

## SENATE BILL No. 20

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 23-14.

**Synopsis:** Cemetery management. Permits a city or town, county, and township to appoint a cemetery caretaker to control and manage cemeteries in the entity's care. Establishes requirements for a city or town to appoint a cemetery caretaker through a proposed ordinance. Provides that a cemetery caretaker is employed at the will of an executive of a city or town, a county board of commissioners, or a township trustee. Provides deadlines by which a vacancy in the cemetery caretaker position must be filled.

**Effective:** July 1, 2022.

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January 4, 2022, read first time and referred to Committee on Local Government.

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Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

# SENATE BILL No. 20

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

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

1 SECTION 1. IC 23-14-33-7.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2022]: **Sec. 7.5. "Cemetery caretaker" means**  
4 **an individual hired by a municipality, county, or township to care**  
5 **for and maintain a cemetery.**

6 SECTION 2. IC 23-14-65-12.5 IS ADDED TO THE INDIANA  
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2022]: **Sec. 12.5. A municipality may, by**  
9 **ordinance, transfer the control and management of a cemetery to**  
10 **which this chapter applies to a cemetery caretaker.**

11 SECTION 3. IC 23-14-65-13.5 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2022]: **Sec. 13.5. (a) This section applies to a**  
14 **municipality transferring the control and management of a**  
15 **cemetery under section 12.5 of this chapter.**

16 **(b) The executive of a municipality may nominate a person to**  
17 **serve as cemetery caretaker in a proposed ordinance. After a**



1 nomination is made, the legislative body of the municipality shall  
 2 schedule a hearing at which the legislative body will hear any  
 3 objections to the proposed ordinance. The legislative body shall  
 4 publish notice of the hearing once each week for two (2) weeks in  
 5 accordance with IC 5-3-1.

6 (c) The hearing required by subsection (b) must:

7 (1) be set for a date that is:

8 (A) at least two (2) weeks after the first publication of  
 9 notice; and

10 (B) not later than sixty (60) days after the executive  
 11 provides the legislative body with notice of the executive's  
 12 nomination;

13 (2) be held at a designated location; and

14 (3) provide all taxpayers or owners of lots in the cemetery an  
 15 opportunity to be heard.

16 (d) Not later than thirty (30) days after the hearing, the  
 17 legislative body shall conduct a vote to adopt or defeat the  
 18 proposed ordinance. For purposes of this subsection, a majority of  
 19 the legislative body must vote to adopt the proposed ordinance for  
 20 the ordinance to be adopted.

21 (e) If a proposed ordinance is adopted under this section, all  
 22 papers and documents appropriate for the transfer of the control  
 23 and management of the cemetery must be executed by the  
 24 executive of the municipality.

25 SECTION 4. IC 23-14-65-13.7 IS ADDED TO THE INDIANA  
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2022]: Sec. 13.7. (a) A cemetery caretaker  
 28 appointed under section 13.5 of this chapter is employed at the will  
 29 of the executive of the municipality.

30 (b) If a cemetery caretaker is appointed under section 13.5 of  
 31 this chapter and the position becomes vacant, the executive of the  
 32 municipality shall nominate a new cemetery caretaker not later  
 33 than ninety (90) days after the position becomes vacant.

34 (c) If the executive of a municipality fails to nominate a new  
 35 cemetery caretaker in the time period specified in subsection (b),  
 36 the legislative body of the municipality may nominate and vote on  
 37 a new cemetery caretaker using the procedure set forth in section  
 38 13.5 of this chapter.

39 SECTION 5. IC 23-14-67-5 IS ADDED TO THE INDIANA CODE  
 40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 41 1, 2022]: Sec. 5. (a) The board of commissioners of a county may  
 42 appoint a cemetery caretaker to control and manage a cemetery to



1 which this chapter applies. For purposes of this subsection, a  
2 majority of the board of commissioners must vote to appoint the  
3 cemetery caretaker.

4 (b) A cemetery caretaker appointed under this section is  
5 employed at the will of the board of commissioners.

6 (c) If a cemetery caretaker is appointed under this section and  
7 the position becomes vacant, the board of commissioners shall  
8 appoint a new cemetery caretaker not later than ninety (90) days  
9 after the position becomes vacant.

10 (d) A cemetery caretaker appointed under this section has the  
11 same powers and duties of a county cemetery commission under  
12 this chapter.

13 SECTION 6. IC 23-14-68-7 IS ADDED TO THE INDIANA CODE  
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
15 1, 2022]: Sec. 7. (a) A township trustee may appoint a cemetery  
16 caretaker to control and manage a cemetery to which this chapter  
17 applies.

18 (b) A cemetery caretaker appointed under this section is  
19 employed at the will of the township trustee.

20 (c) If a cemetery caretaker is appointed under this section and  
21 the position becomes vacant, the township trustee shall appoint a  
22 new cemetery caretaker not later than ninety (90) days after the  
23 position becomes vacant.

24 (d) A cemetery caretaker appointed under this section has the  
25 same powers and duties of a township trustee under this chapter.

