6 (C) Judge of the city court.
 7 (D) City-county council member or common council member.
 8 (7) Town offices:
 9 (A) Clerk-treasurer.
 10 (B) Judge of the town court.
 11 (C) Town council member.

12 SECTION 5. IC 5-11-1-4, AS AMENDED BY P.L.172-2011,
 13 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JANUARY 1, 2013]: Sec. 4. (a) The state examiner shall require from
 15 every municipality and every state or local governmental unit, entity,
 16 or instrumentality financial reports covering the full period of each
 17 fiscal year. These reports shall be prepared, verified, and filed with the
 18 state examiner not later than ~~sixty (60) days after the close of each~~
 19 **March 1 of the following** fiscal year. The reports must be filed
 20 electronically, in a manner prescribed by the state examiner that is
 21 compatible with the technology employed by the political subdivision.

22 (b) The department of local government finance may not approve
 23 the budget of a political subdivision or a supplemental appropriation
 24 for a political subdivision until the political subdivision files an annual
 25 report under subsection (a) for the preceding calendar year.

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

- 34 (1) the estimated budget;
 35 (2) the estimated maximum permissible levy;
 36 (3) the current and proposed tax levies of each fund; and
 37 (4) the amounts of excessive levy appeals to be requested.

38 In the notice, the political subdivision shall also state the time and
 39 place at which a public hearing will be held on these items. The notice
 40 shall be published twice in accordance with IC 5-3-1 with the first
 41 publication at least ten (10) days before the date fixed for the public
 42 hearing. Beginning in 2009, the duties required by this subsection must

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1 be completed before September 10 of the calendar year.

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

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

8 (c) **Except as provided in subsections (d) and (e)**, the trustee of
9 each township in the county shall estimate the amount necessary to
10 meet the cost of township assistance in the township for the ensuing
11 calendar year. The township board shall adopt with the township
12 budget a tax rate sufficient to meet the estimated cost of township
13 assistance. The taxes collected as a result of the tax rate adopted under
14 this subsection are credited to the township assistance fund.

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

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

21 ~~(2) The cost of children's psychiatric residential treatment~~
22 ~~services (as defined in IC 12-19-7.5-1) of the county payable from~~
23 ~~the children's psychiatric residential treatment services fund.~~

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

29 **(d) This subsection applies to budgets for calendar years after**
30 **2014 and to taxes first due and payable after 2014 for a township**
31 **described in IC 36-6-1.2-3. In 2014 and each year thereafter, the**
32 **township trustee of each township described in IC 36-6-1.2-3 shall**
33 **estimate the amount necessary to meet the cost of providing**
34 **township services for the ensuing calendar year in the areas of the**
35 **township that are not within a municipality to which township**
36 **powers and duties have been transferred under IC 36-6-1.2.**
37 **Subject to any applicable limits on the maximum permissible ad**
38 **valorem property tax levies for the township, the township board**
39 **shall adopt the budget for the township for calendar year 2015 and**
40 **thereafter for purposes of providing township services in the areas**
41 **of the township that are not within a municipality to which**
42 **township powers and duties have been transferred under**



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1 **IC 36-6-1.2. The taxes collected as a result of the tax rate adopted**
2 **under this subsection shall be credited to the appropriate township**
3 **fund.**

4 **(e) This subsection applies to budgets for calendar years after**
5 **2014 and to taxes first due and payable after 2014 for a**
6 **municipality to which township powers and duties have been**
7 **transferred under IC 36-6-1.2. In 2014 and each year thereafter,**
8 **the municipal executive shall estimate the amount necessary to**
9 **meet the cost of providing township services for the ensuing**
10 **calendar year within the municipality. The municipal fiscal body**
11 **shall adopt with the municipal budget a tax rate that is:**

- 12 **(1) uniform throughout the part of the township that is within**
- 13 **the municipality; and**
- 14 **(2) sufficient to meet the estimated cost of providing:**
 - 15 **(A) in the ensuing year; and**
 - 16 **(B) within the part of the township that is within the**
 - 17 **municipality;**
- 18 **the services formerly performed by the township and**
- 19 **transferred to the municipality under IC 36-6-1.2.**

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

22 SECTION 7. IC 6-1.1-17-5, AS AMENDED BY P.L.111-2010,
23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 APRIL 1, 2012]: Sec. 5. (a) The officers of political subdivisions shall
25 meet each year to fix the budget, tax rate, and tax levy of their
26 respective subdivisions for the ensuing budget year as follows:

- 27 (1) The board of school trustees of a school corporation that is
- 28 located in a city having a population of more than one hundred
- 29 ~~five thousand~~ ~~(105,000)~~ **(100,000)** but less than one hundred
- 30 ~~twenty ten thousand~~ ~~(120,000)~~; **(110,000)**, not later than:
 - 31 (A) the time required in section 5.6(b) of this chapter; or
 - 32 (B) November 1 if a resolution adopted under section 5.6(d) of
 - 33 this chapter is in effect.
- 34 (2) The proper officers of all other political subdivisions that are
- 35 not school corporations, not later than November 1.
- 36 (3) The governing body of a school corporation (other than a
- 37 school corporation described in subdivision (1)) that elects to
- 38 adopt a budget under section 5.6 of this chapter for budget years
- 39 beginning after June 30, 2011, not later than the time required
- 40 under section 5.6(b) of this chapter for budget years beginning
- 41 after June 30, 2011.
- 42 (4) The governing body of a school corporation that is not

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1 described in subdivision (1) or (3), not later than November 1.
 2 Except in a consolidated city and county and in a second class city, the
 3 public hearing required by section 3 of this chapter must be completed
 4 at least ten (10) days before the proper officers of the political
 5 subdivision meet to fix the budget, tax rate, and tax levy. In a
 6 consolidated city and county and in a second class city, that public
 7 hearing, by any committee or by the entire fiscal body, may be held at
 8 any time after introduction of the budget.

9 (b) Ten (10) or more taxpayers may object to a budget, tax rate, or
 10 tax levy of a political subdivision fixed under subsection (a) by filing
 11 an objection petition with the proper officers of the political
 12 subdivision not more than seven (7) days after the hearing. The
 13 objection petition must specifically identify the provisions of the
 14 budget, tax rate, and tax levy to which the taxpayers object.

15 (c) If a petition is filed under subsection (b), the fiscal body of the
 16 political subdivision shall adopt with its budget a finding concerning
 17 the objections in the petition and any testimony presented at the
 18 adoption hearing.

19 (d) This subsection does not apply to a school corporation. Each
 20 year at least two (2) days before the first meeting of the county board
 21 of tax adjustment held under IC 6-1.1-29-4, a political subdivision shall
 22 file with the county auditor:

23 (1) a statement of the tax rate and levy fixed by the political
 24 subdivision for the ensuing budget year;

25 (2) two (2) copies of the budget adopted by the political
 26 subdivision for the ensuing budget year; and

27 (3) two (2) copies of any findings adopted under subsection (c).

28 Each year the county auditor shall present these items to the county
 29 board of tax adjustment at the board's first meeting under
 30 IC 6-1.1-29-4.

31 (e) In a consolidated city and county and in a second class city, the
 32 clerk of the fiscal body shall, notwithstanding subsection (d), file the
 33 adopted budget and tax ordinances with the county board of tax
 34 adjustment within two (2) days after the ordinances are signed by the
 35 executive, or within two (2) days after action is taken by the fiscal body
 36 to override a veto of the ordinances, whichever is later.

37 (f) If a fiscal body does not fix the budget, tax rate, and tax levy of
 38 the political subdivisions for the ensuing budget year as required under
 39 this section, the most recent annual appropriations and annual tax levy
 40 are continued for the ensuing budget year.

41 **(g) This subsection applies only to a township. If a township**
 42 **does not comply with IC 12-20-5.5-1.5, the department may not**

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approve the budget and levy of the township.

SECTION 8. IC 12-20-1-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 7. (a) This section applies only to a municipality in which one (1) or more townships have had their powers and duties transferred to the municipality under IC 36-6-1.2-3 or IC 36-6-1.2-4.**

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

(c) The municipal executive shall appoint an individual to administer township assistance under this article and IC 12-30-4 beginning January 1, 2015, throughout the municipality. The administrator is under the supervision of the municipal executive and holds the position at the pleasure of the municipal executive.

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

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

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

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

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

(5) The same standards and requirements that:

(A) apply to; or

(B) may be imposed upon;

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

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assistance administered by the administrator.
(6) The administrator may assert a claim against the estate of an individual who received township assistance from the municipality to the same extent as a township trustee may assert a claim under IC 12-20-27 against the estate of an individual who received township assistance from a township.
(7) The administrator is subject to the same reporting requirements with respect to township assistance as a township trustee under IC 12-20-28.
(8) State and local agencies shall provide the administrator with the information provided to a township trustee under IC 12-20-7. The administrator is subject to the criminal penalty set forth in IC 12-20-7-6 for disclosure of information.
(9) An applicant for township assistance and the administrator may appeal a decision regarding township assistance in the same manner that an appeal is taken under IC 12-20-15.

(e) Any application for township assistance for which the township has not entered a final decision regarding the granting or denial of township assistance by the close of business on December 31, 2014, shall be treated as a new application filed with the municipality on January 1, 2015. The administrator shall make a decision on the application in accordance with the standards adopted under subsection (d)(3).

(f) Any application for township assistance that has been granted before January 1, 2015, but for which assistance has not been disbursed by the township, shall be disbursed and administered by the administrator in accordance with the township's grant of township assistance.

SECTION 9. IC 12-20-1-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 8. (a) This section applies after December 31, 2014, and applies only to a township that is described in IC 36-6-1.2-3.**

(b) In a township subject to this section, the township trustee shall continue to administer township assistance in the territory that is not within a municipality to which township powers and duties have been transferred under IC 36-6-1.2.

SECTION 10. IC 12-20-1-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 9. (a) This section applies only to a municipality containing all or part of a township described in IC 36-6-1.2-3 or IC 36-6-1.2-4.**

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- 1 **(b) The municipality shall for 2015 and thereafter establish a**
- 2 **township assistance fund.**
- 3 **(c) The fund shall be raised by a tax levy in 2015 and thereafter**
- 4 **that:**
- 5 **(1) is in addition to all other tax levies authorized; and**
- 6 **(2) shall be levied annually by the municipal fiscal body:**
- 7 **(A) on all taxable property within the municipality; and**
- 8 **(B) in the amount necessary to pay the items, awards,**
- 9 **claims, allowances, assistance, and other expenses set forth**
- 10 **in the annual municipal budget for township assistance in**
- 11 **the part of the township that is located within the**
- 12 **municipality.**
- 13 **(d) The tax imposed under this section shall be collected as other**
- 14 **municipal ad valorem taxes are collected.**
- 15 **(e) The following shall be paid into the fund:**
- 16 **(1) All receipts from the tax imposed under this section.**
- 17 **(2) Earnings on the money deposited in the fund.**
- 18 **(3) Any other money required by law to be placed in the fund.**
- 19 **(f) The fund is available to pay expenses and obligations set**
- 20 **forth in the annual budget.**
- 21 **(g) Money in the fund at the end of a budget year does not**
- 22 **revert to the municipal general fund.**
- 23 SECTION 11. IC 12-20-1-10 IS ADDED TO THE INDIANA
- 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 25 [EFFECTIVE JULY 1, 2012]: **Sec. 10. (a) This section applies only**
- 26 **to a township described in IC 36-6-1.2-3.**
- 27 **(b) Except as provided in subsection (d), the township shall in**
- 28 **2015 and thereafter impose a township assistance transfer**
- 29 **property tax levy that:**
- 30 **(1) is in addition to all other tax levies authorized; and**
- 31 **(2) shall be levied annually by the township on all taxable**
- 32 **property within the unincorporated territory of the township**
- 33 **and within a municipality that is located in the township and**
- 34 **has a population of less than ten thousand (10,000).**
- 35 **(c) The amount of the township assistance transfer property tax**
- 36 **levy is determined under STEP FOUR of the following formula:**
- 37 **STEP ONE: Determine the result of:**
- 38 **(A) the part of the township's township assistance**
- 39 **expenditures in 2013 that were paid to a recipient residing**
- 40 **within a municipality that is located in the township and**
- 41 **has a population of at least ten thousand (10,000); divided**
- 42 **by**

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1 **(B) the township's total township assistance expenditures**
2 **in 2013.**
3 **STEP TWO: Determine the result of:**
4 **(A) the part of the township's 2013 certified assessed**
5 **valuation that was for property located within**
6 **municipalities located in the township and having a**
7 **population of at least ten thousand (10,000); divided by**
8 **(B) the township's total 2013 certified assessed valuation.**
9 **STEP THREE: Determine the result of:**
10 **(A) the percentage determined in STEP ONE; minus**
11 **(B) the percentage determined in STEP TWO.**
12 **STEP FOUR: If the result determined in STEP THREE is**
13 **positive, determine the result of:**
14 **(A) the STEP THREE result; multiplied by**
15 **(B) the township's total township assistance expenditures**
16 **in 2013.**
17 **(d) If the result determined in STEP THREE of subsection (c)**
18 **is negative, the township shall not in 2015 and thereafter impose a**
19 **township assistance transfer property tax levy under this section.**
20 **(e) The tax imposed under this section shall be collected as other**
21 **township ad valorem taxes are collected.**
22 **(f) All receipts from the tax imposed under this section shall be**
23 **transferred to the fiscal officer of each municipality that is located**
24 **in the township and has a population of at least ten thousand**
25 **(10,000), to be used for township assistance purposes. If there is**
26 **more than one (1) municipality that is located in the township and**
27 **has a population of at least ten thousand (10,000), the amount that**
28 **shall be transferred to the fiscal officer of each municipality that**
29 **is located in the township and has a population of at least ten**
30 **thousand (10,000) is equal to:**
31 **(1) the municipality's 2013 certified assessed valuation;**
32 **divided by**
33 **(2) the total of the 2013 certified assessed valuation of all**
34 **property that is:**
35 **(A) within the township; and**
36 **(B) within a municipality that is located in the township**
37 **and has a population of at least ten thousand (10,000).**
38 **SECTION 12. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005,**
39 **SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
40 **JULY 1, 2012]: Sec. 1. (a) The township trustee shall process all**
41 **applications for township assistance according to uniform written**
42 **standards and without consideration of the race, creed, nationality, or**

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- 1 gender of the applicant or any member of the applicant's household.
- 2 (b) The township's standards for the issuance of township assistance
- 3 and the processing of applications must be:
- 4 (1) governed by the requirements of this article;
- 5 (2) **except as provided in subdivision (3)**, proposed by the
- 6 township trustee, adopted by the township board, and filed with
- 7 the board of county commissioners;
- 8 **(3) after December 31, 2014, for township assistance provided**
- 9 **within a municipality to which township powers and duties**
- 10 **have been transferred under IC 36-6-1.2, proposed by the**
- 11 **municipal executive and adopted by ordinance of the**
- 12 **municipal legislative body;**
- 13 ~~(3)~~ **(4)** reviewed and updated annually to reflect changes in the
- 14 cost of basic necessities in the township and changes in the law;
- 15 ~~(4)~~ **(5)** published in a single written document, including addenda
- 16 attached to the document; and
- 17 ~~(5)~~ **(6)** posted in a place prominently visible to the public in all
- 18 offices of the township trustee where township assistance
- 19 applications are taken or processed.

20 SECTION 13. IC 12-20-5.5-1.5 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. (a) A township shall adopt**
 23 **standards for the issuance of township assistance and the**
 24 **processing of applications each calendar year. The township's**
 25 **standards must be adopted by the township board not later than**
 26 **March 31 of each year.**

27 **(b) The township trustee shall file the following with the county**
 28 **auditor not later than December 1 of each year:**

- 29 (1) **A statement:**
- 30 (A) **signed by all members of the township board;**
- 31 (B) **subject to the penalties for perjury; and**
- 32 (C) **stating whether the township board adopted the**
- 33 **township's standards for the year preceding the ensuing**
- 34 **calendar year.**
- 35 (2) **A statement by the township trustee:**
- 36 (A) **signed by the township trustee;**
- 37 (B) **subject to the penalties for perjury; and**
- 38 (C) **stating whether the trustee filed with the board of**
- 39 **county commissioners the township standards for the year**
- 40 **preceding the ensuing calendar year.**

41 **The county auditor shall forward the statement to the department**
 42 **of local government finance not later than December 31 each year.**

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1 (c) If the township board fails to adopt township standards for
2 the two (2) years preceding the ensuing year:

3 (1) the department of local government finance may not
4 approve the budget and levy of the township; and

5 (2) township board members may not receive any salary until
6 the township's standards for the ensuing calendar year are
7 adopted.

8 (d) If the township board adopts township standards and the
9 township trustee fails to file the township standards with the board
10 of county commissioners under section 1 of this chapter for the two
11 (2) years preceding the ensuing year:

12 (1) the department of local government finance may not
13 approve the budget and levy of the township; and

14 (2) the township trustee may not receive any salary until the
15 township's standards for the preceding calendar years are
16 filed with the board of county commissioners.

17 SECTION 14. IC 12-20-5.5-4, AS AMENDED BY P.L.73-2005,
18 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2012]: Sec. 4. (a) This section does not apply to a township
20 trustee who has assisted less than fifty-one (51) households during each
21 of the two (2) years immediately preceding the date of the township
22 trustee's annual report under IC 12-20-28-3.

23 (b) To ensure minimum accessibility, a township trustee operating
24 a township assistance office in a township with a population of at least
25 ten thousand (10,000) shall provide scheduled office hours for
26 township assistance and staff each office with an individual qualified
27 to:

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

31 (c) To meet the requirements of subsection (b), the township trustee
32 shall do the following:

- 33 (1) Provide township assistance office hours for at least fourteen
34 (14) hours per week.
- 35 (2) Provide that there is not more than one (1) weekday between
36 the days the township assistance office is open.
- 37 (3) Provide for after hours access to the township assistance office
38 by use of an answering machine or a service:
 - 39 (A) capable of taking messages; and
 - 40 (B) programmed to provide information about township
41 assistance office hours.
- 42 (4) Respond to a telephone inquiry for township assistance

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1 services not more than twenty-four (24) hours, excluding
2 Saturdays, Sundays, and legal holidays, after receiving the
3 inquiry.

4 ~~(5)~~ (3) Post township assistance office hours and telephone
5 numbers at the entrance to each township assistance office.

6 SECTION 15. IC 12-20-5.5-4.1 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2012]: **Sec. 4.1. A township trustee shall:**

9 **(1) provide for after hours access to the township assistance**
10 **office by use of an answering machine or a service:**

11 **(A) capable of taking messages; and**

12 **(B) programmed to provide information about township**
13 **assistance office hours; and**

14 **(2) respond to a telephone inquiry for township assistance**
15 **services not more than twenty-four (24) hours, excluding**
16 **Saturdays, Sundays, and legal holidays, after receiving the**
17 **inquiry.**

18 SECTION 16. IC 12-20-5.5-6 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) A township
20 trustee **or (for standards applicable after December 31, 2014, in a**
21 **municipality to which township powers and duties have been**
22 **transferred under IC 36-6-1.2) the municipal legislative body** shall
23 set income standards for the township that provide for financial
24 eligibility in an amount consistent with reasonable costs of basic
25 necessities in the trustee's particular township.

26 (b) A township trustee **or (for standards applicable after**
27 **December 31, 2014, in a municipality to which township powers**
28 **and duties have been transferred under IC 36-6-1.2) the municipal**
29 **legislative body** may not consider a Holocaust victim's settlement
30 payment received by an eligible individual when setting income
31 standards under this section.

32 SECTION 17. IC 12-20-6-7, AS AMENDED BY P.L.73-2005,
33 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2012]: Sec. 7. (a) In a case of emergency, a trustee shall
35 accept and promptly act upon a completed application from an
36 individual requesting assistance. In a nonemergency request for
37 township assistance, the trustee shall act on the completed application
38 not later than seventy-two (72) hours after receiving the application,
39 excluding weekends and legal holidays listed in IC 1-1-9. The trustee's
40 office shall retain a copy of each application and affidavit whether or
41 not relief is granted.

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

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

- 3 (1) Grant assistance.
- 4 (2) Deny assistance, including a partial denial of assistance
5 requested.
- 6 (3) Leave the decision pending.

7 (c) A decision pending determination under subsection (b)(3):
 8 (1) may not remain pending for more than seventy-two (72) hours
 9 after the expiration of the period described in subsection (a); and
 10 (2) must include a statement listing the specific reasons that
 11 assistance is not granted or denied within the period required
 12 under subsection (a).

13 **(d) If a trustee does not:**
 14 **(1) accept a completed application for township assistance; or**
 15 **(2) grant or deny a completed application for township**
 16 **assistance within the period required under this section;**
 17 **the application is considered denied, and the denial may be**
 18 **appealed under IC 12-20-15.**

19 SECTION 18. IC 12-20-15-1, AS AMENDED BY P.L.73-2005,
 20 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2012]: Sec. 1. If an applicant for or recipient of township
 22 assistance:

- 23 (1) is not satisfied with the decision of the township trustee, as
 24 administrator of township assistance; or
- 25 (2) has had an application considered denied under
 26 IC 12-20-6-7(d);

27 the applicant or recipient may appeal to the board of commissioners.

28 SECTION 19. IC 12-20-15-2, AS AMENDED BY P.L.73-2005,
 29 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2012]: Sec. 2. An applicant for township assistance must file
 31 the applicant's appeal not more than fifteen (15) days from the date:

- 32 (1) of issuance by the township trustee of adequate written notice
 33 of the denial of township assistance as provided by IC 12-20-6-8;
- 34 or
- 35 (2) on which the application is considered denied under
 36 IC 12-20-6-7(d).

37 An appeal must be made in writing or orally as required by the board
38 of commissioners.

39 SECTION 20. IC 15-16-8-0.5 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2012]: **Sec. 0.5. (a) In the case of a township**
 42 **described in IC 36-6-1.2-3:**

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- 1 (1) after December 31, 2014, the township board may continue
- 2 to exercise the powers and duties of the township board under
- 3 this chapter only in:
- 4 (A) any unincorporated area of the township; and
- 5 (B) a municipality that is located in the township and has
- 6 a population of less than ten thousand (10,000);
- 7 (2) after December 31, 2014, the township trustee may
- 8 continue to exercise the powers and duties of the township
- 9 trustee under this chapter only in:
- 10 (A) any unincorporated area of the township; and
- 11 (B) a municipality that is located in the township and has
- 12 a population of less than ten thousand (10,000); and
- 13 (3) within each municipality that is located in the township
- 14 and to which township powers and duties have been
- 15 transferred under IC 36-6-1.2:
- 16 (A) the municipal executive shall, after December 31, 2014,
- 17 exercise the powers and duties of the township trustee
- 18 under this chapter; and
- 19 (B) the municipal legislative and fiscal body shall, after
- 20 December 31, 2014, exercise the powers and duties of the
- 21 township board under this chapter.
- 22 (b) In the case of a township described in IC 36-6-1.2-4,
- 23 township powers and duties are transferred to one (1) or more
- 24 municipalities as provided in IC 36-6-1.2-4.
- 25 SECTION 21. IC 16-31-5-1 IS AMENDED TO READ AS
- 26 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) In the case of a
- 27 township described in IC 36-6-1.2-3:
- 28 (1) after December 31, 2014, the township board may continue
- 29 to exercise the powers and duties of the township board under
- 30 this chapter only in:
- 31 (A) any unincorporated area of the township; and
- 32 (B) a municipality that is located in the township and has
- 33 a population of less than ten thousand (10,000);
- 34 (2) after December 31, 2014, the township trustee may
- 35 continue to exercise the powers and duties of the township
- 36 trustee under this chapter only in:
- 37 (A) any unincorporated area of the township; and
- 38 (B) a municipality that is located in the township and has
- 39 a population of less than ten thousand (10,000); and
- 40 (3) within each municipality that is located in the township
- 41 and to which township powers and duties have been
- 42 transferred under IC 36-6-1.2:

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1 **(A) the municipal executive shall, after December 31, 2014,**
 2 **exercise the powers and duties of the township trustee**
 3 **under this chapter; and**
 4 **(B) the municipal legislative and fiscal body shall, after**
 5 **December 31, 2014, exercise the powers and duties of the**
 6 **township board under this chapter.**
 7 **(b) In the case of a township described in IC 36-6-1.2-4,**
 8 **township powers and duties are transferred to one (1) or more**
 9 **municipalities as provided in IC 36-6-1.2-4.**
 10 **(c) The governing body of a city, town, township, or county by the**
 11 **governing body's action or in any combination may do the following:**
 12 (1) Establish, operate, and maintain emergency medical services.
 13 (2) Levy taxes under and limited by IC 6-3.5 and expend
 14 appropriated funds of the political subdivision to pay the costs
 15 and expenses of establishing, operating, maintaining, or
 16 contracting for emergency medical services.
 17 (3) Except as provided in section 2 of this chapter, authorize,
 18 franchise, or contract for emergency medical services. However:
 19 (A) a county may not provide, authorize, or contract for
 20 emergency medical services within the limits of any city
 21 without the consent of the city; and
 22 (B) a city or town may not provide, authorize, franchise, or
 23 contract for emergency medical services outside the limits of
 24 the city or town without the approval of the governing body of
 25 the area to be served.
 26 (4) Apply for, receive, and accept gifts, bequests, grants-in-aid,
 27 state, federal, and local aid, and other forms of financial
 28 assistance for the support of emergency medical services.
 29 (5) Establish and provide for the collection of reasonable fees for
 30 emergency ambulance services the governing body provides
 31 under this chapter.
 32 (6) Pay the fees or dues for individual or group membership in
 33 any regularly organized volunteer emergency medical services
 34 association on their own behalf or on behalf of the emergency
 35 medical services personnel serving that unit of government.
 36 SECTION 22. IC 16-41-19-7, AS AMENDED BY P.L.73-2005,
 37 SECTION 169, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2012]: Sec. 7. **(a) In the case of a township**
 39 **described in IC 36-6-1.2-3:**
 40 **(1) after December 31, 2014, the township board may continue**
 41 **to exercise the powers and duties of the township board under**
 42 **this chapter only in:**

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1 (A) any unincorporated area of the township; and
 2 (B) a municipality that is located in the township and has
 3 a population of less than ten thousand (10,000);
 4 (2) after December 31, 2014, the township trustee may
 5 continue to exercise the powers and duties of the township
 6 trustee under this chapter only in:
 7 (A) any unincorporated area of the township; and
 8 (B) a municipality that is located in the township and has
 9 a population of less than ten thousand (10,000); and
 10 (3) within each municipality that is located in the township
 11 and to which township powers and duties have been
 12 transferred under IC 36-6-1.2:
 13 (A) the municipal executive shall, after December 31, 2014,
 14 exercise the powers and duties of the township trustee
 15 under this chapter; and
 16 (B) the municipal legislative and fiscal body shall, after
 17 December 31, 2014, exercise the powers and duties of the
 18 township board under this chapter.
 19 (b) In the case of a township described in IC 36-6-1.2-4,
 20 township powers and duties are transferred to one (1) or more
 21 municipalities as provided in IC 36-6-1.2-4.
 22 ~~(a)~~ (c) Except as provided in subsection ~~(b)~~; (d), all costs that are
 23 incurred in furnishing biologicals under this chapter,
 24 IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be paid: ~~by:~~
 25 (1) by the appropriate county, city, or town against which the
 26 application form is issued from general funds; ~~and~~
 27 (2) by the appropriate township against which the application
 28 form is issued from funds in the township assistance fund; ~~and~~
 29 (3) after December 31, 2014, in the case of a municipality that
 30 is located in the township and to which township powers and
 31 duties have been transferred under IC 36-6-1.2, by the
 32 municipality against which the application form is issued,
 33 from funds in the municipality's township assistance fund
 34 established under IC 12-20-1-9;
 35 **and** not otherwise appropriated without appropriations.
 36 ~~(b)~~ (d) A township is not responsible for paying for biologicals as
 37 provided in subsection ~~(a)~~(2) (c) if the township trustee has evidence
 38 that the individual has the financial ability to pay for the biologicals.
 39 ~~(e)~~ (e) After being presented with a legal claim for insulin being
 40 furnished to the same individual a second time, a township trustee may
 41 require the individual to complete and file a standard application for
 42 township assistance in order to investigate the financial condition of the

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1 individual claiming to be indigent. The trustee shall immediately notify
2 the individual's physician that:

- 3 (1) the financial ability of the individual claiming to be indigent
- 4 is in question; and
- 5 (2) a standard application for township assistance must be filed
- 6 with the township.

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

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

13 SECTION 23. IC 23-14-31-26, AS AMENDED BY P.L.34-2011,
14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2012]: Sec. 26. (a) Except as provided in subsection (c), the
16 following persons, in the priority listed, have the right to serve as an
17 authorizing agent:

- 18 (1) A person:
 - 19 (A) granted the authority to serve in a funeral planning
 - 20 declaration executed by the decedent under IC 29-2-19; or
 - 21 (B) named in a United States Department of Defense form
 - 22 "Record of Emergency Data" (DD Form 93) or a successor
 - 23 form adopted by the United States Department of Defense, if
 - 24 the decedent died while serving in any branch of the United
 - 25 States Armed Forces (as defined in 10 U.S.C. 1481) and
 - 26 completed the form.
- 27 (2) An individual specifically granted the authority to serve in a
- 28 power of attorney or a health care power of attorney executed by
- 29 the decedent under IC 30-5-5-16.
- 30 (3) The individual who was the spouse of the decedent at the time
- 31 of the decedent's death, except when:
 - 32 (A) a petition to dissolve the marriage or for legal separation
 - 33 of the decedent and spouse is pending with a court at the time
 - 34 of the decedent's death, unless a court finds that the decedent
 - 35 and spouse were reconciled before the decedent's death; or
 - 36 (B) a court determines the decedent and spouse were
 - 37 physically and emotionally separated at the time of death and
 - 38 the separation was for an extended time that clearly
 - 39 demonstrates an absence of due affection, trust, and regard for
 - 40 the decedent.
- 41 (4) The decedent's surviving adult child or, if more than one (1)
- 42 adult child is surviving, the majority of the adult children.

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1 However, less than half of the surviving adult children have the
 2 rights under this subdivision if the adult children have used
 3 reasonable efforts to notify the other surviving adult children of
 4 their intentions and are not aware of any opposition to the final
 5 disposition instructions by more than half of the surviving adult
 6 children.

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

11 (6) The decedent's surviving sibling or, if more than one (1)
 12 sibling is surviving, the majority of the surviving siblings.
 13 However, less than half of the surviving siblings have the rights
 14 under this subdivision if the siblings have used reasonable efforts
 15 to notify the other surviving siblings of their intentions and are
 16 not aware of any opposition to the final disposition instructions by
 17 more than half of the surviving siblings.

18 (7) The individual in the next degree of kinship under IC 29-1-2-1
 19 to inherit the estate of the decedent or, if more than one (1)
 20 individual of the same degree is surviving, the majority of those
 21 who ~~have are of~~ the same degree. However, less than half of the
 22 individuals who ~~have are of~~ the same degree of kinship have the
 23 rights under this subdivision if they have used reasonable efforts
 24 to notify the other individuals who ~~have are of~~ the same degree
 25 of kinship of their intentions and are not aware of any opposition
 26 to the final disposition instructions by more than half of the
 27 individuals who ~~have are of~~ the same degree of kinship.

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

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

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

38 (9) In the case of an indigent or other individual whose final
 39 disposition is the responsibility of the state, ~~or a township~~, **or**
 40 **(after December 31, 2014, in the case of a municipality that is**
 41 **located in the township and to which township powers and**
 42 **duties have been transferred under IC 36-6-1.2) the**

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1 **municipality**, the following may serve as the authorizing agent:
2 (A) If none of the persons identified in subdivisions (1)
3 through (8) are available:
4 (i) a public administrator, including a responsible township
5 trustee or the trustee's designee **or (after December 31,**
6 **2014, in the case of a municipality that is located in the**
7 **township and to which township powers and duties have**
8 **been transferred under IC 36-6-1.2) an administrator**
9 **appointed under IC 12-20-1-7;** or
10 (ii) the coroner.
11 (B) A state appointed guardian.
12 However, an indigent decedent may not be cremated if a
13 surviving family member objects to the cremation or if cremation
14 would be contrary to the religious practices of the deceased
15 individual as expressed by the individual or the individual's
16 family.
17 (10) In the absence of any person under subdivisions (1) through
18 (9), any person willing to assume the responsibility as the
19 authorizing agent, as specified in this article.
20 (b) When a body part of a nondeceased individual is to be cremated,
21 a representative of the institution that has arranged with the crematory
22 authority to cremate the body part may serve as the authorizing agent.
23 (c) If:
24 (1) the death of the decedent appears to have been the result of:
25 (A) murder (IC 35-42-1-1);
26 (B) voluntary manslaughter (IC 35-42-1-3); or
27 (C) another criminal act, if the death does not result from the
28 operation of a vehicle; and
29 (2) the coroner, in consultation with the law enforcement agency
30 investigating the death of the decedent, determines that there is a
31 reasonable suspicion that a person described in subsection (a)
32 committed the offense;
33 the person referred to in subdivision (2) may not serve as the
34 authorizing agent.
35 (d) The coroner, in consultation with the law enforcement agency
36 investigating the death of the decedent, shall inform the crematory
37 authority of the determination referred to in subsection (c)(2).
38 (e) If a person vested with a right under subsection (a) does not
39 exercise that right not later than seventy-two (72) hours after the person
40 receives notification of the death of the decedent, the person forfeits the
41 person's right to determine the final disposition of the ~~decedent,~~
42 **decedent's remains**, and the right to determine final disposition passes

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1 to the next person described in subsection (a).

2 (f) A crematory authority owner has the right to rely, in good faith,
3 on the representations of a person listed in subsection (a) that any other
4 individuals ~~on~~ of the same degree of kinship have been notified of the
5 final disposition instructions.

6 (g) If there is a dispute concerning the disposition of a ~~decedent~~,
7 **decedent's remains**, a crematory authority is not liable for refusing to
8 accept the remains of the decedent until the crematory authority
9 receives:

10 (1) a court order; or

11 (2) a written agreement signed by the disputing parties;
12 that determines the final disposition of the decedent. If a crematory
13 authority agrees to shelter the remains of the decedent while the parties
14 are in dispute, the crematory authority may collect any applicable fees
15 for storing the remains, including legal fees that are incurred.

16 (h) Any cause of action filed under this section must be filed in the
17 probate court in the county where the decedent resided, unless the
18 decedent was not a resident of Indiana.

19 (i) A spouse seeking a judicial determination under subsection
20 (a)(3)(A) that the decedent and spouse were reconciled before the
21 decedent's death may petition the court having jurisdiction over the
22 dissolution or separation proceeding to make this determination by
23 filing the petition under the same cause number as the dissolution or
24 separation proceeding. A spouse who files a petition under this
25 subsection is not required to pay a filing fee.

26 SECTION 24. IC 23-14-33-3.5 IS ADDED TO THE INDIANA
27 CODE AS A NEW SECTION TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2012]: **Sec. 3.5. (a) In the case of a township
29 described in IC 36-6-1.2-3:**

30 **(1) after December 31, 2014, the township board may continue
31 to exercise the powers and duties of the township board under
32 this chapter only in:**

33 **(A) any unincorporated area of the township; and**

34 **(B) a municipality that is located in the township and has
35 a population of less than ten thousand (10,000);**

36 **(2) after December 31, 2014, the township trustee may
37 continue to exercise the powers and duties of the township
38 trustee under this chapter only in:**

39 **(A) any unincorporated area of the township; and**

40 **(B) a municipality that is located in the township and has
41 a population of less than ten thousand (10,000); and**

42 **(3) within each municipality that is located in the township**

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1 and to which township powers and duties have been
2 transferred under IC 36-6-1.2:

3 (A) the municipal executive shall, after December 31, 2014,
4 exercise the powers and duties of the township trustee
5 under this chapter; and

6 (B) the municipal legislative and fiscal body shall, after
7 December 31, 2014, exercise the powers and duties of the
8 township board under this chapter.

9 (b) In the case of a township described in IC 36-6-1.2-4,
10 township powers and duties are transferred to one (1) or more
11 municipalities as provided in IC 36-6-1.2-4.

12 SECTION 25. IC 32-26-4-2 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The trustee of
14 each township, the county highway superintendent, the Indiana
15 department of transportation, or other officer in control of the
16 maintenance of a highway shall between January 1 and April 1 of each
17 year, examine all hedges, live fences, natural growths along highways,
18 and other obstructions described in section 1 of this chapter in their
19 respective jurisdictions. If there are hedges, live fences, other growths,
20 or obstructions along the highways that have not been cut, trimmed
21 down, and maintained in accordance with this chapter, the owner shall
22 be given written notice to cut or trim the hedge or live fence and to
23 burn the brush trimmed from the hedge or live fence and remove any
24 other obstructions or growths.

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

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

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

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

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

42 All expenses incurred under this subsection shall be assessed against

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1 and become a lien upon the land in the same manner as road taxes.

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

16 **(f) In the case of a township described in IC 36-6-1.2-3:**

17 **(1) after December 31, 2014, the township board may continue**
18 **to exercise the powers and duties of the township board under**
19 **this chapter only in:**

20 **(A) any unincorporated area of the township; and**

21 **(B) a municipality that is located in the township and has**
22 **a population of less than ten thousand (10,000);**

23 **(2) after December 31, 2014, the township trustee may**
24 **continue to exercise the powers and duties of the township**
25 **trustee under this chapter only in:**

26 **(A) any unincorporated area of the township; and**

27 **(B) a municipality that is located in the township and has**
28 **a population of less than ten thousand (10,000); and**

29 **(3) within each municipality that is located in the township**
30 **and to which township powers and duties have been**
31 **transferred under IC 36-6-1.2:**

32 **(A) the municipal executive shall, after December 31, 2014,**
33 **exercise the powers and duties of the township trustee**
34 **under this chapter; and**

35 **(B) the municipal legislative and fiscal body shall, after**
36 **December 31, 2014, exercise the powers and duties of the**
37 **township board under this chapter.**

38 **(g) In the case of a township described in IC 36-6-1.2-4,**
39 **township powers and duties are transferred to one (1) or more**
40 **municipalities as provided in IC 36-6-1.2-4.**

41 SECTION 26. IC 32-26-9-0.7 IS ADDED TO THE INDIANA
42 CODE AS A NEW SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2012]: **Sec. 0.7. (a) In the case of a township**
 2 **described in IC 36-6-1.2-3:**
 3 **(1) after December 31, 2014, the township board may continue**
 4 **to exercise the powers and duties of the township board under**
 5 **this chapter only in:**
 6 **(A) any unincorporated area of the township; and**
 7 **(B) a municipality that is located in the township and has**
 8 **a population of less than ten thousand (10,000);**
 9 **(2) after December 31, 2014, the township trustee may**
 10 **continue to exercise the powers and duties of the township**
 11 **trustee under this chapter only in:**
 12 **(A) any unincorporated area of the township; and**
 13 **(B) a municipality that is located in the township and has**
 14 **a population of less than ten thousand (10,000); and**
 15 **(3) within each municipality that is located in the township**
 16 **and to which township powers and duties have been**
 17 **transferred under IC 36-6-1.2:**
 18 **(A) the municipal executive shall, after December 31, 2014,**
 19 **exercise the powers and duties of the township trustee**
 20 **under this chapter; and**
 21 **(B) the municipal legislative body and fiscal body shall,**
 22 **after December 31, 2014, exercise the powers and duties of**
 23 **the township board under this chapter.**
 24 **(b) In the case of a township described in IC 36-6-1.2-4,**
 25 **township powers and duties are transferred to one (1) or more**
 26 **municipalities as provided in IC 36-6-1.2-4.**
 27 SECTION 27. IC 33-34-1-6 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. A division of
 29 the small claims court must be a full-time division or a part-time
 30 division as determined by the ~~individual township boards~~ **city-county**
 31 **council** following a hearing conducted under section 7 of this chapter.
 32 SECTION 28. IC 33-34-1-8 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. The ~~township~~
 34 ~~trustee clerk of the city-county council~~ shall give ten (10) days notice
 35 of all hearings held under section 7 of this chapter in one (1) or more
 36 newspapers of general circulation in the county.
 37 SECTION 29. IC 33-34-1-9, AS AMENDED BY P.L.174-2006,
 38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JANUARY 1, 2015]: Sec. 9. Not more than two (2) weeks after a
 40 hearing is conducted under section 7 of this chapter, the ~~township~~
 41 ~~board~~ **city-county council** shall, after considering the evidence,
 42 opinions, advice, and suggestions presented at the hearing, enter an

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

10 SECTION 30. IC 33-34-2-5 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 5. (a) The salary
 12 of a judge who serves full time must be in an amount ~~determined by the~~
 13 ~~township board of the township in which the small claims court is~~
 14 ~~located:~~ **established by ordinance of the city-county council.**

15 (b) The salary of each judge who serves part time must be in an
 16 amount ~~determined by the township board and approved~~ **established**
 17 **by ordinance of the city-county council.**

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

20 (d) At any other time, salaries of any full-time or part-time judge
 21 may be increased or decreased by ~~the township board of the township~~
 22 ~~in which the small claims court is located:~~ **ordinance of the**
 23 **city-county council.**

24 SECTION 31. IC 33-34-2-6 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. (a) The annual
 26 salary of a judge shall be paid **by the county** in ~~twelve (12) equal~~
 27 ~~monthly installments by the township trustee:~~ **the same installments**
 28 **as judges of the superior court in the county.**

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

32 SECTION 32. IC 33-34-2-14 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 14. (a) The
 34 resignation of a judge shall be delivered to the clerk of the circuit court.
 35 The clerk shall advise the circuit court. ~~and appropriate township~~
 36 ~~board.~~

37 (b) A vacancy occurring in a judgeship must be filled under
 38 IC 3-13-10.

39 SECTION 33. IC 33-34-5-4, AS AMENDED BY P.L.174-2006,
 40 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JANUARY 1, 2015]: Sec. 4. (a) If a judge is unable to preside over the
 42 judge's small claims court during any number of days, the judge may

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1 appoint in writing a person qualified to be a small claims judge under
2 IC 33-34-2-2 to preside in place of the judge.

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

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

11 SECTION 34. IC 33-34-6-1, AS AMENDED BY P.L.174-2006,
12 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JANUARY 1, 2015]: Sec. 1. The ~~township trustee county~~ shall provide
14 a courtroom and an office for each judge in a convenient location
15 within the township that has:

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

22 SECTION 35. IC 33-34-6-2, AS AMENDED BY P.L.174-2006,
23 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JANUARY 1, 2015]: Sec. 2. ~~A township~~ **The county** shall:

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

33 SECTION 36. IC 33-34-6-3 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. ~~Each township~~
35 **The city-county council** shall provide an appropriate and competitive
36 salary of at least five thousand six hundred dollars (\$5,600) for the
37 number of clerks for the small claims court sufficient to:

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

40 SECTION 37. IC 33-34-7-3 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 3. The judge of
42 the circuit court, with the assistance of the clerk of the circuit court, the

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1 judges of the small claims courts, and the state board of accounts, shall,
 2 at the expense of the ~~townships:~~ **county:**
 3 (1) provide the forms, blanks, court calendar books, judgment
 4 dockets, and fee books; and
 5 (2) make rules and instructions to direct the judges in keeping
 6 records and making reports.
 7 The clerk of the circuit court shall keep full and permanent records and
 8 reports of each judge's past and current proceedings, indexed and
 9 available for reference as a public record.
 10 SECTION 38. IC 33-34-8-3, AS AMENDED BY P.L.182-2009(ss),
 11 SECTION 391, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JANUARY 1, 2015]: Sec. 3. (a) Payment for all costs
 13 made as a result of proceedings in a small claims court shall be to the
 14 _____ Township of Marion County Small Claims Court (with the
 15 name of the township inserted). The court shall issue a receipt for all
 16 money received on a form numbered serially in duplicate. All township
 17 docket fees and late fees received by the court shall be paid to the
 18 ~~township trustee~~ **county** at the close of each month.
 19 (b) The ~~court~~ **county auditor** shall:
 20 (1) semiannually distribute to the auditor of state:
 21 (A) all automated record keeping fees (IC 33-37-5-21)
 22 received by the court for deposit in the homeowner protection
 23 unit account established by IC 4-6-12-9 and the state user fee
 24 fund established under IC 33-37-9;
 25 (B) all public defense administration fees collected by the
 26 court under IC 33-37-5-21.2 for deposit in the state general
 27 fund;
 28 (C) sixty percent (60%) of all court administration fees
 29 collected by the court under IC 33-37-5-27 for deposit in the
 30 state general fund;
 31 (D) all judicial insurance adjustment fees collected by the
 32 court under IC 33-37-5-25 for deposit in the judicial branch
 33 insurance adjustment account established by IC 33-38-5-8.2;
 34 and
 35 (E) seventy-five percent (75%) of all judicial salaries fees
 36 collected by the court under IC 33-37-5-26 for deposit in the
 37 state general fund; and
 38 (2) distribute monthly to the county auditor all document storage
 39 fees received by the court.
 40 The remaining twenty-five percent (25%) of the judicial salaries fees
 41 described in subdivision (1)(E) shall be deposited monthly in the
 42 ~~township~~ **county** general fund of ~~the township in which the court is~~

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1 ~~located.~~ **and credited to the small claims court account described in**
2 **section 5 of this chapter.** The county auditor shall deposit fees
3 distributed under subdivision (2) into the clerk's record perpetuation
4 fund under IC 33-37-5-2.

5 (c) The court semiannually shall pay to the township trustee of the
6 township in which the court is located The remaining forty percent
7 (40%) of the court administration fees described under subsection
8 (b)(1)(C) shall be:

9 (1) deposited in the county general fund and credited to the
10 small claims court account described in section 5 of this
11 chapter; and

12 (2) used by the county:
13 (A) to fund the operations of the small claims court, ~~in the~~
14 ~~trustee's township:~~ **including the payment of salaries of**
15 **persons who serve process for the small claims courts; and**
16 **(B) if any funds remain during a fiscal year after the**
17 **payment of expenses under clause (A), to fund public safety**
18 **programs in the county as determined by the city-county**
19 **council.**

20 SECTION 39. IC 33-34-8-5 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
22 JANUARY 1, 2015]: **Sec. 5. Fees and costs paid and collected under**
23 **sections 1 and 3 of this chapter shall be deposited in the county**
24 **general fund and credited to separate accounts established for each**
25 **township small claims court.**

26 SECTION 40. IC 36-1-8-18 IS ADDED TO THE INDIANA CODE
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2012]: **Sec. 18. Each township office must include the address**
29 **and telephone number of the township office in at least one (1)**
30 **local telephone directory.**

31 SECTION 41. IC 36-1-21 IS ADDED TO THE INDIANA CODE
32 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2012]:

34 **Chapter 21. Employment of Immediate Family Members**

35 **Sec. 1. This chapter does not apply to a government employee**
36 **receiving less than ten thousand dollars (\$10,000) in salary**
37 **annually from the political subdivision.**

38 **Sec. 2. As used in this chapter, "government employee" means**
39 **an individual who is employed by a unit on a full-time, a part-time,**
40 **a temporary, an intermittent, or an hourly basis.**

41 **Sec. 3. As used in this chapter, "immediate family member"**
42 **means a spouse, child, stepchild, parent, or stepparent of an**

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1 employee, including adoptive relationships.

2 Sec. 4. Notwithstanding IC 36-1-2-13, as used in this chapter,
3 "political subdivision" means a county, city, town, township, school
4 corporation, public library, local housing authority, fire protection
5 district, public transportation corporation, local building
6 authority, local hospital authority or corporation, local airport
7 authority, special service district, special taxing district, or other
8 type of local governmental corporate entity.

9 Sec. 5. Beginning January 1, 2015, an individual who is an
10 immediate family member of an officer or employee of a political
11 subdivision may not be employed by the political subdivision in a
12 position in which the individual would have a direct supervisory or
13 subordinate relationship with the officer or employee who is the
14 individual's immediate family member.

15 Sec. 6. This chapter does not require the termination or
16 reassignment of any employee of a political subdivision from any
17 position held by that individual before January 1, 2012.

18 SECTION 42. IC 36-6-1.2 IS ADDED TO THE INDIANA CODE
19 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2012]:

21 **Chapter 1.2. Transfer of Township Powers and Duties**

22 Sec. 1. Except as specifically provided, this chapter applies after
23 December 31, 2014, to townships described in section 2 of this
24 chapter.

25 Sec. 2. This chapter applies to each township that has any of the
26 township's territory located within:

- 27 (1) a county containing a consolidated city; or
28 (2) one (1) or more municipalities, each with a population of
29 at least ten thousand (10,000).

30 Sec. 3. (a) This section applies to a township that:

- 31 (1) is not located in a county having a consolidated city; and
32 (2) has any of the township's territory located within one (1)
33 or more municipalities with a population of at least ten
34 thousand (10,000); and
35 (3) also contains territory that:
36 (A) is unincorporated; or
37 (B) is located in a municipality with a population of less
38 than ten thousand (10,000).

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

- 40 (1) after December 31, 2014, the township board may continue
41 to exercise the powers and duties of the township board only:
42 (A) in any unincorporated area of the township; and

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- 1 **(B) in a municipality with a population of less than ten**
- 2 **thousand (10,000);**
- 3 **(2) after December 31, 2014, the township trustee may**
- 4 **continue to exercise the powers and duties of the township**
- 5 **trustee only:**
- 6 **(A) in any unincorporated area of the township; and**
- 7 **(B) in a municipality with a population of less than ten**
- 8 **thousand (10,000);**
- 9 **(3) within each municipality that is located in the township**
- 10 **and has a population of at least ten thousand (10,000), the**
- 11 **powers and duties of the township are transferred to the**
- 12 **municipality on January 1, 2015; and**
- 13 **(4) within each municipality that is located in the township**
- 14 **and has a population of at least ten thousand (10,000):**
- 15 **(A) the municipal executive shall, after December 31, 2014,**
- 16 **exercise the powers and duties of the township trustee; and**
- 17 **(B) the municipal legislative and fiscal body shall, after**
- 18 **December 31, 2014, exercise the powers and duties of the**
- 19 **township board.**
- 20 **Sec. 4. (a) This section applies to a township that:**
- 21 **(1) has all of the township's territory located within:**
- 22 **(A) a county containing a consolidated city; or**
- 23 **(B) one (1) or more municipalities, each with a population**
- 24 **of at least ten thousand (10,000); and**
- 25 **(2) in the case of a township to which subdivision (1)(B)**
- 26 **applies, does not contain territory that:**
- 27 **(A) is unincorporated; or**
- 28 **(B) is located in a municipality with a population of less**
- 29 **than ten thousand (10,000).**
- 30 **(b) In the case of a township subject to this section:**
- 31 **(1) after December 31, 2014, the municipal fiscal body is the**
- 32 **fiscal body of the township and shall exercise throughout that**
- 33 **part of the township located within the municipality the fiscal**
- 34 **powers and duties assigned in the Indiana Code or the**
- 35 **Indiana Administrative Code to township boards;**
- 36 **(2) after December 31, 2014, the municipal legislative body is**
- 37 **the legislative body of the township and shall exercise**
- 38 **throughout that part of the township located within the**
- 39 **municipality legislative powers and duties assigned in the**
- 40 **Indiana Code or the Indiana Administrative Code to township**
- 41 **boards;**
- 42 **(3) after December 31, 2014, the municipal executive is the**

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1 executive of the township and shall exercise throughout that
 2 part of the township located within the municipality the
 3 executive powers and duties assigned in the Indiana Code or
 4 the Indiana Administrative Code to township executives;
 5 (4) on January 1, 2015, the legislative functions, duties, and
 6 responsibilities of the township board are transferred to the
 7 municipal legislative body; the fiscal functions, duties, and
 8 responsibilities of the township board are transferred to the
 9 municipal fiscal body; the functions, duties, and
 10 responsibilities of the township assessor (if any) are
 11 transferred to the county assessor; and the functions, duties,
 12 and responsibilities of the township trustee are transferred to
 13 the municipal executive;
 14 (5) the offices of township trustee, township board, and
 15 township assessor (if any) in the township are abolished in the
 16 township on January 1, 2015; and
 17 (6) the terms of each township trustee, township board
 18 member, and township assessor (if any) expire January 1,
 19 2015, and those officials are not entitled to any compensation
 20 for actions taken after December 31, 2014.

21 (c) In the case of a county having a consolidated city, the fire
 22 department of each township that has not, as of December 31,
 23 2014, consolidated the township's fire department under
 24 IC 36-3-1-6.1 is, on January 1, 2014, consolidated into the fire
 25 department of the consolidated city as provided in IC 36-3-1-6.1
 26 without the requirement of any approvals from the township
 27 executive and township legislative body or from the executive of
 28 the consolidated city or the legislative body of the consolidated city.

29 (d) In the case of a township that is located within a county
 30 having a consolidated city or that has all of the township's territory
 31 located within only one (1) municipality with a population of at
 32 least ten thousand (10,000), on January 1, 2015, all:
 33 (1) assets;
 34 (2) property rights;
 35 (3) equipment;
 36 (4) records; and
 37 (5) contracts;
 38 connected with the operations of township government are
 39 transferred to the consolidated city or the municipality.

40 (e) In the case of a township that has all of the township's
 41 territory located within two (2) or more municipalities, each with
 42 a population of at least ten thousand (10,000), on January 1, 2015,

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- all:**
- (1) assets;**
 - (2) property rights;**
 - (3) equipment;**
 - (4) records; and**
 - (5) contracts;**

connected with the operations of township government are transferred to the municipalities as determined by the department of local government finance.

Sec. 5. The entire territory of a township subject to this chapter comprises a separate taxing district for the payment of township indebtedness or lease rental obligations existing as of January 1, 2015.

Sec. 6. (a) The abolishment of the office of a township trustee, township board, or township assessor (if any) under section 4 of this chapter does not invalidate any resolutions, fees, schedules, appointments, or other actions adopted, taken, or made by the township trustee, township board, or township assessor (if any) before January 1, 2015.

(b) Except as specifically provided, if the powers and duties of a township board, township trustee, or township assessor (if any) are transferred under section 3 or 4 of this chapter to a municipal executive, municipal legislative body, or municipal fiscal body or to a county assessor, after December 31, 2014, any reference:

- (1) in the Indiana Code;**
 - (2) in the Indiana Administrative Code; or**
 - (3) in any resolution or ordinance;**
- to the township board for fiscal powers and duties shall be considered a reference to the municipal fiscal body, any reference to the township board for legislative powers and duties shall be considered a reference to the municipal legislative body, any reference to the township trustee shall be considered a reference to the municipal executive, and any reference to the township assessor shall be considered a reference to the county assessor.**

Sec. 7. The department of local government finance shall adjust the maximum permissible property tax levies, maximum permissible property tax rates, and budgets of:

- (1) each township from which powers, duties, and obligations are transferred under this chapter; and**
 - (2) each municipality or county to which powers, duties, and obligations are transferred under this chapter;**
- as the department of local government finance determines**

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1 necessary to account for the transfers of those duties, powers, and
2 obligations.

3 SECTION 43. IC 36-6-1.5-13 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) This section applies to the
6 township government of a township that on January 1, 2013, has
7 a population (as determined under IC 1-1-3.5) of less than one
8 thousand five hundred (1,500).

9 (b) A township government described in subsection (a) shall,
10 before January 1, 2015, merge with another township government
11 under this chapter.

12 (c) If a township government described in subsection (a) does
13 not merge before January 1, 2015, with another township
14 government as required by subsection (b), the township
15 government is by operation of law merged on January 1, 2015,
16 with the township government of the township that has the greatest
17 population of all townships in the county that are contiguous to the
18 merging township. Notwithstanding any other provision of this
19 chapter, a merger under this subsection takes effect January 1,
20 2015, without the requirement that:

21 (1) any resolutions be presented by the township trustees or
22 adopted by the township legislative bodies; or

23 (2) any ordinances be approved by the county legislative body.

24 SECTION 44. 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 described in subsection (a) must separately list
41 each expenditure that is made to reimburse the executive for the
42 executive's use of the executive's private residence. The report

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1 **must compare the square footage rate charged by the executive for**
2 **rent of the office space in the executive's residence with the average**
3 **square footage rate charged for comparable commercial office**
4 **space in:**

- 5 (1) the township; or
- 6 (2) the county seat of the county where the township is
- 7 primarily located, if comparable commercial office space is
- 8 not available in the township.

9 ~~(c)~~ (d) The executive shall swear or affirm that:

- 10 (1) the report shows all sums received by ~~him~~; **the executive**;
- 11 (2) the expenditures credited have been fully paid in the sums
- 12 stated, without express or implied agreement that any part of the
- 13 sums is to be retained by or returned to the executive or any other
- 14 person; and
- 15 (3) the executive has received no money or other property in
- 16 consideration of any contract entered into on behalf of the
- 17 township.

18 ~~(d)~~ (e) Within ten (10) days after the legislative body's action under
19 IC 36-6-6-9, the executive shall file a copy of the report and its
20 accompanying vouchers, as adopted by the legislative body, in the
21 county auditor's office. The legislative body may, for the benefit of the
22 township, bring a civil action against the executive if the executive fails
23 to file the report within ten (10) days after the legislative body's action.
24 The legislative body may recover five dollars (\$5) for each day beyond
25 the time limit for filing the report, until the report is filed.

26 SECTION 45. IC 36-6-4-17 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. (a) An executive
28 who fails to perform a duty imposed by section 3(1), 3(2), 3(3), 3(4),
29 3(5), 3(7), 3(8), 5, or 14(1) of this chapter is liable to the township in
30 a sum of not more than one hundred dollars (\$100), to be recovered in
31 a civil action brought in the name of the township.

32 (b) An executive is entitled to receive the following:

- 33 (1) The executive's salary.
- 34 (2) Reimbursement for expenses that are reasonably incurred by
- 35 the executive for the following:
 - 36 (A) The operation of the executive's office.
 - 37 (B) Travel and meals while attending seminars or conferences
 - 38 on township matters.
 - 39 (C) A sum for mileage as permitted under IC 36-6-8-3(b).

40 The executive may not make any other personal use of township funds
41 without prior approval by the legislative body of the township.

42 (c) **This subsection applies if the executive's office is located in**

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1 the executive's personal residence. The executive may receive
 2 rental payments from the township for use of the office space only
 3 if the office space is used exclusively for the conduct of official
 4 township business. An executive may not receive a rental payment
 5 for office space at a square footage rate that exceeds the average
 6 square footage rate charged for comparable commercial office
 7 space in:

8 (1) the township; or

9 (2) the county seat of the county where the township is
 10 primarily located, if comparable commercial office space is
 11 not available in the township.

12 The executive shall include the information regarding rental
 13 payments in the annual report described in section 12 of this
 14 chapter.

15 SECTION 46. IC 36-6-5-1, AS AMENDED BY P.L.1-2009,
 16 SECTION 164, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Subject to subsection (g),
 18 before 2009, a township assessor shall be elected under IC 3-10-2-13
 19 by the voters of each township:

20 (1) having:

21 (A) a population of more than eight thousand (8,000); or

22 (B) an elected township assessor or the authority to elect a
 23 township assessor before January 1, 1979; and

24 (2) in which the number of parcels of real property on January 1,
 25 2008, is at least fifteen thousand (15,000).

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

29 (1) having a population of more than five thousand (5,000) but
 30 not more than eight thousand (8,000), if:

31 (A) the legislative body of the township, by resolution,
 32 declares that the office of township assessor is necessary; and

33 (B) the resolution is filed with the county election board not
 34 later than the first date that a declaration of candidacy may be
 35 filed under IC 3-8-2; and

36 (2) in which the number of parcels of real property on January 1,
 37 2008, is at least fifteen thousand (15,000).

38 (c) Subject to subsection (g), a township government that is created
 39 by merger under IC 36-6-1.5 shall elect only one (1) township assessor
 40 under this section.

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

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- 1 which:
- 2 (1) the number of parcels of real property on January 1, 2008, is
- 3 at least fifteen thousand (15,000); and
- 4 (2) the transfer to the county assessor of the assessment duties
- 5 prescribed by IC 6-1.1 is disapproved in the referendum under
- 6 IC 36-2-15.
- 7 (e) The township assessor must reside within the township as
- 8 provided in Article 6, Section 6 of the Constitution of the State of
- 9 Indiana. The assessor forfeits office if the assessor ceases to be a
- 10 resident of the township.
- 11 (f) The term of office of a township assessor is four (4) years,
- 12 beginning January 1 after election and continuing until a successor is
- 13 elected and qualified. However, the term of office of a township
- 14 assessor elected at a general election in which no other township
- 15 officer is elected ends on December 31 after the next election in which
- 16 any other township officer is elected.
- 17 (g) A person who runs for the office of township assessor in an
- 18 election after June 30, 2008, is subject to IC 3-8-1-23.6.
- 19 (h) After June 30, 2008, the county assessor shall perform the
- 20 assessment duties prescribed by IC 6-1.1 in a township in which the
- 21 number of parcels of real property on January 1, 2008, is less than
- 22 fifteen thousand (15,000).
- 23 **(i) Notwithstanding any other law, if there is a township assessor**
- 24 **for a township described in IC 36-6-1.2-4, the following occur on**
- 25 **January 1, 2015:**
- 26 **(1) The powers and duties of the township assessor are**
- 27 **transferred to the county assessor.**
- 28 **(2) The office of township assessor is eliminated.**
- 29 **(3) The term of the township assessor is terminated.**
- 30 SECTION 47. IC 36-6-6-5 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. **(a)** A meeting of the
- 32 legislative body may be adjourned from day to day until its business is
- 33 completed.
- 34 **(b) A public meeting or a public hearing of a township**
- 35 **legislative body must be held in a public place if one is available in**
- 36 **the township.**
- 37 SECTION 48. IC 36-6-6-9 IS AMENDED TO READ AS
- 38 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) The legislative
- 39 body shall meet on or before the third Tuesday after the first Monday
- 40 in January of each year. At this meeting it shall consider and approve,
- 41 in whole or in part, the annual report of the executive presented under
- 42 IC 36-6-4-12.

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1 (b) The legislative body may send for persons, books, and papers
 2 necessary in the examination of the report. A member may administer
 3 oaths necessary in the examination of the report.

4 (c) Any sum in the control of the executive that remains unexpended
 5 and is subject to no liability shall be credited in favor of the fund for
 6 which it was appropriated.

7 (d) Any fund expended, in whole or in part, for a purpose for which
 8 it was not appropriated shall be considered unexpended and in the
 9 control of the executive, who is liable on ~~his~~ **the executive's** bond for
 10 such an expenditure.

11 (e) When its examination of the report is completed, the legislative
 12 body shall take action on the report, specifying the parts of the report
 13 that are altered or disallowed. The report remains under the control of
 14 the legislative body and in custody of its chairman, who shall keep it
 15 open to inspection by taxpayers of the township.

16 **(f) The annual report must be filed with the state board of**
 17 **accounts as required under IC 5-11-1-4 not later than March 1 of**
 18 **each year.**

19 SECTION 49. IC 36-6-6-10, AS AMENDED BY P.L.146-2008,
 20 SECTION 713, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) This section does not apply
 22 to the appropriation of money to pay a deputy or an employee of a
 23 township assessor with assessment duties or to an elected township
 24 assessor.

25 (b) The township legislative body shall fix the:

- 26 (1) salaries;
- 27 (2) wages;
- 28 (3) rates of hourly pay; and
- 29 (4) remuneration other than statutory allowances;

30 of all officers and employees of the township.

31 (c) Subject to subsection (d), the township legislative body may
 32 reduce the salary of an elected or appointed official. However, except
 33 as provided in ~~subsection~~ **subsections (h) and (i)**, the official is entitled
 34 to a salary that is not less than the salary fixed for the first year of the
 35 term of office that immediately preceded the current term of office.

36 (d) Except as provided in subsection (h), the township legislative
 37 body may not alter the salaries of elected or appointed officers during
 38 the fiscal year for which they are fixed, but it may add or eliminate any
 39 other position and change the salary of any other employee, if the
 40 necessary funds and appropriations are available.

41 (e) If a change in the mileage allowance paid to state officers and
 42 employees is established by July 1 of any year, that change shall be

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1 included in the compensation fixed for the township executive and
 2 assessor under this section, to take effect January 1 of the next year.
 3 However, the township legislative body may by ordinance provide for
 4 the change in the sum per mile to take effect before January 1 of the
 5 next year.

6 (f) The township legislative body may not reduce the salary of the
 7 township executive without the consent of the township executive
 8 during the term of office of the township executive as set forth in
 9 IC 36-6-4-2.

10 (g) This subsection applies when a township executive dies or
 11 resigns from office. The person filling the vacancy of the township
 12 executive shall receive at least the same salary the previous township
 13 executive received for the remainder of the unexpired term of office of
 14 the township executive (as set forth in IC 36-6-4-2), unless the person
 15 consents to a reduction in salary.

16 (h) In a year in which there is not an election of members to the
 17 township legislative body, the township legislative body may by
 18 unanimous vote reduce the salaries of the members of the township
 19 legislative body by any amount.

20 **(i) Beginning January 1, 2015, the salary paid to a township**
 21 **board member may not exceed five thousand dollars (\$5,000) per**
 22 **year. Notwithstanding subsection (h), if necessary in order to**
 23 **comply with this subsection, a township legislative body shall vote**
 24 **in 2014 to reduce the salaries of the members of the township**
 25 **legislative body effective January 1, 2015. The salary reduction**
 26 **shall be made by a majority vote of the township legislative body.**

27 SECTION 50. IC 36-8-7-1, AS AMENDED BY P.L.227-2005,
 28 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2012]: Sec. 1. (a) This chapter applies to pension benefits for
 30 members of fire departments hired before May 1, 1977, in units for
 31 which a 1937 fund was established before May 1, 1977.

32 (b) A firefighter with twenty (20) years of service is covered by this
 33 chapter and not by IC 36-8-8 if the firefighter:

- 34 (1) was hired before May 1, 1977;
- 35 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,
 36 1981); and
- 37 (3) is rehired after April 30, 1977, by the same employer.

38 (c) A firefighter is covered by this chapter and not by IC 36-8-8 if
 39 the firefighter:

- 40 (1) was hired before May 1, 1977;
- 41 (2) did not convert under IC 19-1-36.5-7 (repealed September 1,
 42 1981);

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1 (3) was rehired after April 30, 1977, but before February 1, 1979;
 2 and
 3 (4) was made, before February 1, 1979, a member of a 1937 fund.
 4 (d) A firefighter who:
 5 (1) is covered by this chapter before a consolidation under
 6 IC 36-3-1-6.1; and
 7 (2) becomes a member of a fire department of a consolidated city
 8 under IC 36-3-1-6.1;
 9 is covered by this chapter after the effective date of the consolidation,
 10 and the firefighter's service as a member of a fire department of a
 11 consolidated city is considered active service under this chapter.

12 (e) A firefighter who:
 13 (1) as of December 31, 2014, is a member of the 1937 fund as
 14 a firefighter with a township fire department; and
 15 (2) after the transfer of township government powers and
 16 duties under IC 36-6-1.2, becomes a member of a municipal
 17 fire department;
 18 is covered by this chapter after the firefighter becomes a member
 19 of the municipal fire department, and the firefighter's service as a
 20 member of a township fire department that was covered under this
 21 chapter before January 1, 2015, is considered active service under
 22 this chapter.

23 SECTION 51. IC 36-8-8-1, AS AMENDED BY P.L.227-2005,
 24 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2012]: Sec. 1. This chapter applies to:

- 26 (1) full-time police officers hired or rehired after April 30, 1977,
 27 in all municipalities, or who converted their benefits under
 28 IC 19-1-17.8-7 (repealed September 1, 1981);
 29 (2) full-time fully paid firefighters hired or rehired after April 30,
 30 1977, or who converted their benefits under IC 19-1-36.5-7
 31 (repealed September 1, 1981);
 32 (3) a police matron hired or rehired after April 30, 1977, and
 33 before July 1, 1996, who is a member of a police department in a
 34 second or third class city on March 31, 1996;
 35 (4) a park ranger who:
 36 (A) completed at least the number of weeks of training at the
 37 Indiana law enforcement academy or a comparable law
 38 enforcement academy in another state that were required at the
 39 time the park ranger attended the Indiana law enforcement
 40 academy or the law enforcement academy in another state;
 41 (B) graduated from the Indiana law enforcement academy or
 42 a comparable law enforcement academy in another state; and

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1 (C) is employed by the parks department of a city having a
 2 population of more than one hundred ~~twenty ten~~ thousand
 3 (~~120,000~~) **(110,000)** but less than one hundred fifty thousand
 4 (150,000);
 5 (5) a full-time fully paid firefighter who is covered by this chapter
 6 before the effective date of consolidation and becomes a member
 7 of the fire department of a consolidated city under IC 36-3-1-6.1,
 8 provided that the firefighter's service as a member of the fire
 9 department of a consolidated city is considered active service
 10 under this chapter;
 11 (6) except as otherwise provided, a full-time fully paid firefighter
 12 who is hired or rehired after the effective date of the consolidation
 13 by a consolidated fire department established under
 14 IC 36-3-1-6.1;
 15 (7) a full-time police officer who is covered by this chapter before
 16 the effective date of consolidation and becomes a member of the
 17 consolidated law enforcement department as part of the
 18 consolidation under IC 36-3-1-5.1, provided that the officer's
 19 service as a member of the consolidated law enforcement
 20 department is considered active service under this chapter; ~~and~~
 21 (8) except as otherwise provided, a full-time police officer who is
 22 hired or rehired after the effective date of the consolidation by a
 23 consolidated law enforcement department established under
 24 IC 36-3-1-5.1; ~~and~~
 25 **(9) a full-time, fully paid firefighter who:**
 26 **(A) as of December 31, 2014, is a member of the 1977 fund**
 27 **as a firefighter with a township fire department; and**
 28 **(B) after the transfer of township government powers and**
 29 **duties under IC 36-6-1.2, becomes a member of a**
 30 **municipal fire department;**
 31 except as provided by section 7 of this chapter.
 32 SECTION 52. IC 36-8-8-7, AS AMENDED BY P.L.1-2006,
 33 SECTION 575, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Except as provided in
 35 subsections (d), (e), (f), (g), (h), (k), (l), ~~and (m), and (n):~~
 36 (1) a police officer; or
 37 (2) a firefighter;
 38 who is less than thirty-six (36) years of age and who passes the baseline
 39 statewide physical and mental examinations required under section 19
 40 of this chapter shall be a member of the 1977 fund and is not a member
 41 of the 1925 fund, the 1937 fund, or the 1953 fund.
 42 (b) A police officer or firefighter with service before May 1, 1977,

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1 who is hired or rehired after April 30, 1977, may receive credit under
 2 this chapter for service as a police officer or firefighter prior to entry
 3 into the 1977 fund if the employer who rehires the police officer or
 4 firefighter chooses to contribute to the 1977 fund the amount necessary
 5 to amortize the police officer's or firefighter's prior service liability over
 6 a period of not more than forty (40) years, the amount and the period
 7 to be determined by the PERF board. If the employer chooses to make
 8 the contributions, the police officer or firefighter is entitled to receive
 9 credit for the police officer's or firefighter's prior years of service
 10 without making contributions to the 1977 fund for that prior service. In
 11 no event may a police officer or firefighter receive credit for prior years
 12 of service if the police officer or firefighter is receiving a benefit or is
 13 entitled to receive a benefit in the future from any other public pension
 14 plan with respect to the prior years of service.

15 (c) Except as provided in section 18 of this chapter, a police officer
 16 or firefighter is entitled to credit for all years of service after April 30,
 17 1977, with the police or fire department of an employer covered by this
 18 chapter.

19 (d) A police officer or firefighter with twenty (20) years of service
 20 does not become a member of the 1977 fund and is not covered by this
 21 chapter, if the police officer or firefighter:

- 22 (1) was hired before May 1, 1977;
- 23 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 24 of which were repealed September 1, 1981); and
- 25 (3) is rehired after April 30, 1977, by the same employer.

26 (e) A police officer or firefighter does not become a member of the
 27 1977 fund and is not covered by this chapter if the police officer or
 28 firefighter:

- 29 (1) was hired before May 1, 1977;
- 30 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 31 of which were repealed September 1, 1981);
- 32 (3) was rehired after April 30, 1977, but before February 1, 1979;
- 33 and
- 34 (4) was made, before February 1, 1979, a member of a 1925,
- 35 1937, or 1953 fund.

36 (f) A police officer or firefighter does not become a member of the
 37 1977 fund and is not covered by this chapter if the police officer or
 38 firefighter:

- 39 (1) was hired by the police or fire department of a unit before May
- 40 1, 1977;
- 41 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 42 of which were repealed September 1, 1981);

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- 1 (3) is rehired by the police or fire department of another unit after
 2 December 31, 1981; and
 3 (4) is made, by the fiscal body of the other unit after December
 4 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
 5 unit.
 6 If the police officer or firefighter is made a member of a 1925, 1937, or
 7 1953 fund, the police officer or firefighter is entitled to receive credit
 8 for all the police officer's or firefighter's years of service, including
 9 years before January 1, 1982.
- 10 (g) As used in this subsection, "emergency medical services" and
 11 "emergency medical technician" have the meanings set forth in
 12 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:
 13 (1) is employed by a unit that is participating in the 1977 fund;
 14 (2) was employed as an emergency medical technician by a
 15 political subdivision wholly or partially within the department's
 16 jurisdiction;
 17 (3) was a member of the public employees' retirement fund during
 18 the employment described in subdivision (2); and
 19 (4) ceased employment with the political subdivision and was
 20 hired by the unit's fire department due to the reorganization of
 21 emergency medical services within the department's jurisdiction;
 22 shall participate in the 1977 fund. A firefighter who participates in the
 23 1977 fund under this subsection is subject to sections 18 and 21 of this
 24 chapter.
- 25 (h) A police officer or firefighter does not become a member of the
 26 1977 fund and is not covered by this chapter if the individual was
 27 appointed as:
 28 (1) a fire chief under a waiver under IC 36-8-4-6(c); or
 29 (2) a police chief under a waiver under IC 36-8-4-6.5(c);
 30 unless the executive of the unit requests that the 1977 fund accept the
 31 individual in the 1977 fund and the individual previously was a
 32 member of the 1977 fund.
- 33 (i) A police matron hired or rehired after April 30, 1977, and before
 34 July 1, 1996, who is a member of a police department in a second or
 35 third class city on March 31, 1996, is a member of the 1977 fund.
- 36 (j) A park ranger who:
 37 (1) completed at least the number of weeks of training at the
 38 Indiana law enforcement academy or a comparable law
 39 enforcement academy in another state that were required at the
 40 time the park ranger attended the Indiana law enforcement
 41 academy or the law enforcement academy in another state;
 42 (2) graduated from the Indiana law enforcement academy or a

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1 comparable law enforcement academy in another state; and
 2 (3) is employed by the parks department of a city having a
 3 population of more than one hundred ~~twenty ten~~ thousand
 4 (~~120,000~~) **(110,000)** but less than one hundred fifty thousand
 5 (150,000);

6 is a member of the fund.

7 (k) Notwithstanding any other provision of this chapter, a police
 8 officer or firefighter:

9 (1) who is a member of the 1977 fund before a consolidation
 10 under IC 36-3-1-5.1 or IC 36-3-1-6.1;

11 (2) whose employer is consolidated into the consolidated law
 12 enforcement department or the fire department of a consolidated
 13 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

14 (3) who, after the consolidation, becomes an employee of the
 15 consolidated law enforcement department or the consolidated fire
 16 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

17 is a member of the 1977 fund without meeting the requirements under
 18 sections 19 and 21 of this chapter.

19 (l) Notwithstanding any other provision of this chapter, if:

20 (1) before a consolidation under IC 8-22-3-11.6, a police officer
 21 or firefighter provides law enforcement services or fire protection
 22 services for an entity in a consolidated city;

23 (2) the provision of those services is consolidated into the law
 24 enforcement department or fire department of a consolidated city;
 25 and

26 (3) after the consolidation, the police officer or firefighter
 27 becomes an employee of the consolidated law enforcement
 28 department or the consolidated fire department under
 29 IC 8-22-3-11.6;

30 the police officer or firefighter is a member of the 1977 fund without
 31 meeting the requirements under sections 19 and 21 of this chapter.

32 **(m) Notwithstanding any other provision of this chapter, a**
 33 **firefighter who:**

34 **(1) as of December 31, 2014, is a member of the 1977 fund as**
 35 **a firefighter with a township fire department; and**

36 **(2) after the transfer of township government powers and**
 37 **duties under IC 36-6-1.2, becomes a member of a municipal**
 38 **fire department;**

39 **is a member of the 1977 fund without meeting the requirements**
 40 **under sections 19 and 21 of this chapter. A firefighter described in**
 41 **this subsection is entitled to receive credit for all years of service as**
 42 **a member of the 1977 fund before becoming a member of the**

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municipal fire department.

~~(m)~~ (n) A police officer or firefighter who is a member of the 1977 fund under subsection (k), ~~or~~ (l), **or (m)** may not be:

- (1) retired for purposes of section 10 of this chapter; or
 - (2) disabled for purposes of section 12 of this chapter;
- solely because of a change in employer under the consolidation.

SECTION 53. IC 36-8-13-1, AS AMENDED BY P.L.227-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This chapter applies to all townships. However, this chapter does not apply to a township in which the fire department of the township has been consolidated under IC 36-3-1-6.1.

(b) In the case of a township described in IC 36-6-1.2-3:

(1) after December 31, 2014, the township board may continue to exercise the powers and duties of the township board under this chapter only in:

- (A) any unincorporated area of the township; and**
- (B) a municipality that is located in the township and has a population of less than ten thousand (10,000);**

(2) after December 31, 2014, the township trustee may continue to exercise the powers and duties of the township trustee under this chapter only in:

- (A) any unincorporated area of the township; and**
- (B) a municipality that is located in the township and has a population of less than ten thousand (10,000); and**

(3) within each municipality that is located in the township and to which township powers and duties have been transferred under IC 36-6-1.2:

(A) the municipal executive shall, after December 31, 2014, exercise the powers and duties of the township trustee under this chapter; and

(B) the municipal legislative body and fiscal body shall, after December 31, 2014, exercise the powers and duties of the township board under this chapter.

(c) In the case of a township described in IC 36-6-1.2-4, township powers and duties are transferred to one (1) or more municipalities as provided in IC 36-6-1.2-4.

SECTION 54. IC 36-8-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This chapter applies to all units except counties.

(b) In the case of a township described in IC 36-6-1.2-3:

(1) after December 31, 2014, the township board may continue to exercise the powers and duties of the township board under

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this chapter only in:

- (A) any unincorporated area of the township; and**
- (B) a municipality that is located in the township and has a population of less than ten thousand (10,000);**

(2) after December 31, 2014, the township trustee may continue to exercise the powers and duties of the township trustee under this chapter only in:

- (A) any unincorporated area of the township; and**
- (B) a municipality that is located in the township and has a population of less than ten thousand (10,000); and**

(3) within each municipality that is located in the township and to which township powers and duties have been transferred under IC 36-6-1.2:

(A) the municipal executive shall, after December 31, 2014, exercise the powers and duties of the township trustee under this chapter; and

(B) the municipal legislative body and fiscal body shall, after December 31, 2014, exercise the powers and duties of the township board under this chapter.

(c) In the case of a township described in IC 36-6-1.2-4, township powers and duties are transferred to one (1) or more municipalities as provided in IC 36-6-1.2-4.

SECTION 55. IC 36-8-19-1, AS AMENDED BY P.L.227-2005, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in section 1.5 of this chapter, this chapter applies to any geographic area that is established as a fire protection territory.

(b) In the case of a township described in IC 36-6-1.2-3:

(1) after December 31, 2014, the township board may continue to exercise the powers and duties of the township board under this chapter only in:

- (A) any unincorporated area of the township; and**
- (B) a municipality that is located in the township and has a population of less than ten thousand (10,000);**

(2) after December 31, 2014, the township trustee may continue to exercise the powers and duties of the township trustee under this chapter only in:

- (A) any unincorporated area of the township; and**
- (B) a municipality that is located in the township and has a population of less than ten thousand (10,000); and**

(3) within each municipality that is located in the township and to which township powers and duties have been

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1 transferred under IC 36-6-1.2:

2 (A) the municipal executive shall, after December 31, 2014,
3 exercise the powers and duties of the township trustee
4 under this chapter; and

5 (B) the municipal legislative body and fiscal body shall,
6 after December 31, 2014, exercise the powers and duties of
7 the township board under this chapter.

8 (c) In the case of a township described in IC 36-6-1.2-4,
9 township powers and duties are transferred to one (1) or more
10 municipalities as provided in IC 36-6-1.2-4.

11 SECTION 56. IC 36-9-17.5-1 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This chapter
13 applies to all townships.

14 (b) In the case of a township described in IC 36-6-1.2-3:

15 (1) after December 31, 2014, the township board may continue
16 to exercise the powers and duties of the township board under
17 this chapter only in:

18 (A) any unincorporated area of the township; and

19 (B) a municipality that is located in the township and has
20 a population of less than ten thousand (10,000);

21 (2) after December 31, 2014, the township trustee may
22 continue to exercise the powers and duties of the township
23 trustee under this chapter only in:

24 (A) any unincorporated area of the township; and

25 (B) a municipality that is located in the township and has
26 a population of less than ten thousand (10,000); and

27 (3) within each municipality that is located in the township
28 and to which township powers and duties have been
29 transferred under IC 36-6-1.2:

30 (A) the municipal executive shall, after December 31, 2014,
31 exercise the powers and duties of the township trustee
32 under this chapter; and

33 (B) the municipal legislative body and fiscal body shall,
34 after December 31, 2014, exercise the powers and duties of
35 the township board under this chapter.

36 (c) In the case of a township described in IC 36-6-1.2-4,
37 township powers and duties are transferred to one (1) or more
38 municipalities as provided in IC 36-6-1.2-4.

39 SECTION 57. IC 36-10-7-1 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This chapter
41 applies to the townships indicated in each section.

42 (b) In the case of a township described in IC 36-6-1.2-3:

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1 (1) after December 31, 2014, the township board may continue
 2 to exercise the powers and duties of the township board under
 3 this chapter only in:

4 (A) any unincorporated area of the township; and

5 (B) a municipality that is located in the township and has
 6 a population of less than ten thousand (10,000);

7 (2) after December 31, 2014, the township trustee may
 8 continue to exercise the powers and duties of the township
 9 trustee under this chapter only in:

10 (A) any unincorporated area of the township; and

11 (B) a municipality that is located in the township and has
 12 a population of less than ten thousand (10,000); and

13 (3) within each municipality that is located in the township
 14 and to which township powers and duties have been
 15 transferred under IC 36-6-1.2:

16 (A) the municipal executive shall, after December 31, 2014,
 17 exercise the powers and duties of the township trustee
 18 under this chapter; and

19 (B) the municipal legislative body and fiscal body shall,
 20 after December 31, 2014, exercise the powers and duties of
 21 the township board under this chapter.

22 (c) In the case of a township described in IC 36-6-1.2-4,
 23 township powers and duties are transferred to one (1) or more
 24 municipalities as provided in IC 36-6-1.2-4.

25 SECTION 58. IC 36-10-7.5-1 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) This chapter
 27 applies to all townships.

28 (b) In the case of a township described in IC 36-6-1.2-3:

29 (1) after December 31, 2014, the township board may continue
 30 to exercise the powers and duties of the township board under
 31 this chapter only in:

32 (A) any unincorporated area of the township; and

33 (B) a municipality that is located in the township and has
 34 a population of less than ten thousand (10,000);

35 (2) after December 31, 2014, the township trustee may
 36 continue to exercise the powers and duties of the township
 37 trustee under this chapter only in:

38 (A) any unincorporated area of the township; and

39 (B) a municipality that is located in the township and has
 40 a population of less than ten thousand (10,000); and

41 (3) within each municipality that is located in the township
 42 and to which township powers and duties have been

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1 transferred under IC 36-6-1.2:

2 (A) the municipal executive shall, after December 31, 2014,
3 exercise the powers and duties of the township trustee
4 under this chapter; and

5 (B) the municipal legislative body and fiscal body shall,
6 after December 31, 2014, exercise the powers and duties of
7 the township board under this chapter.

8 (c) In the case of a township described in IC 36-6-1.2-4,
9 township powers and duties are transferred to one (1) or more
10 municipalities as provided in IC 36-6-1.2-4.

11 SECTION 59. IC 36-12-1-7.5 IS ADDED TO THE INDIANA
12 CODE AS A NEW SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2012]: Sec. 7.5. (a) In the case of a township
14 described in IC 36-6-1.2-3:

15 (1) after December 31, 2014, the township board may continue
16 to exercise the powers and duties of the township board under
17 this chapter only in:

18 (A) any unincorporated area of the township; and

19 (B) a municipality that is located in the township and has
20 a population of less than ten thousand (10,000);

21 (2) after December 31, 2014, the township trustee may
22 continue to exercise the powers and duties of the township
23 trustee under this chapter only in:

24 (A) any unincorporated area of the township; and

25 (B) a municipality that is located in the township and has
26 a population of less than ten thousand (10,000); and

27 (3) within each municipality that is located in the township
28 and to which township powers and duties have been
29 transferred under IC 36-6-1.2:

30 (A) the municipal executive shall, after December 31, 2014,
31 exercise the powers and duties of the township trustee
32 under this chapter; and

33 (B) the municipal legislative body and fiscal body shall,
34 after December 31, 2014, exercise the powers and duties of
35 the township board under this chapter.

36 (b) In the case of a township described in IC 36-6-1.2-4,
37 township powers and duties are transferred to one (1) or more
38 municipalities as provided in IC 36-6-1.2-4.

39 SECTION 60. An emergency is declared for this act.

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