

# SENATE BILL No. 440

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-10; IC 5-2-6.1-15; IC 6-1.1; IC 10-18-5; IC 12-7-2; IC 12-20; IC 12-30; IC 15-16; IC 16-24; IC 16-41-19-7; IC 16-46-3-3; IC 20-33-5; IC 23-14; IC 25-15-9-18; IC 31-9-2-99.7; IC 32-26; IC 34-30-2-140; IC 35-43-5-1; IC 35-52-12; IC 36-1; IC 36-1.5-4-40.5; IC 36-2; IC 36-6; IC 36-6.1; IC 36-7-4-208; IC 36-8; IC 36-10; IC 36-12-1-7.5.

**Synopsis:** Dissolution of township government. Requires in 2020 and every eight years thereafter that a public question be placed on the ballot in each county (except in a county having a consolidated city and a county in which township government has been dissolved), asking the voters of the county whether township government in the county should be dissolved. Provides that if the voters of the county vote in favor of dissolution of township government, township government in the county is dissolved on January 1 of the second odd-numbered year after the public question is approved by the voters. Provides that on the dissolution date, the county executive (or the county executive's designee) assumes the powers and duties of the township trustees in the county and the county fiscal body assumes the duties of the township boards. Provides that elected township officials serve out their terms of office and are required to assist in the transfer of the powers and duties of township government to county government. Renames "township assistance" as "local assistance". Provides for the disposition of township property, funds, and liabilities. Repeals a statute permitting the staggering of the terms of township board members. Repeals obsolete statutes. Makes conforming changes.

**Effective:** July 1, 2020.

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January 15, 2020, read first time and referred to Committee on Local Government.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## SENATE BILL No. 440

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 3-10-1-19, AS AMENDED BY P.L.278-2019,  
2       SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2020]: Sec. 19. (a) The ballot for a primary election shall be  
4       printed in substantially the form described in this section for all the  
5       offices for which candidates have qualified under IC 3-8.

6       (b) The following shall be printed as the heading for the ballot for  
7       a political party:

8               "OFFICIAL PRIMARY BALLOT

9               \_\_\_\_\_ Party (insert the name of the political party)".  
10       (c) The following shall be printed immediately below the heading  
11       required by subsection (b) or be posted in each voting booth as  
12       provided in IC 3-11-2-8(b):

13           (1) For paper ballots, print: To vote for a person, make a voting  
14           mark (X or ✓) on or in the box before the person's name in the  
15           proper column.

16           (2) For optical scan ballots, print: To vote for a person, darken or  
17           shade in the circle, oval, or square (or draw a line to connect the



arrow) that precedes the person's name in the proper column.

(3) For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column.

(4) For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

(d) Local public questions shall be placed on the primary election ballot after the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g).

(e) The local public questions described in subsection (d) shall be placed as follows:

(1) In a separate column on the ballot if voting is by paper ballot.

(2) After the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g), in the form specified in IC 3-11-13-11 if voting is by ballot card.

(3) As provided by either of the following if voting is by an electronic voting system:

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

(B) After the heading and the voting instructions described in subsection (c) (if the instructions are printed on the ballot) and before the offices described in subsection (g), in the form specified in IC 3-11-14-3.5.

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

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

"Shall (insert public question)?"

☐ YES

☐ NO

(g) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.



(3) Circuit offices and county judicial offices:

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

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Prosecuting attorney.

(E) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner.

(I) County council member.

(5) Township offices, **if township government has not been dissolved in the county:**

(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).

(B) Township trustee.

(C) Township board member.

(D) Judge of the small claims court.

(E) Constable of the small claims court.

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

(h) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (g):

(1) Precinct committeeman.

(2) State convention delegate.



(i) The local offices to be elected at the primary election shall be placed on the primary election ballot after the offices described in subsection (h).

(j) The offices described in subsection (i) shall be placed as follows:

(1) In a separate column on the ballot if voting is by paper ballot.

(2) After the offices described in subsection (h) in the form specified in IC 3-11-13-11 if voting is by ballot card.

(3) Either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (h) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

SECTION 2. IC 3-10-2-13, AS AMENDED BY P.L.278-2019, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

(1) Clerk of the circuit court.

(2) County auditor.

(3) County recorder.

(4) County treasurer.

(5) County sheriff.

(6) County coroner.

(7) County surveyor.

(8) County assessor.

(9) County commissioner.

(10) County council member.

**(11) The following offices if township government has not been dissolved in the county:**

**(A) Township trustee.**

~~(12)~~ **(B) Township board member.**

~~(13)~~ **(C) Township assessor (only in a township referred to in IC 36-6-5-1(d)).**

~~(14)~~ **(12) Judge of a small claims court.**

~~(15)~~ **(13) Constable of a small claims court.**

SECTION 3. IC 5-2-6.1-15, AS AMENDED BY P.L.129-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) If a victim of a violent crime dies as a result of the crime, the division may pay the reasonable expenses incurred for funeral, burial, or cremation.

(b) The division shall adopt guidelines to determine when the payment of expenses under subsection (a) is appropriate. In adopting



1 guidelines under this subsection, the division shall consider the  
 2 availability of other sources of compensation, including ~~township local~~  
 3 assistance and federal programs.

4 SECTION 4. IC 6-1.1-11-4, AS AMENDED BY P.L.86-2018,  
 5 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2020]: Sec. 4. (a) The exemption application referred to in  
 7 section 3 of this chapter is not required if the exempt property is owned  
 8 by the United States, the state, an agency of this state, or a political  
 9 subdivision (as defined in IC 36-1-2-13). However, this subsection  
 10 applies only when the property is used, and in the case of real property  
 11 occupied, by the owner.

12 (b) The exemption application referred to in section 3 of this chapter  
 13 is not required if the exempt property is a cemetery:

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

15 (2) maintained by:

16 (A) a township executive under IC 23-14-68; or

17 **(B) the county executive or the county executive's designee**  
 18 **in a county in which township government has been**  
 19 **dissolved.**

20 (c) The exemption application referred to in section 3 of this chapter  
 21 is not required if the exempt property is owned by the bureau of motor  
 22 vehicles commission established under IC 9-14-9.

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

25 (1) the exempt property is:

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

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

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

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

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

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



(e) If, after an assessment date, an exempt property is transferred or its use is changed resulting in its ineligibility for an exemption under IC 6-1.1-10, the county assessor shall terminate the exemption for that assessment date. However, if the property remains eligible for an exemption under IC 6-1.1-10 following the transfer or change in use, the exemption shall be left in place for that assessment date. For the following assessment date, the person that obtained the exemption or the current owner of the property, as applicable, shall, under section 3 of this chapter and except as provided in this section, file a certified application in duplicate with the county assessor of the county in which the property that is the subject of the exemption is located. In all cases, the person that obtained the exemption or the current owner of the property shall notify the county assessor for the county where the tangible property is located of the change in ownership or use in the year that the change occurs. The notice must be in the form prescribed by the department of local government finance.

(f) If the county assessor discovers that title to or use of property granted an exemption under IC 6-1.1-10 has changed, the county assessor shall notify the persons entitled to a tax statement under IC 6-1.1-22-8.1 for the property of the change in title or use and indicate that the county auditor will suspend the exemption for the property until the persons provide the county assessor with an affidavit, signed under penalties of perjury, that identifies the new owners or use of the property and indicates whether the property continues to meet the requirements for an exemption under IC 6-1.1-10. Upon receipt of the affidavit, the county assessor shall reinstate the exemption under IC 6-1.1-15-12.1. However, a claim under IC 6-1.1-26-1.1 for a refund of all or a part of a tax installment paid and any correction of error under IC 6-1.1-15-12.1 must be filed not later than three (3) years after the taxes are first due.

SECTION 5. IC 6-1.1-17-2, AS AMENDED BY P.L.1-2006, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) When formulating an annual budget estimate, the proper officers of a political subdivision shall prepare an estimate of the amount of revenue which the political subdivision will receive from the state for and during the budget year for which the budget is being formulated. These estimated revenues shall be shown in the budget estimate and shall be taken into consideration in calculating the tax levy which is to be made for the ensuing calendar year. However, this section does not apply to funds to be received from the state or the federal government for:

(1) ~~township~~ **local** assistance;



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

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

SECTION 6. IC 6-1.1-17-3, AS AMENDED BY P.L.257-2019, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. In formulating a political subdivision's estimated budget under this section, the proper officers of the political subdivision must consider the net property tax revenue that will be collected by the political subdivision during the ensuing year, after taking into account the estimate by the department of local government finance under IC 6-1.1-20.6-11.1 of the amount by which the political subdivision's distribution of property taxes will be reduced by credits under IC 6-1.1-20.6-9.5 in the ensuing year, after taking into account the estimate by the department of local government finance under section 0.7 of this chapter of the maximum amount of net property tax revenue and miscellaneous revenue that the political subdivision will receive in the ensuing year, and after taking into account all payments for debt service obligations that are to be made by the political subdivision during the ensuing year. The political subdivision or appropriate fiscal body, if the political subdivision is subject to section 20 of this chapter, shall submit the following information to the department's computer gateway:

- (1) The estimated budget.
- (2) The estimated maximum permissible levy, as provided by the department under IC 6-1.1-18.5-24.
- (3) The current and proposed tax levies of each fund.
- (4) The percentage change between the current and proposed tax levies of each fund.





(5) The amount by which the political subdivision's distribution of property taxes may be reduced by credits granted under IC 6-1.1-20.6, as estimated by the department of local government finance under IC 6-1.1-20.6-11.

(6) The amounts of excessive levy appeals to be requested.

(7) The time and place at which the political subdivision or appropriate fiscal body will hold a public hearing on the items described in subdivisions (1) through (6).

(8) The time and place at which the political subdivision or appropriate fiscal body will meet to fix the budget, tax rate, and levy under section 5 of this chapter.

The political subdivision or appropriate fiscal body shall submit this information to the department's computer gateway at least ten (10) days before the public hearing required by this subsection in the manner prescribed by the department. The department shall make this information available to taxpayers, at least ten (10) days before the public hearing, through its computer gateway and provide a telephone number through which taxpayers may request mailed copies of a political subdivision's information under this subsection. The department's computer gateway must allow a taxpayer to search for the information under this subsection by the taxpayer's address. The department shall review only the submission to the department's computer gateway for compliance with this section.

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

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(c) **This subsection does not apply to a township in a county in which township government has been dissolved.** The trustee of each township in the county shall estimate the amount necessary to meet the cost of ~~township~~ **local** assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of ~~township~~ **local** assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the ~~township~~ **local** assistance fund.

(d) A political subdivision for which any of the information under subsection (a) is not submitted to the department's computer gateway in the manner prescribed by the department shall have its most recent annual appropriations and annual tax levy continued for the ensuing budget year.



(e) If a political subdivision or appropriate fiscal body timely submits the information under subsection (a) but subsequently discovers the information contains an error, the political subdivision or appropriate fiscal body may submit amended information to the department's computer gateway. However, submission of an amendment to information described in subsection (a)(1) through (a)(6) must occur at least ten (10) days before the public hearing held under subsection (a), and submission of an amendment to information described in subsection (a)(7) must occur at least twenty-four (24) hours before the time in which the meeting to fix the budget, tax rate, and levy was originally advertised to commence.

**(f) This subsection applies only to a county in which township government has been dissolved. Notwithstanding any other law, the county executive shall estimate the amount necessary to meet the cost of local assistance in the county for the ensuing calendar year. The county fiscal body shall adopt with the county budget for property taxes a uniform tax rate throughout the county sufficient to meet the estimated cost of local assistance in the county. The taxes collected as a result of the tax rate adopted under this subsection shall be credited to the local assistance fund established under IC 12-20-21-6.**

**(g) This subsection applies only to a county in which township government has been dissolved. Notwithstanding any other law, the county fiscal body shall adopt with the county budget for the year before the dissolution date (as defined in IC 36-6.1-1-2) and thereafter:**

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

SECTION 7. IC 6-1.1-18.5-10.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10.2. **(a) This subsection applies only to a county in which township government has not been dissolved.** For purposes of determining the property tax levy limit imposed on a township under section 3 of this chapter, the township ad valorem property tax levy for a particular calendar year does not include the amount, if any, of ad valorem property taxes that would be first due and payable to the township during the ensuing calendar year under the authority of IC 36-8-13-4. The amount of ad valorem property taxes levied by the township under the authority of IC 36-8-13-4 shall, for purposes of the property tax levy limits imposed



under section 3 of this chapter, be treated as if that levy were made by a separate civil taxing unit.

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

SECTION 8. IC 6-1.1-18.5-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 18.5. (a) This section applies only to a county in which township government has been dissolved.**

**(b) As used in this section, "dissolution date" has the meaning set forth in IC 36-6.1-1-2.**

**(c) Subject to subsection (e), the maximum permissible ad valorem property tax levy for the county's firefighting fund under IC 36-8-13.7-5 for property taxes first due and payable beginning on the dissolution date, is the amount determined in STEP TWO of the following STEPS:**

**STEP ONE: Determine:**

**(A) for ad valorem property taxes first due and payable in the year of the dissolution date:**

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

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

**(B) for ad valorem property taxes first due and payable after the year of the dissolution date, the maximum permissible ad valorem property tax levy for the county's firefighting fund determined under this section for ad**



1           valorem property taxes first due and payable in the  
2           immediately preceding calendar year.

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

6           (d) Notwithstanding any other law, the county fiscal body shall  
7           impose the first property tax levy for the county's firefighting fund  
8           under IC 36-8-13.7-5 beginning with property taxes first due and  
9           payable in the year of the dissolution date.

10          (e) Notwithstanding any other law, the department of local  
11          government finance may adjust the maximum permissible ad  
12          valorem property tax levy of any political subdivision as necessary  
13          and proper to account for the transfer of fire protection and  
14          emergency services powers and duties from townships to counties  
15          beginning with the dissolution date.

16          SECTION 9. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA  
17          CODE AS A NEW SECTION TO READ AS FOLLOWS  
18          [EFFECTIVE JULY 1, 2020]: **Sec. 22. (a) This section applies only**  
19          **to a county in which township government has been dissolved.**

20          (b) As used in this section, "dissolution date" has the meaning  
21          set forth in IC 36-6.1-1-2.

22          (c) For purposes of determining the property tax levy limit  
23          imposed on a county under section 3 of this chapter, the county ad  
24          valorem property tax levy for a particular calendar year does not  
25          include the amount, if any, of ad valorem property taxes imposed  
26          for local assistance. A separate maximum permissible ad valorem  
27          property tax levy for local assistance shall be determined as  
28          provided in this section for the year of the dissolution date and  
29          thereafter.

30          (d) The county's maximum permissible ad valorem property tax  
31          levy for local assistance for property taxes first due and payable in  
32          the year of the dissolution date is equal to the result of:

33               (1) the total amount of property taxes levied for local  
34               assistance by all townships in the county for property taxes  
35               first due and payable in the year before the dissolution date;  
36               multiplied by

37               (2) the assessed value growth quotient determined under  
38               section 2 of this chapter for the year of the dissolution date.

39          (e) The county's maximum permissible ad valorem property tax  
40          levy for local assistance for property taxes for an ensuing calendar  
41          year after the year of the dissolution date is equal to:

42               (1) the county's maximum permissible ad valorem property



1        **tax levy for local assistance determined under this section for**  
 2        **the current calendar year; multiplied by**  
 3        **(2) the assessed value growth quotient determined under**  
 4        **section 2 of this chapter for the ensuing calendar year.**

5        SECTION 10. IC 6-1.1-20.3-6.7, AS AMENDED BY P.L.249-2015,  
 6        SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7        JULY 1, 2020]: Sec. 6.7. (a) As used in this chapter, "~~township~~ **local**  
 8        assistance property tax rate" means the property tax rate imposed for  
 9        the payment of ~~township~~ **local** assistance. In the case of a township **or**  
 10       **county** that has a separately calculated maximum permissible ad  
 11       valorem property tax levy for the township's ~~township~~ **local** assistance  
 12       administration property tax levy and the township's ~~township~~ **local**  
 13       assistance benefits property tax levy under IC 12-20-21-3.2, "~~township~~  
 14       **local** assistance property tax rate" means the sum of the property tax  
 15       rate imposed for the township's ~~township~~ **local** assistance  
 16       administration property tax levy and the property tax rate imposed for  
 17       the township's ~~township~~ **local** assistance benefits property tax levy.

18        (b) Subsection (c) applies only to a township for which the  
 19        township's ~~township~~ **local** assistance property tax rate for property  
 20        taxes first due and payable in 2014 or in any year thereafter is more  
 21        than the result of:

22        (1) the statewide average ~~township~~ **local** assistance property tax  
 23        rate (as determined by the department of local government  
 24        finance) for property taxes first due and payable in the preceding  
 25        year; multiplied by

26        (2) twelve (12).

27        (c) The board may in any year in which this subsection applies to a  
 28        township (as provided in subsection (b)) designate a township  
 29        described in subsection (b) as a distressed political subdivision,  
 30        effective January 1 of the following year, regardless of whether the  
 31        township has submitted a petition requesting to be designated as a  
 32        distressed political subdivision.

33        SECTION 11. IC 6-1.1-20.3-13, AS AMENDED BY  
 34        P.L.213-2018(ss), SECTION 12, IS AMENDED TO READ AS  
 35        FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) If an emergency  
 36        manager of a distressed political subdivision files a petition with the  
 37        board for termination of the political subdivision's status as a distressed  
 38        political subdivision, the board shall conduct a public hearing on the  
 39        question of whether to terminate the political subdivision's status as a  
 40        distressed political subdivision.

41        (b) In the case of a political subdivision designated as distressed  
 42        under this chapter, the board shall terminate the political subdivision's



status as a distressed political subdivision if the board finds that the conditions found in section 6.5 of this chapter are no longer applicable to the political subdivision and all the following conditions are met:

(1) The political subdivision has achieved and maintained financial solvency for a period of at least two (2) years, including the following:

(A) Maintaining a structurally balanced budget for at least two (2) years.

(B) Having no unpaid or past due critical contractual financial obligations or vendor payments.

(2) The political subdivision has a fiscal plan that maintains financial solvency for a period of at least five (5) years after the termination of its distressed status.

(3) The political subdivision meets all other conditions identified by the board.

(4) The board determines that the political subdivision is financially stable.

(c) Notwithstanding subsection (b), in the case of a township designated as distressed under section 6.7 of this chapter, the board shall terminate the township's status as a distressed political subdivision if the board finds that the township's **township local** assistance property tax rate (as defined in section 6.7(a) of this chapter) for the current calendar year is not more than the result of:

(1) the statewide average **township local** assistance property tax rate (as determined by the department of local government finance) for property taxes first due and payable in the preceding year; multiplied by

(2) twelve (12).

(d) Notwithstanding any other section of this chapter, not later than ninety (90) days after taking office, a new executive of a distressed political subdivision may petition the board for suspension of the political subdivision's distressed status. In the case of a political subdivision designated as distressed under section 6.5 of this chapter, the executive must include in its petition a written plan to resolve the applicable issues described in section 6.5 of this chapter. In the case of a township designated as distressed under section 6.7 of this chapter, the executive must include in its petition a written plan to lower the township's **township local** assistance property tax rate (as defined in section 6.7(a) of this chapter). If the board approves the executive's written plan, the board may suspend the political subdivision's distressed status for one hundred eighty (180) days. Suspension under this chapter terminates automatically upon expiration of the one



1 hundred eighty (180) day period. The board may consider a petition to  
 2 terminate the political subdivision's distressed status during a period of  
 3 suspension.

4 SECTION 12. IC 10-18-5-0.5 IS ADDED TO THE INDIANA  
 5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2020]: **Sec. 0.5. As used in this chapter,**  
 7 **"monument or memorial" refers to a monument or memorial**  
 8 **built:**

9 (1) in a township;

10 (2) in honor of the township's soldiers or marines; and

11 (3) by the people with public donations.

12 SECTION 13. IC 10-18-5-1 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. **(a) This subsection**  
 14 **applies only to a county in which township government has not**  
 15 **been dissolved.** A township trustee may receive as public property a  
 16 monument or memorial ~~built:~~

17 ~~(1) in the township;~~

18 ~~(2) in honor of the township's soldiers or marines; and~~

19 ~~(3) by the people with public donations;~~

20 if the people of the township want to give the monument or memorial  
 21 to the township.

22 **(b) This subsection applies only to a county in which township**  
 23 **government has been dissolved. The county executive, or the**  
 24 **county executive's designee, may receive as public property a**  
 25 **monument or memorial built in the township if the people of the**  
 26 **township want to give the monument or memorial to the county.**

27 SECTION 14. IC 10-18-5-2, AS AMENDED BY P.L.6-2017,  
 28 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2020]: Sec. 2. **(a) This subsection applies only to a county**  
 30 **in which township government has not been dissolved.** Except as  
 31 provided in section 3 of this chapter, the township trustee shall care for  
 32 and repair a monument or memorial described in section 1 of this  
 33 chapter with township money.

34 **(b) This subsection applies only to a county in which township**  
 35 **government has been dissolved. The county executive, or the**  
 36 **county executive's designee, shall care for and repair a monument**  
 37 **or memorial described in section 1 of this chapter with county**  
 38 **money.**

39 SECTION 15. IC 10-18-5-3, AS ADDED BY P.L.6-2017,  
 40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2020]: Sec. 3. (a) As used in this section, "fiscal body" has the  
 42 meaning set forth in IC 36-1-2-6.



(b) As used in this section, "political subdivision" refers to the following:

(1) A township in a county in which township government has not been dissolved.

(2) The county in a county in which township government has been dissolved.

(b) (c) The fiscal body of a ~~township~~ **political subdivision** maintaining a memorial under this chapter may by resolution authorize the sale or donation of the memorial to an organization that is exempt from federal income taxation under Section 501(c)(3) or 501(c)(19) of the Internal Revenue Code. An organization that acquires a memorial under this section shall continue to operate and maintain the property as a memorial. Ownership of the memorial reverts to the ~~township~~ **political subdivision** if the acquiring organization:

(1) determines that it is unable to continue operating the property as a memorial; or

(2) is dissolved or otherwise ceases to exist.

SECTION 16. IC 12-7-2-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.5. "Administrator", ~~for purposes of:~~ **means the following:**

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

(2) **For purposes of IC 12-20 and IC 12-30-4, the following:**

(A) **The township trustee of a township in a county in which township government has not been dissolved.**

(B) **The county executive or the county executive's designee in a county in which township government has been dissolved.**

(2) (3) IC 12-24-17, has the meaning set forth in IC 12-24-17-1.

SECTION 17. IC 12-7-2-44.7, AS AMENDED BY P.L.73-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 44.7. "Countable income", for purposes of IC 12-20, means a monetary amount either paid to an applicant or a member of an applicant's household not more than thirty (30) days before the date of application for ~~township~~ **local** assistance, or accrued and legally available for withdrawal by an applicant or a member of an applicant's household at the time of application or not more than thirty (30) days after the date of application for ~~township~~ **local** assistance. The term includes the following:

(1) Gross wages before mandatory deductions.

(2) Social Security benefits, including Supplemental Security Income.





- (3) Aid to Families with Dependent Children.
- (4) Unemployment compensation.
- (5) Worker's compensation (except compensation that is restricted for the payment of medical expenses).
- (6) Vacation pay.
- (7) Sick benefits.
- (8) Strike benefits.
- (9) Private or public pensions.
- (10) Taxable income from self-employment.
- (11) Bartered goods and services provided by another individual for the payment of nonessential needs on behalf of an applicant or an applicant's household if monetary compensation or the provision of basic necessities would have been reasonably available from that individual.
- (12) Child support.
- (13) Gifts of cash, goods, or services.
- (14) Other sources of revenue or services that the township trustee may reasonably determine to be countable income.

SECTION 18. IC 12-7-2-76.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 76.5. (a) "Emergency", for purposes of IC 12-20, means an unpredictable circumstance or a series of unpredictable circumstances that:

- (1) place the health or safety of a household or a member of a household in jeopardy; and
- (2) cannot be remedied in a timely manner by means other than ~~township~~ **local** assistance.

(b) "Emergency", for purposes of IC 12-17.6, has the meaning set forth in IC 12-17.6-1-2.6.

SECTION 19. IC 12-7-2-153, AS AMENDED BY P.L.145-2006, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 153. (a) "Public welfare", for purposes of the statutes listed in subsection (b), means any form of public welfare or social security provided for in the statutes listed in subsection (b). The term does not include direct ~~township~~ **local** assistance as administered by ~~township trustees~~ **the administrator** under IC 12-20.

(b) This section applies to the following statutes:

- (1) IC 12-13.
- (2) IC 12-14.
- (3) IC 12-15.
- (4) IC 12-19.

SECTION 20. IC 12-7-2-158, AS AMENDED BY P.L.145-2006, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2020]: Sec. 158. "Recipient" means the following:

(1) For purposes of the following statutes, a person who has received or is receiving assistance for the person or another person under any of the following statutes:

- (A) IC 12-10-6.
- (B) IC 12-13.
- (C) IC 12-14.
- (D) IC 12-15.
- (E) IC 12-19.

(2) For purposes of IC 12-20-10 and IC 12-20-11:

- (A) a single individual receiving **township local** assistance; or
- (B) if **township local** assistance is received by a household with at least two (2) individuals, the member of the household most suited to perform available work.

SECTION 21. IC 12-7-2-192.3, AS AMENDED BY P.L.1-2006, SECTION 184, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 192.3. "Total number of households containing **township local** assistance recipients", for purposes of IC 12-20-28-3, has the meaning set forth in IC 12-20-28-3(c).

SECTION 22. IC 12-7-2-200.5, AS AMENDED BY P.L.73-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 200.5. "Wasted resources", for purposes of IC 12-20, means **any of the following**:

(1) The amount of money or resources expended by an applicant or an adult member of an applicant's household seeking **township local** assistance during the thirty (30) days before the date of application for **township local** assistance for items or services that are not basic necessities.

(2) Income, resources, or tax supported services lost or reduced as a result of a voluntary act during the sixty (60) days before the date of application for **township local** assistance by an adult member of an applicant's household unless the adult member can establish a good reason for the act. ~~or~~

(3) Lump sum amounts of money or resources from tax refunds, lawsuits, inheritances, or pension payments of at least four hundred dollars (\$400) that are expended by:

- (A) an applicant seeking **township local** assistance; or
- (B) an adult member of the applicant's household;

during the one hundred eighty (180) days immediately preceding the date of application for **township local** assistance for items or services that are not basic necessities if, at the time of the expenditure, there were amounts due and owing for items or



services constituting basic necessities.

SECTION 23. IC 12-20-1-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. (a) This subsection applies in a county in which township government has not been dissolved. The following apply in this article or in any other statute relating to local assistance:**

(1) Local assistance is administered on a township basis.

(2) The township trustee is the administrator of local assistance for a township.

(3) When a statute makes reference to the action or approval of a fiscal body, the reference is considered to be to the township board.

(4) When a statute makes reference to the action or approval of a county executive, the reference is considered, in a county having a consolidated city, to be to the board of county commissioners.

(b) This subsection applies in a county in which township government has been dissolved. The following apply in this article or in any other statute relating to local assistance:

(1) Local assistance is administered on a county basis.

(2) The county executive or the county executive's designee is the administrator of local assistance in the county.

(3) When a statute makes a reference to the action or approval of a fiscal body, the reference is to the county council.

SECTION 24. IC 12-20-1-4, AS AMENDED BY P.L.158-2013, SECTION 180, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 4. (a) This section does not apply to an attorney who is admitted to practice law in Indiana.**

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

(c) A person who unfairly profits from the:

(1) sale, lease, or rental of goods or shelter; or

(2) provision of services;

to a ~~township~~ **local** assistance recipient commits ~~township~~ **local** assistance fraud, a Level 6 felony. For purposes of this subsection, a person unfairly profits if the person receives payment from the ~~township trustee administrator~~ for goods or services that the person does not provide or the person charges the ~~township trustee~~



1 **administrator** more for the goods or services than the person would  
2 charge members of the public.

3 (d) In addition to any other penalty imposed for a conviction under  
4 subsection (c), a person who is convicted of ~~township~~ **local** assistance  
5 fraud is ineligible to participate in the ~~township~~ **local** assistance  
6 program for thirty (30) years after the date of the conviction.

7 SECTION 25. IC 12-20-1-5, AS ADDED BY P.L.20-2010,  
8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2020]: Sec. 5. (a) After June 30, 2005, a reference to "poor  
10 relief" in a statute, a rule, an interim guideline, a contract, an  
11 application for benefits, an eligibility standard, a tax levy, a fund, a  
12 bond issue or another form of indebtedness, or any other legal  
13 document or order shall be treated as a reference to "township  
14 assistance".

15 (b) The renaming of "poor relief" as "township assistance" does not  
16 affect:

- 17 (1) any rights or liabilities accrued;
- 18 (2) any penalties incurred;
- 19 (3) any violations committed;
- 20 (4) any proceedings begun;
- 21 (5) any contract;
- 22 (6) any application for or standard of benefits;
- 23 (7) any tax levy;
- 24 (8) any fund;
- 25 (9) any bond issue or other form of indebtedness; or
- 26 (10) any legal document or order.

27 (c) After June 30, 2020, a reference to "township assistance" in  
28 a statute, a rule, an interim guideline, a contract, an application for  
29 benefits, an eligibility standard, a tax levy, a fund, a bond issue or  
30 another form of indebtedness, or any other legal document or  
31 order shall be treated as a reference to "local assistance". The  
32 renaming of "township assistance" as "local assistance" does not  
33 affect:

- 34 (1) any rights or liabilities accrued;
- 35 (2) any penalties incurred;
- 36 (3) any violations committed;
- 37 (4) any proceedings begun;
- 38 (5) any contract;
- 39 (6) any application for or standard of benefits;
- 40 (7) any tax levy;
- 41 (8) any fund;
- 42 (9) any bond issue or other form of indebtedness; or



(10) any legal document or order.

SECTION 26. IC 12-20-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

**Chapter 1.5. Local Assistance Plan in Counties Without Township Government**

**Sec. 1.** This chapter applies only in a county in which township government has been dissolved.

**Sec. 2.** As used in this chapter, "dissolution date" has the meaning set forth in IC 36-6.1-1-2.

**Sec. 3.** As used in this chapter, "plan" means a local assistance plan prepared under this chapter.

**Sec. 4.** The county legislative body shall prepare a local assistance plan for the delivery of local assistance throughout the county.

**Sec. 5. (a)** In preparing a plan, the county legislative body shall do all of the following:

(1) Consider whether areas are overserved or underserved in the delivery of local assistance.

(2) Consider the local assistance budget.

(3) Determine whether the county may contract with a service provider to provide some or all local assistance services to the county.

(4) Recognize and coordinate with other providers of relief for indigent persons.

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

**Sec. 6. (a)** After preparing a plan, the county legislative body shall review the plan during at least two (2) public meetings at which the public and any interested parties are entitled to the opportunity to comment on the plan.

(b) The county legislative body shall by ordinance adopted before the dissolution date:

(1) approve the plan; or

(2) modify the plan and then approve the plan.

**Sec. 7.** A plan adopted under this chapter must include the following:

(1) A plan specifying any necessary requirements in the transition to the delivery of local assistance throughout the county.

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

(3) The forms of local assistance.



(4) A description of the supervisors, investigators, assistants, or other necessary employees who will be employed in discharging the administrator's duties concerning the provision of local assistance, and a recommendation concerning the compensation of these employees.

(5) A description of the offices that must be maintained in the county to carry out the administrator's duties concerning the provision of local assistance.

(6) A description of the proposed standards for local assistance.

(7) In the case of any service, program, limitation, power, or duty that may under this article or IC 12-30-4 be included in the plan, a description of whether or not that service, program, limitation, power, or duty is included in the plan.

(8) Any other provisions necessary to address the provision of local assistance under this article.

**Sec. 8.** After a plan is approved by the county legislative body, the plan and the transfer of local assistance responsibilities to the county as provided in the plan take effect on the dissolution date.

**Sec. 9.** The county legislative body may review a plan adopted under this chapter and may adopt amendments to the plan.

SECTION 27. IC 12-20-1.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

**Chapter 1.6. Transfer of Local Assistance Duties and Responsibilities in a County in Which Township Government has Been Dissolved.**

**Sec. 1.** This chapter applies only:

(1) to a county in which township government has been dissolved; and

(2) beginning on the dissolution date.

**Sec. 2.** As used in this chapter, "administrator" refers to the administrator of local assistance in the county.

**Sec. 3.** As used in this chapter, "dissolution date" has the meaning set forth in IC 36-6.1-1-2.

**Sec. 4. (a)** The county executive or the county executive's designee shall administer local assistance in the county beginning on the dissolution date.

**(b)** The administrator shall perform all duties related to local assistance that were performed by township trustees in the county before the dissolution date. The administrator, in performing the powers and duties under IC 12-20 and IC 12-30-4, acts as the



1 administrator of local assistance for the county.

2 (c) The administrator shall perform the following duties and  
3 responsibilities:

4 (1) Administer local assistance according to the standards  
5 adopted under IC 12-20-5.5, including:

6 (A) accepting and processing applications for local  
7 assistance;

8 (B) investigating applications for local assistance;

9 (C) approving and denying applications for local  
10 assistance;

11 (D) administering approved assistance; and

12 (E) working with other governmental and nonprofit  
13 providers of assistance to direct applicants to other  
14 resources.

15 (2) Hire staff, with the approval of the county fiscal body.

16 (3) Manage staff.

17 (4) Operate local assistance offices.

18 (5) Investigate and grant temporary assistance as provided in  
19 IC 12-20-17-3.

20 (6) Administer the county local assistance fund established  
21 under IC 12-20-21-6.

22 (7) Complete the annual local assistance statistical report  
23 under IC 12-20-28 and maintain data on local assistance.

24 (8) Ensure adequate access to all local assistance services.

25 (9) Enter into and manage contracts with human services  
26 providers for any of the duties and responsibilities regarding  
27 the provision of local assistance.

28 (10) Carry out any other responsibility provided for by law.

29 SECTION 28. IC 12-20-2-1, AS AMENDED BY P.L.73-2005,  
30 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2020]: Sec. 1. (a) **This subsection applies only to a county  
32 in which township government has not been dissolved.** A suit or  
33 proceeding in favor of or against a township trustee concerning  
34 ~~township~~ local assistance shall be conducted in favor of or against the  
35 township in the township's corporate name.

36 (b) **This subsection applies only to a county in which township  
37 government has been dissolved. A suit or proceeding in favor of or  
38 against an administrator of local assistance shall be conducted in  
39 favor of or against the county in the county's corporate name.**

40 SECTION 29. IC 12-20-3-1, AS AMENDED BY P.L.145-2006,  
41 SECTION 111, IS AMENDED TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) ~~A township trustee An~~



**administrator of local assistance** is not under the jurisdiction of the division of family resources.

(b) The division of family resources:

(1) may not subject ~~a township trustee~~; **an administrator of local assistance** to investigation concerning the ~~trustee's~~ **administrator's** official duties; and

(2) has no authority to make a report with reference to the official duties of ~~a township trustee~~; **an administrator**.

SECTION 30. IC 12-20-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. **(a) This subsection applies only to a county in which township government has not been dissolved.** The governor may not do any of the following:

(1) Hold a hearing in reference to a township trustee's official duties.

(2) Remove a township trustee from office.

(3) Declare the office of a township trustee vacant.

**(b) This subsection applies only to a county in which township government has been dissolved. The governor may not do any of the following:**

**(1) Hold a hearing in reference to the official duties of an administrator of local assistance.**

**(2) Remove an administrator of local assistance from office.**

SECTION 31. IC 12-20-3-3, AS AMENDED BY P.L.73-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) If a township trustee ~~who serves as administrator of township assistance~~, is removed from office, resigns, or in any other way vacates the office of township trustee, the township trustee shall immediately deliver all books, papers, and other materials concerning the office to the trustee's successor upon the successor's appointment.

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

SECTION 32. IC 12-20-4-1, AS AMENDED BY P.L.73-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. The ~~township trustee~~ **administrator** may pay out of ~~township local~~ assistance money the necessary office expense and clerical or other help necessary to properly administer ~~township local~~ assistance.

SECTION 33. IC 12-20-4-2, AS AMENDED BY P.L.73-2005,





SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. **(a) This subsection applies only to a county in which township government has not been dissolved.** The township trustee of each township, in the trustee's official capacity as chief executive officer within the township, may do the following:

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

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

**(b) This subsection applies only to a county in which township government has been dissolved. The county executive may do the following:**

**(1) Employ supervisors, investigators, assistants, or other necessary employees in discharging the duties concerning the provision of local assistance.**

**(2) Fix the salaries or wages to be paid to the supervisors, investigators, assistants, and other necessary employees employed by the county executive under this section.**

SECTION 34. IC 12-20-4-3, AS AMENDED BY P.L.73-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. **(a) This section applies only to a county in which township government has not been dissolved.**

~~(a)~~ **(b)** The township trustee shall determine the number of township assistance supervisors, investigators, assistants, or other necessary employees that are employed by the township to administer township assistance.

~~(b)~~ **(c)** The pay of township assistance supervisors, investigators, assistants, and other necessary employees shall be fixed by the township trustee subject only to the total budgetary appropriation for personnel services for the administration of township assistance approved by the township board.

~~(c)~~ **(d)** A township assistance supervisor, investigator, assistant, or other necessary employee who uses an automobile in the performance of the employee's work is entitled to the same mileage paid to state officers and employees.

SECTION 35. IC 12-20-4-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. **(a) This section applies only to a county in which township government has been dissolved.**

**(b) The administrator shall determine the number of local**



1 assistance supervisors, investigators, assistants, or other necessary  
 2 employees who are employed by the county to administer local  
 3 assistance.

4 (c) The pay of local assistance supervisors, investigators,  
 5 assistants, and other necessary employees shall be fixed by the  
 6 administrator subject only to the total budgetary appropriation for  
 7 personnel services for the administration of local assistance  
 8 approved by the county fiscal body.

9 (d) A local assistance supervisor, investigator, assistant, or other  
 10 necessary employee who uses an automobile in the performance of  
 11 the employee's work is entitled to the same mileage paid to county  
 12 officers and employees.

13 SECTION 36. IC 12-20-4-4, AS AMENDED BY P.L.73-2005,  
 14 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2020]: Sec. 4. An individual may not be employed as a  
 16 township local assistance investigator unless the individual:

- 17 (1) is a high school graduate or possesses an equivalent degree;
- 18 (2) is at least eighteen (18) years of age; and
- 19 (3) is a resident of the county ~~where the township is located: in~~  
 20 **which the investigator is employed as an investigator.**

21 SECTION 37. IC 12-20-4-5, AS AMENDED BY P.L.73-2005,  
 22 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2020]: Sec. 5. (a) **This subsection applies only to a county**  
 24 **in which township government has not been dissolved.** The number  
 25 of supervisors of township local assistance investigators may not  
 26 exceed one (1) supervisor for the first four (4) township local  
 27 assistance investigators. If there are more than four (4) township local  
 28 assistance investigators, the township trustee may employ one (1)  
 29 additional supervisor for each twelve (12) township assistance  
 30 investigators or major fraction of that number.

31 (b) **This subsection applies only to a county in which township**  
 32 **government has not been dissolved.** The pay for supervisors of  
 33 township local assistance investigators shall be fixed in the manner  
 34 provided by law for other township salaries.

35 (c) **This subsection applies only to a county in which township**  
 36 **government has been dissolved.** The administrator may employ,  
 37 subject to the approval of the county fiscal body, the number of  
 38 supervisors and investigators needed to administer local assistance.  
 39 **The pay for supervisors and investigators shall be fixed in the**  
 40 **manner provided by law for other county salaries.**

41 SECTION 38. IC 12-20-4-6, AS AMENDED BY P.L.73-2005,  
 42 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2020]: Sec. 6. An individual may not be employed as a supervisor of ~~township~~ **local** assistance investigators unless the individual:

- (1) has been an Indiana resident for at least one (1) year immediately preceding the individual's appointment; or
- (2) has had at least one (1) year of experience as a ~~township~~ **local** assistance investigator.

SECTION 39. IC 12-20-4-7, AS AMENDED BY P.L.73-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. **(a) This section applies only to a county in which township government has not been dissolved.**

~~(a)~~ **(b)** Two (2) or more townships in the same county may jointly employ an investigator to investigate township assistance applicants and recipients.

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

SECTION 40. IC 12-20-4-11, AS AMENDED BY P.L.73-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) A ~~township~~ **local** assistance supervisor, investigator, assistant, or other necessary employee shall be paid only for the number of days the employee is actually engaged in employment during each month.

(b) A ~~township~~ **local** assistance supervisor, investigator, assistant, or other necessary employee shall be paid at the rate established by:

- (1) in a county in which township government has not been dissolved, the township trustee from an appropriation by the township board; and**
- (2) in a county in which township government has been dissolved, the county from an appropriation made by the county fiscal body;**

with no deduction for legal holidays.

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

(d) Each ~~township~~ **local** assistance chief deputy, investigator, supervisor, assistant, or other necessary employee may be granted paid



vacation leave or sick leave under IC 5-10-6-1.

(e) The:

(1) township trustee of a township having a population of at least ten thousand (10,000) **and located in a county in which township government has not been dissolved; and**

(2) administrator of a county having a population of at least ten thousand (10,000) **and in which township government has been dissolved;**

may appoint a chief deputy.

(f) A chief deputy:

(1) **described in subsection (e)(1),** may be paid from any township funds; **and**

(2) **described in subsection (e)(2), may be paid as other county employees are paid.**

SECTION 41. IC 12-20-5-1, AS AMENDED BY P.L.73-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. **(a) This section applies only to a county in which township government has not been dissolved.**

~~(a)~~ **(b)** The township trustee of each township is ex officio the administrator of township assistance within the township.

~~(b)~~ **(c)** The township trustee shall perform all duties ~~with reference~~ **relating to the poor of local assistance of** the township as prescribed by law.

~~(c)~~ **A township trustee, in discharging the duties prescribed by this article, is designated as the administrator of township assistance.**

SECTION 42. IC 12-20-5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1.5. **(a) This section applies only to a county in which township government has been dissolved.**

**(b) The administrator is the administrator of local assistance within the county.**

**(c) The administrator shall perform all duties relating to local assistance in the county as prescribed by law.**

SECTION 43. IC 12-20-5-2, AS AMENDED BY P.L.73-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. **(a) This subsection applies only to a county in which township government has not been dissolved.** The township trustee ~~as administrator of township assistance, in each township~~ is responsible for the oversight and care of all poor individuals in the township as long as ~~the those~~ individuals remain in the trustee's charge. The township trustee shall see that ~~the those~~ individuals are properly taken care of in the manner required by law.



(b) This subsection applies only to a county in which township government has been dissolved. The administrator is responsible for the oversight and care of all poor individuals in the county as long as those individuals remain in the administrator's charge. The administrator shall see that those individuals are properly taken care of in the manner required by law.

SECTION 44. IC 12-20-5-3, AS AMENDED BY P.L.73-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. The ~~township trustee~~, as administrator of ~~township assistance~~, shall investigate and grant temporary relief as provided in IC 12-20-17-3.

SECTION 45. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The ~~township trustee~~ **administrator** shall process all applications for ~~township local~~ assistance according to uniform written standards and without consideration of the race, creed, nationality, or gender of the applicant or any member of the applicant's household.

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

- (1) governed by the requirements of this article;
- (2) proposed by:

(A) the township trustee **and** adopted by the township board, in a county in which township government has not been dissolved; and

(B) the county executive and adopted by the county fiscal body, in a county in which township government has been dissolved;

and filed with the ~~board of county commissioners~~; **executive**;

(3) reviewed and updated annually to reflect changes in the cost of basic necessities in the township **or county** and changes in the law;

(4) published in a single written document, including addenda attached to the document; and

(5) posted in a place prominently visible to the public in all offices of the ~~township trustee~~ where **township local** assistance applications are taken or processed.

SECTION 46. IC 12-20-5.5-2, AS AMENDED BY P.L.73-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) Standards for the administration of ~~township~~ **local** assistance must contain the following:

- (1) Criteria for determining ~~township local~~ assistance eligibility.



(2) Minimum requirements of ~~township trustee accessibility~~.  
**accessibility to the administrator.**

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

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

(B) Initial eligibility criteria.

(C) Continuing eligibility criteria.

(D) Workfare requirements.

(E) Essential and nonessential assets.

(F) Available resources.

(G) Income exemptions.

(H) Application process.

(I) Countable income.

(J) Countable assets.

(K) Wasted resources.

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

SECTION 47. IC 12-20-5.5-3, AS AMENDED BY P.L.73-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The ~~township trustee administrator~~ shall ensure adequate access to ~~township local~~ assistance services, including a published telephone number in the name of the township **or county**.

(b) A ~~township local~~ assistance office, if separate from the ~~township trustee's administrator's~~ residence, must be designated by a clearly visible sign that lists the:

(1) ~~township trustee's administrator's~~ name;

(2) availability of ~~township local~~ assistance; and

(3) ~~township local~~ assistance office's telephone number.

The sign must conform to all local zoning and signage restrictions.

SECTION 48. IC 12-20-5.5-4, AS AMENDED BY P.L.73-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) This section does not apply to a ~~township trustee an administrator~~ who has assisted less than fifty-one (51) households during each of the two (2) years immediately preceding the date of the ~~township trustee's administrator's~~ annual report under IC 12-20-28-3.

(b) To ensure minimum accessibility, a ~~township trustee an administrator~~ operating a ~~township local~~ assistance office ~~in a township for a political subdivision~~ with a population of at least ten thousand (10,000) shall provide scheduled office hours for ~~township local~~ assistance and staff each office with an individual qualified to:



- (1) determine eligibility; and
- (2) issue relief sufficient to meet the ~~township local~~ assistance needs of the ~~township~~: **political subdivision that the administrator serves.**

(c) To meet the requirements of subsection (b), the ~~township trustee~~ **administrator** shall do the following:

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

SECTION 49. IC 12-20-5.5-5, AS AMENDED BY P.L.73-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. The ~~township's~~ standards for the administration of ~~township local~~ assistance must include all applicable standards governing the provision of basic necessities, including maximum amounts, special conditions, or other limitations on eligibility, if any have been established for one (1) or more basic necessities.

SECTION 50. IC 12-20-5.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. **(a) This section applies only to a county in which township government has not been dissolved.**

~~(a)~~ **(b)** A township trustee shall set income standards for the township that provide for financial eligibility in an amount consistent with reasonable costs of basic necessities in the trustee's particular township.

~~(b)~~ **(c)** A township trustee may not consider a Holocaust victim's settlement payment received by an eligible individual when setting income standards under this section.

SECTION 51. IC 12-20-5.5-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 6.5. (a) This section applies only**



1 to a county in which township government has been dissolved.

2 (b) The county legislative body shall set income standards for  
3 the county that provide for financial eligibility in an amount  
4 consistent with reasonable costs of basic necessities in the county.

5 (c) An administrator may not consider a Holocaust victim's  
6 settlement payment received by an eligible individual when  
7 applying income standards set under this section.

8 SECTION 52. IC 12-20-6-0.5 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.5. (a) As used in this  
10 section, "member of the applicant's household" includes any person  
11 who lives in the same residence as the applicant.

12 (b) The ~~township trustee~~ **administrator** shall determine whether an  
13 applicant or a member of the applicant's household has been denied  
14 assistance under IC 12-14-1-1, IC 12-14-1-1.5, IC 12-14-2-5.1,  
15 IC 12-14-2-5.3, IC 12-14-2-18, IC 12-14-2-20, IC 12-14-2-21,  
16 IC 12-14-2-24, IC 12-14-2-26, IC 12-14-2-5, or IC 12-14-5.5.

17 (c) ~~A township trustee~~ **An administrator** has no obligation to  
18 extend aid to an applicant or to a member of an applicant's household  
19 who has been denied assistance as described in subsection (b).

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

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

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

30 SECTION 53. IC 12-20-6-1, AS AMENDED BY P.L.117-2015,  
31 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2020]: Sec. 1. (a) ~~A township trustee~~ **An administrator** may  
33 not extend aid to an individual or a household unless an application and  
34 affidavit setting forth the personal condition of the individual or  
35 household has been filed with the ~~trustee~~ **administrator** within one  
36 hundred eighty (180) days before the date aid is extended.

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

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





1 comply with IC 12-20-16-3(d).

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

8 (e) The ~~township trustee~~ **administrator** shall assist an applicant for  
9 **township local** assistance in completing a **township local** assistance  
10 application if the applicant:

11 (1) has a mental or physical disability, including an intellectual  
12 disability, cerebral palsy, blindness, or paralysis;

13 (2) has dyslexia; or

14 (3) cannot read or write the English language.

15 SECTION 54. IC 12-20-6-3, AS AMENDED BY P.L.145-2006,  
16 SECTION 112, IS AMENDED TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2020]: Sec. 3. Each ~~township trustee~~  
18 **administrator** shall obtain information about public assistance  
19 programs and services administered by the division of family resources  
20 and county offices under this article, the Social Security  
21 Administration, the federal Food Stamp program (7 U.S.C. 2011 et  
22 seq.), or by another federal or state governmental entity. If a ~~trustee an~~  
23 **administrator** believes a **township local** assistance applicant or a  
24 member of the applicant's household may be eligible for a public  
25 assistance program, the ~~trustee~~ **administrator** may not extend aid to  
26 the applicant or the applicant's household unless the applicant verifies  
27 that:

28 (1) the applicant has filed, within the one hundred eighty (180)  
29 days preceding the application for **township local** assistance, an  
30 application for assistance under a federal or state public  
31 assistance program administered by the division of family  
32 resources and county offices or by another federal or state  
33 governmental entity;

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

38 (3) the applicant or a member of the applicant's household has an  
39 emergency need that the ~~trustee~~ **administrator** determines must  
40 be met immediately.

41 SECTION 55. IC 12-20-6-5, AS AMENDED BY P.L.145-2006,  
42 SECTION 113, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2020]: Sec. 5. If the ~~township trustee~~ **administrator** determines that an applicant or a member of the applicant's household who is granted emergency ~~township local~~ assistance under section 3(3) of this chapter may be eligible for public assistance other than ~~township local~~ assistance, the applicant shall, not more than fifteen (15) working days after the date that emergency ~~township local~~ assistance was granted, file an application for public assistance and comply with all the requirements necessary for completing the application process for public assistance administered by the division of family resources and county offices or another federal or state governmental entity. An applicant or a member of the applicant's household who fails to file an application for public assistance not more than fifteen (15) working days after the date that emergency ~~township local~~ assistance was granted may not be granted ~~township local~~ assistance for sixty (60) days following the grant of ~~township local~~ assistance on an emergency basis.

SECTION 56. IC 12-20-6-5.5, AS AMENDED BY P.L.145-2006, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5.5. (a) This section does not apply in an emergency.

(b) If, before granting ~~township local~~ assistance, the ~~township trustee~~ **administrator** determines that an applicant or a member of an applicant's household may be eligible for public assistance other than ~~township local~~ assistance, the applicant or household member shall, when referred by the ~~township trustee~~, **administrator**, make an application and comply with all necessary requirements for completing the application process for public assistance administered by:

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

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

- (1) file an application as specified in subsection (b); and
- (2) show evidence that the application, as referred by the ~~township trustee~~, **administrator**, was filed not more than fifteen (15) working days after the ~~township trustee's~~ **administrator's** referral;

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

SECTION 57. IC 12-20-6-6.5, AS AMENDED BY P.L.73-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6.5. (a) If an individual has been convicted of an offense under IC 35-43-5-7, a ~~township trustee~~ **an administrator** may not extend aid to or for the benefit of that individual for the following



1 periods:

2 (1) If the conviction is for a misdemeanor, for one (1) year after  
3 the conviction.

4 (2) If the conviction is for a felony, for ten (10) years after the  
5 conviction.

6 (b) If ~~a township trustee~~ **an administrator** finds that an individual  
7 has obtained ~~township local~~ assistance from any township **or county**  
8 by means of conduct described in IC 35-43-5-7, the ~~township trustee~~  
9 **administrator** may refuse to extend aid to or for the benefit of that  
10 individual for sixty (60) days after the later of the:

11 (1) date of the improper conduct; or

12 (2) date aid was last extended to the individual based on the  
13 improper conduct.

14 SECTION 58. IC 12-20-6-6.6, AS AMENDED BY P.L.73-2005,  
15 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2020]: Sec. 6.6. Notwithstanding any other provision of this  
17 article:

18 (1) ~~a township trustee~~ **an administrator** may not extend aid to or  
19 for the benefit of an individual if that aid would pay for goods or  
20 services provided to or for the benefit of the individual; and

21 (2) a township **or county** is not obligated to pay the cost of basic  
22 necessities incurred on behalf of the household in which the  
23 individual resides;

24 during a period that the individual has previously applied for and been  
25 denied ~~township local~~ assistance.

26 SECTION 59. IC 12-20-6-7, AS AMENDED BY P.L.73-2005,  
27 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2020]: Sec. 7. (a) In a case of emergency, ~~a trustee~~ **an**  
29 **administrator** shall accept and promptly act upon a completed  
30 application from an individual requesting assistance. In a  
31 nonemergency request for ~~township local~~ assistance, the ~~trustee~~  
32 **administrator** shall act on the completed application not later than  
33 seventy-two (72) hours after receiving the application, excluding  
34 weekends and legal holidays listed in IC 1-1-9. The ~~trustee's~~  
35 **administrator's** office shall retain a copy of each application and  
36 affidavit whether or not relief is granted.

37 (b) The actions that ~~a trustee~~ **an administrator** may take on a  
38 completed application for ~~township local~~ assistance, except in a case  
39 of emergency, are the following:

40 (1) Grant assistance.

41 (2) Deny assistance, including a partial denial of assistance  
42 requested.



(3) Leave the decision pending.

(c) A decision pending determination under subsection (b)(3):

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

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

SECTION 60. IC 12-20-6-8, AS AMENDED BY P.L.73-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) ~~A township trustee~~ **An administrator** shall promptly notify in writing each applicant for ~~township local~~ assistance of action taken upon a completed application for ~~township local~~ assistance. The ~~trustee administrator~~ shall do the following:

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

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

(A) The type and amount of assistance granted.

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

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

(D) Information advising the applicant of the procedures for appeal to the ~~board of commissioners;~~ **county executive.**

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

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

(1) the ~~township local~~ assistance application; and

(2) any other form, instrument, or document:

(A) required by law; or

(B) determined necessary for investigative purposes by the ~~trustee;~~ **administrator,** as contained in the ~~township's~~ **township applicable local** assistance guidelines.

SECTION 61. IC 12-20-6-9, AS AMENDED BY P.L.73-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2020]: Sec. 9. If an application for ~~township local~~ assistance is made to the ~~township trustee as~~ administrator, of ~~township assistance, the township trustee as~~ the administrator of ~~township assistance,~~ shall carefully investigate the circumstances of the applicant and each member of the applicant's household to ascertain the following:

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

SECTION 62. IC 12-20-6-10, AS AMENDED BY P.L.73-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) As used in this section, "relative" includes only the parent, stepparent, child, stepchild, sibling, stepsibling, grandparent, stepgrandparent, grandchild, or stepgrandchild of a ~~township local~~ assistance applicant.

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

(c) ~~A township trustee~~ **An administrator** may not use ~~township~~



**local** assistance funds to pay the cost of an applicant's shelter with a relative who is the applicant's landlord if the applicant lives in:

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

(d) If shelter payments are made to a relative of a **township local** assistance applicant on behalf of the applicant or a member of the applicant's household, the **trustee administrator** may file a lien against the relative's real property for the amount of **township local** shelter assistance granted.

SECTION 63. IC 12-20-7-1, AS AMENDED BY P.L.145-2006, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Each applicant and each adult member of the applicant's household seeking **township local** assistance must consent to a disclosure and release of information about the applicant and the applicant's household before **township local** assistance may be provided. ~~by the township trustee.~~ The consent must be made by signing a form prescribed by the state board of accounts. The form must include the following:

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

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

(c) The **township trustee administrator** shall keep on file and shall make available to the division of family resources and office of



1 Medicaid policy and planning upon request a copy of the signed  
2 consent form described in subsection (a).

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

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

9 (f) If an individual who is required to sign a form under this section  
10 is unable to sign the form in the ~~township trustee's~~ **local assistance**  
11 office due to a physical or mental disability or illness, the ~~township~~  
12 ~~trustee~~ **administrator** shall make alternate arrangements to obtain the  
13 individual's signature.

14 SECTION 64. IC 12-20-7-2 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The county office  
16 shall provide the following information to each ~~township trustee~~  
17 **administrator** located in the county:

18 (1) Information that will identify the types of public assistance  
19 that are being provided to the individual who signed the consent  
20 form and the individual's household.

21 (2) Information that will identify the amount of public assistance  
22 that is being received by the individual who signed the consent  
23 form and the individual's household.

24 (3) Information that will identify the number of individuals in the  
25 household of the individual who signed the consent form who are  
26 receiving public assistance.

27 (4) Information regarding the income, resources, or assets of  
28 members of the individual's household receiving public  
29 assistance.

30 (b) The county office must provide the information required under  
31 subsection (a) not later than fourteen (14) calendar days after obtaining  
32 the information.

33 SECTION 65. IC 12-20-7-2.5 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.5. Upon request of  
35 the ~~township trustee~~, **administrator**, the department of employment  
36 and training services shall provide without charge information  
37 regarding:

38 (1) income, resources, and assets of; and

39 (2) benefits received by;  
40 members of an applicant's household.

41 SECTION 66. IC 12-20-7-3, AS AMENDED BY P.L.73-2005,  
42 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2020]: Sec. 3. Upon request of the ~~township trustee,~~  
**administrator**, the employer of a ~~township local~~ assistance applicant  
 or a member of the applicant's household shall provide the ~~township~~  
~~trustee administrator~~ with information concerning salary or wages  
 earned by the applicant or household member for purposes of  
 determining the financial eligibility of the household to receive  
~~township local~~ assistance.

SECTION 67. IC 12-20-7-3.5, AS AMENDED BY P.L.73-2005,  
 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2020]: Sec. 3.5. Upon request of the ~~township trustee,~~  
**administrator**, a person holding assets or title to assets of a ~~township~~  
~~local~~ assistance applicant or a member of the applicant's household  
 shall provide the ~~township trustee administrator~~ with information  
 concerning the nature and value of those assets for purposes of  
 determining the household's financial eligibility to receive ~~township~~  
~~local~~ assistance.

SECTION 68. IC 12-20-7-4.5 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4.5. The ~~township~~  
~~trustee administrator~~ shall use the information received under section  
 2 of this chapter to assist in reducing fraud and abuse in aid programs  
 administered by the ~~township trustee administrator~~.

SECTION 69. IC 12-20-7-5, AS AMENDED BY P.L.145-2006,  
 SECTION 117, IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2020]: Sec. 5. Information that is received  
 through the use of a consent form described in section 1 of this chapter  
 and that is not a public record open to inspection and copying under  
 any statute may be used only in connection with the following:

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

SECTION 70. IC 12-20-7-6, AS AMENDED BY P.L.145-2006,  
 SECTION 118, IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2020]: Sec. 6. A township trustee, an assistant  
 of a township trustee, **an administrator**, or an employee or a director  
 of the division of family resources, the office of Medicaid policy and  
 planning, and county offices who knowingly discloses or uses  
 information that is obtained through the use of a consent form  
 described in section 1 of this chapter, except as authorized by this  
 chapter, commits a Class A misdemeanor.

SECTION 71. IC 12-20-8-3, AS AMENDED BY P.L.73-2005,





SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The ~~township trustee~~ **administrator** may deny ~~township local~~ assistance to an individual if the ~~township trustee~~ **administrator** determines that the individual does not intend to make the township or county the individual's sole place of residence.

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

SECTION 72. IC 12-20-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. A residence legally acquired continues until the legal residence is lost or defeated by acquiring a new legal residence or by willful and uninterrupted absence from the township **or county** in which legal residence has been gained.

SECTION 73. IC 12-20-8-7, AS AMENDED BY P.L.73-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. If the ~~township trustee, as administrator of township assistance,~~ is unable to ascertain and establish the place of legal residence of a poor individual within the township **or county**, the ~~township trustee~~ **administrator** shall proceed to provide assistance to the individual in the same manner as other poor individuals are provided assistance.

SECTION 74. IC 12-20-9-2, AS AMENDED BY P.L.73-2005, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. If an individual is:

- (1) a child;
- (2) the parent of a child requiring the parent's care; or
- (3) sick, aged, injured, crippled, or physically or mentally unable to work or travel;

the ~~township trustee, as administrator of township assistance,~~ of the township **or county** in which the individual is found shall furnish ~~township local~~ assistance to the individual until the individual can be returned to the place of the individual's legal residence if that place can be determined.

SECTION 75. IC 12-20-9-3, AS AMENDED BY P.L.73-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. An individual:

- (1) who:
  - (A) applies to the ~~township trustee, as administrator of township assistance,~~ for assistance or is in need of assistance;
  - or



(B) obtains free medical aid, hospitalization, public institutional care, or assistance in any part at public expense; and

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

SECTION 76. IC 12-20-9-4, AS AMENDED BY P.L.73-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. The record of and bill for services provided under this chapter shall be filed and paid in the manner provided for the filing and payment of other kinds of relief provided by the ~~township trustee~~ as administrator. ~~of township assistance~~. The ~~township trustee~~, as administrator ~~of township assistance~~, shall pay bills from any available fund for providing **township local** assistance.

SECTION 77. IC 12-20-9-5, AS AMENDED BY P.L.73-2005, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. If an individual or a member of an individual's household who is determined to be eligible for **township local** assistance and entitled to temporary relief is in a township **or county** in which the individual or household member does not have legal residence, the ~~township trustee~~, as administrator ~~of township assistance~~, may, if the ~~trustee administrator~~ considers advisable, place the individual or household member temporarily in a county home as provided in IC 12-20-17-4.

SECTION 78. IC 12-20-9-6, AS AMENDED BY P.L.73-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. An individual may be denied **township local** assistance for not more than one hundred eighty (180) days whenever the individual or a member of the individual's household:

(1) has been:

(A) sent by a township **or county** where the individual does not reside to a location outside the township **or county** at the individual's request or by court order; and

(B) transported to a location outside the township **or county** at public expense; and

(2) knowingly reapplies for assistance in the township **or county** from which the individual or member of the individual's household was sent.

SECTION 79. IC 12-20-10-1, AS AMENDED BY P.L.73-2005, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. If a **township local** assistance applicant is in



1 good health or if any members of the applicant's household are in good  
 2 health, the ~~township trustee, as administrator of township assistance,~~  
 3 shall require the individuals who are able to work to seek employment.  
 4 The ~~township trustee administrator~~ shall refuse to furnish any  
 5 ~~township local~~ assistance until the ~~township trustee administrator~~ is  
 6 satisfied that the ~~township local~~ assistance applicant or members of the  
 7 applicant's household are endeavoring to find work.

8 SECTION 80. IC 12-20-10-2, AS AMENDED BY P.L.73-2005,  
 9 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2020]: Sec. 2. If:

11 (1) a ~~township local~~ assistance applicant is in good health and  
 12 able to work; and

13 (2) either:

14 (A) the ~~township trustee, as administrator of township~~  
 15 ~~assistance,~~ offers employment to the ~~township local~~ assistance  
 16 applicant, regardless of whether the compensation for the work  
 17 is in the form of money, house rent, or commodities consisting  
 18 of the necessities of life; or

19 (B) employment at a reasonable compensation is offered by  
 20 any other individual, governmental agency, or employer;

21 the ~~township trustee, as administrator of township assistance,~~ shall not  
 22 furnish ~~township local~~ assistance to the applicant until the ~~township~~  
 23 ~~local~~ assistance applicant performs the work or shows just cause for not  
 24 performing the work. However, a ~~township local~~ assistance applicant  
 25 may be given admission to the county home, where the ~~township local~~  
 26 assistance applicant shall be compelled to work.

27 SECTION 81. IC 12-20-10-3, AS AMENDED BY P.L.73-2005,  
 28 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2020]: Sec. 3. ~~A township trustee, as An administrator of~~  
 30 ~~township assistance,~~ shall make all possible efforts to secure  
 31 employment for an able-bodied ~~township local~~ assistance applicant in  
 32 the township **or county** where the applicant resides.

33 SECTION 82. IC 12-20-10-3.5, AS AMENDED BY P.L.73-2005,  
 34 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2020]: Sec. 3.5. If a ~~township local~~ assistance applicant or a  
 36 member of the applicant's household claims an inability to work due to  
 37 health, the ~~township trustee administrator~~ may require and provide for  
 38 any medical examination necessary for the ~~township trustee~~  
 39 ~~administrator~~ to determine whether the applicant or household  
 40 member is able to perform work.

41 SECTION 83. IC 12-20-10-4, AS AMENDED BY P.L.73-2005,  
 42 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2020]: Sec. 4. The ~~township trustee~~ **administrator** may call upon residents of the township **or county** to aid in finding employment for a ~~township~~ **local** assistance applicant who is able to work.

SECTION 84. IC 12-20-11-1, AS AMENDED BY P.L.73-2005, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The ~~township trustee~~ **administrator** shall obligate any adult member of a recipient household to do any work needed to be done within the county or an adjoining township in any other county for any nonprofit agency or governmental unit, including the state, having jurisdiction in those townships, unless:

(1) the obligated individual is not physically able to perform the proposed work;

(2) the obligated individual is a minor or is at least sixty-five (65) years of age;

(3) the obligated individual has full-time employment at the time the recipient receives ~~township~~ **local** assistance;

(4) the obligated individual is needed to care for an individual as a result of the individual's age or physical condition;

(5) the ~~township trustee~~ **administrator** determines that there is no work available for any adult member of the recipient household;

or

(6) the individual obligated to perform the work is, at the direction of the ~~township trustee~~, **administrator**, attending:

(A) courses under section 3 of this chapter; or

(B) a job training program under IC 12-20-12-1 or another job training program approved by the ~~township trustee~~. **administrator.**

(b) The ~~township trustee~~ **administrator** shall determine a ~~township~~ **local** assistance applicant's suitability to perform available work under this section. The ~~township trustee~~ **administrator** may provide for medical examinations necessary to make the determination.

(c) A ~~township~~ **local** assistance recipient shall perform an amount of work that equals the value of assistance received by the ~~township~~ **local** assistance recipient or the recipient's household. The ~~township~~ **local** assistance recipient shall receive credit for the work performed, as assigned by the ~~township trustee~~, **administrator** at a rate not less than the federal minimum wage.

(d) The unit of government or nonprofit agency for which work is performed under this section shall furnish the necessary tools, materials, or transportation, unless the ~~trustee~~ **administrator** agrees in writing to furnish the necessary tools, materials, or transportation.

(e) Supervision of the work of a ~~township~~ **local** assistance recipient



under this section is the responsibility of the governmental unit or nonprofit agency for which the work is performed.

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

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

(h) The failure of a ~~township~~ **local** assistance recipient to perform work assigned by the ~~township trustee administrator~~ within a reasonable period required by the ~~township trustee administrator~~ is a basis for denying further assistance to the recipient or the recipient's household for not more than one hundred eighty (180) days, unless the recipient shows good cause for not performing the work.

SECTION 85. IC 12-20-11-2, AS AMENDED BY P.L.73-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The ~~township trustee administrator~~ may require the recipient to perform work for nonprofit human services agencies located within the county or an adjoining township in another county unless the recipient attends courses under section 3 of this chapter.

(b) The ~~township trustee administrator~~ shall determine a ~~township~~ **local** assistance applicant's suitability to perform available work under this section. The ~~township trustee administrator~~ may provide for medical examinations necessary to make the determination.

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

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

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

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



caused by the ~~township local~~ assistance recipient.

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

SECTION 86. IC 12-20-11-3, AS AMENDED BY P.L.7-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) If a ~~township local~~ assistance recipient, after referral by the ~~township trustee~~, **administrator**, is accepted and attends:

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

(2) courses at Ivy Tech Community College;

the ~~township local~~ assistance recipient is exempt from performing work or searching for work for not more than one hundred eighty (180) days.

(b) The ~~township trustee~~ **administrator** may reimburse a ~~township local~~ assistance recipient for tuition expenses incurred in attending the courses described in subsection (a) if the recipient:

(1) has a proven aptitude for the courses being studied;

(2) was referred by the ~~trustee~~, **administrator**;

(3) does not qualify for other tax supported educational programs;

(4) maintains a passing grade in each course; and

(5) maintains the minimum attendance requirements specified by the educational institution.

SECTION 87. IC 12-20-11-4, AS AMENDED BY P.L.73-2005, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The ~~township trustee~~ **administrator** may require a ~~township local~~ assistance applicant or an adult member of the applicant's household to satisfy all obligations to perform work incurred in another township **or county** before additional ~~township local~~ assistance is granted. However, in case of an emergency, the ~~trustee~~ **administrator** may temporarily waive the work obligation incurred from another township **or county** and provide temporary assistance to an applicant or a household in order to relieve need or immediate suffering.

(b) The ~~township trustee~~ **administrator** may request from another ~~township trustee~~ **administrator** documentation necessary to confirm that a ~~township local~~ assistance applicant or an adult member of the applicant's household performed or did not perform work in another township **or county**.

SECTION 88. IC 12-20-11-5, AS AMENDED BY P.L.73-2005, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2020]: Sec. 5. (a) Work performed under this chapter is considered as satisfaction of a condition for ~~township local~~ assistance and is not considered as services performed for remuneration or as repayment for ~~township local~~ assistance. However, a ~~township local~~ assistance recipient performing work under this chapter and the governmental unit or nonprofit agency for which the recipient works are covered by the medical treatment and burial expense provisions of IC 22-3-2 through IC 22-3-6 with regard to the work performed.

(b) ~~A township trustee~~ **An administrator** may not seek federal or state reimbursement, foreclose a lien, or otherwise seek repayment of assistance for which a recipient or an adult member of the recipient's household has satisfactorily completed a workfare requirement.

SECTION 89. IC 12-20-12-1, AS AMENDED BY P.L.73-2005, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. As a condition of continuing eligibility, ~~a township trustee~~ **an administrator** may require a recipient of ~~township local~~ assistance or any member of a recipient's household to participate in an appropriate work training program that is offered to the recipient or a member of the recipient's household within the county or an adjoining township in another county by a:

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

SECTION 90. IC 12-20-13-1, AS AMENDED BY P.L.73-2005, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. ~~A township trustee~~ **An administrator** may, with the approval of the township board **or county executive**, do the following:

- (1) Conduct the following for ~~township local~~ assistance recipients in the township **or county**:
  - (A) Rehabilitation programs.
  - (B) Training programs.
  - (C) Retraining programs.
  - (D) Work programs.
- (2) Employ personnel to supervise the programs.
- (3) Pay the costs of the programs from ~~township local~~ assistance money.

SECTION 91. IC 12-20-13-3, AS AMENDED BY P.L.73-2005, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) An expenditure of money may not be made under this chapter except after a specific appropriation made and approved in the manner provided by law.

(b) An appropriation may not be made or approved unless a



sufficient amount of money to cover the proposed expenditure is included in the annual budget of the ~~township trustee~~ **administrator** for ~~township~~ **local** assistance purposes.

SECTION 92. IC 12-20-15-1, AS AMENDED BY P.L.73-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. If an applicant for or recipient of ~~township~~ **local** assistance is not satisfied with the decision of the ~~township trustee~~, as administrator, of ~~township assistance~~, the applicant or recipient may appeal to the ~~board of commissioners~~. **county executive**.

SECTION 93. IC 12-20-15-2, AS AMENDED BY P.L.73-2005, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. An applicant for ~~township~~ **local** assistance must file the applicant's appeal not more than fifteen (15) days from the date of issuance by the ~~township trustee~~ **administrator** of adequate written notice of the denial of ~~township~~ **local** assistance as provided by IC 12-20-6-8. An appeal must be made in writing or orally as required by the ~~board of commissioners~~. **county executive**.

SECTION 94. IC 12-20-15-3, AS AMENDED BY P.L.73-2005, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The ~~board of county commissioners~~ **executive** may:

- (1) conduct a hearing on the appeal; or
- (2) appoint a hearing officer:
  - (A) from among the ~~board~~; **members of the executive**;
  - (B) from among the employees of the ~~board~~; **executive**; or
  - (C) from qualified residents of the county;

who will conduct a hearing for the ~~board~~. **county executive**.

(b) The ~~board of county commissioners~~ **executive** shall develop uniform written procedures, including provisions for:

- (1) before the hearing, an opportunity for the appellant or the appellant's legal representative to review the appellant's ~~township~~ **local** assistance file and any documents or evidence used by the ~~township trustee~~ **administrator** to make the determination under appeal;
- (2) the order of the proceeding and the procedure for subpoena:
  - (A) of a witness; or
  - (B) for production of evidence;
 if reasonably requested by the appellant or the ~~township trustee~~; **administrator**; and
- (3) the issuance of a hearing decision within the period prescribed by section 6(b)(2) of this chapter.

SECTION 95. IC 12-20-15-4, AS AMENDED BY P.L.73-2005,





SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) In hearing an appeal, the ~~board of commissioners~~ **county executive** and a hearing officer shall:

(1) review and consider any report or investigative documents the ~~trustee administrator~~ prepared before making the appealed decision; and

(2) be governed by the ~~township's township~~ **local** assistance standards for determining eligibility to the extent that the standards comply with existing law for the granting of ~~township local~~ **local** assistance. If no legally sufficient standards have been established, the ~~board of commissioners~~ **county executive** and the hearing officer shall be guided by the circumstances in each case.

(b) The ~~board of commissioners~~ **county executive** shall remand a case to a ~~trustee~~ **an administrator** for further proceedings if:

(1) new evidence was presented by the applicant to the ~~board of commissioners;~~ **county executive;** and

(2) the ~~board of commissioners~~ **county executive** determines that the new evidence presented would have made the individual eligible for assistance.

(c) If a case is remanded to a ~~trustee;~~ **an administrator**, the ~~trustee administrator~~ shall issue a new determination of eligibility not later than seventy-two (72) hours after receiving the written decision remanding the case, excluding weekends and legal holidays listed in IC 1-1-9.

SECTION 96. IC 12-20-15-5, AS AMENDED BY P.L.73-2005, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. The appellant must be present at a hearing conducted by the ~~board of commissioners~~ **county executive** or a hearing officer. The ~~township trustee;~~ as administrator of ~~township assistance;~~ or the ~~trustee's administrator's~~ representative shall be notified in writing of the hearing date and time, but the failure of the ~~township trustee administrator~~ or the ~~trustee's administrator's~~ representative to be present is not a cause for postponement of the hearing unless the ~~trustee administrator~~ requests and is granted a continuance. A continuance requested by the ~~township trustee administrator~~ does not reduce the period required for a decision under section 6(b)(2) of this chapter.

SECTION 97. IC 12-20-15-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The ~~board of commissioners~~ **county executive** shall hold a hearing as soon as possible after the filing of an appeal but not more than ten (10) working days after the appeal form or other notice of appeal is received in the



1 office of the ~~board of commissioners~~ **county executive**.

2 (b) The ~~board of commissioners~~ **county executive** shall issue a  
3 written decision that must:

4 (1) appear in the **county executive's** official records; ~~of the board;~~

5 (2) be issued to the appellant and the ~~township trustee~~  
6 **administrator** not more than five (5) working days following the  
7 date of the hearing;

8 (3) state the legal and factual basis for the decision;

9 (4) advise the appellant and the ~~township trustee~~ **administrator**  
10 of the right to judicial review and the period prescribed for  
11 requesting judicial review; and

12 (5) inform the appellant of the availability of free legal counsel  
13 for the indigent.

14 SECTION 98. IC 12-20-15-7, AS AMENDED BY P.L.73-2005,  
15 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2020]: Sec. 7. The ~~township trustee~~, as administrator of  
17 ~~township assistance~~, shall carry out a decision of the ~~board~~ **county**  
18 **executive** to sustain, increase, grant, or otherwise modify ~~township~~  
19 **local** assistance only if the ~~board of commissioners~~ **county executive**  
20 complies with the requirements for a written decision under section 6  
21 of this chapter.

22 SECTION 99. IC 12-20-15-8, AS AMENDED BY P.L.73-2005,  
23 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2020]: Sec. 8. (a) The ~~township trustee~~ **administrator** or an  
25 applicant may appeal a decision of the ~~board of commissioners~~ **county**  
26 **executive** to a circuit or superior court with jurisdiction in the county.

27 (b) In hearing an appeal, the court shall be governed by the  
28 ~~township's township applicable local~~ assistance standards for  
29 determining eligibility for granting ~~township local~~ assistance in the  
30 township **or county**. If legally sufficient standards have not been  
31 established, the court shall be guided by the circumstances of the case.

32 SECTION 100. IC 12-20-15-9 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. If the court sets aside  
34 a decision of the ~~board of commissioners~~ **county executive** in favor of  
35 an applicant, the township trustee **or administrator** may recover the  
36 amount of any assistance awarded as a result of the ~~board's~~ **county**  
37 **executive's** decision.

38 SECTION 101. IC 12-20-16-1, AS AMENDED BY P.L.73-2005,  
39 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2020]: Sec. 1. ~~A township trustee~~, as **An** administrator of  
41 ~~township assistance~~, may provide and shall extend ~~township local~~  
42 assistance only when the personal effort of the ~~township local~~



1 assistance applicant fails to provide one (1) or more basic necessities.

2 SECTION 102. IC 12-20-16-2, AS AMENDED BY P.L.73-2005,  
3 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2020]: Sec. 2. (a) Except as provided in subsections (b) and  
5 (c), the ~~township trustee~~ **administrator** shall, in cases of necessity, do  
6 the following:

7 (1) Promptly provide medical assistance for poor individuals in  
8 the township **or county** who are not provided for in public  
9 institutions.

10 (2) See that medicines, medical supplies, special diets, or tests  
11 prescribed by a physician or surgeon in attendance upon poor  
12 individuals in the township **or county** are properly furnished.

13 (b) ~~A township trustee~~ **An administrator** may not provide to an  
14 individual medical assistance under the ~~township local~~ assistance  
15 program if the individual could qualify for medical assistance for the  
16 same service under:

17 (1) IC 12-16;

18 (2) Medicaid;

19 (3) other governmental medical programs; or

20 (4) private health insurance that would cover the individual at the  
21 time the assistance was provided. However, if the individual's  
22 insurance does not pay for the medical assistance due to a policy  
23 deductible or other policy limitation, the ~~township trustee~~  
24 **administrator** shall pay for medical assistance that the ~~trustee~~  
25 **administrator** would provide if the individual did not have  
26 insurance.

27 However, ~~a township trustee~~ **an administrator** may provide interim  
28 medical services during the period that the individual has an  
29 application pending for medical assistance under Medicaid (IC 12-15)  
30 or another governmental medical program if the individual is  
31 reasonably complying with all requirements of the application process.

32 (c) The ~~township trustee~~ **administrator** shall pay only for the  
33 following medical services for the poor of the township **or county**:

34 (1) Prescription drugs, not to exceed a thirty (30) day supply at a  
35 time, as prescribed by an attending practitioner (as defined in  
36 IC 16-42-19-5) other than a veterinarian. However, if the  
37 prescription drugs are available only in a container that contains  
38 more than a thirty (30) day supply, the ~~township trustee~~  
39 **administrator** may pay for the available size.

40 (2) Office calls to a physician licensed under IC 25-22.5 or  
41 another medical provider.

42 (3) Dental care needed to relieve pain or infection or to repair



cavities.

(4) Repair or replacement of dentures.

(5) Emergency room treatment that is of an emergency nature.

(6) Preoperation testing prescribed by an attending physician licensed under IC 25-22.5.

(7) Over-the-counter drugs prescribed by a practitioner (as defined in IC 16-42-19-5) other than a veterinarian.

(8) X-rays and laboratory testing as prescribed by an attending physician licensed under IC 25-22.5.

(9) Visits to a medical specialist when referred by an attending physician licensed under IC 25-22.5.

(10) Physical therapy prescribed by an attending physician licensed under IC 25-22.5.

(11) Eyeglasses.

(12) Repair or replacement of a prosthesis not provided for by other tax supported state or federal programs.

(13) Insulin and items needed to administer the biological, not to exceed a thirty (30) day supply at a time, in accordance with section 14 of this chapter. However, if the biologicals are available only in a container that contains more than a thirty (30) day supply, the township trustee **or administrator** may pay for the available size.

(d) The ~~township trustee~~ **administrator** may establish a list of approved medical providers to provide medical services to the poor of the township **or county**. Any medical provider who:

(1) can provide the particular medical services within the scope of the provider's license issued under IC 25; and

(2) is willing to provide the medical services for the charges established by the ~~township trustee~~; **administrator**;

is entitled to be included on the list.

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

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

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

(f) If ~~a township trustee~~ **an administrator** provides medical assistance for medical services provided to an individual who is



subsequently determined to be eligible for Medicaid:

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

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

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

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

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

SECTION 103. IC 12-20-16-3, AS AMENDED BY P.L.1-2007, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The ~~township trustee~~ **administrator** may, in cases of necessity, authorize the payment from ~~township local~~ assistance money for essential utility services, including the following:

(1) Water services.

(2) Gas services.

(3) Electric services.

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

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

(b) The ~~township trustee~~ **administrator** may authorize the payment of delinquent bills for the services listed in subsection (a)(1) through (a)(5) when necessary to prevent the termination of the services or to restore terminated service if the delinquency has lasted not longer than twenty-four (24) months. The ~~township trustee~~ **administrator** has no obligation to pay a delinquent bill for the services or materials listed in subsection (a)(1) through (a)(5) if the delinquency has lasted longer than twenty-four (24) months.

(c) The ~~township trustee~~ **administrator** is not required to pay for any utility service:

(1) that is not properly charged to:

(A) an adult member of a household;

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

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

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

(ii) is responsible for payment of the bill;



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

(3) that includes the use of ~~township~~ **local** assistance funds for the payment of:

(A) a security deposit; or

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

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

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

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

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

The ~~township trustee administrator~~ shall inform an applicant for assistance for heating fuel or electric services that assistance for heating fuel and electric services may be available from the lieutenant governor under IC 4-4-33 and that the ~~township trustee administrator~~ may not provide assistance to make any part of a payment for those services for more than thirty (30) days unless the individual files an application for assistance for heating fuel or electric services under IC 4-4-33. However, if the applicant household is eligible under criteria established by the lieutenant governor for energy assistance under IC 4-4-33, the ~~trustee administrator~~ may certify the applicant as eligible for that assistance by completing an application form prescribed by the state board of accounts and forwarding the eligibility certificate to the lieutenant governor within the period established for the acceptance of applications. If the ~~trustee administrator~~ follows this certification procedure, no other application is required for assistance under IC 4-4-33.

(f) If an individual or a member of an individual's household has received assistance under subsection (b), the individual must, before the individual or the member of the individual's household may receive further assistance under subsection (b), certify whether the individual's



or household's income, resources, or household size has changed since the individual filed the most recent application for ~~township~~ **local** assistance. If the individual or a member of the individual's household certifies that the income, resources, or household size has changed, the ~~township trustee administrator~~ shall review the individual's or household's eligibility and may make any necessary adjustments in the level of assistance provided to the individual or to a member of the individual's household.

SECTION 104. IC 12-20-16-3.5, AS AMENDED BY P.L.85-2017, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) This section applies only to a ~~township~~ **local** assistance recipient who has prepaid service.

(b) As used in this section, "electric service provider" means a corporation organized under:

(1) IC 8-1-13; or

(2) IC 23-17 that:

(A) is an electric cooperative; and

(B) has at least one (1) member that is a corporation organized under IC 8-1-13.

(c) As used in this section, "prepaid service" refers to a payment option offered by an electric service provider in which payments for electric usage are charged against a prepaid credit balance in a service account as electric service is rendered.

(d) As used in this section, "recipient" means a ~~township~~ **local** assistance recipient.

(e) As used in this section, "service account" means a customer or member account with an electric service provider.

(f) Notwithstanding IC 12-20-20-1 or any other law, if the requirements of this section are met, a ~~township trustee an administrator~~ and an electric service provider may do the following:

(1) ~~A township trustee~~ **An administrator** may deposit ~~township~~ **local** assistance funds into a service account to create a credit balance.

(2) An electric service provider may pay a recipient's electric usage charges with the deposited ~~township~~ **local** assistance funds as those electric usage charges are incurred. However, any personal funds that are present in the service account at the time the ~~township~~ **local** assistance funds are deposited must be used to pay any electric usage charges first, before the use of ~~township~~ **local** assistance funds.

(g) An electric service provider shall do the following:

(1) Hold any funds deposited under subsection (f)(1) in a



fiduciary capacity for the ~~township trustee~~ **administrator**. The ~~township trustee administrator~~ is the beneficiary of any ~~township~~ **local** assistance funds remaining:

(A) at the close of business:

(i) on the day that a service account is terminated; or

(ii) on the next business day, if the service account is terminated after the close of normal business hours; or

(B) at the close of business:

(i) on the day a request is received by the electric service provider from the ~~township trustee administrator~~ for remittance of the funds; or

(ii) on the next business day, if the request for remittance occurs after the close of normal business hours.

(2) Remit any funds remaining in a service account or terminated service account not later than fifteen (15) business days after:

(A) the service account is terminated as set forth in subdivision (1)(A); or

(B) the electric service provider receives a request for remittance from the ~~township trustee administrator~~ as set forth in subdivision (1)(B).

(h) For any month that:

(1) an electric service provider receives or expends ~~township~~ **local** assistance funds provided by a ~~township trustee~~ **an administrator**; or

(2) a service account has a remaining balance of ~~township local~~ assistance funds, including any balance of ~~township local~~ assistance funds remaining in an individual service account for any prior months;

the electric service provider shall provide the ~~township trustee~~ **administrator** with a monthly accounting statement not later than fifteen (15) business days following the last calendar day of the month. A monthly accounting statement must detail the receipt and expenditure of funds from service accounts during that month and any balances remaining in individual service accounts.

(i) This section may not be interpreted as requiring an electric service provider to:

(1) remit to a ~~township trustee~~ **an administrator** more funds than are available in a service account at the close of business on the day that:

(A) a service account is terminated as set forth in subsection

(g)(1)(A); or

(B) the electric service provider receives a request for





remittance as set forth in subsection (g)(1)(B); or

(2) maintain separate service accounts or account numbers for ~~township~~ **local** assistance funds.

(j) The funds deposited into a service account may be used only to pay for a recipient's electric usage, including any facility charges, and may not be used to pay administrative charges, equipment, maintenance, repair, disconnection fees, delinquent bills, or any other charge.

(k) If the electric service provider refunds charges paid from the service account, or repays any remaining credit balance in the service account, the refund or repayment shall be paid directly to the ~~township trustee~~ **administrator**.

(l) During any calendar month, the ~~township trustee~~ **administrator** may deposit ~~township~~ **local** assistance funds in the service account only to the extent that the credit balance in the service account does not exceed the charges incurred by the recipient during the immediately preceding calendar month.

SECTION 105. IC 12-20-16-5, AS AMENDED BY P.L.73-2005, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) An applicant or a household that receives food relief in any township having a population of more than ten thousand (10,000) may request the ~~township trustee~~, as administrator of ~~township assistance~~, to issue a food order upon any eligible market, and the ~~township trustee~~, as administrator of ~~township assistance~~, shall abide by that request.

(b) The amount of a food order for various sized households that are determined by the ~~trustee administrator~~ to be eligible for ~~township~~ **local** assistance shall be based upon uniform monthly amounts specified in the ~~township's township~~ **applicable local** assistance standards. However, an additional amount of food may be ordered for special health reasons as prescribed by a physician. A supplemental food order may be issued because of the loss of the recipient's food by:

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

(c) The ~~trustee administrator~~ may issue a food order to an eligible applicant on either a daily, weekly, or monthly basis.

SECTION 106. IC 12-20-16-6, AS AMENDED BY P.L.73-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Except as provided in subsection (b), a ~~township trustee~~, as an administrator of ~~township assistance~~, may not purchase food out of the ~~township~~ **local** assistance fund for an



1 applicant or a household that is eligible to participate in the federal  
2 food stamp program.

3 (b) ~~A township trustee, as An administrator of township assistance,~~  
4 may purchase food for an eligible food stamp applicant or household  
5 only under any of the following conditions:

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

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

13 (A) fire or other natural disaster; or

14 (B) burglary or other criminal act, if the requesting applicant  
15 or household files a report with the appropriate law  
16 enforcement agency.

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

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

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

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

26 (B) has participated in the federal food stamp program to the  
27 fullest extent allowable under federal and state law;  
28 and supplementary food assistance is required by the  
29 circumstances of the particular case.

30 SECTION 107. IC 12-20-16-7, AS AMENDED BY P.L.73-2005,  
31 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2020]: Sec. 7. (a) A combined grocery (marketing fresh  
33 vegetables, fresh eggs, and dairy products) and meat market (marketing  
34 fresh meat) in a township having a population of more than ten  
35 thousand (10,000) is eligible to accept food purchase orders from the  
36 ~~township trustee, as administrator of township assistance,~~ in the  
37 township **or county** in which the market is located if the owner of the  
38 market has applied to the ~~township trustee~~ **administrator** using a form  
39 prescribed by the state board of accounts.

40 (b) A market described in subsection (a) remains eligible to accept  
41 ~~township local~~ food purchase orders unless any of the following  
42 conditions exist:



(1) The owner notifies the ~~township trustee, as administrator of township assistance,~~ to remove the owner's market from the eligible list.

(2) An appropriate health or other governmental agency closes the market.

(3) The ~~township trustee, as administrator of township assistance,~~ removes the market from the eligible list for a period not to exceed six (6) months because the management of the market, in filling a **township local** food or household supply order:

(A) includes in the order tobacco products, alcoholic beverages, or other nonqualifying items; or

(B) fails to routinely request identification from an individual who redeems a **township local** purchase order.

(4) A person who owns or is employed by the market has been convicted of **township local** assistance fraud under IC 12-20-1-4(c).

(c) A combined grocery and meat market shall, in filling a **township local** purchase order for food and household supplies, attach to the purchase order form either a cash register tape or a written or typed itemization of the cost of the food and household supplies purchased. Household supplies, including first aid and medical supplies, are not considered food.

(d) The cash register tape or itemization required by subsection (c) is the full and complete record of purchase for all purposes. More complete records or itemization may not be required by any individual, government official, or entity.

SECTION 108. IC 12-20-16-8, AS AMENDED BY P.L.73-2005, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) If an applicant or a household is considered by the ~~township trustee, as administrator of township assistance,~~ to be incompetent or irresponsible to select food from a combined grocery and meat market or to make proper use of food stamps, the ~~township trustee, as administrator of township assistance,~~ shall issue the food purchase order in the name of one (1) of the following:

(1) Another adult member of the household.

(2) Another relative living in another household.

(3) Any other individual considered competent by ~~the township trustee, as administrator of township assistance.~~

(b) For the purpose of selecting the combined grocery and meat market in a **township or county** having a population of more than ten thousand (10,000) from which food for the household is to be obtained, the competent individual referred to in subsection (a) shall be



1 considered the individual responsible.

2 SECTION 109. IC 12-20-16-9, AS AMENDED BY P.L.145-2006,  
3 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) ~~A township trustee~~ **An**  
5 **administrator** may not provide food assistance for more than thirty  
6 (30) days unless an individual files an application with the ~~township~~  
7 **trustee administrator** that includes the following:

8 (1) Evidence of application for food stamps from the division of  
9 family resources.

10 (2) The amount of assistance received or the reason for denial of  
11 assistance.

12 (b) The ~~township trustee~~ **administrator** shall inform an applicant  
13 for food assistance that food stamps may be available from the division  
14 of family resources and that the ~~township trustee~~ **administrator** may  
15 not provide food assistance for more than thirty (30) days unless the  
16 individual files an application for food stamps with the division of  
17 family resources.

18 SECTION 110. IC 12-20-16-10, AS AMENDED BY P.L.73-2005,  
19 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2020]: Sec. 10. The ~~township trustee, as administrator of~~  
21 ~~township assistance,~~ may purchase feed for a minimum amount of  
22 subsistence livestock if the cost is less than the cost of food that is  
23 otherwise necessary for the ~~township trustee administrator~~ to furnish  
24 under this chapter.

25 SECTION 111. IC 12-20-16-11, AS AMENDED BY P.L.73-2005,  
26 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2020]: Sec. 11. (a) ~~A township trustee~~ **An administrator** may  
28 not furnish a nonresident of a township **or county** with transportation  
29 at the cost of the township **or county** until the ~~township trustee, as~~  
30 ~~administrator of township assistance,~~ determines the legal residence of  
31 the individual applying for assistance.

32 (b) Transportation provided to a nonresident of a township **or**  
33 **county** must be in the direction of the nonresident's legal residence  
34 unless it is shown that the individual in need has a valid claim for  
35 support or a means of support in some other place to which the  
36 individual asks to be sent.

37 SECTION 112. IC 12-20-16-12, AS AMENDED BY P.L.73-2005,  
38 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2020]: Sec. 12. (a) This section does not apply if the county  
40 coroner assumes jurisdiction of an unclaimed body under  
41 IC 36-2-14-16.

42 (b) If:



(1) an individual dies in a township **or county** without leaving:

(A) money;

(B) real or personal property;

(C) other assets that may be liquidated; or

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

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

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

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

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

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

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

(e) If an individual described in subsection (b) is a resident of a special institution governed by IC 16-33 at the time of the individual's



1 death, the state department of health shall reimburse the ~~township~~  
 2 ~~trustee~~ **administrator** for the necessary and reasonable expenses of the  
 3 funeral and burial or cremation of the deceased individual. The  
 4 ~~township trustee~~ **administrator** shall submit to the state department of  
 5 health an itemized claim for reimbursement of the necessary and  
 6 reasonable funeral and burial or cremation expenses incurred by the  
 7 ~~township trustee~~ **administrator**.

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

14 (g) The ~~township trustee~~ **administrator** may not cremate a deceased  
 15 individual if:

16 (1) the deceased individual; or

17 (2) a surviving family member of the deceased individual;  
 18 has objected in writing to cremation.

19 (h) If a ~~township trustee~~ **an administrator** provides a funeral under  
 20 this section, the cost of the funeral may not be more than the cost of the  
 21 least expensive funeral, including any necessary merchandise and  
 22 embalming, available from the funeral director under the funeral  
 23 director's price list disclosed to the Federal Trade Commission.

24 SECTION 113. IC 12-20-16-13, AS AMENDED BY P.L.73-2005,  
 25 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2020]: Sec. 13. (a) The ~~township trustee~~, as administrator of  
 27 ~~township assistance~~; may process at the expense of the township and  
 28 **pay, from the local assistance fund**, materials provided by charitable  
 29 or governmental agencies to provide any item of ~~township local~~  
 30 assistance if the expense of the processing is less than the cost of the  
 31 finished product.

32 (b) The ~~township trustee~~, as administrator of ~~township assistance~~;  
 33 may buy materials and supplies of any item of relief and may process  
 34 the materials for ~~township local~~ assistance purposes.

35 (c) The ~~township trustee~~, as administrator of ~~township assistance~~;  
 36 may buy garden seeds and plant and maintain gardens for ~~township~~  
 37 **local** assistance purposes.

38 SECTION 114. IC 12-20-16-14, AS AMENDED BY P.L.129-2018,  
 39 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2020]: Sec. 14. The ~~township trustee~~ **administrator** is  
 41 authorized to provide insulin to individuals who are in need of insulin  
 42 treatment and who are financially unable to purchase the insulin, upon



1 application of a physician licensed under IC 25-22.5 or an advanced  
 2 practice registered nurse who is licensed under IC 25-23 and who  
 3 meets the requirements of IC 25-23-1-11 and IC 25-23-1-19.5.  
 4 However, an application submitted by a physician or an advanced  
 5 practice registered nurse under this section must meet the requirements  
 6 of IC 16-41-19-4.

7 SECTION 115. IC 12-20-16-15 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. The ~~township~~  
 9 ~~trustee administrator~~ may place indigent individuals in the county  
 10 home in accordance with IC 12-30-4.

11 SECTION 116. IC 12-20-16-17, AS AMENDED BY P.L.73-2005,  
 12 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2020]: Sec. 17. (a) ~~A township trustee~~ **An administrator** may  
 14 employ the services of a housing inspector to inspect all housing units,  
 15 including:

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

22 inhabited by a ~~township~~ **local** assistance recipient.

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

- 25 (1) for housing inspection services; and
- 26 (2) to train a ~~township~~ housing inspector.

27 Costs of these contractual services shall be paid from the ~~township~~  
 28 **local** assistance fund.

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

- 31 (1) Standards recommended by the United States Department of  
 32 Housing and Urban Development as used by local housing  
 33 authorities.
- 34 (2) Local building codes and municipal ordinances.

35 (d) Substandard housing that does not meet minimum standards of  
 36 health, safety, and construction is not eligible for:

- 37 (1) the maximum level of shelter payments; or
- 38 (2) damage or security deposits paid from or encumbered by  
 39 ~~township~~ **local assistance** funds.

40 (e) If the ~~trustee administrator~~ determines that a housing unit for  
 41 which payment is requested is substantially below minimum standards  
 42 of health, safety, or construction, the ~~trustee~~, **administrator**, when



necessary, shall assist the applicant in obtaining appropriate alternate shelter.

(f) ~~A township trustee~~ **An administrator** is not required to spend ~~township local~~ assistance funds for a shelter damage or security deposit for an eligible ~~township local~~ assistance applicant or household. However, the ~~trustee~~ **administrator** may encumber money for a shelter damage or security deposit by making an agreement with a property owner who furnishes shelter for a ~~township local~~ assistance recipient or household. The agreement must include the following:

(1) The agreement's duration, not to exceed one hundred eighty (180) days.

(2) A statement that the agreement may be renewed if both parties agree.

(3) The total value of the encumbered money, not to exceed the value of one (1) month's rental payment.

(4) A statement signed by both the ~~trustee~~ **administrator** and the property owner attesting to the condition of the property at the time the agreement is made.

(5) A statement that encumbered money may be used to pay the cost of:

(A) verified damages, normal wear excluded, caused by the tenant ~~township local~~ assistance recipient during the duration of the agreement; and

(B) any unpaid rental payments for which the tenant ~~township local~~ assistance recipient is obligated.

(6) A statement that the total amount to be paid from the encumbered money may not exceed one (1) month's rental payment for the unit in question.

(g) ~~A trustee~~ **An administrator** is not required to provide shelter assistance to an otherwise eligible individual if the:

(1) individual's most recent residence was provided by the individual's parent, guardian, or foster parent; and

(2) individual, without just cause, leaves that residence for the shelter for which the individual seeks assistance.

SECTION 117. IC 12-20-17-1, AS AMENDED BY P.L.73-2005, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. If a ~~township trustee~~ **an administrator** determines by investigation that a ~~township local~~ assistance applicant or a ~~township local~~ assistance applicant's household requires assistance, the ~~township trustee~~ **administrator** shall, after determining that an emergency exists, furnish to the applicant or household the temporary aid necessary for the relief of immediate suffering. However,





1 before any further final or permanent relief is given, the ~~township~~  
 2 ~~trustee~~ **administrator** shall consider whether the applicant's or  
 3 household's need can be relieved by means other than an expenditure  
 4 of ~~township local assistance~~ money.

5 SECTION 118. IC 12-20-17-2, AS AMENDED BY P.L.73-2005,  
 6 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2020]: Sec. 2. (a) As used in this section, "shelter" means a  
 8 facility that provides temporary emergency assistance.

9 (b) ~~A township trustee~~ **An administrator** may establish, purchase,  
 10 acquire, maintain, or operate a shelter for eligible ~~township local~~  
 11 assistance households needing temporary housing assistance.

12 (c) **This subsection applies only to a county in which township**  
 13 **government has not been dissolved.** A township having a population  
 14 of less than eight thousand (8,000) may not expend more than ten  
 15 thousand dollars (\$10,000) to implement this section without the  
 16 approval of the county executive.

17 (d) **This subsection applies only to a county in which township**  
 18 **government has not been dissolved.** A township having a population  
 19 of at least eight thousand (8,000) may not expend more than one  
 20 hundred thousand dollars (\$100,000) to implement this section without  
 21 the approval of the county executive.

22 (e) **This subsection applies only to a county in which township**  
 23 **government has not been dissolved.** In counties where the  
 24 implementation of this section can be more efficiently and  
 25 expeditiously handled in units larger than a single township, a township  
 26 trustee may combine resources with other townships within a county to:

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

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

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

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

37 The ~~township trustee~~ **administrator** may at no cost to the township  
 38 refer an individual described in this subsection to an appropriate  
 39 agency or facility located in the county or in an adjoining county that  
 40 has a program or charter specifically addressing the problems of  
 41 substance abuse, mental illness, or self-care.

42 (g) ~~A township trustee~~ **An administrator** may contract with a



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

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

(1) enter into a contract with; or

(2) pay shelter costs to;

a shelter that is supported by federal or state funds.

SECTION 119. IC 12-20-17-3, AS AMENDED BY P.L.73-2005, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. Upon complaint that an individual within the township is:

(1) sick;

(2) in need;

(3) without necessary financial resources; and

(4) likely to suffer;

the ~~township trustee~~, as administrator of ~~township assistance~~, shall investigate and grant the temporary relief required.

SECTION 120. IC 12-20-17-4, AS AMENDED BY P.L.73-2005, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. If an individual who is determined to be eligible for ~~township local~~ assistance and entitled to temporary relief is in a township ~~or county~~ in which the individual does not have legal residence, the ~~township trustee~~, as administrator of ~~township assistance~~, may, if the ~~trustee administrator~~ considers advisable, place the individual temporarily in the county home, if any, where the individual, if capable, is to be employed.

SECTION 121. IC 12-20-18-1, AS AMENDED BY P.L.73-2005, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) ~~A township trustee~~, as **An** administrator of ~~township assistance~~, may cooperate with the state and federal government in the furnishing of ~~township local~~ assistance so that the ~~township local~~ assistance is furnished adequately and economically.

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

SECTION 122. IC 12-20-18-2, AS AMENDED BY P.L.73-2005, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The ~~township trustee~~, as administrator of ~~township assistance~~, may participate in surplus agricultural



1 commodities distributions provided by the United States Department  
2 of Agriculture to the state.

3 (b) ~~A township trustee, as An administrator of township assistance:~~

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

6 (2) shall participate jointly with at least one (1) other ~~township~~  
7 ~~trustee~~ **administrator. who serves as administrator of township**  
8 ~~assistance.~~

9 SECTION 123. IC 12-20-19-1, AS AMENDED BY P.L.73-2005,  
10 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2020]: Sec. 1. (a) ~~A township trustee, as An administrator of~~  
12 ~~township assistance,~~ may participate in and cooperate with the  
13 establishment and use of federal surplus commodities food, cotton, or  
14 other stamp plans created by a governmental agency of the United  
15 States in the purchase of food, clothing, or other ~~township local~~  
16 ~~assistance supplies.~~

17 (b) If a ~~township trustee's~~ **an administrator's** cooperation and  
18 participation in federal surplus commodities or stamp programs can be  
19 more efficiently and expeditiously handled in a larger unit than a single  
20 township, a group of ~~township trustees, as administrators of township~~  
21 ~~assistance,~~ may do the following:

22 (1) Establish a single stamp issuing agency.

23 (2) Appoint and designate an issuing agent to issue stamps to  
24 recipients entitled to participate in the programs.

25 (3) Pay each township's **or county's** pro rata share of all  
26 administrative and other costs incident to the maintenance and  
27 operation of the issuing office.

28 SECTION 124. IC 12-20-19-2, AS AMENDED BY P.L.73-2005,  
29 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2020]: Sec. 2. To establish a revolving fund necessary for a  
31 ~~township trustee's~~ **an administrator's** participation or administration,  
32 the ~~township trustees, as administrators of township assistance,~~ may  
33 make claims in the same manner as other ~~township local~~ assistance  
34 claims are paid. ~~by the township.~~

35 SECTION 125. IC 12-20-19-3, AS AMENDED BY P.L.73-2005,  
36 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2020]: Sec. 3. (a) The issuing officer employed by a ~~township~~  
38 ~~trustee~~ **an administrator** must take an oath for the faithful  
39 performance of the duties of the issuing officer's office.

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

41 (1) payable to the state; and

42 (2) conditioned upon the faithful performance of the issuing



officer's duties and accurate accounting of all money in the issuing officer's possession.

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

(d) The cost of the bond required by subsection (b) shall be paid by county warrant and charged by the county auditor pro rata against the ~~township local~~ assistance accounts of the townships **or counties** participating in the establishment of the revolving or other fund for the purposes set forth in this chapter.

SECTION 126. IC 12-20-19-4, AS AMENDED BY P.L.73-2005, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The ~~trustees~~ **administrators** participating in or cooperating with programs under this chapter may issue to eligible recipients orders or stamps for food, clothing, or other items covered under the federal plan.

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

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

SECTION 127. IC 12-20-20-1, AS AMENDED BY P.L.134-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) If a ~~township trustee~~, as an administrator of ~~township assistance~~, grants ~~township local~~ assistance to an indigent individual or to any other person or agency on a ~~township local~~ assistance order as provided by law or obligates the township **or county** for an item properly payable from ~~township local~~ assistance money, the claim against the township **or county** must be:

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

(b) **This subsection applies only to a county in which township government has not been dissolved.** The township trustee shall pay claims against the township for ~~township local~~ assistance in the same manner that other claims against the township are paid. The township trustee, when authorized to pay claims directly to vendors, shall pay a



1 claim within forty-five (45) days. The township trustee shall pay the  
2 claim from:

3 (1) any balance standing to the credit of the township against  
4 which the claim is filed; or

5 (2) from any other available fund from which advancements can  
6 be made to the township for that purpose.

7 (c) A ~~township~~ **local** assistance claim for prepaid electric service  
8 shall be paid in accordance with IC 12-20-16-3.5.

9 **(d) This subsection applies only to a county in which township**  
10 **government has been dissolved. A county shall pay claims against**  
11 **the county for local assistance in the same manner that other**  
12 **claims against the county are paid. Notwithstanding IC 5-11-10, the**  
13 **county auditor may make payments for claims payable from the**  
14 **county local assistance fund established by IC 12-20-21-6 in**  
15 **advance of an allowance by the county executive. Each payment of**  
16 **expenses under this section must be supported by a fully itemized**  
17 **invoice or bill and certification by the county auditor. The county**  
18 **executive shall review and allow the claim at its next regular or**  
19 **special meeting following the preapproved payment of the expense.**  
20 **The administrator, when authorized to pay claims directly to**  
21 **vendors, shall pay a claim within forty-five (45) days.**

22 SECTION 128. IC 12-20-20-2, AS AMENDED BY P.L.73-2005,  
23 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2020]: Sec. 2. (a) If money is not available for the payment of  
25 ~~township~~ **local** assistance claims under section 1 of this chapter, the  
26 ~~township board~~ **the fiscal body** shall appeal to borrow money under  
27 IC 12-20-24.

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

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

39 (2) The sale of county ~~township~~ **local** assistance bonds or other  
40 county obligations.

41 (3) Any other lawful method of obtaining money for the payment  
42 of ~~township~~ **local** assistance claims.



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

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

(2) The sale of county ~~township~~ **local** assistance bonds or other county obligations.

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

SECTION 129. IC 12-20-20-4, AS AMENDED BY P.L.73-2005, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. The state board of accounts shall prescribe the forms for the purchase of and payment for ~~township~~ **local** assistance items.

SECTION 130. IC 12-20-21-2, AS AMENDED BY P.L.169-2006, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. ~~Township~~ **Local** assistance money raised by ~~townships~~ **a township or a county** may not be commingled **with other township or county funds.**

SECTION 131. IC 12-20-21-3, AS AMENDED BY P.L.234-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. **(a) This section applies only to a county in which township government has not been dissolved.**

~~(a)~~ **(b)** Except as provided in section 3.2 of this chapter, a township trustee and township board may levy a specific tax for the purpose of providing money for the payment of township assistance expenses in the following year. The tax may be sufficient to meet the entire requirement of the township in the following year or the part that is determined to be proper.

~~(b)~~ **(c)** Except as provided in section 3.2 of this chapter, if a tax levy is established under subsection ~~(a)~~; **(b)**, all proceeds derived from the tax levy shall be distributed to the township at the same time and in the same manner as proceeds from other property tax levies are distributed to the township. The proceeds of the tax levy shall be held by the township in its township assistance account free and available for the payment of township assistance obligations of the township. The funds are continuing funds and do not revert to any other fund at the end of the year.



SECTION 132. IC 12-20-21-3.2, AS AMENDED BY P.L.249-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.2. **(a) This section applies only to a county in which township government has not been dissolved.**

~~(a)~~ **(b)** This section applies only to a township if the township's ~~township local~~ assistance property tax rate (as defined in IC 6-1.1-20.3-6.7(a)) for property taxes first due and payable in 2013 or any year thereafter is more than the result of:

(1) the statewide average ~~township local~~ assistance property tax rate (as determined by the department of local government finance) for property taxes first due and payable in the preceding year; multiplied by

(2) twelve (12).

~~(b)~~ **(c)** Notwithstanding any other law, beginning with property taxes first due and payable in the year following the year in which this section first applies to the township, as provided in subsection ~~(a)~~, **(b)**, the department of local government finance shall do the following in the case of a township subject to this section:

(1) Remove the ~~township local~~ assistance property tax levy from the maximum permissible ad valorem property tax levy for the township's general fund.

(2) Require the township to separate its ~~township local~~ assistance property tax levy into the following two (2) property tax levies:

(A) A ~~township local~~ assistance benefits property tax levy.

(B) A ~~township local~~ assistance administration property tax levy.

(3) Calculate a separate maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for each of the township's property tax levies described in subdivision (2).

~~(c)~~ **(d)** The department of local government finance shall, for property taxes first due and payable in the year following the year in which this section first applies to the township, as provided in subsection ~~(a)~~, **(b)**, determine the initial maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for a township's ~~township local~~ assistance administration property tax levy.

~~(d)~~ **(e)** The initial maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for a township's ~~township local~~ assistance benefits property tax levy for property taxes first due and payable in the year following the year in which this section first applies to the township, as provided in subsection ~~(a)~~, **(b)**, is equal to the amount determined in the following STEPS:

STEP ONE: Determine the result of:



- 1 (A) the township's ~~township~~ **local** assistance property tax levy  
 2 for property taxes first due and payable in the year in which  
 3 this section first applies to the township, as provided in  
 4 subsection ~~(a);~~ **(b);** minus  
 5 (B) the result determined by the department of local  
 6 government finance for the township under subsection ~~(c);~~ **(d).**  
 7 STEP TWO: Multiply the STEP ONE result by the assessed value  
 8 growth quotient under IC 6-1.1-18.5-2 that is applicable to the  
 9 township for property taxes first due and payable in the year  
 10 following the year in which this section first applies to the  
 11 township, as provided in subsection ~~(a);~~ **(b).**  
 12 ~~(e)~~ **(f)** The maximum permissible ad valorem property tax levy for  
 13 the township's general fund shall be adjusted as determined in the  
 14 following STEPS:  
 15 STEP ONE: Multiply:  
 16 (A) the township's ~~township~~ **local** assistance property tax levy  
 17 for property taxes first due and payable in the year in which  
 18 this section first applies to the township, as provided in  
 19 subsection ~~(a);~~ **(b);** by  
 20 (B) the assessed value growth quotient under IC 6-1.1-18.5-2  
 21 that is applicable to the township for property taxes first due  
 22 and payable in the year following the year in which this  
 23 section first applies to the township, as provided in subsection  
 24 ~~(a);~~ **(b).**  
 25 STEP TWO: Subtract the STEP ONE result from the maximum  
 26 permissible ad valorem property tax levy that would otherwise  
 27 apply for the township's general fund.  
 28 The adjustment under this subsection applies beginning with property  
 29 taxes first due and payable in the year following the year in which this  
 30 section first applies to the township, as provided in subsection ~~(a);~~ **(b).**  
 31 ~~(f)~~ **(g)** The property taxes collected from a township's ~~township~~ **local**  
 32 assistance administration property tax levy:  
 33 (1) shall be deposited into a separate fund;  
 34 (2) shall be used only for the administration of ~~township~~ **local**  
 35 assistance within the township; and  
 36 (3) shall not be used to pay ~~township~~ **local** assistance to any  
 37 person.  
 38 ~~(g)~~ **(h)** The property taxes collected from a township's ~~township~~  
 39 **local** assistance benefits property tax levy:  
 40 (1) shall be deposited into a separate fund;  
 41 (2) shall be used only for the purpose of paying ~~township~~ **local**  
 42 assistance to eligible recipients; and





(3) shall not be used to pay for the administration of ~~township~~  
**local** assistance within the township.

~~(h)~~ **(i)** Except as provided in this section, references in the Indiana Code to a ~~township~~ **local** assistance property tax levy shall, in the case of a township subject to this section, be considered a reference to the township's ~~township~~ **local** assistance benefits property tax levy and the township's ~~township~~ **local** assistance administration property tax levy.

SECTION 133. IC 12-20-21-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 6. (a) This section applies only to a county in which township government has been dissolved.**

**(b) On the dissolution date, a local assistance fund is established in the county.**

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

- (1) is in addition to all other tax levies authorized; and**
- (2) subject to IC 6-1.1-18.5-22, shall be levied annually for property taxes first due and payable in the year after the dissolution date and thereafter by the county fiscal body on all taxable property in the county in the amount necessary to pay the items, awards, claims, allowances, assistance, and other expenses set forth in the annual county local assistance budget.**

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

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

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

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

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

**(h) The department of local government finance shall, for property taxes first due and payable beginning in the year of the dissolution date, adjust the maximum permissible ad valorem property tax levy of the county as necessary and proper to account for the transfer of local assistance budgeting and property tax levies from townships to the county.**

SECTION 134. IC 12-20-22-1, AS AMENDED BY P.L.73-2005, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1. (a) A township trustee An administrator may not acting as administrator of township assistance; disburse any money or incur any obligation in the furnishing of ~~township~~ **local** assistance**



1 in excess of the amount appropriated for that purpose.

2 (b) Appropriations for ~~township local~~ assistance purposes must be  
3 made in the manner provided by law for appropriations for other  
4 township **or county** purposes.

5 (c) **This subsection applies only to a county in which township**  
6 **government has not been dissolved.** When preparing the annual  
7 budget for a township, the township trustee and the township board  
8 shall set out in the budget the amount of expenditures estimated to be  
9 reasonably required for current ~~township local~~ assistance in the  
10 following calendar year. If the amount provided for ~~township local~~  
11 assistance in the annual budget as finally adopted and approved is  
12 insufficient to meet the requirements for that purpose, additional  
13 appropriations may be made in the manner provided by law for the  
14 making of additional appropriations by townships for other purposes.

15 (d) **This subsection applies only to a county in which township**  
16 **government has been dissolved. When preparing the annual budget**  
17 **for a county, the county executive and the county fiscal body shall**  
18 **set out in the budget the amount of expenditures estimated to be**  
19 **reasonably required for current local assistance in the following**  
20 **calendar year. If the amount provided for local assistance in the**  
21 **annual budget as finally adopted and approved is insufficient to**  
22 **meet the requirements for that purpose, additional appropriations**  
23 **may be made in the manner provided by law for the making of**  
24 **additional appropriations by a county for other purposes.**

25 SECTION 135. IC 12-20-22-2, AS AMENDED BY P.L.73-2005,  
26 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2020]: Sec. 2. (a) Copies of all township **or county** budgets  
28 for current ~~township local~~ assistance shall, as finally adopted and  
29 approved, be placed on file in the office of the county auditor. If an  
30 additional appropriation for current ~~township local~~ assistance is made  
31 by a township **or a county**:

32 (1) a certified copy of the action of the ~~township board~~ **fiscal**  
33 **body** in making the additional appropriation; and

34 (2) a certified copy of the order of the department approving the  
35 additional appropriation;

36 shall be filed in the office of the county auditor.

37 (b) ~~A township trustee~~ **An administrator** may not pay any ~~township~~  
38 **local** assistance order or claim in excess of the amount appropriated for  
39 current ~~township local~~ assistance purposes, except as otherwise  
40 provided by law.

41 SECTION 136. IC 12-20-22-3, AS AMENDED BY P.L.73-2005,  
42 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2020]: Sec. 3. The state board of accounts shall adopt uniform forms and necessary rules under this chapter to make the method of budgeting and appropriating ~~township~~ **local** assistance money uniform. ~~in all townships.~~

SECTION 137. IC 12-20-24-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 0.5. This chapter applies only to a county in which township government has not been dissolved.**

SECTION 138. IC 12-20-24-1, AS AMENDED BY P.L.169-2006, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) In addition to the other methods of ~~township~~ **local** assistance financing provided by this article, if a township trustee for a township determines that a particular township's ~~township~~ **local** assistance account will be exhausted before the end of a fiscal year, the township trustee shall notify the township board of that determination.

(b) After receiving notice under subsection (a) that a township's ~~township~~ **local** assistance account will be exhausted before the end of a fiscal year, the township board shall appeal to the department of local government finance for the right to borrow money on a short term basis to fund ~~township~~ **local** assistance services in the township. In the appeal the township board must do the following:

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

(2) Show the amount of money that the board estimates will be needed to fund the deficit.

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

SECTION 139. IC 12-20-24-5, AS AMENDED BY P.L.169-2006, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) If upon appeal under section 1 of this chapter the department determines that a township board should be allowed to borrow money under this chapter, the department shall order the township trustee to borrow the money from a financial institution on behalf of the township board and to deposit the money borrowed in the township's ~~township~~ **local** assistance account.

(b) If upon appeal under section 1 of this chapter the department determines that the township board should not be allowed to borrow money, the board may not do so for that year.

SECTION 140. IC 12-20-24-7, AS AMENDED BY P.L.169-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. A ~~board of commissioners~~ **county executive** or



1 a county council (for a loan approved by the board of commissioners  
2 or county council before July 1, 2006) or the department may not do  
3 any of the following:

4 (1) Approve a request to borrow money made under IC 12-2-4.5  
5 (before its repeal) or this chapter unless the body determines that  
6 the township's ~~township~~ **local** assistance account will be  
7 exhausted before the account can fund all township obligations  
8 incurred under this article.

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

11 SECTION 141. IC 12-20-24.5 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2020]:

14 **Chapter 24.5. Local Assistance Borrowing for Counties in**  
15 **Which Township Government has Been Dissolved**

16 **Sec. 1. This chapter applies only to a county in which township**  
17 **government has been dissolved.**

18 **Sec. 2. (a) In addition to the other methods of local assistance**  
19 **financing provided by this article, if the administrator determines**  
20 **that the county's local assistance fund will be exhausted before the**  
21 **end of a fiscal year, the administrator shall notify the county fiscal**  
22 **body of that determination.**

23 **(b) After receiving notice under subsection (a) that the county's**  
24 **local assistance fund will be exhausted before the end of a fiscal**  
25 **year, the county fiscal body may appeal to the department of local**  
26 **government finance for the right to borrow money on a short term**  
27 **basis to fund local assistance services in the county. In the appeal,**  
28 **the county fiscal body must do the following:**

29 (1) Show that the amount of money contained in the local  
30 assistance fund will not be sufficient to fund local assistance  
31 services required to be provided within the county by this  
32 article.

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

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

37 **Sec. 3. (a) If upon appeal under section 2 of this chapter the**  
38 **department of local government finance determines that a county**  
39 **fiscal body should be allowed to borrow money under this chapter,**  
40 **the department shall order the county executive to borrow the**  
41 **money from a financial institution on behalf of the county fiscal**  
42 **body and to deposit the money borrowed in the county's township**



1 assistance fund.

2 (b) If upon appeal under section 2 of this chapter, the  
3 department of local government finance determines that a county  
4 fiscal body should not be allowed to borrow money, the county  
5 fiscal body may not borrow money under this chapter for that  
6 year.

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

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

13 (1) Approve a request to borrow money made under this  
14 chapter unless the county fiscal body determines that the  
15 county's local assistance fund will be exhausted before the  
16 fund can fund all county obligations incurred under this  
17 article.

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

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

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

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

24 (3) borrows money under this chapter;

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

29 (b) If the county fiscal body:

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

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

33 (3) borrows money in the year of the appeal under this  
34 chapter;

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

39 (c) The property taxes levied under this section shall be retained  
40 by the county executive and applied by the county executive to  
41 retire the debt.

42 Sec. 7. A county fiscal body must make an additional



1 **appropriation before money borrowed under this chapter may be**  
 2 **spent.**

3 **SECTION 142. IC 12-20-25-0.3 IS REPEALED [EFFECTIVE**  
 4 **JULY 1, 2020]. Sec. 0.3: (a) The township assistance control board is**  
 5 **a continuation of the township poor relief control board (renamed by**  
 6 **P.L.73-2005):**

7 **(b) The rules adopted by the township poor relief control board shall**  
 8 **be treated, after June 30, 2005, as rules of the township assistance**  
 9 **control board:**

10 **(c) On July 1, 2005, all powers, duties, assets, and liabilities of the**  
 11 **township poor relief control board are transferred to the township**  
 12 **assistance control board:**

13 **(d) After June 30, 2005, a reference to the township poor relief**  
 14 **control board shall be treated as a reference to the township assistance**  
 15 **control board:**

16 **(e) A member of the township poor relief control board appointed**  
 17 **under section 29 of this chapter (before its amendment by P.L.73-2005)**  
 18 **shall continue to serve as a member of the township assistance control**  
 19 **board established by section 29 of this chapter, as amended by**  
 20 **P.L.73-2005, until the end of the term for which the member was**  
 21 **appointed:**

22 **SECTION 143. IC 12-20-25-0.5 IS ADDED TO THE INDIANA**  
 23 **CODE AS A NEW SECTION TO READ AS FOLLOWS**  
 24 **[EFFECTIVE JULY 1, 2020]: Sec. 0.5. (a) The local assistance**  
 25 **control board is a continuation of the township assistance control**  
 26 **board.**

27 **(b) The rules adopted by the township assistance control board**  
 28 **shall be treated, after June 30, 2020, as rules of the local assistance**  
 29 **control board.**

30 **(c) On July 1, 2020, all powers, duties, assets, and liabilities of**  
 31 **the township assistance control board are transferred to the local**  
 32 **assistance control board.**

33 **(d) After June 30, 2020, a reference to the township assistance**  
 34 **control board shall be treated as a reference to the local assistance**  
 35 **control board.**

36 **(e) A member of the township assistance control board**  
 37 **appointed under section 29 of this chapter (before its amendment**  
 38 **on July 1, 2020) shall continue to serve as a member of the local**  
 39 **assistance control board established by section 29 of this chapter**  
 40 **(as amended July 1, 2020), until the end of the term for which the**  
 41 **member was appointed.**

42 **(f) After June 30, 2020, a reference to "local assistance" in this**



chapter is considered to include a reference to "township assistance" before July 1, 2020.

SECTION 144. IC 12-20-25-2, AS AMENDED BY P.L.73-2005, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. As used in this chapter, "control board" refers to the township local assistance control board.

SECTION 145. IC 12-20-25-4, AS AMENDED BY P.L.73-2005, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. As used in this chapter, "distressed township" means:

(1) a township that:

(A) has a valid township local assistance claim that the county auditor cannot pay within thirty (30) days after the claim is approved for payment under IC 12-2-1-31 (before its repeal) or IC 12-20-20;

(B) has township local assistance expenditures during a year that exceed the year's township local assistance revenues, excluding any advances from the state and revenues from short term loans from the county or a financial institution or advances from the county from the proceeds of bonds, made or issued under:

(i) this article; or

(ii) IC 12-2-1, IC 12-2-4.5, or IC 12-2-5 (before the repeal of those statutes);

(C) has imposed and dedicated to township local assistance at least ninety percent (90%) of the maximum permissible ad valorem property tax levy permitted for all of the township's money under IC 6-1.1-18.5; and

(D) has outstanding indebtedness that exceeds one and eight-tenths percent (1.8%) of the township's adjusted value of taxable property in the district as determined under IC 36-1-15; or

(2) a township that:

(A) has been a controlled township during any part of the preceding five (5) years;

(B) has a valid township local assistance claim that the county auditor cannot pay within thirty (30) days after the claim is approved for payment under IC 12-2-1-31 (before its repeal) or IC 12-20-20; and

(C) uses advances from the county from proceeds of bonds issued under IC 12-2-1 (before its repeal) or this article.

SECTION 146. IC 12-20-25-5, AS AMENDED BY P.L.73-2005,



SECTION 115, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2020]: Sec. 5. As used in this chapter,  
"indebtedness" includes unpaid ~~township~~ **local** assistance claims,  
outstanding bonds, and advancements from the county to the township  
for any purpose, if the advancement is not repayable in the year the  
advancement is made.

SECTION 147. IC 12-20-25-8, AS AMENDED BY P.L.145-2006,  
SECTION 120, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2020]: Sec. 8. Upon receipt of a certification  
under section 7 of this chapter, the governor shall appoint a four (4)  
member management committee to assume the township trustee's  
duties as administrator of ~~township~~ **local** assistance. The committee  
must consist of one (1) representative from each of the following:

- (1) The budget agency. This member serves as chairperson.
- (2) The state board of accounts.
- (3) The department.
- (4) The division of family resources.

SECTION 148. IC 12-20-25-13, AS AMENDED BY P.L.73-2005,  
SECTION 119, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2020]: Sec. 13. (a) When the management  
committee is appointed, the distressed township is a controlled  
township until the requirements of section 41 of this chapter are met.

(b) During the period that the management committee is in control  
of the township trustee's office, the payment of ~~township~~ **local**  
assistance claims and the operating costs of the management committee  
that:

- (1) are incurred during the period the management committee is  
in control of the township trustee's office; and
- (2) exceed the revenue derived from the distressed township's  
township assistance property tax levy;

shall be made from support to the county from the distressed township  
supplemental township assistance fund established under section 51 of  
this chapter.

SECTION 149. IC 12-20-25-14, AS AMENDED BY P.L.73-2005,  
SECTION 120, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2020]: Sec. 14. A township trustee has no  
authority concerning ~~township~~ **local** assistance in a controlled  
township. However, after the management committee has completed  
the evaluation of the trustee's office and reported the committee's  
findings to the control board as required by section 32 of this chapter,  
the township trustee shall resume the trustee's duties concerning  
~~township~~ **local** assistance, subject to the supervision and control of the





control board.

SECTION 150. IC 12-20-25-15, AS AMENDED BY P.L.73-2005, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) The management committee appointed under section 8 of this chapter shall do the following:

(1) Conduct or have conducted a financial and compliance audit of the internal operations of the trustee's office.

(2) Conduct or have conducted, to the extent practicable, a financial and compliance audit of each **township local** assistance recipient who received assistance from the township trustee over the five (5) years immediately preceding the assumption of control of the trustee's office.

(3) Conduct or have conducted an economy and efficiency audit of the internal operations of the trustee's office, which must determine the following:

(A) If the trustee's office is managing and utilizing the resources of the office, including personnel, property, and office space, economically and efficiently.

(B) If there are any inefficiencies or uneconomical practices and if so the causes.

(C) If the trustee's office has complied with statutes and rules concerning matters of economy and efficiency.

(4) Establish standards for the following:

(A) Eligibility for **township local** assistance.

(B) Payments for **township local** assistance claims.

(C) Contracts and payments on contracts for **township local** assistance goods or services.

(D) Leases or rental agreements and payments on leases or rental agreements for facilities that relate to the provision of **township local** assistance.

(E) Capital expenditures relating to **township local** assistance.

(5) Implement a mandatory employment or workfare program under IC 12-20-10 or IC 12-20-11 or require that a **township local** assistance recipient participate in a training program under IC 12-20-12.

(b) Notwithstanding IC 36-9, the management committee is not required to solicit bids before entering into a contract to have an audit conducted under this section.

(c) If the control board has adopted rules concerning the standards listed in subsection (a)(4), the management committee's rules must be consistent with the control board's rules.

SECTION 151. IC 12-20-25-17, AS AMENDED BY P.L.73-2005,



1 SECTION 122, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2020]: Sec. 17. (a) The management committee  
 3 may do the following:

4 (1) Employ, promote, and remove employees of the trustee's  
 5 office who perform ~~township~~ **local** assistance duties as needed  
 6 and, with the approval of the governor, fix their compensation.

7 (2) Retain certified public accountants and other necessary  
 8 professionals from whom the committee may obtain audits,  
 9 reports, and other assistance necessary to perform the committee's  
 10 duties.

11 (b) The management committee may only dismiss a township  
 12 employee for just cause or with the approval of the township trustee.  
 13 Just cause includes removal for personnel reductions made in  
 14 accordance with IC 12-20-4.

15 SECTION 152. IC 12-20-25-18, AS AMENDED BY P.L.73-2005,  
 16 SECTION 123, IS AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2020]: Sec. 18. (a) The management committee  
 18 and the control board shall adopt rules as required by sections 15 and  
 19 30 of this chapter. The management committee and the control board  
 20 may each adopt rules to administer the ~~township~~ **local** assistance  
 21 program in a controlled township. IC 4-22-2 does not apply to the rules.  
 22 Rules adopted under this section must be:

23 (1) written;

24 (2) signed by the governor; and

25 (3) published in the Indiana Register not more than sixty (60)  
 26 days after the rules are signed by the governor.

27 (b) Notwithstanding any other provision of this article, an individual  
 28 may not receive ~~township~~ **local** assistance from a controlled township  
 29 until the applicant for assistance qualifies under eligibility standards  
 30 established under rules adopted under subsection (a).

31 SECTION 153. IC 12-20-25-19, AS AMENDED BY P.L.73-2005,  
 32 SECTION 124, IS AMENDED TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2020]: Sec. 19. (a) Notwithstanding any other  
 34 provision of this article, an unemployed individual may not receive  
 35 ~~township~~ **local** assistance in a controlled township until the individual  
 36 has registered for work at an office of the department of workforce  
 37 development and has provided proof that the individual is registered.  
 38 This subsection does not apply to an individual who:

39 (1) is not physically able to perform work;

40 (2) is less than eighteen (18) years of age or at least sixty-five (65)  
 41 years of age; or

42 (3) is needed to care for another individual because of the other



individual's age or physical condition.

(b) An unemployed individual who has registered under subsection (a) may not receive **township local** assistance in a controlled township on a continuing basis unless the individual reports to the employment office and provides proof that the individual has reported with the frequency and in the manner prescribed by either the management committee or the control board.

(c) Subject to subsection (a), if the management committee or the control board finds that an individual has failed to:

(1) apply for available, suitable work when directed by the commissioner of workforce development, the commissioner's deputy, or an authorized representative of the state;

(2) accept, at any time after the individual is notified of a separation, suitable work when found for and offered to the individual by the commissioner of workforce development, the commissioner's deputy, or an authorized representative of the state; or

(3) return to the individual's customary self-employment when directed by the commissioner of workforce development or the commissioner's deputy;

the individual may not receive **township local** assistance for six (6) months after the date of the management committee's or control board's finding.

SECTION 154. IC 12-20-25-20, AS AMENDED BY P.L.73-2005, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20. (a) The management committee shall assign a case number to each applicant who is qualified under section 18 of this chapter for **township local** assistance from the township.

(b) To the extent allowed by law, an individual's case number must be the individual's Social Security number.

SECTION 155. IC 12-20-25-21, AS AMENDED BY P.L.73-2005, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 21. Notwithstanding IC 12-20-20, a claim may not be approved if the **township local** assistance is provided during the period that the township is a controlled township and:

(1) the **township local** assistance claim is not presented for payment not more than sixty (60) days after the date the **township local** assistance was provided;

(2) the **township local** assistance recipient cannot be identified;

(3) the **township local** assistance provided cannot be substantiated



1 in detail; or

2 (4) the date the township local assistance was provided cannot be  
3 established.

4 SECTION 156. IC 12-20-25-22, AS AMENDED BY P.L.73-2005,  
5 SECTION 127, IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2020]: Sec. 22. (a) Sections 22 through 28 of  
7 this chapter create an exclusive administrative remedy for the payment  
8 of unpaid claims of creditors for the following goods and services that  
9 were provided under the authority of IC 12-2-1 (before its repeal) or  
10 this article before the township became a controlled township:

11 (1) Food, including prepared food and special dietary food.

12 (2) Clothing.

13 (3) Shelter.

14 (4) Water, gas, and electric services for lighting, heating, and  
15 cooking.

16 (5) Household supplies, including first aid and medical supplies  
17 for injury and illness.

18 (6) Medical and surgical attendance.

19 (7) Nursing care prescribed by a physician.

20 (8) School lunches.

21 (9) Transportation to allow a township local assistance recipient  
22 to seek or accept employment.

23 (10) Feed for livestock.

24 (11) Funeral and cemetery expenses.

25 (12) Any other goods or services provided under this article.

26 (b) A creditor that has a claim described in subsection (a) against  
27 the township trustee must file a statement of claims with the  
28 management committee not more than ninety (90) days after notice is  
29 given under section 24 or 25 of this chapter.

30 (c) The statement of claims must itemize each claim the creditor has  
31 against the township. The state board of accounts shall prescribe the  
32 form of the statement of claims. The state board of accounts shall  
33 establish standards for the submission of supporting documentation for  
34 claims.

35 SECTION 157. IC 12-20-25-27, AS AMENDED BY P.L.73-2005,  
36 SECTION 128, IS AMENDED TO READ AS FOLLOWS  
37 [EFFECTIVE JULY 1, 2020]: Sec. 27. (a) Except as provided in  
38 section 52(3) of this chapter, if the management committee finds a  
39 claim to be valid and reasonable in whole or in part, the amount of the  
40 claim found to be valid and reasonable shall be paid from the distressed  
41 township's township local assistance account as provided in section 40  
42 of this chapter. If the management committee finds that a claim is



1 invalid in whole or in part, the amount of the claim found to be invalid  
 2 is void. The management committee shall mail a notice of the  
 3 committee's determination to the creditor not more than ten (10) days  
 4 after the determination is made. The notice must include a statement of  
 5 the reasons for the determination.

6 (b) If the management committee finds that a claim is not  
 7 reasonable, the management committee shall mail a notice of the  
 8 finding to the creditor and shall attempt to negotiate a reasonable  
 9 settlement with the creditor for the amount of the claim. If the  
 10 management committee attempts to negotiate with the creditor and  
 11 determines that it is not possible to reach a reasonable settlement of the  
 12 claim not more than sixty (60) days after the notice was mailed, the  
 13 management committee shall determine the amount of the claim that  
 14 is reasonable. The management committee shall mail a notice of the  
 15 committee's determination to the creditor not more than ten (10) days  
 16 after the determination is made. The notice must include a statement of  
 17 the reasons for the determination.

18 SECTION 158. IC 12-20-25-28, AS AMENDED BY P.L.73-2005,  
 19 SECTION 129, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2020]: Sec. 28. (a) A determination of the  
 21 management committee concerning the validity and reasonableness of  
 22 a claim is a final administrative determination.

23 (b) A creditor aggrieved by a final determination of the management  
 24 committee may appeal the determination by filing a petition with the  
 25 circuit or superior court of the county in which the creditor resides or  
 26 in the county in which the distressed township is located. The petition  
 27 must be filed not more than thirty (30) days following the date of the  
 28 management committee's determination. The court shall try the cause  
 29 de novo. Except as provided in section 52(3) of this chapter, a final  
 30 court judgment that orders a payment to be made to a creditor under  
 31 this subsection may be collected upon and paid from the distressed  
 32 township's ~~township~~ **local** assistance account as provided in section 40  
 33 of this chapter. An action brought under this section is governed by  
 34 IC 34-13-5, except that a change of venue is governed by the Indiana  
 35 Rules of Trial Procedure rather than IC 34-13-5-4.

36 (c) A claim under this article that is pending in court at the time the  
 37 township becomes a distressed township is stayed and the claimant  
 38 must file the claim with the management committee as provided in this  
 39 chapter. A claimant who has a final court judgment on a claim under  
 40 this article before the township becomes a distressed township may  
 41 proceed to collect on that judgment as provided by law.

42 (d) An action under this section is subject to the defense that the



claim may violate Article 13, Section 1 of the Constitution of the State of Indiana.

SECTION 159. IC 12-20-25-29, AS AMENDED BY P.L.145-2006, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 29. (a) A **township local** assistance control board is established for each distressed township. The governor shall appoint the following members to the control board:

(1) The budget director or the director's designee, who shall serve as the chairman of the board.

(2) One (1) representative of the state board of accounts.

(3) One (1) representative of the department.

(4) One (1) representative of the division of family resources.

(5) One (1) elected public official of the county.

(6) One (1) township trustee.

(7) One (1) individual who:

(A) resides in the county or is employed in the county by an employer paying taxes in the county; and

(B) is or agrees to become familiar with **township local** assistance.

(8) The township trustee of the distressed township, who shall serve as a nonvoting ex officio member of the control board.

(b) The members of the control board serve at the pleasure of the governor.

(c) Each member of the board who is not a state employee or an elected official is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 160. IC 12-20-25-30, AS AMENDED BY P.L.169-2006, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 30. (a) The control board shall supervise the township trustee in the administration of **township local** assistance. The control board may appoint one (1) of the board's members to monitor the trustee's compliance with this chapter and to report discrepancies to the control board. The control board may require the board's approval of an expenditure of more than five hundred dollars (\$500).

(b) Notwithstanding IC 36-6-6-11, the control board shall review and may reduce or increase the township's budget and proposed tax levy to be advertised by the county auditor. If the control board finds that there will be insufficient revenues available under this chapter for



the township to pay valid **township local** assistance claims, the control board may consent to proposed borrowing for **township local** assistance under IC 12-20-24.

(c) The control board may approve the number, pay, and duties of employees who are employed for the distribution and administration of the distressed township's **township local** assistance program.

(d) The control board may require the township trustee to submit reports on the amounts of **township local** assistance by categories, including the types of goods or services furnished and the vendors who supplied the goods or services.

(e) The control board:

(1) shall operate the employment program implemented by the management committee under section 15(a)(5) of this chapter; and

(2) may require that a **township local** assistance recipient participate in a training program under IC 12-20-12-1.

(f) The control board shall establish income eligibility standards for **township local** assistance, subject to the requirements of section 18 of this chapter.

SECTION 161. IC 12-20-25-31, AS AMENDED BY P.L.73-2005, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 31. (a) The control board may adopt rules concerning the distribution of **township local** assistance designed to reduce the cost and improve the delivery of **township local** assistance. IC 4-22-2 does not apply to the rules. The rules may include provisions governing the following:

(1) The minimum quality of goods and services required to be provided by **township local** assistance vendors.

(2) The rate of reimbursement to be provided to vendors of goods and services under the **township local** assistance program.

(3) The types of assistance that are to be provided to **township local** assistance recipients.

(4) Competitive bidding requirements for purchases of goods and services for **township local** assistance recipients, other than food, other perishable products, and goods or services needed on an emergency basis.

(5) The time within which providers of **township local** assistance are to present claims for payment, which may not exceed sixty (60) days from the date the **township local** assistance was provided.

(6) The purchase of goods and services to meet the emergency needs of **township local** assistance applicants without competitive



1 bids.

2 (b) If rules described in subsection (a)(4) are adopted, the rules must  
3 require that:

4 (1) purchases may be made only after bids have been solicited;  
5 and

6 (2) the contract for furnishing goods or services must be awarded  
7 to the lowest and best responsible and responsive bidder or to  
8 more than one (1) bidder if the selection of more than one (1)  
9 bidder is appropriate to provide the necessary goods or services.

10 (c) If practicable and prudent, ~~township~~ **local** assistance purchases  
11 should be made from local vendors.

12 SECTION 162. IC 12-20-25-32, AS AMENDED BY P.L.73-2005,  
13 SECTION 133, IS AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2020]: Sec. 32. (a) As soon as the management  
15 committee has completed the financial, compliance, economy, and  
16 efficiency audits required by section 15 of this chapter, the  
17 management committee shall make a report to the control board. The  
18 report must include the following:

19 (1) The findings of the financial, compliance, economy, and  
20 efficiency audits.

21 (2) An itemization of each creditor's claims against the distressed  
22 township that were found to be valid and reasonable.

23 (3) An itemization of each claim that was found to be invalid.

24 (4) An itemization of each claim that was found to be  
25 unreasonable and on which no settlement was negotiated.

26 (5) A proposed operating budget for the township trustee's office.

27 (6) An estimate of future operating and debt service costs for  
28 ~~township~~ **local** assistance.

29 (7) The amount of outstanding ~~township~~ **local** assistance bonds  
30 issued and loans incurred by the county and advancements made  
31 by the county.

32 (8) The maximum permissible ~~township~~ **local** assistance levy of  
33 the township under IC 6-1.1-18.5.

34 (b) The county fiscal body may recommend a financial plan to the  
35 management committee that ensures that future revenue increases, if  
36 necessary, come from sources other than ad valorem property taxes  
37 imposed on property within the distressed township and will  
38 accomplish the purposes set forth in section 33(a)(2) of this chapter.  
39 The financial plan may include any of the options set forth in section  
40 34 of this chapter. The management committee shall include any  
41 submitted plan in the committee's report to the control board.

42 SECTION 163. IC 12-20-25-33, AS AMENDED BY P.L.73-2005,





SECTION 134, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2020]: Sec. 33. (a) Upon receipt of the report  
required in section 32 of this chapter, the control board shall adopt the  
following:

(1) An operating budget for the trustee's office.

(2) A financial plan that will ensure that future revenue will do  
the following:

(A) Cover operating expenses and pay ~~township~~ **local**  
assistance claims that are incurred during the time that the  
township is a controlled township not more than thirty (30)  
days after the claims are presented for payment.

(B) Satisfy the outstanding valid and reasonable claims of  
creditors that are approved under section 27 or 28 of this  
chapter within three (3) years.

(C) Retire outstanding bonded indebtedness, the proceeds of  
which were advanced to the distressed township, and repay  
outstanding loans or advances made for ~~township~~ **local**  
assistance in the distressed township within three (3) years.

(b) If the county fiscal body submits a financial plan under section  
32(b) of this chapter, the control board shall adopt the fiscal body's  
plan if the control board finds that the plan will accomplish the  
purposes set forth in subsection (a)(2).

SECTION 164. IC 12-20-25-34, AS AMENDED BY P.L.197-2016,  
SECTION 103, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2020]: Sec. 34. The financial plan adopted  
under section 33 of this chapter may include the following:

(1) The adoption in the current year of a local income tax rate  
under IC 6-3.6 not to exceed one percent (1%). If a local income  
tax rate is imposed under this chapter, the ordinance must specify  
whether any revenue in excess of the rate needed to carry out the  
financial plan is to be used for property tax relief (IC 6-3.6-5) or  
as additional revenue (IC 6-3.6-6). The revenue from the tax rate  
under this section shall be distributed as provided in this chapter.  
The adoption of a local income tax rate under this chapter is in  
addition to the local income tax rate under IC 6-3.6 that may  
already be in effect in the county.

(2) The payment of ~~township~~ **local** assistance with county money.

(3) The elimination or reduction of ~~township~~ **local** assistance  
services not required under this article.

SECTION 165. IC 12-20-25-36, AS AMENDED BY P.L.73-2005,  
SECTION 136, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2020]: Sec. 36. (a) Notwithstanding



1 IC 6-1.1-17, if the county fiscal body:

2 (1) adopts an ordinance under section 35(b)(2) of this chapter; or

3 (2) fails to adopt an ordinance under section 35(b) of this chapter;  
 4 the department shall reduce the county's general fund budget and  
 5 increase the distressed township's ~~township~~ **local** assistance account  
 6 budget in an amount sufficient to satisfy the requirements of section  
 7 33(a)(2) of this chapter. The department shall notify the county auditor  
 8 and county treasurer of the county general fund reduction and the  
 9 county treasurer shall transfer from the county general fund to the  
 10 distressed township's ~~township~~ **local** assistance account the amount  
 11 specified by the department.

12 (b) Notwithstanding IC 6-1.1-18.5, if a county is required to transfer  
 13 money to a distressed township's ~~township~~ **local** assistance account  
 14 under subsection (a), the county may not appeal for an excessive levy  
 15 under IC 6-1.1-18.5 to replace money that is transferred from the  
 16 county general fund.

17 SECTION 166. IC 12-20-25-38, AS AMENDED BY P.L.197-2016,  
 18 SECTION 106, IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2020]: Sec. 38. (a) If the county fiscal body  
 20 adopts an ordinance adopting the control board's financial plan as  
 21 provided in section 35 of this chapter and the plan includes a proposal  
 22 to adopt the local income tax, the control board may request an advance  
 23 of state general fund money in the year the county fiscal body adopts  
 24 the plan and in any subsequent year in anticipation of the local income  
 25 tax revenue. However, the state, acting through the state board of  
 26 finance, may not advance an amount that is greater than the amount of  
 27 local income tax revenue expected to be collected within the year in  
 28 which the advancement is made. The department of state revenue shall  
 29 estimate and certify to the state board of finance the amount of local  
 30 income tax revenue expected to be collected.

31 (b) If the county fiscal body adopts an ordinance adopting the  
 32 control board's financial plan as provided in section 35 of this chapter  
 33 and the plan includes a proposal to adopt the local income tax, a state  
 34 advance from the state general fund must be repaid before any money  
 35 is distributed to the county. The treasurer of state shall withhold  
 36 sufficient money from the county's local income tax account to repay  
 37 the state the amount of state advances provided to the county from the  
 38 state general fund. The treasurer of state shall disburse any balance in  
 39 the county's account to the county, to be used as provided in section 40  
 40 of this chapter.

41 (c) This section does not impose liability on the state for the  
 42 ~~township~~ **local** assistance debts of the county.



1 SECTION 167. IC 12-20-25-40, AS AMENDED BY P.L.197-2016,  
 2 SECTION 108, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2020]: Sec. 40. The county treasurer shall  
 4 deposit the disbursements from the treasurer of state in a county fund  
 5 to be known as the local income tax ~~township~~ **local** assistance control  
 6 fund. Notwithstanding IC 6-3.6 and IC 6-1.1-18.5, the county treasurer  
 7 shall disburse the money in the fund in the following priority:

8 (1) To ensure the payment within thirty (30) days of all valid  
 9 ~~township~~ **local** assistance claims in the distressed township that  
 10 are not covered by subdivision (3).

11 (2) At the end of each calendar year, to redeem any outstanding  
 12 bonds issued or repay loans incurred by the county for poor relief  
 13 or ~~township~~ **local** assistance purposes under IC 12-2-4.5 (before  
 14 its repeal), IC 12-2-5 (before its repeal), IC 12-20-23 (before its  
 15 repeal), or IC 12-20-24 to the extent the proceeds of the bonds or  
 16 loans were advanced to the distressed township.

17 (3) To pay claims approved under section 27 or 28 of this chapter  
 18 (or IC 12-2-14-22 or IC 12-2-14-23 before their repeal).

19 (4) As provided in IC 6-3.6, for the purposes specified in the  
 20 ordinance imposing the local income tax under this chapter.

21 SECTION 168. IC 12-20-25-41, AS AMENDED BY P.L.197-2016,  
 22 SECTION 109, IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2020]: Sec. 41. (a) As used in subsection (c),  
 24 "advance" refers to money provided to a distressed township from the  
 25 state general fund under section 38 of this chapter.

26 (b) As used in subsection (c), "support" refers to money provided  
 27 from the distressed township supplemental ~~township~~ **local** assistance  
 28 fund established by section 51 of this chapter to pay ~~township~~ **local**  
 29 assistance claims and the operating costs of the management committee  
 30 during the period the management committee is in control of the  
 31 township trustee's office.

32 (c) The controlled status of a township under this chapter terminates  
 33 at the end of a year if at that time the county, with respect to each  
 34 controlled township:

35 (1) has repaid:

36 (A) all state advances provided to the county under this  
 37 chapter; and

38 (B) state support provided to the county under this chapter if  
 39 the department has reduced the county's general fund budget  
 40 under section 36 of this chapter;

41 (2) has paid all valid ~~township~~ **local** assistance claims in the  
 42 distressed township, including the claims approved under section



27 or 28 of this chapter;

(3) will have sufficient money to pay, not more than thirty (30) days after a claim is submitted for payment, all valid ~~township~~ **local** assistance claims in the distressed township that are expected to be submitted in the following year as determined by the control board, excluding any advances from the state, revenues from short term loans from the county or a financial institution under IC 12-2-4.5 (before its repeal) or IC 12-20-24, and proceeds from bonds issued under IC 12-2-1 (before its repeal), IC 12-2-5 (before its repeal), or this article; and

(4) has no bonds outstanding that were issued to pay for ~~township~~ **local** assistance in the distressed township.

(d) Notwithstanding IC 6-3.6, if the control board finds that:

(1) the requirements of subsection (c)(1), (c)(2), and (c)(4) are satisfied; and

(2) the requirements of subsection (c)(3) cannot be satisfied because the township's maximum permissible ad valorem property tax levy provides insufficient revenue to ensure the payment of all valid ~~township~~ **local** assistance claims in the distressed township that will be incurred during the year following the termination of the controlled status of the township;

the county fiscal body may dedicate to the provision of ~~township~~ **local** assistance, from the local income tax imposed as a result of adopting a financial plan under section 35 of this chapter, an amount necessary to satisfy the requirements of subsection (c)(3).

(e) If the control board finds that the local income tax dedicated under subsection (d) will satisfy the requirements of subsection (c)(3), the controlled status of the township under this chapter terminates at the end of the year in which the control board makes the board's finding.

SECTION 169. IC 12-20-25-42, AS AMENDED BY P.L.169-2006, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 42. (a) This section applies to a township that was certified a distressed township before January 1, 1988.

(b) The controlled status of the distressed township is terminated on July 1, 1989, if the department finds that the following conditions exist:

(1) All valid township assistance claims in the distressed township, including the claims approved under IC 12-2-14-22 (before its repeal), IC 12-2-14-23 (before its repeal), or section 27 or 28 of this chapter, have been paid, except for the following:

(A) Claims under litigation before the date of the board's finding.



(B) Obligations owed to other political subdivisions.

(2) The township has no bonds outstanding that were issued to pay for township assistance in the distressed township.

(c) Notwithstanding section 4(2) of this chapter, if a township that has had the township's distressed status terminated under subsection (b) uses advances from the county from proceeds of bonds issued under IC 12-2-1 (before its repeal) or this article to pay township assistance claims more than one (1) time in the five (5) years following the termination of the township's distressed status, the township must have the township's civil and township assistance budgets reviewed and approved by the county fiscal body in each year that a tax is levied against the property in the township to repay the advances. The decision of the county fiscal body may be appealed to the department.

(d) Notwithstanding IC 12-2-5-6 (before its repeal), IC 12-2-5-8 (before its repeal), IC 12-20-23-15 (before its repeal), and IC 12-20-23-19 (before its repeal), the aggregate principal amount of any outstanding debt that is incurred to pay township assistance claims during the five (5) years following the termination of the township's distressed status under subsection (b) and that is in excess of one-tenth percent (0.1%) of the adjusted valued of taxable property in the township as determined under IC 36-1-15 is the direct general obligation of the county.

**(e) A reference to "township assistance" in this section is considered to be "local assistance" if paid after June 30, 2020.**

SECTION 170. IC 12-20-25-43, AS AMENDED BY P.L.197-2016, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 43. Notwithstanding IC 6-3.6, if:

- (1) there has been a controlled township in a county;
- (2) the township that has been controlled has levied the township's maximum permissible ad valorem property tax levy for ~~township~~ **local** assistance;
- (3) the maximum permissible ad valorem property tax levy is insufficient to ensure the payment within thirty (30) days of all valid ~~township~~ **local** assistance claims in the township; and
- (4) the local income tax is in effect in the county as a result of adopting a financial plan under this chapter;

the county fiscal body shall dedicate from the local income tax imposed under this chapter an amount of revenue determined by the department to be necessary to ensure the payment within thirty (30) days of all ~~township~~ **local** assistance claims in the township that has been controlled. The county fiscal body shall distribute any local income tax revenues dedicated under this section before the fiscal body makes any



1 other distributions in accordance with this chapter. Notwithstanding  
 2 section 45 of this chapter, the county fiscal body may not reduce the  
 3 local income tax rate below the rate necessary to satisfy the  
 4 requirements of this section.

5 SECTION 171. IC 12-20-25-44, AS AMENDED BY P.L.197-2016,  
 6 SECTION 111, IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2020]: Sec. 44. (a) This section applies after the  
 8 termination of the controlled status of all townships located in a county  
 9 as provided in section 41 of this chapter.

10 (b) If the local income tax is imposed under this chapter, the tax  
 11 shall be distributed as provided in section 46 of this chapter. If the  
 12 county fiscal body has not dedicated local income tax revenue for  
 13 ~~township~~ **local** assistance under section 41 of this chapter, the county  
 14 fiscal body may rescind the tax as provided in IC 6-3.6. If the county  
 15 fiscal body has dedicated local income tax revenue for ~~township~~ **local**  
 16 assistance under section 41 of this chapter, the county fiscal body may  
 17 rescind the tax but not until after the end of the year following the  
 18 termination of the controlled status of the township.

19 (c) If:

20 (1) the local income tax (IC 6-3.6) was in effect before the local  
 21 income tax rate is imposed under this chapter; and

22 (2) the county fiscal body did not dedicate local income tax  
 23 revenue for township assistance under section 41 of this chapter;  
 24 the local income tax imposed under this chapter terminates as of the  
 25 date the controlled status of all townships located in the county  
 26 terminates.

27 SECTION 172. IC 12-20-25-49, AS AMENDED BY P.L.73-2005,  
 28 SECTION 143, IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2020]: Sec. 49. Each distressed township shall  
 30 take all action necessary to levy the maximum permissible ad valorem  
 31 property tax levy for ~~township~~ **local** assistance permitted under  
 32 IC 6-1.1-18.5. If a distressed township fails to take this action, the  
 33 department shall adjust, in the board's certificate of levies of  
 34 governmental entities in the county, the township's proposed levy so  
 35 that the levy is the maximum permissible ad valorem property tax levy.

36 SECTION 173. IC 12-20-25-51, AS AMENDED BY P.L.73-2005,  
 37 SECTION 144, IS AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2020]: Sec. 51. The distressed township  
 39 supplemental ~~township~~ **local** assistance fund is established. The fund  
 40 shall be administered by the treasurer of state. The fund shall be used  
 41 to provide state support to distressed townships.

42 SECTION 174. IC 12-20-25-52, AS AMENDED BY P.L.73-2005,



1 SECTION 145, IS AMENDED TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2020]: Sec. 52. State support provided from the  
 3 distressed township supplemental township assistance fund:

- 4 (1) is supplemental to other financing for township assistance;  
 5 (2) may be used to satisfy ~~township~~ **local** assistance claims  
 6 incurred during the period the management committee is in  
 7 control of the township trustee's office; and  
 8 (3) subject to the approval of the control board, may be used to  
 9 pay claims approved under IC 12-2-14-22 (before its repeal),  
 10 IC 12-2-14-23 (before its repeal), or section 27 or 28 of this  
 11 chapter.

12 SECTION 175. IC 12-20-25-53, AS AMENDED BY P.L.73-2005,  
 13 SECTION 146, IS AMENDED TO READ AS FOLLOWS  
 14 [EFFECTIVE JULY 1, 2020]: Sec. 53. The distressed township  
 15 supplemental ~~township~~ **local** assistance fund consists of appropriations  
 16 made to the fund by the general assembly. Interest earned on the money  
 17 in the fund remains in the fund. The balance remaining in the fund at  
 18 the end of a state fiscal year remains in the fund and does not revert to  
 19 the state general fund.

20 SECTION 176. IC 12-20-25-54, AS AMENDED BY P.L.73-2005,  
 21 SECTION 147, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2020]: Sec. 54. If a financial or compliance  
 23 audit required under section 15 of this chapter discloses negligence or  
 24 unlawful conduct in the approval of or receipt of ~~township~~ **local**  
 25 assistance, the management committee shall file a copy of the audit  
 26 with the prosecuting attorney and with the attorney general. If the  
 27 attorney general finds that criminal or civil charges should be filed and  
 28 the prosecuting attorney fails to file the charges, the attorney general  
 29 shall file the charges.

30 SECTION 177. IC 12-20-26-1, AS AMENDED BY P.L.73-2005,  
 31 SECTION 148, IS AMENDED TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2020]: Sec. 1. In a county in which a tax has  
 33 been levied and raised for the payment of notes and interest on the  
 34 notes issued by the ~~board of commissioners~~ **county executive** for the  
 35 purpose of paying ~~township~~ **local** assistance claims against a township,  
 36 the county auditor shall transfer the balance of money that remains  
 37 after paying all notes and interest to the county general fund to the  
 38 credit of the ~~township~~ **local** assistance fund of the township in which  
 39 the money was raised.

40 SECTION 178. IC 12-20-27-1, AS AMENDED BY P.L.99-2007,  
 41 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2020]: Sec. 1. (a) Subject to IC 12-20-11-5(b), a ~~township~~



1 ~~trustee an administrator~~ who ~~as administrator of township assistance,~~  
 2 furnishes ~~township local~~ assistance may file a claim against the estate  
 3 of a ~~township local~~ assistance recipient who:

4 (1) dies, leaving an estate; and

5 (2) is not survived by:

6 (A) a spouse;

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

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

9 for the value of ~~township local~~ assistance given the recipient before the  
 10 recipient's death.

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

14 SECTION 179. IC 12-20-27-1.5, AS AMENDED BY P.L.73-2005,  
 15 SECTION 150, IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2020]: Sec. 1.5. (a) As used in this section,  
 17 "interim period" means the period:

18 (1) beginning when ~~a township trustee an administrator~~ obtains  
 19 from a ~~township local~~ assistance applicant or member of the  
 20 applicant's household an agreement or authorization described in  
 21 subsection (b); and

22 (2) ending when the ~~township local~~ assistance applicant or  
 23 member of the applicant's household receives the judgment,  
 24 compensation, or monetary benefit or leaves the household.

25 (b) Subject to IC 12-20-11-5(b), if ~~a township trustee, as an~~  
 26 ~~administrator of township assistance,~~ anticipates that a ~~township local~~  
 27 assistance applicant or a member of the applicant's household is likely  
 28 to receive a judgment, compensation, or a monetary benefit from a  
 29 third party, the ~~township trustee administrator~~ may require the  
 30 applicant or the affected member of the applicant's household to:

31 (1) enter into a subrogation agreement; or

32 (2) sign a Social Security Administration's reimbursement  
 33 authorization;

34 for the repayment of any ~~township local~~ assistance benefits provided  
 35 by the township during the interim period. A subrogation agreement  
 36 authorized under subdivision (1) may only require repayment of  
 37 interim benefits provided to the applicant or to the applicant's  
 38 dependents who were members of the household to which ~~township~~  
 39 ~~local~~ assistance benefits were paid.

40 SECTION 180. IC 12-20-27-2, AS AMENDED BY P.L.73-2005,  
 41 SECTION 151, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2020]: Sec. 2. A claim filed against the estate





1 of a ~~township~~ **local** assistance recipient under IC 12-2-14 (before its  
2 repeal) or this chapter shall be filed and allowed as a general claim.

3 SECTION 181. IC 12-20-28-3, AS AMENDED BY P.L.1-2009,  
4 SECTION 106, IS AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The definitions in this section  
6 apply to a report that is required to be filed under this section.

7 (b) As used in this section, "case contact" means any act of service  
8 in which a township **or county** employee has reason to enter a  
9 comment or narrative into the record of an application for ~~township~~  
10 **local** assistance under this article regardless of whether the applicant  
11 receives or does not receive ~~township~~ **local** assistance funds.

12 (c) As used in this section, "total number of households containing  
13 ~~township~~ **local** assistance recipients" means the sum to be determined  
14 by counting the total number of individuals who file an application for  
15 which assistance is granted. A household may be counted only once  
16 during a calendar year regardless of the number of times assistance is  
17 provided if the same individual makes the application for assistance.

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

- 23 (1) number of times assistance is provided; or
- 24 (2) number of households in which the individual resides during  
25 a particular year.

26 (e) As used in this section, "total number of requests for assistance"  
27 means the number of times an individual or a household separately  
28 requests any type of ~~township~~ **local** assistance.

29 (f) The ~~township trustee~~ **administrator** shall file an annual  
30 statistical report on ~~township~~ housing, medical care, utility assistance,  
31 food assistance, burial assistance, food pantry assistance, services  
32 related to representative payee programs, services related to special  
33 nontraditional programs, and case management services with the state  
34 board of accounts. The ~~township trustee~~ **administrator** shall provide  
35 a copy of the annual statistical report to the county auditor. The county  
36 auditor shall keep the copy of the report in the county auditor's office.  
37 Except as provided in subsection (k), the report must be made on a  
38 form provided by the state board of accounts. The report must contain  
39 the following information:

- 40 (1) The total number of requests for assistance.
- 41 (2) The total number of each of the following:
- 42 (A) Recipients of ~~township~~ **local** assistance.



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



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



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



1 to the department and the division of family resources.

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

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

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

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

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

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

24 SECTION 182. IC 12-20-29-1, AS ADDED BY P.L.108-2019,  
25 SECTION 201, IS AMENDED TO READ AS FOLLOWS  
26 [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) The department of local  
27 government finance ~~township local~~ assistance online pilot program is  
28 established.

29 (b) The purpose of the pilot program is to:

30 (1) develop an electronic platform that will allow for ease of  
31 access and efficient application for ~~township local~~ assistance by  
32 township **or county** residents;

33 (2) automate the application process for ~~township local~~  
34 assistance; and

35 (3) create a system to collect and report data regarding ~~township~~  
36 **local** assistance relevant to the administration of ~~township local~~  
37 assistance.

38 (c) The department of local government finance may make the  
39 electronic application platform available to townships **and counties**  
40 that agree to participate in the pilot program.

41 (d) The department of local government finance may charge a fee  
42 for the use of the electronic application platform to cover costs



1 associated with ongoing operation and maintenance of the system.

2 SECTION 183. IC 12-20-29-3, AS ADDED BY P.L.108-2019,  
3 SECTION 201, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) As used in this section, "fund"  
5 means the department of local government finance ~~township local~~  
6 assistance online pilot program fund established by subsection (b).

7 (b) The department of local government finance ~~township local~~  
8 assistance online pilot program fund is established.

9 (c) The fund shall be used to assist in implementing and  
10 administering the pilot program.

11 (d) The fund consists of one (1) or more of the following:

12 (1) Appropriations made by the general assembly.

13 (2) Donations made to the fund.

14 (3) Any fees collected under section 1 of this chapter.

15 (e) The fund shall be administered by the department of local  
16 government finance.

17 (f) The expenses of administering the pilot program and the fund  
18 shall be paid from the fund.

19 (g) Unless otherwise provided by state or federal law, expenses  
20 associated with the pilot program shall be paid from the fund.

21 (h) Any money in the fund at the end of a state fiscal year does not  
22 revert to the state general fund.

23 SECTION 184. IC 12-30-1-5, AS AMENDED BY P.L.73-2005,  
24 SECTION 154, IS AMENDED TO READ AS FOLLOWS  
25 [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) A ~~board of commissioners~~  
26 **county executive** that has established a county home under this  
27 chapter:

28 (1) shall order that all indigent individuals who have become  
29 permanent charges on the county be removed to the county home;  
30 and

31 (2) may take the measures for the employment and support of the  
32 indigent as the ~~board of commissioners~~ **county executive**  
33 considers advisable.

34 (b) After a county home is established and an order is issued under  
35 subsection (a), ~~the township trustees as administrators of township~~  
36 ~~assistance an administrator~~ shall, as indigent individuals become  
37 permanent charges to ~~their respective townships,~~ **the township or**  
38 **county**, have those individuals removed to the county home.

39 SECTION 185. IC 12-30-2-10, AS AMENDED BY P.L.73-2005,  
40 SECTION 155, IS AMENDED TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) The superintendent of the  
42 county home shall manage the county home and its farm to the best



1 interests of the county.

2 (b) The superintendent shall maintain order and discipline and shall  
3 assign a reasonable amount of labor to every resident who is able to  
4 perform labor. A resident may not be excused from labor except by the  
5 superintendent or by the county physician for cause. The excuse of a  
6 resident by the physician shall be for a definite time, except in the case  
7 of:

8 (1) residents at least seventy (70) years of age; or

9 (2) residents suffering from a physical or mental disability that  
10 makes the residents unfit for labor;  
11 to whom a permanent excuse may be given by the physician.

12 (c) A resident who refuses to perform the task assigned by the  
13 superintendent may be dismissed from the county home by the  
14 superintendent and can only be readmitted within six (6) weeks after  
15 dismissal:

16 (1) with the consent of the superintendent; or

17 (2) upon an order that is issued by the ~~township trustee as the~~  
18 administrator of ~~township local~~ assistance and endorsed by the  
19 chairman of the ~~board of commissioners~~ **county executive**.

20 SECTION 186. IC 12-30-4-1, AS AMENDED BY P.L.73-2005,  
21 SECTION 156, IS AMENDED TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2020]: Sec. 1. Every county that maintains, in  
23 addition to any other charitable institution permitted by law, a county  
24 home that provides for the care of indigent individuals as provided by  
25 law:

26 (1) shall receive and support in the county home indigent  
27 individuals who:

28 (A) are lawfully settled in the county; and

29 (B) placed in the county home by the ~~township trustee as the~~  
30 administrator of ~~township local~~ assistance, with the consent of  
31 the ~~board of commissioners of the county~~ **executive**; or

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

36 SECTION 187. IC 12-30-4-2, AS AMENDED BY P.L.73-2005,  
37 SECTION 157, IS AMENDED TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The ~~township trustee as the~~  
39 administrator of ~~township local~~ assistance shall periodically provide for  
40 the admission to the county home of indigent individuals who have  
41 become permanent charges on the township **or the county**.

42 (b) Whenever an individual who is determined to be eligible for



1 ~~township local~~ assistance and is entitled to temporary relief is in a  
 2 township **or county** in which the individual does not have legal  
 3 settlement, the ~~township trustee as the~~ administrator of ~~township local~~  
 4 assistance may place the individual temporarily in the county home.

5 SECTION 188. IC 12-30-4-3, AS AMENDED BY P.L.73-2005,  
 6 SECTION 158, IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2020]: Sec. 3. The ~~township trustee as the~~  
 8 administrator of ~~township local~~ assistance shall, when seeking the  
 9 admission of an individual as a resident of a county home, first  
 10 investigate the individual and make a report to the ~~board of~~  
 11 ~~commissioners of the~~ county **executive**. The report must contain the  
 12 following:

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

25 SECTION 189. IC 12-30-4-4, AS AMENDED BY P.L.73-2005,  
 26 SECTION 159, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) The ~~board of commissioners~~  
 28 ~~of the~~ county **executive** shall, upon receipt of a recommendation by the  
 29 township trustee ~~as the or~~ administrator, ~~of township assistance,~~  
 30 immediately consider the recommendation and make further  
 31 investigation that the ~~board of commissioners~~ **county executive**  
 32 considers best. The ~~board of commissioners of the~~ county **executive**  
 33 shall admit the individual on the terms, conditions, and contract that  
 34 the ~~board of commissioners~~ **county executive** considers just and fair  
 35 by requiring the individual sought to be admitted, or other persons or  
 36 agencies, to pay the money, within the rate lawfully established under  
 37 section 8 of this chapter, at the times that the ~~board of commissioners~~  
 38 **county executive** considers proper.

39 (b) The ~~board of commissioners~~ **county executive** may delegate the  
 40 investigation to the superintendent of the county home or to other  
 41 agencies or persons that the ~~board of commissioners~~ **county executive**  
 42 considers best. However, the ~~board of commissioners~~ **county executive**





1 retains the right of determination, subject only to the right of appeal.

2 SECTION 190. IC 12-30-4-5, AS AMENDED BY P.L.84-2016,  
3 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2020]: Sec. 5. If a ~~board of commissioners~~ **county executive**  
5 finds that the individual sought to be admitted into the county home or  
6 other charitable institution should not, for any cause, be admitted, the  
7 individual denied admission, or the ~~township trustee as the~~  
8 administrator of ~~township local~~ assistance, may appeal from the  
9 decision of the ~~board of commissioners of the~~ **county executive** to the  
10 circuit court, superior court, or probate court of the county by filing a  
11 transcript of the record before the ~~board of commissioners~~ **county**  
12 **executive** with the clerk of the circuit court, superior court, or probate  
13 court of the county, who shall immediately notify the circuit court,  
14 superior court, or probate court. The court shall, as soon as possible,  
15 proceed to hear and determine the matter. The court may order the  
16 ~~board of commissioners~~ **county executive** to accept the individual in  
17 the county home or other charitable institution on the terms and  
18 conditions, within the lawfully established rate as provided in section  
19 8 of this chapter, as the court orders.

20 SECTION 191. IC 12-30-4-6, AS AMENDED BY P.L.84-2016,  
21 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2020]: Sec. 6. In case of an emergency and pending the  
23 decision by the ~~board of commissioners~~ **county executive** or the circuit  
24 court, superior court, or probate court, an individual sought to be  
25 admitted shall be admitted temporarily. If the final determination is  
26 made that the individual should not be admitted, the ~~trustee of the~~  
27 ~~township of the individual's legal settlement, as the~~ administrator of  
28 ~~township local~~ assistance, shall immediately remove the individual  
29 from the county home or other charitable institution.

30 SECTION 192. IC 12-30-4-10, AS AMENDED BY P.L.73-2005,  
31 SECTION 162, IS AMENDED TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 2020]: Sec. 10. The:

33 (1) county council shall appropriate; and

34 (2) the ~~board of commissioners~~ **county executive** in each county  
35 shall advance;

36 to the ~~township trustees as the administrators of township assistance~~  
37 **administrators of local assistance** the money necessary for the relief  
38 and burial of the indigent in each township, which shall be accounted  
39 for and repaid to the county treasurer as provided in section 11 of this  
40 chapter.

41 SECTION 193. IC 12-30-4-11, AS AMENDED BY P.L.73-2005,  
42 SECTION 163, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2020]: Sec. 11. (a) Each ~~township trustee as the~~ administrator of ~~township~~ **local** assistance shall pay to the county the amount fixed for each individual admitted into the county home or other charitable institution from the township **or county**, except those otherwise able to pay the cost of their care from their own resources or from other assistance awards. Except as provided in subsection (b), the amount that may be charged to the township **or county** may not exceed one hundred dollars (\$100) per month per individual.

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

(c) Each township **or county** shall levy a tax sufficient to meet those expenses.

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

SECTION 194. IC 12-30-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. This chapter does affect the duties of township trustees, **the administrators of local assistance**, or the superintendents of the county homes.

SECTION 195. IC 12-30-7-33, AS AMENDED BY P.L.73-2005, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 33. (a) Whenever a patient has been admitted to a health center from the county in which the health center is situated, the administrator shall cause an inquiry to be made as to the financial circumstances of the patient and of any relatives of the patient who may be legally liable for the patient's support. If the administrator finds that the patient or the patient's relatives are able to pay for the patient's care and treatment, in whole or in part, an order shall be made directing the patient or the relative to pay a specified amount per month to the health center for the support of the patient.

(b) The health center may collect the amount from the estate of the patient or from relatives legally liable for the patient's support. If the administrator finds that the patient or the patient's relatives are not able to pay, the administrator may seek reimbursement from the county office, Medicare, Medicaid, private insurance companies, the township trustee, ~~as the administrator of township~~ **local** assistance, or the county general fund, depending on the eligibility of the patient for assistance from the county office or program.

SECTION 196. IC 15-16-7-4, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2020]: Sec. 4. (a) The weed control board consists of the following members to be appointed by the authorizing body:

(1) **Either of the following:**

(A) **In a county in which township government has not been dissolved,** one (1) township trustee of the county.

(B) **In a county in which township government has been dissolved, one (1) individual who is either:**

(i) **a member of the county executive; or**

(ii) **a designee of the county executive who is responsible for the destruction of detrimental plants described in this chapter.**

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

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

(4) One (1) representative from the county highway department or an appointee of the county ~~commissioners~~ **executive**.

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

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

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

SECTION 197. IC 15-16-7-9, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) The weed control board shall require persons who own:

(1) real estate; or

(2) easements, rights-of-way, or other similar interests in real estate;

in the county to control and contain noxious weeds growing on the real estate.

(b) A five (5) day written notice to remove any noxious weeds shall be issued by the board. The notice may be served:

(1) by certified or registered mail addressed to the latest address of the person or to the person's resident agent; or

(2) personally by the sheriff.

(c) The weed control board shall notify:

(1) **the township trustee in a county in which township government has not been dissolved; and**



1           **(2) the county executive or the county executive's designee, in**  
 2           **a county in which township government has been dissolved;**  
 3 when the board has sent a notice to a person to remove noxious weeds  
 4 growing on real estate in the township **or county.**

5           SECTION 198. IC 15-16-8-0.5 IS ADDED TO THE INDIANA  
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2020]: **Sec. 0.5. (a) This section applies only**  
 8 **to a county in which township government has been dissolved.**

9           **(b) As used in this section, "dissolution date" has the meaning**  
 10 **set forth in IC 36-6.1-1-2.**

11           **(c) Beginning on the dissolution date, the powers and duties**  
 12 **established by this chapter are conferred on the county with**  
 13 **respect to property in a township that is located in the county.**

14           **(d) Beginning on the dissolution date, any reference in this**  
 15 **chapter to "township board" is considered a reference to the**  
 16 **county fiscal body.**

17           **(e) Beginning on the dissolution date, any reference in this**  
 18 **chapter to:**

19           **(1) "township" is considered a reference to the geographic**  
 20 **area of a dissolved township government in a county; and**

21           **(2) "township trustee" or "trustee" is considered a reference**  
 22 **to the appropriate county official or county official's designee**  
 23 **to administer this chapter.**

24           SECTION 199. IC 16-24-1-21, AS AMENDED BY P.L.73-2005,  
 25 SECTION 165, IS AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2020]: **Sec. 21. (a) Whenever a patient is**  
 27 **admitted to the hospital from the county in which the hospital is**  
 28 **located, the superintendent shall inquire:**

29           **(1) as to the patient's circumstances; and**

30           **(2) of the relatives of the patient legally liable for the patient's**  
 31 **support.**

32           **(b) If the patient or the patient's relatives are able to pay for the**  
 33 **patient's care and treatment in whole or in part, the patient or the**  
 34 **patient's relatives shall be directed to pay the treasurer of the hospital**  
 35 **for the patient's support in proportion to the patient's or relatives'**  
 36 **financial ability, but not to exceed the actual per capita cost of**  
 37 **maintenance.**

38           **(c) The superintendent has the same authority to collect the sum**  
 39 **from the estate of the patient or the patient's relatives legally liable for**  
 40 **the patient's support as is possessed by the township trustee as**  
 41 **administrator of township local assistance (as defined in**  
 42 **IC 12-7-2-1.5) in similar circumstances. If the superintendent finds**



1 that the patient or the patient's relatives are not able to pay either in  
 2 whole or in part the patient becomes a charge upon the county.

3 SECTION 200. IC 16-24-1-23, AS AMENDED BY P.L.73-2005,  
 4 SECTION 166, IS AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2020]: Sec. 23. (a) Whenever a superintendent  
 6 receives an application for the admission of a patient with tuberculosis  
 7 from the county executive of any other county, the superintendent shall  
 8 notify the person to appear at the hospital if there is:

9 (1) a vacancy; and

10 (2) no pending application from a resident of the county in which  
 11 the hospital is located.

12 (b) If the superintendent is satisfied that the patient has tuberculosis,  
 13 the superintendent shall admit the patient to the hospital. The patient  
 14 is a charge against the county executive of the county sending the  
 15 patient, at a rate to be fixed by the board of managers. The rate may not  
 16 exceed the per capita cost of maintenance, including a reasonable  
 17 allowance for interest on the costs of the hospital. The bill shall, when  
 18 verified, be audited and paid by the auditor of that county.

19 (c) The county executive shall investigate the circumstances of the  
 20 patient and of the patient's relatives legally liable for the patient's  
 21 support, and has the same authority as the ~~township trustee~~ as  
 22 administrator of ~~township~~ local assistance **(as defined in**  
 23 **IC 12-7-2-1.5)** to collect the cost of the patient's maintenance  
 24 according to the patient's relatives' financial ability.

25 SECTION 201. IC 16-24-2-10, AS AMENDED BY P.L.73-2005,  
 26 SECTION 167, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2020]: Sec. 10. **(a)** Whenever a patient is  
 28 admitted to the hospital from the county in which the hospital is  
 29 situated, the superintendent shall inquire into the circumstances of the  
 30 patient and of the relatives of the patient legally liable for the patient's  
 31 support.

32 **(b)** If the superintendent finds that the patient or the patient's  
 33 relatives are able to pay for care and treatment, in whole or in part, the  
 34 superintendent shall direct the patient or the patient's relatives to pay  
 35 to the treasurer of the hospital a specified amount each week, in  
 36 proportion to the patient's or the patient's relatives' financial ability.

37 **(c)** The hospital has the same authority to collect from the estate of  
 38 the patient, or the patient's relatives legally liable for the patient's  
 39 support, as the ~~township trustee~~ as administrator of ~~township~~ local  
 40 assistance **(as defined in IC 12-7-2-1.5)** in similar cases.

41 **(d)** If the patient or the patient's relatives are not able to pay, either  
 42 in whole or in part, the care and treatment become a charge upon the



1 county.

2 SECTION 202. IC 16-24-2-13, AS AMENDED BY P.L.73-2005,  
3 SECTION 168, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) Whenever the  
5 superintendent receives an application for the admission of a patient  
6 from another county, the superintendent shall notify the person to  
7 appear at the hospital if the following conditions are met:

8 (1) It appears that the person has tuberculosis, or a similar  
9 disease.

10 (2) There is a vacancy in the hospital.

11 (3) There is no pending application from a patient residing in the  
12 county in which the hospital is located.

13 (b) If, upon personal examination of the patient by the medical staff  
14 of the hospital, the superintendent determines that the patient has  
15 tuberculosis, the superintendent shall admit the patient to the hospital.  
16 The patient is a charge against the executive of the county sending the  
17 patient, at a rate to be fixed by the board of managers but not to exceed  
18 the per capita cost of maintenance, including a reasonable allowance  
19 for interest on the cost of the hospital. The bill shall, when verified, be  
20 paid by the auditor of the county. The county executive of the  
21 contracting county shall investigate the circumstances of the patient  
22 and of the patient's relatives legally liable for the patient's support. The  
23 county executive has the same authority as ~~a township trustee~~ as the  
24 administrator of ~~township~~ local assistance **(as defined in**  
25 **IC 12-7-2-1.5)** in similar cases to collect, according to the patient's or  
26 the patient's relatives' financial ability, the cost of the maintenance.

27 SECTION 203. IC 16-41-19-7, AS AMENDED BY P.L.51-2015,  
28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2020]: Sec. 7. **(a) As used in this section, "administrator of**  
30 **local assistance" has the meaning set forth in IC 12-7-2-1.5.**

31 ~~(a)~~ **(b)** Except as provided in subsection ~~(b)~~, **(c)**, all costs that are  
32 incurred in furnishing biologicals under this chapter,  
33 IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be paid by:

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

36 (2) the appropriate:

37 **(A) township, in a county in which township government**  
38 **has not been dissolved; or**

39 **(B) county in which township government has been**  
40 **dissolved;**

41 against which the application form is issued from funds in the  
42 ~~township~~ **local** assistance fund;



not otherwise appropriated without appropriations.

~~(b)~~ (c) A township **or county** is not responsible for paying for biologicals as provided in subsection ~~(a)(2)~~ **(b)(2)** if the ~~township trustee~~ **administrator of local assistance** has evidence that the individual has the financial ability to pay for the biologicals.

~~(c)~~ (d) When a ~~township trustee~~ **an administrator of local assistance** is presented with a legal claim for insulin being furnished to an individual, the ~~township trustee~~ **administrator** may require the individual to complete and file a standard application for ~~township local~~ **local** assistance in order to investigate the financial condition of the individual claiming to be indigent.

~~(d)~~ (e) For purposes of this section, the ~~township~~ **administrator** shall consider an adult individual needing insulin as an individual and not as a member of a household requesting ~~township local~~ **local** assistance.

SECTION 204. IC 16-46-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. This chapter does not amend, supersede, or repeal any other statute vesting authority in any ~~township trustee, administrator of local assistance (as defined in IC 12-7-2-1.5),~~ school board, board of school trustees, or board of school commissioners.

SECTION 205. IC 20-33-5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 0.5. As used in this chapter, "administrator" refers to the administrator of local assistance (as defined in IC 12-7-2-1.5).**

SECTION 206. IC 20-33-5-12, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 12. Under extraordinary circumstances, the ~~township trustee~~ **administrator** may pay for the fees enumerated in section 3 of this chapter for individuals who do not otherwise qualify under the financial eligibility standard established in this chapter. Assistance in such cases may be provided by the ~~township trustee~~ **administrator** under IC 12-20.

SECTION 207. IC 20-33-5-13, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) Financial assistance for shoes and clothing shall be provided directly by the ~~township trustee~~ **administrator** under IC 12-20 to parents who do not have sufficient means to furnish the shoes and clothing needed by the children to attend school.

(b) A school corporation may establish a clothing bank to provide for children's clothing needs on an emergency basis.

SECTION 208. IC 23-14-31-26, AS AMENDED BY P.L.190-2016,



SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 26. (a) Except as provided in subsection (c), the following persons, in the priority listed, have the right to serve as an authorizing agent:

(1) A person:

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

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

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

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

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

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

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

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

(6) The decedent's surviving sibling or, if more than one (1) sibling is surviving, the majority of the surviving siblings. However, less than half of the surviving siblings have the rights





under this subdivision if the siblings have used reasonable efforts to notify the other surviving siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving siblings.

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

(8) If none of the persons described in subdivisions (1) through (7) are available, or willing, to act and arrange for the final disposition of the decedent's remains, a stepchild (as defined in IC 6-4.1-1-3(f)) of the decedent. If more than one (1) stepchild survives the decedent, then a majority of the surviving stepchildren. However, less than half of the surviving stepchildren have the rights under this subdivision if they have used reasonable efforts to notify the other stepchildren of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the stepchildren.

(9) The person appointed to administer the decedent's estate under IC 29-1.

(10) If none of the persons described in subdivisions (1) through (9) are available, any other person willing to act and arrange for the final disposition of the decedent's remains, including a funeral home that:

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

(B) attests in writing that a good faith effort has been made to contact any living individuals described in subdivisions (1) through (9).

(11) In the case of an indigent or other individual whose final disposition is the responsibility of the state, **county**, or township, the following may serve as the authorizing agent:

(A) If none of the persons identified in subdivisions (1) through (10) are available:

(i) a public administrator, including a responsible ~~township~~



~~trustee or the trustee's designee; administrator of local assistance (as defined in IC 12-7-2-1.5) or the administrator's designee; or~~

(ii) the coroner.

(B) A state appointed guardian.

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

(12) In the absence of any person under subdivisions (1) through (11), any person willing to assume the responsibility as the authorizing agent, as specified in this article.

(b) When a body part of a nondeceased individual is to be cremated, a representative of the institution that has arranged with the crematory authority to cremate the body part may serve as the authorizing agent.

(c) If:

(1) the death of the decedent appears to have been the result of:

(A) murder (IC 35-42-1-1);

(B) voluntary manslaughter (IC 35-42-1-3); or

(C) another criminal act, if the death does not result from the operation of a vehicle; and

(2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not serve as the authorizing agent.

(d) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the crematory authority of the determination referred to in subsection (c)(2).

(e) If a person vested with a right under subsection (a) does not exercise that right not later than seventy-two (72) hours after the person receives notification of the death of the decedent, the person forfeits the person's right to determine the final disposition of the decedent's remains, and the right to determine final disposition passes to the next person described in subsection (a).

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

(g) If there is a dispute concerning the disposition of a decedent's



remains, a crematory authority is not liable for refusing to accept the remains of the decedent until the crematory authority receives:

(1) a court order; or

(2) a written agreement signed by the disputing parties;

that determines the final disposition of the decedent's remains. If a crematory authority agrees to shelter the remains of the decedent while the parties are in dispute, the crematory authority may collect any applicable fees for storing the remains, including legal fees that are incurred.

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

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

SECTION 209. IC 23-14-33-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 3.5. (a) This section applies only to a county in which township government has been dissolved.**

**(b) As used in this section, "dissolution date" has the meaning set forth in IC 36-6.1-1-2.**

**(c) Beginning on the dissolution date, the powers and duties established by this chapter through IC 23-14-77 are conferred and imposed on the county executive or county executive's designee with respect to property in the county.**

**(d) Beginning on the dissolution date, any reference in this chapter through IC 23-14-77 to "township board" is considered a reference to the county fiscal body.**

**(e) Beginning on the dissolution date, any reference in this chapter through IC 23-14-77 to a:**

**(1) "township" is considered a reference to the geographic area of a dissolved township government in a county; and**

**(2) "township trustee" or "trustee" is considered a reference to the county executive or the county executive's designee to administer this chapter.**

SECTION 210. IC 25-15-9-18, AS AMENDED BY P.L.190-2016, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 18. (a) Except as provided in subsection (b), the



1 following persons, in the order of priority indicated, have the authority  
 2 to designate the manner, type, and selection of the final disposition of  
 3 human remains, to make arrangements for funeral services, and to  
 4 make other ceremonial arrangements after an individual's death:

5 (1) A person:

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

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

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

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

19 (A) a petition to dissolve the marriage or for legal separation  
 20 of the decedent and spouse is pending with a court at the time  
 21 of the decedent's death, unless a court finds that the decedent  
 22 and spouse were reconciled before the decedent's death; or  
 23 (B) a court determines the decedent and spouse were  
 24 physically and emotionally separated at the time of death and  
 25 the separation was for an extended time that clearly  
 26 demonstrates an absence of due affection, trust, and regard for  
 27 the decedent.

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

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

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



under this subdivision if the siblings have used reasonable efforts to notify the other surviving siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving siblings.

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

(8) If none of the persons described in subdivisions (1) through (7) are available, or willing, to act and arrange for the final disposition of the decedent's remains, a stepchild (as defined in IC 6-4.1-1-3(f)) of the decedent. If more than one (1) stepchild survives the decedent, then a majority of the surviving stepchildren. However, less than half of the surviving stepchildren have the rights under this subdivision if they have used reasonable efforts to notify the other stepchildren of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the stepchildren.

(9) The person appointed to administer the decedent's estate under IC 29-1.

(10) If none of the persons identified in subdivisions (1) through (9) are available, any other person willing to act and arrange for the final disposition of the decedent's remains, including a funeral home that:

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

(B) attests in writing that a good faith effort has been made to contact any living individuals described in subdivisions (1) through (9).

(11) In the case of an indigent or other individual whose final disposition is the responsibility of the state, **county**, or township, the following:

(A) If none of the persons identified in subdivisions (1) through (10) is available:

(i) a public administrator, including a responsible ~~township~~



~~trustee or the trustee's designee; administrator of local assistance (as defined in IC 12-7-2-1.5); or~~

(ii) the coroner.

(B) A state appointed guardian.

(b) If:

(1) the death of the decedent appears to have been the result of:

(A) murder (IC 35-42-1-1);

(B) voluntary manslaughter (IC 35-42-1-3); or

(C) another criminal act, if the death does not result from the operation of a vehicle; and

(2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not authorize or designate the manner, type, or selection of the final disposition of human remains.

(c) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the cemetery owner or crematory authority of the determination under subsection (b)(2).

(d) If the decedent had filed a protection order against a person described in subsection (a) and the protection order is currently in effect, the person described in subsection (a) may not authorize or designate the manner, type, or selection of the final disposition of human remains.

(e) A law enforcement agency shall determine if the protection order is in effect. If the law enforcement agency cannot determine the existence of a protection order that is in effect, the law enforcement agency shall consult the protective order registry established under IC 5-2-9-5.5.

(f) If a person vested with a right under subsection (a) does not exercise that right not later than seventy-two (72) hours after the person receives notification of the death of the decedent, the person forfeits the person's right to determine the final disposition of the decedent's remains and the right to determine final disposition passes to the next person described in subsection (a).

(g) A funeral home has the right to rely, in good faith, on the representations of a person listed in subsection (a) that any other individuals of the same degree of kinship have been notified of the final disposition instructions.

(h) If there is a dispute concerning the disposition of a decedent's



remains, a funeral home is not liable for refusing to accept the remains of the decedent until the funeral home receives:

(1) a court order; or

(2) a written agreement signed by the disputing parties; that determines the final disposition of the decedent's remains. If a funeral home agrees to shelter the remains of the decedent while the parties are in dispute, the funeral home may collect any applicable fees for storing the remains, including legal fees that are incurred.

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

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

SECTION 211. IC 31-9-2-99.7, AS AMENDED BY P.L.128-2012, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 99.7. "Public welfare", for purposes of IC 31-25-3 and IC 31-25-4, means any form of public welfare or Social Security provided in IC 31-25-3 or IC 31-25-4. The term does not include direct ~~township local~~ assistance as administered by ~~township trustees~~ **administrators of local assistance (as defined in IC 12-7-2-1.5)** under IC 12-20.

SECTION 212. IC 32-26-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. **(a) For purposes of this section, a reference to a township trustee in a county in which township government has been dissolved, is considered a reference to the county executive or the county executive's designee.**

~~(a)~~ **(b)** The trustee of each township, the county highway superintendent, the Indiana department of transportation, or other officer in control of the maintenance of a highway shall between January 1 and April 1 of each year, examine all hedges, live fences, natural growths along highways, and other obstructions described in section 1 of this chapter in their respective jurisdictions. If there are hedges, live fences, other growths, or obstructions along the highways that have not been cut, trimmed down, and maintained in accordance with this chapter, the owner shall be given written notice to cut or trim the hedge or live fence and to burn the brush trimmed from the hedge or live fence and remove any other obstructions or growths.



1        ~~(b)~~ (c) The notice required under subsection ~~(a)~~ (b) must be served  
 2 by reading the notice to the owner or by leaving a copy of the notice at  
 3 the owner's usual place of residence.

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

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

- 15            (1) cause the fences to be cut and trimmed or obstructions or
- 16            growths removed in accordance with this chapter; and
- 17            (2) burn the brush trimmed from the fences.

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

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

34        SECTION 213. IC 32-26-4-3 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. The prosecuting  
 36 attorney shall prosecute a suit under section 2~~(e)~~ 2(f) of this chapter in  
 37 the name of the state on relation of the supervisor or county highway  
 38 superintendent. The prosecuting attorney shall receive a fee of ten  
 39 dollars (\$10), collected as a part of the costs of the suit, for bringing a  
 40 suit under this section.

41        SECTION 214. IC 32-26-5-0.5 IS ADDED TO THE INDIANA  
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS





1 [EFFECTIVE JULY 1, 2020]: **Sec. 0.5. (a) This section applies only**  
 2 **to a county in which township government has been dissolved.**

3 (b) As used in this section, "dissolution date" has the meaning  
 4 set forth in IC 36-6.1-1-2.

5 (c) Beginning on the dissolution date, the powers and duties of  
 6 the township trustee established by this chapter are conferred and  
 7 imposed on the county executive or the county executive's designee  
 8 with respect to property in the county.

9 (d) Beginning on the dissolution date, any reference in this  
 10 chapter to:

11 (1) "township" is considered a reference to the geographic  
 12 area of a dissolved township government in a county; and

13 (2) "township trustee" or "trustee" is considered a reference  
 14 to the county executive or the county executive's designee to  
 15 administer this chapter.

16 SECTION 215. IC 32-26-9-0.6 IS ADDED TO THE INDIANA  
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2020]: **Sec. 0.6. (a) This section applies only**  
 19 **to a county in which township government has been dissolved.**

20 (b) As used in this section, "dissolution date" has the meaning  
 21 set forth in IC 36-6.1-1-2.

22 (c) Beginning on the dissolution date, the powers and duties  
 23 established by this chapter are conferred and imposed on the  
 24 county executive or the county executive's designee with respect to  
 25 property in the county.

26 (d) Beginning on the dissolution date, any reference in this  
 27 chapter to "township board" is considered a reference to the  
 28 county fiscal body.

29 (e) Beginning on the dissolution date, any reference in this  
 30 chapter to:

31 (1) "township" is considered a reference to the geographic  
 32 area of a dissolved township government in a county; and

33 (2) "township trustee" or "trustee" is considered a reference  
 34 to the county executive or the county executive's designee to  
 35 administer this chapter.

36 SECTION 216. IC 34-30-2-140 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 140. IC 32-26-9-5**  
 38 **(Concerning township trustee, county executive, or county**  
 39 **executive's designee for contracts to repair fences).**

40 SECTION 217. IC 35-43-5-1, AS AMENDED BY P.L.43-2017,  
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2020]: **Sec. 1. (a) The definitions set forth in this section apply**



throughout this chapter.

(b) "Claim statement" means an insurance policy, a document, or a statement made in support of or in opposition to a claim for payment or other benefit under an insurance policy, or other evidence of expense, injury, or loss. The term includes statements made orally, in writing, or electronically, including the following:

- (1) An account.
- (2) A bill for services.
- (3) A bill of lading.
- (4) A claim.
- (5) A diagnosis.
- (6) An estimate of property damages.
- (7) A hospital record.
- (8) An invoice.
- (9) A notice.
- (10) A proof of loss.
- (11) A receipt for payment.
- (12) A physician's records.
- (13) A prescription.
- (14) A statement.
- (15) A test result.
- (16) X-rays.

(c) "Coin machine" means a coin box, vending machine, or other mechanical or electronic device or receptacle designed:

- (1) to receive a coin, bill, or token made for that purpose; and
- (2) in return for the insertion or deposit of a coin, bill, or token automatically:
  - (A) to offer, provide, or assist in providing; or
  - (B) to permit the acquisition of;

(d) "Credit card" means an instrument or device (whether known as a credit card or charge plate, or by any other name) issued by an issuer for use by or on behalf of the credit card holder in obtaining property.

(e) "Credit card holder" means the person to whom or for whose benefit the credit card is issued by an issuer.

(f) "Customer" means a person who receives or has contracted for a utility service.

(g) "Drug or alcohol screening test" means a test that:

- (1) is used to determine the presence or use of alcohol, a controlled substance, or a drug in a person's bodily substance; and
- (2) is:
  - (A) administered in the course of monitoring a person who is:



- 1 (i) incarcerated in a prison or jail;
- 2 (ii) placed in a community corrections program;
- 3 (iii) on probation or parole;
- 4 (iv) participating in a court ordered alcohol or drug
- 5 treatment program; or
- 6 (v) on court ordered pretrial release; or
- 7 (B) ordered by a court as part of a civil action.
- 8 (h) "Entrusted" means held in a fiduciary capacity or placed in
- 9 charge of a person engaged in the business of transporting, storing,
- 10 lending on, or otherwise holding property of others.
- 11 (i) "Identifying information" means information that identifies a
- 12 person, including a person's:
- 13 (1) name, address, date of birth, place of employment, employer
- 14 identification number, mother's maiden name, Social Security
- 15 number, or any identification number issued by a governmental
- 16 entity;
- 17 (2) unique biometric data, including the person's fingerprint,
- 18 voice print, or retina or iris image;
- 19 (3) unique electronic identification number, address, or routing
- 20 code;
- 21 (4) telecommunication identifying information; or
- 22 (5) telecommunication access device, including a card, a plate, a
- 23 code, a telephone number, an account number, a personal
- 24 identification number, an electronic serial number, a mobile
- 25 identification number, or another telecommunications service or
- 26 device or means of account access that may be used to:
- 27 (A) obtain money, goods, services, or any other thing of value;
- 28 or
- 29 (B) initiate a transfer of funds.
- 30 (j) "Insurance policy" includes the following:
- 31 (1) An insurance policy.
- 32 (2) A contract with a health maintenance organization (as defined
- 33 in IC 27-13-1-19) or a limited service health maintenance
- 34 organization (as defined in IC 27-13-1-27).
- 35 (3) A written agreement entered into under IC 27-1-25.
- 36 (k) "Insurer" has the meaning set forth in IC 27-1-2-3(x). The term
- 37 also includes the following:
- 38 (1) A reinsurer.
- 39 (2) A purported insurer or reinsurer.
- 40 (3) A broker.
- 41 (4) An agent of an insurer, a reinsurer, a purported insurer or
- 42 reinsurer, or a broker.



(5) A health maintenance organization.

(6) A limited service health maintenance organization.

(l) "Manufacturer" means a person who manufactures a recording. The term does not include a person who manufactures a medium upon which sounds or visual images can be recorded or stored.

(m) "Make" means to draw, prepare, complete, counterfeit, copy or otherwise reproduce, or alter any written instrument in whole or in part.

(n) "Metering device" means a mechanism or system used by a utility to measure or record the quantity of services received by a customer.

(o) "Public relief or assistance" means any payment made, service rendered, hospitalization provided, or other benefit extended to a person by a governmental entity from public funds and includes **township local** assistance, food stamps, direct relief, unemployment compensation, and any other form of support or aid.

(p) "Recording" means a tangible medium upon which sounds or visual images are recorded or stored. The term includes the following:

(1) An original:

(A) phonograph record;

(B) compact disc;

(C) wire;

(D) tape;

(E) audio cassette;

(F) video cassette; or

(G) film.

(2) Any other medium on which sounds or visual images are or can be recorded or otherwise stored.

(3) A copy or reproduction of an item in subdivision (1) or (2) that duplicates an original recording in whole or in part.

(q) "Slug" means an article or object that is capable of being deposited in a coin machine as an improper substitute for a genuine coin, bill, or token.

(r) "Synthetic identifying information" means identifying information that identifies:

(1) a false or fictitious person;

(2) a person other than the person who is using the information;  
or

(3) a combination of persons described under subdivisions (1) and (2).

(s) "Utility" means a person who owns or operates, for public use, any plant, equipment, property, franchise, or license for the production, storage, transmission, sale, or delivery of electricity, water, steam,



telecommunications, information, or gas.

(t) "Written instrument" means a paper, a document, or other instrument containing written matter and includes money, coins, tokens, stamps, seals, credit cards, badges, trademarks, medals, retail sales receipts, labels or markings (including a universal product code (UPC) or another product identification code), or other objects or symbols of value, right, privilege, or identification.

SECTION 218. IC 35-52-12-9.5, AS ADDED BY P.L.169-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9.5. IC 12-20-1-4 defines a crime concerning ~~township~~ **local** assistance.

SECTION 219. IC 35-52-12-10, AS ADDED BY P.L.169-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. IC 12-20-7-6 defines a crime concerning ~~township~~ **local** assistance.

SECTION 220. IC 35-52-12-11, AS ADDED BY P.L.169-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. IC 12-20-25-55 defines a crime concerning ~~township~~ **local** assistance.

SECTION 221. IC 36-1-1.5-2, AS AMENDED BY P.L.249-2015, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. As used in this chapter, "eligible municipality" means a municipality that:

(1) includes any territory located in a township for which the ~~township~~ **local** assistance property tax rate for property taxes first due and payable in 2015 or in any year thereafter is more than:

(A) the statewide average ~~township~~ **local** assistance property tax rate for property taxes first due and payable in the preceding year (as determined by the department of local government finance); multiplied by

(B) twelve (12); and

(2) is adjacent to one (1) or more townships other than the township described in subdivision (1).

SECTION 222. IC 36-1-1.5-3, AS ADDED BY P.L.234-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. As used in this chapter, "~~township~~ **local** assistance property tax rate" has the meaning set forth in IC 6-1.1-20.3-6.7(a).

SECTION 223. IC 36-1-2-4.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 4.3. "Dissolution date", with respect to dissolution of township government under IC 36-6.1, has**



1 **the meaning set forth in IC 36-6.1-1-2.**

2 SECTION 224. IC 36-1-8-5, AS AMENDED BY P.L.244-2017,  
3 SECTION 124, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) This section applies to all  
5 funds raised by a general or special tax levy on all the taxable property  
6 of a political subdivision.

7 (b) Whenever the purposes of a tax levy have been fulfilled and an  
8 unused and unencumbered balance remains in the fund, the fiscal body  
9 of the political subdivision shall order the balance of that fund to be  
10 transferred as follows, unless a statute provides that it be transferred  
11 otherwise:

12 (1) Funds of a county, to the general fund or rainy day fund of the  
13 county, as provided in section 5.1 of this chapter.

14 (2) Funds of a municipality, to the general fund or rainy day fund  
15 of the municipality, as provided in section 5.1 of this chapter.

16 (3) Funds of a:

17 **(A) township, in a county in which township government**  
18 **has not been dissolved; or**

19 **(B) county, in a county in which township government has**  
20 **been dissolved;**

21 for redemption of ~~township~~ **local** assistance obligations, to the  
22 ~~township~~ **local** assistance fund of the township **or county** or rainy  
23 day fund of the township **or county**, as provided in section 5.1 of  
24 this chapter.

25 (4) Funds of any other political subdivision, to the general fund or  
26 rainy day fund of the political subdivision, as provided in section  
27 5.1 of this chapter. However, if the political subdivision is  
28 dissolved or does not have a general fund or rainy day fund and  
29 is not a school corporation, then to the general fund of each of the  
30 units located in the political subdivision in the same proportion  
31 that the assessed valuation of the unit bears to the total assessed  
32 valuation of the political subdivision. In the case of a school  
33 corporation, the school corporation may transfer the amount  
34 received to any of its funds.

35 (c) Whenever an unused and unencumbered balance remains in the  
36 civil township fund of a township and a current tax levy for the fund is  
37 not needed, the township fiscal body may order any part of the balance  
38 of that fund transferred to the debt service fund of the school  
39 corporation located in or partly in the township. However, if more than  
40 one (1) school corporation is located in or partly in the township, then  
41 any sum transferred shall be transferred to the debt service fund of each  
42 of those school corporations in the same proportion that the part of the



1 assessed valuation of the school corporation in the township bears to  
2 the total assessed valuation of the township.

3 (d) Whenever any township has collected any fund for the special  
4 or specific purpose of erecting or constructing a school building and  
5 the township trustee of the township decides to abandon the proposed  
6 work of erecting or constructing the school building, the township  
7 trustee of the township shall transfer the fund collected for the special  
8 or specific purpose to the township fund of the township, upon the  
9 order of the township board to make the transfer. It is lawful thereafter  
10 to use the funds for any purpose for which the township funds of the  
11 township may be used.

12 (e) Transfers to a political subdivision's rainy day fund may be made  
13 at any time during the political subdivision's fiscal year.

14 SECTION 225. IC 36-1.5-4-40.5, AS ADDED BY P.L.255-2013,  
15 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2020]: Sec. 40.5. The following apply in the case of a  
17 reorganization under this article that includes a township and another  
18 political subdivision:

19 (1) If the township borrowed money from a township fund under  
20 IC 36-6-6-14(c) to pay the operating expenses of the township fire  
21 department or a volunteer fire department before the  
22 reorganization:

23 (A) the reorganized political subdivision is not required to  
24 repay the entire loan during the following year; and

25 (B) the reorganized political subdivision may repay the loan in  
26 installments during the following five (5) years.

27 (2) Except as provided in subdivision (3):

28 (A) the reorganized political subdivision continues to be  
29 responsible after the reorganization for providing township  
30 services in all areas of the township, including within the  
31 territory of a municipality in the township that does not  
32 participate in the reorganization; and

33 (B) the reorganized political subdivision retains the powers of  
34 a township after the reorganization in order to provide  
35 township services as required by clause (A).

36 (3) Powers and duties of the reorganized political subdivision may  
37 be transferred as authorized in an interlocal cooperation  
38 agreement approved under IC 36-1-7 or as authorized in a  
39 cooperative agreement approved under IC 36-1.5-5.

40 (4) If all or part of a municipality in the township is not  
41 participating in the reorganization, not less than ten (10) township  
42 taxpayers who reside within territory that is not participating in



the reorganization may file a petition with the county auditor protesting the reorganized political subdivision's ~~township~~ **local** assistance levy. The petition must be filed not more than thirty (30) days after the reorganized political subdivision finally adopts the reorganized political subdivision's ~~township~~ **local** assistance levy. The petition must state the taxpayers' objections and the reasons why the taxpayers believe the reorganized political subdivision's ~~township~~ **local** assistance levy is excessive or unnecessary. The county auditor shall immediately certify a copy of the petition, together with other data necessary to present the questions involved, to the department of local government finance. Upon receipt of the certified petition and other data, the department of local government finance shall fix a time and place for the hearing of the matter. The hearing shall be held not less than five (5) days and not more than thirty (30) days after the receipt of the certified documents. The hearing shall be held in the county where the petition arose. Notice of the hearing shall be given by the department of local government finance to the reorganized political subdivision and to the first ten (10) taxpayer petitioners listed on the petition by letter. The letter shall be sent to the first ten (10) taxpayer petitioners at the taxpayers' usual place of residence at least five (5) days before the date of the hearing. After the hearing, the department of local government finance may reduce the reorganized political subdivision's ~~township~~ **local** assistance levy to the extent that the levy is excessive or unnecessary. A taxpayer who signed a petition under this subdivision or a reorganized political subdivision against which a petition under this subdivision is filed may petition for judicial review of the final determination of the department of local government finance under this subdivision. The petition must be filed in the tax court not more than forty-five (45) days after the date of the department of local government finance's final determination.

(5) Section 40 of this chapter applies to the debt service levy of the reorganized political subdivision and to the department of local government finance's determination of the new maximum permissible ad valorem property tax levy for the reorganized political subdivision.

(6) The reorganized political subdivision may not borrow money under IC 36-6-6-14(b) or IC 36-6-6-14(c).

(7) The new maximum permissible ad valorem property tax levy for the reorganized political subdivision's firefighting fund under





1 IC 36-8-13-4 is equal to:

2 (A) the result of:

3 (i) the maximum permissible ad valorem property tax levy  
4 for the township's firefighting fund under IC 36-8-13-4 in  
5 the year preceding the year in which the reorganization is  
6 effective; multiplied by

7 (ii) the assessed value growth quotient applicable for  
8 property taxes first due and payable in the year in which the  
9 reorganization is effective; plus

10 (B) any amounts borrowed by the township under  
11 IC 36-6-6-14(b) or IC 36-6-6-14(c) in the year preceding the  
12 year in which the reorganization is effective.

13 SECTION 226. IC 36-2-6-4.6 IS ADDED TO THE INDIANA  
14 CODE AS A NEW SECTION TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2020]: **Sec. 4.6. (a) This section applies only**  
16 **to a county in which township government has been dissolved.**

17 **(b) Notwithstanding IC 5-11-10, the county auditor may make**  
18 **payments for claims payable from the county local assistance fund**  
19 **under IC 12-20-21-6 in advance of allowance by the county**  
20 **executive. Each payment of expenses under this section must be**  
21 **supported by a fully itemized invoice or bill and certification by the**  
22 **county auditor. The county executive shall review and allow the**  
23 **claim at its next regular or special meeting following the**  
24 **preapproved payment of the expense.**

25 SECTION 227. IC 36-2-9-14, AS AMENDED BY P.L.73-2005,  
26 SECTION 172, IS AMENDED TO READ AS FOLLOWS  
27 [EFFECTIVE JULY 1, 2020]: Sec. 14. (a) This section does not apply  
28 to funds received from the state or the federal government for township  
29 **local** assistance, unemployment relief, or old age pensions or other  
30 funds that are available under the federal Social Security Act or a  
31 federal statute providing for civil and public works projects.

32 (b) Except for monies that by statute are due and payable from a  
33 county treasury to the state or to a township or municipality of the  
34 county, money may be paid from a county treasury only upon a warrant  
35 drawn by the auditor.

36 (c) A warrant may be drawn on a county treasury only if the county  
37 fiscal body has made an appropriation for the money for the calendar  
38 year in which the warrant is drawn and that appropriation has not been  
39 exhausted.

40 (d) Notwithstanding subsection (c), appropriations by a county fiscal  
41 body are not necessary to authorize the drawing of a warrant on and  
42 payment from a county treasury for:



(1) money that belongs to the state and is required by statute to be paid into the state treasury;

(2) money that belongs to a school fund, whether principal or interest;

(3) money that belongs to a township or municipality of the county and is required by statute to be paid to the township or municipality;

(4) money that:

(A) is due a person;

(B) has been paid into the county treasury under an assessment on persons or property of the county in territory less than that of the whole county; and

(C) has been paid for construction, maintenance, or purchase of a public improvement;

(5) money that is due a person and has been paid into the county treasury to redeem property from a tax sale or other forced sale;

(6) money that is due a person and has been paid to the county under law as a tender or payment to the person;

(7) taxes erroneously paid;

(8) money paid to a cemetery board under IC 23-14-65-22;

(9) money distributed under IC 23-14-70-3; or

(10) payments under a statute that expressly provides for payments from the county treasury without appropriations by the county fiscal body.

(e) An auditor who knowingly violates this section commits a Class A misdemeanor.

SECTION 228. IC 36-2-9.5-9, AS ADDED BY P.L.227-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) This section does not apply to:

(1) funds received from the state or the federal government for:

(A) ~~township~~ **local** assistance;

(B) unemployment relief; or

(C) old age pensions; or

(2) other funds available under:

(A) the federal Social Security Act; or

(B) another federal statute providing for civil and public works projects.

(b) Except for money that by statute is due and payable from the county or city treasury to:

(1) the state; or

(2) a township or municipality in the county;

money may be paid from the county or city treasury only upon a



warrant drawn by the county auditor.

(c) A warrant may be drawn on the county or city treasury only if:

(1) the legislative body of the consolidated city made an appropriation of the money for the calendar year in which the warrant is drawn; and

(2) the appropriation is not exhausted.

(d) Notwithstanding subsection (c), an appropriation by the legislative body is not necessary to authorize the drawing of a warrant on and payment from the county or city treasury for:

(1) money that:

(A) belongs to the state; and

(B) is required by statute to be paid into the state treasury;

(2) money that belongs to a school fund, whether principal or interest;

(3) money that:

(A) belongs to a township or municipality in the county; and

(B) is required by statute to be paid to the township or municipality;

(4) money that:

(A) is due a person;

(B) is paid into the county or city treasury under an assessment on persons or property of the county in territory less than that of the whole county; and

(C) is paid for construction, maintenance, or purchase of a public improvement;

(5) money that is due a person and is paid into the county treasury to redeem property from a tax sale or other forced sale;

(6) money that is due a person and is paid to the county or city under law as a tender or payment to the person;

(7) taxes erroneously paid;

(8) money paid to a cemetery board under IC 23-14-65-22;

(9) money distributed under IC 23-14-70-3; or

(10) payments under a statute that expressly provides for payments from the county or city treasury without appropriation by the legislative body.

(e) A county auditor who knowingly violates this section commits a Class A misdemeanor.

SECTION 229. IC 36-2-21 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

#### **Chapter 21. County Fire Protection Duties**

**Sec. 1. This chapter applies only to a county in which township**



government has been dissolved.

**Sec. 2. Beginning on the dissolution date, the following apply:**

**(1) The county executive is responsible for providing fire protection and emergency services in the unincorporated areas of the county as provided in the county's fire protection and emergency services plan adopted under IC 36-8-13.6.**

**(2) The powers and duties of township government and the township trustee related to providing fire protection and emergency services in the unincorporated areas of the county are transferred to the county.**

**Sec. 3. Beginning on the dissolution date, fire protection and emergency services in an unincorporated area of the county are governed by and subject to a county fire protection and emergency services plan adopted by the county legislative body under IC 36-8-13.6.**

**Sec. 4. In carrying out fire protection and emergency services responsibilities under section 3 of this chapter, the county executive shall, as provided in the county's fire protection and emergency services plan adopted under IC 36-8-13.6, provide for fire protection and emergency services in the unincorporated areas of the county through any combination of:**

**(1) operating a county fire department;**

**(2) contracting with or otherwise cooperating with any municipality, county, fire protection district, volunteer fire department, fire protection territory, or other entity; or**

**(3) entering into mutual aid agreements.**

SECTION 230. IC 36-6-1.5-1, AS ADDED BY P.L.240-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter does not apply to a township in a county:

**(1) containing a consolidated city; or**

**(2) in which township government has been dissolved.**

SECTION 231. IC 36-6-1.6-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 0.1. This chapter does not apply in a county in which township government has been dissolved.**

SECTION 232. IC 36-6-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter ~~applies to all townships.~~ **does not apply in a county in which township government has been dissolved.**

SECTION 233. IC 36-6-4-3, AS AMENDED BY P.L.1-2009, SECTION 163, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2020]: Sec. 3. The executive shall do the  
2 following:

- 3 (1) Keep a written record of official proceedings.
- 4 (2) Manage all township property interests.
- 5 (3) Keep township records open for public inspection.
- 6 (4) Attend all meetings of the township legislative body.
- 7 (5) Receive and pay out township funds.
- 8 (6) Examine and settle all accounts and demands chargeable  
9 against the township.
- 10 (7) Administer ~~township~~ **local** assistance under IC 12-20 and  
11 IC 12-30-4.
- 12 (8) Perform the duties of fence viewer under IC 32-26.
- 13 (9) Provide and maintain cemeteries under IC 23-14.
- 14 (10) Provide fire protection under IC 36-8, except in a township  
15 that:
  - 16 (A) is located in a county having a consolidated city; and
  - 17 (B) consolidated the township's fire department under  
18 IC 36-3-1-6.1.
- 19 (11) File an annual personnel report under IC 5-11-13.
- 20 (12) Provide and maintain township parks and community centers  
21 under IC 36-10.
- 22 (13) Destroy detrimental plants, noxious weeds, and rank  
23 vegetation under IC 15-16-8.
- 24 (14) Provide insulin to the poor under IC 12-20-16.
- 25 (15) Perform other duties prescribed by statute.

26 SECTION 234. IC 36-6-4-11, AS AMENDED BY P.L.73-2005,  
27 SECTION 174, IS AMENDED TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) At the township legislative  
29 body's annual meeting under IC 36-6-6-11, the executive shall:

- 30 (1) present an itemized written statement of the estimated  
31 expenditures for which appropriations are requested, specifying:
  - 32 (A) the number of teachers employed;
  - 33 (B) the salary of each teacher employed;
  - 34 (C) the property of the township (and supplies on hand);
  - 35 (D) the estimated value of the property of the township (and  
36 supplies on hand);
  - 37 (E) the supplies necessary for each school; and
  - 38 (F) the need for ~~township~~ **local** assistance in the township; and
- 39 (2) submit to questions from the legislative body or taxpayers  
40 concerning expenditures of the township.

41 (b) The written statement required under subsection (a)(1) must  
42 comply with forms prescribed by the state board of accounts and show



the amount of each item to be charged against township funds.

SECTION 235. IC 36-6-5-0.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 0.1. This chapter does not apply in a county in which township government has been dissolved.**

SECTION 236. IC 36-6-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter ~~applies to all townships.~~ **does not apply in a county in which township government has been dissolved.**

SECTION 237. IC 36-6-6-2.3 IS REPEALED [EFFECTIVE JULY 1, 2020]. Sec. 2.3: (a) This section does not apply to a township board in a county containing a consolidated city:

(b) During the year preceding a general election for the members of the township board conducted under section 2 of this chapter, a township board may adopt a resolution under this section to provide for the staggering of the terms of its members:

(c) The resolution described in subsection (b) must provide all the following:

(1) That, notwithstanding section 2 of this chapter, the terms of the board members elected at the next general election must be as follows:

(A) The candidate who receives the greatest number of votes among all the candidates at the election shall serve a four (4) year term, beginning on January 1 after the next general election:

(B) The candidate who receives the second greatest number of votes among all the candidates at the election shall serve a two (2) year term, beginning on January 1 after the next general election:

(C) The candidate who receives the third greatest number of votes among all the candidates at the election shall serve a two (2) year term, beginning on January 1 after the next general election:

(2) That the term of office of each board member elected after the first election after adoption of the resolution is four (4) years, beginning January 1 after each board member's general election:

(d) If a township board adopts a resolution under this section, election of the board members must occur at the elections as provided in the resolution:

(e) If fewer candidates are elected than the number of board members to be elected, the incumbent board member or members that hold office under Article 15, Section 3 of the Constitution of the State



of Indiana shall be determined under IC 3-13-10-6.5 by the county executive. The county executive shall determine the length of the term of each incumbent board member if more than one (1) incumbent board member continues to hold office under Article 15, Section 3 of the Constitution of the State of Indiana. The county executive shall consider any applicable language in the resolution adopted by the township in making this determination.

(f) If a tie occurs among the candidates for an office elected under subsection (c), the tie is resolved under IC 3-12-9-4. The authority resolving the tie determines the length of the term in accordance with subsection (c) for a person selected to fill an office under this subsection.

(g) A township board may repeal a resolution adopted under subsection (b) subject to the following:

(1) The resolution may not be repealed earlier than twelve (12) years after the resolution was adopted.

(2) The resolution may be repealed only in a year in which an election for members of the township board is not held.

(3) The resolution must provide for the election of all members of the township board at the next general election. Notwithstanding subsection (c)(2) and section 2 of this chapter, the term of all the members of the township board ends January 1 after the next general election.

(4) The term of office of the members elected at the next general election is four (4) years, beginning January 1 after that general election.

(h) A resolution described in subsection (b) or a resolution repealing a resolution previously adopted under subsection (b):

(1) must be filed with the circuit court clerk before January 1 of a year in which an election of board members is scheduled to be held; and

(2) takes effect when the ordinance is filed with the circuit court clerk.

SECTION 238. IC 36-6-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter applies to all townships. **does not apply in a county in which township government has been dissolved.**

SECTION 239. IC 36-6-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter applies to all townships. **does not apply in a county in which township government has been dissolved.**

SECTION 240. IC 36-6-9-1, AS ADDED BY P.L.129-2019,



SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. **(a) This chapter does not apply to a county in which township government has been dissolved.**

**(b)** This chapter applies to the preparation of a budget for a township for a year after December 31, 2019.

SECTION 241. IC 36-6.1 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

**ARTICLE 6.1. DISSOLUTION OF TOWNSHIP GOVERNMENT**

**Chapter 1. Definitions**

**Sec. 1.** The definitions in this chapter apply throughout this article.

**Sec. 2.** "Dissolution date" refers to the date that a township government is dissolved under this article. The dissolution date is January 1 of the second odd-numbered year after the voters of the county in which a township is located vote in favor of the public question placed on the ballot under IC 36-6.1-2.

**Sec. 3.** "Referendum year" refers to any of the following years: 2020, 2028, 2036, 2044, 2052, 2060, 2068, 2076, 2084, 2092, 2100.

**Sec. 4.** "Township office" refers to any of the following:

- (1) The office of township trustee elected as provided in IC 36-6-4-2.
- (2) The office of township assessor elected as provided in IC 36-6-5-1 (if the office exists).
- (3) The office of a member of the township board elected as provided in IC 36-6-6-2.

**Chapter 2. Township Government Public Question**

**Sec. 1.** This chapter does not apply to the following counties:

- (1) A county having a consolidated city.
- (2) A county in which township government has been dissolved under this article or otherwise.

**Sec. 2.** The county election board shall place the following public question on the ballot at the general election of each referendum year:

"Shall township government in \_\_\_\_\_ (insert the name of the county) County be abolished?".

**Sec. 3.** IC 3, except where inconsistent with this chapter, applies to a public question placed on the ballot under this chapter. A public question under this chapter must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with IC 3-10-9.





1       **Sec. 4. If a majority of the voters of a county who vote on the**  
 2 **public question placed on the ballot under this chapter vote in**  
 3 **favor of the public question, the following apply:**

4       **(1) The township government of each township in the county**  
 5 **is dissolved as provided in this article.**

6       **(2) The powers, duties, property, assets, funds, and obligations**  
 7 **of each township in the county shall be distributed as**  
 8 **provided in this article.**

9       **Chapter 3. Township Offices and Office Holders**

10       **Sec. 1. This chapter applies only if the voters approve a public**  
 11 **question under IC 36-6.1-2.**

12       **Sec. 2. Each township office is abolished on the dissolution date.**

13       **Sec. 3. The term of office of an individual who holds a township**  
 14 **office ends on the dissolution date.**

15       **Sec. 4. An election for a township office shall not be held after**  
 16 **the voters approve the public question placed on the ballot under**  
 17 **IC 36-6.1-2.**

18       **Sec. 5. (a) Except as provided in subsection (c), until the**  
 19 **dissolution date, an individual who holds a township office shall**  
 20 **assist in the transition from township government as provided in**  
 21 **this article.**

22       **(b) Until the dissolution date, an individual who assists in the**  
 23 **transition from township government under this section is entitled**  
 24 **to the same compensation the individual would have received as if**  
 25 **the township office the individual holds would not be abolished on**  
 26 **the dissolution date.**

27       **(c) If a township office becomes vacant before the dissolution**  
 28 **date, the vacancy may not be filled, notwithstanding IC 3-13.**

29       **(d) If a township office becomes vacant before the dissolution**  
 30 **date, the following apply:**

31       **(1) If the township office is the office of township trustee, the**  
 32 **office of township trustee is abolished in the township and the**  
 33 **powers, functions, and duties of the township trustee are**  
 34 **transferred to the county executive on the date the vacancy**  
 35 **occurs.**

36       **(2) If the township office is the office of a member of a**  
 37 **township board, the following apply:**

38       **(A) If the township board continues to have a quorum, the**  
 39 **township board continues.**

40       **(B) If the vacancy causes the township board to lose a**  
 41 **quorum the following apply on the date the township**  
 42 **board loses its quorum:**



(i) The township board in the township is abolished.

(ii) The term of office of the remaining members of the township board end on the date the township board loses its quorum.

(iii) The county fiscal body assumes the powers, functions, and duties of the township board in that township.

(3) If the township office is the office of township assessor, the office of township assessor is abolished in the township and the county assessor assumes the powers, functions, and duties of the township assessor on the date the vacancy occurs.

Sec. 6. (a) The abolition of a township office under this article does not invalidate:

(1) any resolutions, fees, schedules, or other actions adopted or taken by the township trustee or township assessor before the dissolution date; or

(2) any appointments made by the township trustee or township assessor before the dissolution date.

(b) In a county in which a township office is abolished under this chapter, after the dissolution date, any reference:

(1) in the Indiana Code;

(2) in the Indiana Administrative Code; or

(3) in any resolution;

to the township trustee and township board is considered a reference to the county executive and county fiscal body respectively, and any reference to the township assessor is considered a reference to the county assessor.

#### Chapter 4. Disposition of Township Property, Funds, and Liabilities

Sec. 1. (a) On the dissolution date, all:

(1) assets;

(2) debts;

(3) property rights;

(4) equipment;

(5) records;

(6) personnel; and

(7) contracts;

connected with the operations of a township government in the county related to township government functions are transferred to the county executive.

(b) Notwithstanding subsection (a)(6), the county executive shall determine which transferring township employees who were



employed by the township before the dissolution date, to perform township functions that were transferred to the county under this article, become county employees responsible for performing township functions that were transferred to the county under this article beginning on the dissolution date.

Sec. 2. (a) Except as provided in subsection (b), on the dissolution date, the balance in a debt service fund related to fire protection of a township located in the county:

(1) is transferred to the county in which the township is located; and

(2) shall be used by the county to pay indebtedness or lease rentals for which the fund was established.

Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the appropriate county fund for fire protection within the county.

(b) On the dissolution date, the balance in a debt service fund related to fire protection of a township that is wholly contained within a fire protection district as of the date before the dissolution date:

(1) is transferred to the county in which the township is wholly contained; and

(2) shall be used by the fire protection district to pay indebtedness or lease rentals for which the fund was established.

Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the appropriate county fund for fire protection within the county.

(c) On the dissolution date, the balance in a debt service fund related to township functions other than those specified under subsection (a) or (b):

(1) is transferred to the county in which the township is located; and

(2) shall be used by the county to pay indebtedness or lease rentals for which the fund was established.

Any balance remaining in the fund after all payments for indebtedness or lease rentals required under this section have been made is transferred to the county general fund.

Sec. 3. (a) On the dissolution date, the balance in the general fund of a township in the county attributable to the duties of the township trustee under IC 36-6-4-3 is transferred to the county.



1       (b) The department of local government finance shall determine  
2       the amounts to be transferred under subsection (a).

3       (c) IC 36-1-8-5 does not apply to a balance referred to in  
4       subsection (a).

5       Sec. 4. (a) On the dissolution date, the balance in the local  
6       assistance fund of a township in the county attributable to the  
7       duties of the township trustee:

8           (1) is transferred to the county executive; and

9           (2) shall be deposited in the local assistance fund of the county  
10          established under IC 12-20-21-6.

11       (b) The department of local government finance shall determine  
12       the amounts to be transferred under this section.

13       (c) IC 36-1-8-5 does not apply to a balance referred to in this  
14       section.

15       Sec. 5. Indebtedness that was incurred by a township before the  
16       township government is abolished under this chapter:

17           (1) may not be imposed on taxpayers that were not  
18           responsible for payment of the indebtedness before the  
19           dissolution of the township government; and

20           (2) must be paid by the taxpayers that were responsible for  
21           payment of the indebtedness before the dissolution of the  
22           township government.

23       Sec. 6. The department of local government finance shall adjust  
24       maximum permissible property tax levies and property tax rates  
25       of units of local government as necessary to account for transfers  
26       of duties, powers, and obligations under this chapter.

#### 27       Chapter 5. Transitional Measures

28       Sec. 1. Subject to section 2 of this chapter, the county executive  
29       and the county fiscal body may adopt appropriate measures,  
30       including ordinances and resolutions, necessary to accomplish a  
31       transition in the county from township government to assumption  
32       of the powers, functions, and duties of township government by  
33       county government.

34       Sec. 2. A measure adopted under section 1 of this chapter may  
35       not be inconsistent with any law.

36       SECTION 242. IC 36-7-4-208, AS AMENDED BY P.L.233-2015,  
37       SECTION 339, IS AMENDED TO READ AS FOLLOWS  
38       [EFFECTIVE JULY 1, 2020]: Sec. 208. (a) ADVISORY. The county  
39       plan commission consists of nine (9) members, as follows:

40           (1) One (1) member appointed by the county executive from its  
41           membership.

42           (2) One (1) member appointed by the county fiscal body from its



membership.

(3) The county surveyor or the county surveyor's designee.

(4) The county agricultural extension educator. However, if the county does not have a county agricultural extension educator, the county extension board shall select a resident of the county who is a property owner with agricultural interest to serve on the commission under this subdivision for a period not to exceed one (1) year.

(5) Five (5) members appointed in accordance with one (1) of the following:

(A) Four (4) citizen members, of whom no more than two (2) may be of the same political party. Each of the four (4) members must be:

(i) a resident of an unincorporated area of the county; or

(ii) a resident of the county who is also an owner of real property located in whole or in part in an unincorporated area of the county;

appointed by the county executive. However, at least two (2) of the citizen members must be residents of the unincorporated area of the county. Also, **if township government has not been dissolved in the county**, one (1) township trustee, who must be a resident of an unincorporated area of the county appointed by the county executive upon the recommendation of the township trustees whose townships are within the jurisdiction of the county plan commission.

(B) Five (5) citizen members, of whom not more than three (3) may be of the same political party. Each of the five (5) members must be:

(i) a resident of an unincorporated area of the county; or

(ii) a resident of the county who is also an owner of real property located in whole or in part in an unincorporated area of the county;

appointed by the county executive. However at least three (3) members must be residents of the unincorporated area of the county.

If, **in a county in which township government has not been dissolved, the county** executive changes the plan commission from having members described in clause (B) to having members described in clause (A), the county executive shall appoint a township trustee to replace the first citizen member whose term expires and who belongs to the same political party as the township trustee. Each member appointed to the commission is



entitled to receive compensation for mileage at the same rate and the same compensation for services as a member of a county executive, a member of a county fiscal body, a county surveyor, or an appointee of a county surveyor receives for serving on the commission, as set forth in section 222.5 of this chapter.

(b) ADVISORY. The metropolitan plan commission consists of nine (9) members, as follows:

(1) One (1) member appointed by the county legislative body from its membership.

(2) One (1) member appointed by the second class city legislative body from its membership.

(3) Three (3) citizen members who:

(A) reside in an unincorporated area of the county; or

(B) reside in the county and also own real property located in whole or in part in an unincorporated area of the county;

of whom no more than two (2) may be of the same political party, appointed by the county legislative body. One (1) of these members must be actively engaged in farming.

(4) Four (4) citizen members, of whom no more than two (2) may be of the same political party, appointed by the second class city executive. One (1) of these members must be from the metropolitan school authority or community school corporation and a resident of that school district, and the other three (3) members must be residents of the second class city.

(c) AREA. When there are six (6) county representatives, they are as follows:

(1) One (1) member appointed by the county executive from its membership.

(2) One (1) member appointed by the county fiscal body from its membership.

(3) A representative appointed by the school corporation superintendents within the jurisdiction of the area plan commission.

(4) One (1) of the following appointed by the county executive:

(A) The county agricultural extension educator.

(B) The county surveyor or the county surveyor's designee.

(5) One (1) citizen member who is:

(A) a resident of the unincorporated area of the county; or

(B) a resident of the county who is also an owner of real property located in whole or in part in the unincorporated area of the county;

appointed by the county executive.



(6) One (1) citizen member who is:

(A) a resident of the unincorporated area of the county; or

(B) a resident of the county who is also an owner of real property located in whole or in part in the unincorporated area of the county;

appointed by the county fiscal body.

(d) AREA. When there are five (5) county representatives, they are the representatives listed or appointed under subsection (c)(3), (c)(4), (c)(5), and (c)(6) and:

(1) the county surveyor or the county surveyor's designee if the county executive appoints the county agricultural extension educator under subsection (c)(4); or

(2) the county agricultural extension educator if the county executive appoints the county surveyor under subsection (c)(4).

SECTION 243. IC 36-8-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter applies to **the following**:

(1) Second and third class cities. ~~It also applies to~~

**(2) A county in which township government has been dissolved (for purposes of the county fire department).**

**(3) Other units, where specifically indicated.**

SECTION 244. IC 36-8-3-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.5. (a) This section applies to a county in which township government has been dissolved.**

**(b) After the dissolution date, if a county establishes a county fire department, the county legislative body may by ordinance establish a safety board for purposes of the county fire department, with the members to be appointed by the county executive.**

**(c) After the dissolution date, a safety board described in this section has the same powers and duties under this chapter for purposes of the county fire department as a municipal safety board has under this chapter for purposes of a municipal fire department.**

SECTION 245. IC 36-8-3.5-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.5. (a) This section applies only to a county in which township government has been dissolved.**

**(b) In the case of a county to which firefighting duties and responsibilities are transferred from townships to the county beginning with the dissolution date, the county may establish a merit system under this chapter for the county fire department.**



SECTION 246. IC 36-8-7-1, AS AMENDED BY P.L.227-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) This chapter applies to pension benefits for members of fire departments hired before May 1, 1977, in units for which a 1937 fund was established before May 1, 1977.

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

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

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

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1937 fund.

(d) A firefighter who:

(1) is covered by this chapter before a consolidation under IC 36-3-1-6.1; and

(2) becomes a member of a fire department of a consolidated city under IC 36-3-1-6.1;

is covered by this chapter after the effective date of the consolidation, and the firefighter's service as a member of a fire department of a consolidated city is considered active service under this chapter.

**(e) This subsection applies only to a county in which township government has been dissolved. A firefighter who:**

**(1) as of the date before the dissolution date, is a member of the 1937 fund as a firefighter with a township fire department, fire protection territory, or fire protection district within a county; and**

**(2) after the transfer of fire protection responsibilities to the county under IC 36-2-21 and IC 36-8-13.7 becomes a member of the county fire department or a fire protection territory or fire protection district within the county;**

**is covered by this chapter after the firefighter becomes a member of the county fire department, and the firefighter's service as a member of a township fire department, fire protection territory, or fire protection district that was covered under this chapter before the dissolution date, is considered active service under this chapter.**





1 SECTION 247. IC 36-8-8-1, AS AMENDED BY P.L.115-2016,  
 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2020]: Sec. 1. **Except as provided by section 7 of this**  
 4 **chapter**, this chapter applies to **the following**:

5 (1) Full-time police officers hired or rehired after April 30, 1977,  
 6 in all municipalities, or who converted their benefits under  
 7 IC 19-1-17.8-7 (repealed September 1, 1981).

8 (2) Full-time fully paid firefighters hired or rehired after April 30,  
 9 1977, or who converted their benefits under IC 19-1-36.5-7  
 10 (repealed September 1, 1981).

11 (3) A police matron hired or rehired after April 30, 1977, and  
 12 before July 1, 1996, who is a member of a police department in a  
 13 second or third class city on March 31, 1996.

14 (4) A park ranger who:

15 (A) completed at least the number of weeks of training at the  
 16 Indiana law enforcement academy or a comparable law  
 17 enforcement academy in another state that were required at the  
 18 time the park ranger attended the Indiana law enforcement  
 19 academy or the law enforcement academy in another state;

20 (B) graduated from the Indiana law enforcement academy or  
 21 a comparable law enforcement academy in another state; and

22 (C) is employed by the parks department of a city having a  
 23 population of more than one hundred ten thousand (110,000)  
 24 but less than one hundred fifty thousand (150,000).

25 (5) A full-time fully paid firefighter who is covered by this  
 26 chapter before the effective date of consolidation and becomes a  
 27 member of the fire department of a consolidated city under  
 28 IC 36-3-1-6.1, provided that the firefighter's service as a member  
 29 of the fire department of a consolidated city is considered active  
 30 service under this chapter.

31 (6) Except as otherwise provided, a full-time fully paid firefighter  
 32 who is hired or rehired after the effective date of the consolidation  
 33 by a consolidated fire department established under  
 34 IC 36-3-1-6.1.

35 (7) A full-time police officer who is covered by this chapter  
 36 before the effective date of consolidation and becomes a member  
 37 of the consolidated law enforcement department as part of the  
 38 consolidation under IC 36-3-1-5.1, provided that the officer's  
 39 service as a member of the consolidated law enforcement  
 40 department is considered active service under this chapter.

41 (8) Except as otherwise provided, a full-time police officer who  
 42 is hired or rehired after the effective date of the consolidation by



a consolidated law enforcement department established under  
IC 36-3-1-5.1. ~~and~~

(9) A veteran described in IC 36-8-4.7.  
~~except as provided by section 7 of this chapter.~~

**(10) A full-time, fully paid firefighter who:**

**(A) as of the dissolution date, is a member of the 1977 fund  
as a firefighter with a township fire department, fire  
protection territory, or fire protection district within a  
county; and**

**(B) after the transfer of fire protection responsibilities to  
counties under IC 36-2-21 and IC 36-8-13.7 becomes a  
member of the county fire department, a fire protection  
territory, or fire protection district within the county.**

SECTION 248. IC 36-8-8-2.1 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2.1. (a) As used in this  
chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers,  
the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3),** for a unit that  
established a 1937 fund for its firefighters, the local board  
described in IC 36-8-7-3.

**(3) This subdivision applies only to a county in which  
township government has been dissolved. For a township that  
established a 1937 fund for its firefighters, "local board",  
after the dissolution date, means the local board of the county.**

~~(3)~~ (4) For a consolidated city that established a 1953 fund for its  
police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ (5) For a unit, other than a consolidated city, that did not  
establish a 1925 fund for its police officers or a 1937 fund for its  
firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a  
local board shall be composed in the same manner described in  
IC 36-8-6-2(b). However, if there is not a retired member of the  
department, no one shall be appointed to that position until such time  
as there is a retired member.

(c) If a unit did not establish a 1937 fund for its firefighters, a local  
board shall be composed in the same manner described in  
IC 36-8-7-3(b). However, if there is not a retired member of the  
department, no one shall be appointed to that position until such time  
as there is a retired member.

SECTION 249. IC 36-8-8-7, AS AMENDED BY P.L.27-2019,  
SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2020]: Sec. 7. (a) Subject to IC 36-8-4.7 and except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and ~~(m)~~ (n):

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than thirty (30) years, the amount and the period to be determined by the system board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

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

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

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

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

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and



- 1 (4) was made, before February 1, 1979, a member of a 1925,  
 2 1937, or 1953 fund.
- 3 (f) A police officer or firefighter does not become a member of the  
 4 1977 fund and is not covered by this chapter if the police officer or  
 5 firefighter:
- 6 (1) was hired by the police or fire department of a unit before May  
 7 1, 1977;  
 8 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
 9 of which were repealed September 1, 1981);  
 10 (3) is rehired by the police or fire department of another unit after  
 11 December 31, 1981; and  
 12 (4) is made, by the fiscal body of the other unit after December  
 13 31, 1981, a member of a 1925, 1937, or 1953 fund of the other  
 14 unit.
- 15 If the police officer or firefighter is made a member of a 1925, 1937, or  
 16 1953 fund, the police officer or firefighter is entitled to receive credit  
 17 for all the police officer's or firefighter's years of service, including  
 18 years before January 1, 1982.
- 19 (g) As used in this subsection, "emergency medical services" and  
 20 "emergency medical technician" have the meanings set forth in  
 21 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:
- 22 (1) is employed by a unit that is participating in the 1977 fund;  
 23 (2) was employed as an emergency medical technician by a  
 24 political subdivision wholly or partially within the department's  
 25 jurisdiction;  
 26 (3) was a member of the public employees' retirement fund during  
 27 the employment described in subdivision (2); and  
 28 (4) ceased employment with the political subdivision and was  
 29 hired by the unit's fire department due to the reorganization of  
 30 emergency medical services within the department's jurisdiction;  
 31 shall participate in the 1977 fund. A firefighter who participates in the  
 32 1977 fund under this subsection is subject to sections 18 and 21 of this  
 33 chapter.
- 34 (h) A police officer or firefighter does not become a member of the  
 35 1977 fund and is not covered by this chapter if the individual was  
 36 appointed as:
- 37 (1) a fire chief under a waiver under IC 36-8-4-6(c); or  
 38 (2) a police chief under a waiver under IC 36-8-4-6.5(c);  
 39 unless the executive of the unit requests that the 1977 fund accept the  
 40 individual in the 1977 fund and the individual previously was a  
 41 member of the 1977 fund.
- 42 (i) A police matron hired or rehired after April 30, 1977, and before



July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a population of more than one hundred ten thousand (110,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

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

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

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

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

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

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

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

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

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

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

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

**(1) as of the dissolution date, is a member of the 1977 fund as**



1           **a firefighter with a township fire department, fire protection**  
 2           **territory, or fire protection district within a county; and**  
 3           **(2) after the transfer of fire protection responsibilities to**  
 4           **counties under IC 36-2-21 and IC 36-8-13.7 becomes a**  
 5           **member of the county fire department, a fire protection**  
 6           **territory, or fire protection district within the county;**  
 7           **is a member of the 1977 fund without meeting the requirements**  
 8           **under sections 19 and 21 of this chapter. A firefighter described in**  
 9           **this subsection is entitled to receive credit for all years of service as**  
 10           **a member of the 1977 fund before becoming a member of the**  
 11           **county fire department.**

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

- 14           (1) retired for purposes of section 10 of this chapter; or
- 15           (2) disabled for purposes of section 12 of this chapter;

16 solely because of a change in employer under the consolidation.

17           ~~(n)~~ **(o)** Notwithstanding any other provision of this chapter and  
 18 subject to subsection ~~(o)~~; **(p)**, a police officer or firefighter who:

- 19           (1) is an active member of the 1977 fund with an employer that
- 20           participates in the 1977 fund;
- 21           (2) separates from that employer; and
- 22           (3) not later than one hundred eighty (180) days after the date of
- 23           the separation described in subdivision (2), becomes employed as
- 24           a full-time police officer or firefighter with the same or a second
- 25           employer that participates in the 1977 fund;

26 is a member of the 1977 fund without meeting for a second time the  
 27 age limitation under subsection (a) and the requirements under sections  
 28 19 and 21 of this chapter. A police officer or firefighter to whom this  
 29 subsection applies is entitled to receive credit for all years of 1977 fund  
 30 covered service as a police officer or firefighter with all employers that  
 31 participate in the 1977 fund.

32           ~~(o)~~ **(p)** The one hundred eighty (180) day limitation described in  
 33 subsection ~~(n)~~~~(3)~~ **(o)**~~(3)~~ does not apply to a member of the 1977 fund  
 34 who is eligible for reinstatement under IC 36-8-4-11.

35           ~~(p)~~ **(q)** Notwithstanding any other provision of this chapter, a  
 36 veteran who is:

- 37           (1) described in IC 36-8-4.7; and
- 38           (2) employed as a firefighter or police officer;

39 is a member of the 1977 fund.

40           SECTION 250. IC 36-8-11-4 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) A county  
 42 legislative body may establish fire protection districts for any of the



1 following purposes:

2 (1) Fire protection, including the capability for extinguishing all  
3 fires that might be reasonably expected because of the types of  
4 improvements, personal property, and real property within the  
5 boundaries of the district.

6 (2) Fire prevention, including identification and elimination of all  
7 potential and actual sources of fire hazard.

8 (3) Other purposes or functions related to fire protection and fire  
9 prevention.

10 (b) Any area may be established as a fire protection district, but one  
11 (1) part of a district may not be completely separate from another part.  
12 A municipality may be included in a district, but only if it consents by  
13 ordinance, unless a majority of the freeholders of the municipality have  
14 petitioned to be included in the district.

15 (c) Except as provided in subsection (d), the territory of a district  
16 may consist of:

17 (1) one (1) or more townships and parts of one (1) or more  
18 townships in the same county; or

19 (2) all of the townships in the same county.

20 The boundaries of a district need not coincide with those of other  
21 political subdivisions.

22 (d) The territory of a district may consist of a municipality that is  
23 located in more than one (1) county.

24 **(e) On the dissolution date, the following applies to a county in**  
25 **which township government has been dissolved:**

26 **(1) Subject to subdivision (2), on the dissolution date, the**  
27 **county shall assume the powers, duties, rights, responsibilities,**  
28 **and obligations under this chapter of each township**  
29 **participating in the district.**

30 **(2) A county legislative body may withdraw any part of the**  
31 **unincorporated area of the county from participation in the**  
32 **district, as specified in the county fire protection and**  
33 **emergency services plan.**

34 **(3) The department of local government finance shall make**  
35 **any necessary adjustments to the maximum permissible ad**  
36 **valorem property tax levy for the county firefighting fund to**  
37 **account for any transfer of powers, duties, rights,**  
38 **responsibilities, and obligations under this section.**

39 SECTION 251. IC 36-8-11-15, AS AMENDED BY P.L.127-2017,  
40 SECTION 270, IS AMENDED TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2020]: Sec. 15. (a) The following apply to the  
42 board:



1 (1) **The board** has the same powers and duties as a township  
 2 executive with respect to fire protection functions, including those  
 3 duties and powers prescribed by:

4 (A) IC 36-8-13; or

5 (B) **IC 36-8-13.7, after the dissolution date in a county in**  
 6 **which township government has been dissolved;**  
 7 although all cooperative and joint actions permitted by ~~that~~  
 8 ~~chapter~~ **either of those chapters** must be undertaken according  
 9 to this chapter;

10 (2) **The board** has the same powers and duties as a township  
 11 executive relative to contracting with volunteer firefighting  
 12 companies, as prescribed by IC 36-8-12 and:

13 (A) IC 36-8-13; or

14 (B) **IC 36-8-13.7, after the dissolution date in county in**  
 15 **which township government has been dissolved.**

16 (3) **The board** shall appoint, fix the compensation, and prescribe  
 17 the duties of a fiscal officer, secretarial staff, persons performing  
 18 special and temporary services or providing legal counsel, and  
 19 other personnel considered necessary for the proper functioning  
 20 of the district; however, a person appointed as fiscal officer must  
 21 be bonded by good and sufficient sureties in an amount ordered  
 22 by the county legislative body to protect the district from financial  
 23 loss.

24 (4) **The board** shall exercise general supervision of and make  
 25 regulations for the administration of the district's affairs.

26 (5) **The board** shall prescribe uniform rules pertaining to  
 27 investigations and hearings.

28 (6) **The board** shall supervise the fiscal affairs and  
 29 responsibilities of the district.

30 (7) **The board** may delegate to employees of the district the  
 31 authority to perform ministerial acts, except in cases in which  
 32 final action of the board is necessary.

33 (8) **The board** shall keep accurate and complete records of all  
 34 departmental proceedings, record and file all bonds and contracts,  
 35 and assume responsibility for the custody and preservation of all  
 36 papers and documents of the district.

37 (9) **The board** shall make an annual report to the executive and  
 38 the fiscal body of the county that at least lists the financial  
 39 transactions of the district and a statement of the progress in  
 40 accomplishing the purposes for which the district has been  
 41 established.

42 (10) **The board** shall adopt a seal and certify all official acts.





(11) **The board** may sue and be sued collectively by its legal name ("Board of Fire Trustees, \_\_\_\_\_ Fire Protection District"), with service of process made on the chair of the board, but costs may not be taxed against the members individually in an action.

(12) **The board** may invoke any legal, equitable, or special remedy for the enforcement of this chapter or of proper action of the board taken in a court.

(13) **The board** shall prepare and submit to the fiscal body of the county an annual budget for operation and maintenance expenses and for the retirement of obligations of the district, subject to review and approval by the fiscal body.

(14) **The board** may, if advisable, establish one (1) or more advisory committees.

(15) **The board** may enter into agreements with and accept money from a federal or state agency and enter into agreements with a municipality located within or outside the district, whether or not the municipality is a part of the district, for a purpose compatible with the purposes for which the district exists and with the interests of the municipality.

(16) **The board** may accept gifts of money or other property to be used for the purposes for which the district is established.

(17) **The board** may levy taxes at a uniform rate on the real and personal property within the district.

(18) **The board** may issue bonds and tax anticipation warrants.

(19) **The board** may incur other debts and liabilities.

(20) **The board** may purchase or rent property.

(21) **The board** may sell services or property that are produced incident to the operations of the district making a fair and reasonable charge for it.

(22) **The board** may make contracts or otherwise enter into agreements with public or private persons and federal or state agencies for construction, maintenance, or operations of or in part of the district.

(23) **The board** may receive and disburse money. ~~and~~

(24) **The board** may impose a false alarm fee or service charge under:

(A) IC 36-8-13-4; or

(B) IC 36-8-13.7-7, after the dissolution date.

(b) Powers granted by this chapter may be used only to accomplish the purpose or purposes as stated in the ordinance or resolution establishing the district. However, an act of the board necessary and



proper to accomplish the purposes for which the district is established is not invalid because it incidentally accomplishes a purpose other than one for which the district is established.

SECTION 252. IC 36-8-11-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 19. The department of local government finance, when approving a rate and levy fixed by the board, shall verify that a duplication of tax levies does not exist between a fire protection district and a municipality, ~~or township, or~~ **county, after the dissolution date, in the case of a county in which township government has been dissolved**, within the boundaries of the district, so that taxpayers do not bear two (2) levies for the same service, except as provided by section 20 of this chapter.

SECTION 253. IC 36-8-11-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 21. This chapter does not require a municipality, ~~or township, or~~ **county, after the dissolution date, in the case of a county in which township government has been dissolved**, to disband its fire department unless its legislative body consents by ordinance.

SECTION 254. IC 36-8-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) Except as provided in **subsection (b) and** section 10 of this chapter, this chapter applies to all units except counties.

**(b) After the dissolution date, this chapter applies to a county in which township government has been dissolved and does not apply to a township in such a county.**

**(c) Beginning on the dissolution date, a county in which township government has been dissolved shall assume the powers, duties, rights, and obligations under this chapter of each township in the county.**

SECTION 255. IC 36-8-12-13, AS AMENDED BY P.L.10-2019, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. (a) Except as provided in subsection (b), the volunteer fire department that responds first to an incident may impose a charge on the owner of property, the owner of a vehicle, or a responsible party (as defined in IC 13-11-2-191(d)) that is involved in a hazardous material or fuel spill or chemical or hazardous material related fire (as defined in IC 13-11-2-96(b)):

(1) that is responded to by the volunteer fire department; and

(2) that members of that volunteer fire department assisted in extinguishing, containing, or cleaning up.

A second or subsequently responding volunteer fire department may not impose a charge on an owner or responsible party under this



section, although it may be entitled to reimbursement from the first responding volunteer fire department in accordance with an interlocal or other agreement.

(b) A volunteer fire department that is funded, in whole or in part:

(1) by taxes imposed by a unit; or

(2) by a contract with a unit;

may not impose a charge under subsection (a) on a natural person who resides or pays property taxes within the boundaries of the unit described in subdivision (1) or (2), unless the spill or the chemical or hazardous material fire poses an imminent threat to persons or property.

(c) The volunteer fire department shall bill the owner or responsible party of the vehicle for the total dollar value of the assistance that was provided, with that value determined by a method that the state fire marshal shall establish under section 16 of this chapter. A copy of the fire incident report to the state fire marshal must accompany the bill. This billing must take place within thirty (30) days after the assistance was provided. The owner or responsible party shall remit payment directly to the governmental unit providing the service. Any money that is collected under this section may be:

(1) deposited in:

(A) the township firefighting fund established in IC 36-8-13-4;

or

**(B) the county firefighting fund established under IC 36-8-13.7-5;**

(2) used to pay principal and interest on a loan made by the department of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus; or

(3) used for the purchase of equipment, buildings, and property for firefighting, fire protection, and other emergency services.

(d) Any administrative fees charged by a fire department's agent must be paid only from fees that are collected and allowed by Indiana law and the fire marshal's schedule of fees.

(e) An agent who processes fees on behalf of a fire department shall send all bills, notices, and other related materials to both the fire department and the person being billed for services.

(f) All fees allowed by Indiana law and the fire marshal's fee schedule must be itemized separately from any other charges.

(g) The volunteer fire department may maintain a civil action to recover an unpaid charge that is imposed under subsection (a) and may, if it prevails, recover all costs of the action, including reasonable



1 attorney's fees.

2 SECTION 256. IC 36-8-12-16, AS AMENDED BY P.L.208-2011,  
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2020]: Sec. 16. (a) A volunteer fire department that provides  
5 service within a jurisdiction served by the department may establish a  
6 schedule of charges for the services that the department provides not  
7 to exceed the state fire marshal's recommended schedule for services.  
8 The volunteer fire department or its agent may collect a service charge  
9 according to this schedule from the owner of property that receives  
10 service if the following conditions are met:

11 (1) At the following times, the department gives notice under  
12 IC 5-3-1-4(d) in each political subdivision served by the  
13 department of the amount of the service charge for each service  
14 that the department provides:

15 (A) Before the schedule of service charges is initiated.

16 (B) When there is a change in the amount of a service charge.

17 (2) The property owner has not sent written notice to the  
18 department to refuse service by the department to the owner's  
19 property.

20 (3) The bill for payment of the service charge:

21 (A) is submitted to the property owner in writing within thirty  
22 (30) days after the services are provided;

23 (B) includes a copy of a fire incident report in the form  
24 prescribed by the state fire marshal, if the service was  
25 provided for an event that requires a fire incident report;

26 (C) must contain verification that the bill has been approved  
27 by the chief of the volunteer fire department; and

28 (D) must contain language indicating that correspondence  
29 from the property owner and any question from the property  
30 owner regarding the bill should be directed to the department.

31 (4) Payment is remitted directly to the governmental unit  
32 providing the service.

33 (b) A volunteer fire department shall use the revenue collected from  
34 the fire service charges under this section:

35 (1) for the purchase of equipment, buildings, and property for  
36 firefighting, fire protection, or other emergency services;

37 (2) for deposit in:

38 (A) the township firefighting fund established under  
39 IC 36-8-13-4; or

40 (B) **the county firefighting fund established under**  
41 **IC 36-8-13.7-5; or**

42 (3) to pay principal and interest on a loan made by the department



of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus.

(c) Any administrative fees charged by a fire department's agent must be paid only from fees that are collected and allowed by Indiana law and the fire marshal's schedule of fees.

(d) An agent who processes fees on behalf of a fire department shall send all bills, notices, and other related materials to both the fire department and the person being billed for services.

(e) All fees allowed by Indiana law and the fire marshal's fee schedule must be itemized separately from any other charges.

(f) If at least twenty-five percent (25%) of the money received by a volunteer fire department for providing fire protection or emergency services is received under one (1) or more contracts with one (1) or more political subdivisions (as defined in IC 34-6-2-110), the legislative body of a contracting political subdivision must approve the schedule of service charges established under subsection (a) before the schedule of service charges is initiated in that political subdivision.

(g) A volunteer fire department that:

(1) has contracted with a political subdivision to provide fire protection or emergency services; and

(2) charges for services under this section;

must submit a report to the legislative body of the political subdivision before April 1 of each year indicating the amount of service charges collected during the previous calendar year and how those funds have been expended.

(h) The state fire marshal shall annually prepare and publish a recommended schedule of service charges for fire protection services.

(i) The volunteer fire department or its agent may maintain a civil action to recover an unpaid service charge under this section and may, if it prevails, recover all costs of the action, including reasonable attorney's fees.

SECTION 257. IC 36-8-12-17, AS AMENDED BY P.L.208-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 17. (a) If a political subdivision has not imposed its own false alarm fee or service charge, a volunteer fire department that provides service within the jurisdiction may establish a service charge for responding to false alarms. The volunteer fire department may collect the false alarm service charge from the owner of the property if the volunteer fire department dispatches firefighting apparatus or personnel to a building or premises in the township or **county** in response to:



1 (1) an alarm caused by improper installation or improper  
2 maintenance; or

3 (2) a drill or test, if the fire department is not previously notified  
4 that the alarm is a drill or test.

5 However, if the owner of property that constitutes the owner's residence  
6 establishes that the alarm is under a maintenance contract with an  
7 alarm company and that the alarm company has been notified of the  
8 improper installation or maintenance of the alarm, the alarm company  
9 is liable for the payment of the fee or service charge.

10 (b) Before establishing a false alarm service charge, the volunteer  
11 fire department must provide notice under IC 5-3-1-4(d) in each  
12 political subdivision served by the department of the amount of the  
13 false alarm service charge. The notice required by this subsection must  
14 be given:

15 (1) before the false alarm service charge is initiated; and

16 (2) before a change in the amount of the false alarm service  
17 charge.

18 (c) A volunteer fire department may not collect a false alarm service  
19 charge from a property owner or alarm company unless the  
20 department's bill for payment of the service charge:

21 (1) is submitted to the property owner in writing within thirty (30)  
22 days after the false alarm; and

23 (2) includes a copy of a fire incident report in the form prescribed  
24 by the state fire marshal.

25 (d) A volunteer fire department shall use the money collected from  
26 the false alarm service charge imposed under this section:

27 (1) for the purchase of equipment, buildings, and property for fire  
28 fighting, fire protection, or other emergency services;

29 (2) for deposit in:

30 (A) the township firefighting fund established under  
31 IC 36-8-13-4; or

32 (B) the county firefighting fund established under  
33 IC 36-8-13.7-5; or

34 (3) to pay principal and interest on a loan made by the department  
35 of homeland security established by IC 10-19-2-1 or a division of  
36 the department for the purchase of new or used firefighting and  
37 other emergency equipment or apparatus.

38 (e) If at least twenty-five percent (25%) of the money received by a  
39 volunteer fire department for providing fire protection or emergency  
40 services is received under one (1) or more contracts with one (1) or  
41 more political subdivisions (as defined in IC 34-6-2-110), the  
42 legislative body of a contracting political subdivision must approve the



1 false alarm service charge established under subsection (a) before the  
2 service charge is initiated in that political subdivision.

3 (f) A volunteer fire department that:

4 (1) has contracted with a political subdivision to provide fire  
5 protection or emergency services; and

6 (2) imposes a false alarm service charge under this section;  
7 must submit a report to the legislative body of the political subdivision  
8 before April 1 of each year indicating the amount of false alarm  
9 charges collected during the previous calendar year and how those  
10 funds have been expended.

11 (g) The volunteer fire department may maintain a civil action to  
12 recover unpaid false alarm service charges imposed under this section  
13 and may, if it prevails, recover all costs of the action, including  
14 reasonable attorney's fees.

15 SECTION 258. IC 36-8-12.2-2 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. As used in this  
17 chapter, "fire department" means a fire department that:

18 (1) is established under IC 36-8-2-3, ~~or~~ IC 36-8-13-3(a)(1), **or**  
19 **IC 36-8-13.7-4(a)(1)**; and

20 (2) employs:

21 (A) both full-time paid members and volunteer members; or

22 (B) only full-time paid members.

23 SECTION 259. IC 36-8-12.2-8 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Money collected  
25 under this chapter must be deposited in one (1) of the following:

26 (1) The general fund of the unit that established the fire  
27 department under IC 36-8-2-3, ~~or~~ IC 36-8-13-3(a)(1), **or**  
28 **IC 36-8-13.7-4(a)(1)**.

29 (2) A hazardous materials response fund established under section  
30 8.1 of this chapter by a city or town having a fire department  
31 established under IC 36-8-2-3.

32 (b) Money collected under this chapter may be used only for the  
33 following:

34 (1) Purchase of supplies and equipment used in providing  
35 hazardous materials emergency assistance under this chapter.

36 (2) Training for members of the fire department in skills  
37 necessary for providing hazardous materials emergency assistance  
38 under this chapter.

39 (3) Payment to persons with which the fire department contracts  
40 to provide services related to the hazardous materials emergency  
41 assistance provided by the fire department under this chapter.

42 SECTION 260. IC 36-8-13-1, AS AMENDED BY P.L.227-2005,



SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. This chapter applies to all townships, ~~However, this chapter does not apply to~~ **except** a township in:

- (1) which the fire department of the township has been consolidated under IC 36-3-1-6.1; **or**
- (2) **a county in which township government has been dissolved.**

SECTION 261. IC 36-8-13.6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

**Chapter 13.6. County Fire Protection and Emergency Services Plan**

**Sec. 1. This chapter applies only to a county in which township government has been dissolved.**

**Sec. 2. As used in this chapter, "county plan" means a county fire protection and emergency services plan.**

**Sec. 3. The county legislative body shall propose a county plan. After the county legislative body proposes a county plan, the county legislative body shall review the county plan during at least two (2) public meetings at which the public and any interested parties shall have the opportunity to comment on the county plan.**

**Sec. 4. (a) A county legislative body shall, before the dissolution date, adopt an ordinance finally approving the county plan.**

**(b) If a county legislative body does not adopt an ordinance finally approving a county plan under subsection (a) before the dissolution date, the division of fire and building safety established by IC 10-19-7-1 shall instead adopt the county plan for that county.**

**Sec. 5. A county legislative body may periodically amend the ordinance setting forth the county plan.**

**Sec. 6. (a) A county plan must provide that beginning after the dissolution date, the county is responsible for fire protection and emergency services in the unincorporated areas of the county.**

**(b) A county plan must include the following:**

- (1) A comprehensive plan providing for fire protection, emergency medical services, and hazardous materials response in the unincorporated areas of the county in an efficient and cost effective manner. The plan must describe the facilities, equipment, and personnel that will be used to provide fire protection and emergency services in the unincorporated areas of the county.**
- (2) A description of the standards of service and protocols for fire protection and emergency services.**





(3) A plan specifying the transition of fire protection and emergency services from existing township fire departments and other providers of fire protection and emergency services to county administered fire protection and emergency services in the unincorporated areas of the county.

(4) A description of:

- (A) the organization of the county fire department; and
- (B) any residency requirements that apply to members of the county fire department.

(5) A description of any fire protection districts, fire protection territories, volunteer fire departments, or other units of government that will be established or used to provide fire protection service or with which the county will contract or otherwise enter into an agreement for fire protection and emergency services. The county plan must provide that the executive of the county will provide for fire protection and emergency services in the unincorporated areas of the county through any combination of the following:

- (A) The operation of a county fire department.
- (B) Contracting with or otherwise cooperating with any municipality, county, fire protection district, volunteer fire department, fire protection territory, or other entity.
- (C) Entering into mutual aid agreements.

SECTION 262. IC 36-8-13.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

**Chapter 13.7. County Fire Protection and Emergency Services**

**Sec. 1.** This chapter applies only to a county in which township government has been dissolved.

**Sec. 2.** As used in this chapter, "county plan" means a county fire protection and emergency services plan approved under IC 36-8-13.6.

**Sec. 3. (a)** Beginning with the dissolution date, the county executive shall provide for fire protection and emergency services in the unincorporated areas of the county in the manner specified in the county plan.

**(b)** As provided in IC 36-2-21, in carrying out fire protection and emergency services responsibilities, the county executive shall, as provided in the county plan, provide for fire protection and emergency services in the unincorporated areas of the county through any combination of:

- (1) operating a county fire department;



- (2) contracting with or otherwise cooperating with any municipality, county, fire protection district, volunteer fire department, fire protection territory, or other entity; or
- (3) entering into mutual aid agreements.

Sec. 4. (a) The executive of a county, with the approval of the county fiscal body and according to the county plan, may do the following in carrying out the county's responsibility to provide fire protection and emergency services in the unincorporated areas of the county beginning with the dissolution date:

(1) Purchase firefighting and emergency services apparatus and equipment for the county, provide for the housing, care, maintenance, operation, and use of the apparatus and equipment to provide services within the unincorporated areas of the county, and employ full-time or part-time personnel to operate the apparatus and equipment and to provide services in that area. Preference in employment under this section shall be given according to the following priority:

(A) A war veteran who has been honorably discharged from the United States armed forces.

(B) A person whose mother or father was a:

- (i) firefighter of a unit;
- (ii) municipal police officer; or
- (iii) county police officer;

who died in the line of duty (as defined in IC 5-10-10-2).

A person described in this subdivision may not receive a preference for employment unless the person applies for employment and meets all employment requirements prescribed by law, including physical and age requirements, and all employment requirements prescribed by the fire department.

(2) Contract in accordance with IC 36-1-7 with a municipality in the county or in a contiguous county that maintains adequate firefighting or emergency services apparatus and equipment to provide fire protection or emergency services.

(3) Cooperate in accordance with IC 36-1-7 with a municipality in the county or in a contiguous county in the purchase, maintenance, and upkeep of firefighting or emergency services apparatus and equipment for use in the municipality and county.

(4) Contract with a volunteer fire department for the use and operation of firefighting apparatus and equipment that has been purchased by the county in order to save the private and



1 public property in the county from destruction by fire,  
 2 including use of the apparatus and equipment in an adjoining  
 3 county by the volunteer fire department if the volunteer fire  
 4 department has made a contract with the executive of the  
 5 adjoining county to furnish firefighting service within the  
 6 county.

7 (5) Contract with a volunteer fire department that maintains  
 8 adequate firefighting service in accordance with IC 36-8-12.

9 (b) This subsection applies only to a municipality whose  
 10 municipal territory is completely within a county and that does not  
 11 have a full-time paid fire department. The county may provide fire  
 12 protection or emergency services, or both, without contracts inside  
 13 the corporate boundaries of the municipality if before July 1 of a  
 14 year both of the following occur:

15 (1) The legislative body of the municipality adopts an  
 16 ordinance to have the county provide the services without a  
 17 contract.

18 (2) The county fiscal body passes a resolution approving the  
 19 county's provision of the services to the municipality without  
 20 a contract.

21 In a county providing services to a municipality under this section,  
 22 the legislative body of a municipality in the county, the county  
 23 fiscal body, or the county executive may opt out of participation  
 24 under this subsection by adopting an ordinance or resolution  
 25 before July 1 of a year.

26 Sec. 5. (a) Each county shall establish a county firefighting fund  
 27 that is the exclusive fund used by the county for the payment of  
 28 costs attributable to providing fire protection or emergency  
 29 services under section 4 of this chapter and for no other purposes.  
 30 The money in the fund may be paid out by the county executive  
 31 upon appropriation by the county fiscal body.

32 (b) Each county may levy, for property taxes due beginning in  
 33 the year of the dissolution date and thereafter, a tax for the county  
 34 firefighting fund. Other than a county providing fire protection or  
 35 emergency services, or both, to municipalities in the county under  
 36 section 4(b) of this chapter, the tax levy is on all taxable real and  
 37 personal property in the county that is outside the corporate  
 38 boundaries of municipalities. Subject to the levy limitations under  
 39 IC 6-1.1-18.5, the county levy must be in an amount sufficient to  
 40 pay all costs attributable to fire protection and emergency services  
 41 that are not paid from other revenues available to the fund. The  
 42 tax rate and levy must be established in accordance with the



1 procedures set forth in IC 6-1.1-17.

2 (c) In addition to the tax levy under this section and service  
3 charges received under IC 36-8-12-13 and IC 36-8-12-16, the  
4 executive may accept donations to the county for firefighting and  
5 other emergency services and shall place the donations in the  
6 county firefighting fund, keeping an accurate record of the sums  
7 received. A person may also donate partial payment of any  
8 purchase of firefighting or other emergency services equipment  
9 made by the county.

10 Sec. 6. (a) This section applies to a county that provides fire  
11 protection or emergency services, or both, to a municipality in the  
12 county under section 4(b) of this chapter.

13 (b) With the consent of the county fiscal body, the county  
14 executive shall pay the expenses for fire protection and emergency  
15 services in the county, both inside and outside the corporate  
16 boundaries of participating municipalities, from any combination  
17 of the following county funds, regardless of when the funds were  
18 established:

19 (1) The county firefighting fund under section 5(a) of this  
20 chapter.

21 (2) The cumulative building and equipment fund under  
22 IC 36-8-14.

23 (3) The debt fund for taxes levied under section 10 of this  
24 chapter.

25 (c) Subject to the levy limitations under IC 6-1.1-18.5, the tax  
26 rate and levy for the county firefighting fund, the cumulative  
27 building and equipment fund, or the debt fund must be in an  
28 amount sufficient to pay all costs attributable to fire protection or  
29 emergency services that are provided to the county and the  
30 participating municipalities that are not paid from other available  
31 revenues. The tax rate and levy for each fund must be established  
32 in accordance with the procedures set forth in IC 6-1.1-17 and  
33 apply both inside and outside the corporate boundaries of  
34 participating municipalities.

35 (d) The county executive may accept donations for firefighting  
36 and emergency services. The county executive shall place donations  
37 in the county firefighting fund. A person may donate partial  
38 payment of a purchase of firefighting or emergency services  
39 equipment made by the county.

40 Sec. 7. (a) If a fire department serving a county dispatches fire  
41 apparatus or personnel to a building or premises in the county in  
42 response to:



1 (1) an alarm caused by improper installation or improper  
2 maintenance of the alarm; or

3 (2) a drill or test, if the fire department is not previously  
4 notified that the alarm is a drill or test;

5 the county may impose a fee or service charge upon the owner of  
6 the property. However, if the owner of property that constitutes  
7 the owner's residence establishes that the alarm is under a  
8 maintenance contract with an alarm company and that the alarm  
9 company has been notified of the improper installation or  
10 maintenance of the alarm, the alarm company is liable for the  
11 payment of the fee or service charge.

12 (b) The amount of a fee or service charge imposed under  
13 subsection (a) shall be determined by the county legislative body.  
14 All money received by the county from the fee or service charge  
15 must be deposited in the county's firefighting fund established  
16 under section 5 of this chapter.

17 Sec. 8. (a) For counties and municipalities that elect to have the  
18 county provide fire protection and emergency services under  
19 section 4(b) of this chapter, the department of local government  
20 finance shall adjust each county's and each municipality's  
21 maximum permissible ad valorem property tax levy in the year  
22 following the year in which the election is made, as determined  
23 under IC 6-1.1-18.5-3, to reflect the change from provision of fire  
24 protection under a contract between the municipality and the  
25 county to imposition by the county of a property tax levy on the  
26 taxable property located within the corporate boundaries of each  
27 municipality. Each municipality's maximum permissible ad  
28 valorem property tax levy shall be reduced by the amount of the  
29 municipality's property tax levy that was imposed by the  
30 municipality to meet the obligations to the county under the fire  
31 protection contract. The county's maximum permissible ad  
32 valorem property tax levy shall be increased by the product of:

33 (1) the assessed value growth quotient determined under  
34 IC 6-1.1-18.5-2 for the ensuing calendar year; multiplied by

35 (2) the amount the county received:

36 (A) in the year in which the election is made; and

37 (B) as fire protection contract payments from all  
38 municipalities whose levy is decreased under this section.

39 (b) For purposes of determining a county's or municipality's  
40 maximum permissible ad valorem property tax levy under  
41 IC 6-1.1-18.5-3 for years following the first year after the year in  
42 which the election is made, a county's or municipality's maximum



1 permissible ad valorem property tax levy is the levy after the  
2 adjustment made under subsection (a).

3 **Sec. 9.** After a sufficient appropriation has been made and  
4 approved and is available for the purchase of firefighting  
5 apparatus and equipment, including housing, the county executive,  
6 with the approval of the county fiscal body, may purchase  
7 firefighting apparatus and equipment for the county on an  
8 installment conditional sale or mortgage contract running for a  
9 period not exceeding:

10 (1) six (6) years; or

11 (2) fifteen (15) years for a county that is purchasing the  
12 firefighting equipment with funding from the:

13 (A) state or its instrumentalities; or

14 (B) federal government or its instrumentalities.

15 The purchase must be amortized in equal or approximately equal  
16 installments payable on January 1 and July 1 each year.

17 **Sec. 10. (a)** Subject to section 11 of this chapter and subject to  
18 approval of the county fiscal body, the county executive, on behalf  
19 of the county, also may borrow the money necessary to make a  
20 purchase of firefighting apparatus and equipment from a financial  
21 institution in Indiana on the terms described in section 9 of this  
22 chapter. The county executive shall, on behalf of the county,  
23 execute and deliver to the institution the negotiable note or bond of  
24 the county for the sum borrowed. The note or bond must bear  
25 interest, with both principal and interest payable in equal or  
26 approximately equal installments on January 1 and July 1 each  
27 year over a period not exceeding six (6) years.

28 (b) The first installment of principal and interest on a contract,  
29 chattel mortgage, note, or bond is due on the next January 1 or  
30 July 1 following the first tax collection for which it is possible for  
31 the county to levy a tax. The county fiscal body shall levy a tax each  
32 year sufficient to pay the obligation according to its terms and shall  
33 appropriate the proceeds of the tax for this purpose. An obligation  
34 of the county executed under this chapter is a valid and binding  
35 obligation of the county.

36 **Sec. 11. (a)** If the county executive determines that money  
37 should be borrowed under section 10 of this chapter, not less than  
38 ten (10) taxpayers in the county who disagree with the  
39 determination may file a petition in the office of the county auditor  
40 not more than thirty (30) days after notice of the determination is  
41 given. The petition must state the taxpayers' objections and the  
42 reasons why the taxpayers believe the borrowing to be unnecessary



1 or unwise.

2 (b) The county auditor shall immediately certify a copy of the  
3 petition, together with other data necessary to present the  
4 questions involved, to the department of local government finance.  
5 Upon receipt of the certified petition and other data, the  
6 department of local government finance shall fix a date, time, and  
7 place for the hearing of the matter. The hearing shall be held not  
8 less than five (5) days and not more than thirty (30) days after the  
9 receipt of the certified documents.

10 (c) The hearing must be held in the county where the petition  
11 arose.

12 (d) Notice of the hearing shall be given by the department of  
13 local government finance to the county and to the first ten (10)  
14 petitioners listed on the petition by letter. The letter shall be sent  
15 to each of the first ten (10) petitioners at the petitioner's usual  
16 place of residence at least five (5) days before the date of the  
17 hearing.

18 (e) A:

19 (1) taxpayer who signed a petition filed under subsection (a);  
20 or

21 (2) county against which a petition under subsection (a) is  
22 filed;

23 may petition for judicial review of the final determination of the  
24 department of local government finance under this section. The  
25 petition must be filed in the tax court not more than forty-five (45)  
26 days after the date of the department's final determination.

27 Sec. 12. (a) All purchases of firefighting apparatus and  
28 equipment under this chapter shall be made in the manner  
29 provided by statute for the purchase of county supplies. If the  
30 amount involved is sufficient to require notice under statutes for  
31 bids in connection with the purchase of apparatus or equipment,  
32 the notice must offer all bidders the opportunity of proposing to  
33 sell the apparatus or equipment to the county upon a conditional  
34 sale or mortgage contract.

35 (b) A bidder proposing to sell on a conditional sale or mortgage  
36 contract shall state in the bidder's bid the proposed interest rate  
37 and terms of the conditional sale or contract, to be considered by  
38 the county executive and legislative body in determining the best  
39 bid received.

40 (c) All bids submitted must specify the cash price at which the  
41 bidder proposes to sell the apparatus or equipment to the county  
42 so that the executive and legislative body may determine whether



1 it is in the best interest of the county to purchase the apparatus or  
 2 equipment on the terms of a conditional sale or mortgage contract  
 3 proposed by the bidder or to purchase the apparatus or equipment  
 4 for cash if sufficient funds are available or can be raised by  
 5 negotiating a loan with a financial institution in accordance with  
 6 section 10 of this chapter.

7 **Sec. 13.** A county having a regularly organized fire department  
 8 employing full-time firefighters may procure at the county's  
 9 expense:

10 (1) an insurance policy for each member of the fire  
 11 department insuring the member against loss of life or  
 12 dismemberment while in the performance of regularly  
 13 assigned duties; and

14 (2) group insurance providing supplemental income  
 15 protection for a member of the fire department who has been  
 16 injured during the course of employment.

17 The insurance coverage shall be selected with the consent of the  
 18 members and is supplemental to other benefits provided to an  
 19 injured member by law.

20 **Sec. 14. (a)** A county shall pay the expenses, as described in  
 21 subsection (b), necessary for the care of a full-time paid firefighter  
 22 who:

23 (1) suffers an injury; or

24 (2) contracts an illness;

25 during the performance of the firefighter's duty.

26 (b) The county shall pay for the following expenses incurred by  
 27 a firefighter described in subsection (a):

28 (1) Medical and surgical care.

29 (2) Medicines and laboratory, curative, and palliative agents  
 30 and means.

31 (3) X-ray, diagnostic, and therapeutic services, including  
 32 during the recovery period.

33 (4) Hospital and special nursing care if the physician or  
 34 surgeon in charge considers it necessary for proper recovery.

35 (c) Expenditures required by subsection (a) shall be paid from  
 36 the county firefighting fund established under section 5 of this  
 37 chapter.

38 (d) A county that has paid for the care of a firefighter under  
 39 subsection (a) has a cause of action for reimbursement of the  
 40 amount paid under subsection (a) against any third party against  
 41 whom the firefighter has a cause of action for an injury sustained  
 42 because of, or an illness caused by, the third party. The county's





1 cause of action under this subsection is in addition to, and not in  
 2 lieu of, the cause of action of the firefighter against the third party.

3 **Sec. 15. Notwithstanding section 5 of this chapter, a county**  
 4 **fiscal body may, beginning with the dissolution date, authorize the**  
 5 **county executive to borrow a specified sum from a county fund**  
 6 **other than the county firefighting fund established under section**  
 7 **5 of this chapter if the county fiscal body finds that an emergency**  
 8 **requiring the expenditure of money is related to paying the**  
 9 **operating expenses of a county fire department or a volunteer fire**  
 10 **department. The county fiscal body shall provide for payment of**  
 11 **the debt by imposing a levy to the credit of the fund from which the**  
 12 **amount was borrowed under this subsection.**

13 SECTION 263. IC 36-8-14-1 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. **(a) Except as**  
 15 **provided in subsection (b), this chapter applies to all units except**  
 16 **counties.**

17 **(b) Beginning with the dissolution date, this chapter also applies**  
 18 **to a county in which township government has been dissolved.**  
 19 **However, a county may, before the dissolution date, take any**  
 20 **action required under this chapter that is necessary to provide for**  
 21 **the cumulative building and equipment fund to be established in**  
 22 **the year of the dissolution date and to impose the property tax levy**  
 23 **under this chapter beginning in the year of the dissolution date.**

24 SECTION 264. IC 36-8-14-2 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) As used in this  
 26 section, "emergency medical services" has the meaning set forth in  
 27 IC 16-18-2-110.

28 (b) As used in this section, "volunteer fire department" has the  
 29 meaning set forth in IC 36-8-12-2.

30 (c) The legislative body of a unit or the board of fire trustees of a  
 31 fire protection district may provide a cumulative building and  
 32 equipment fund under IC 6-1.1-41 for the following purposes:

33 (1) The:

34 (A) purchase, construction, renovation, or addition to  
 35 buildings; or

36 (B) purchase of land;

37 used by the fire department or a volunteer fire department serving  
 38 the unit.

39 (2) The purchase of firefighting equipment for use of the fire  
 40 department or a volunteer fire department serving the unit,  
 41 including making the required payments under a lease rental with  
 42 option to purchase agreement made to acquire the equipment.



(3) In a municipality, the purchase of police radio equipment.

(4) The:

(A) purchase, construction, renovation, or addition to a building;

(B) purchase of land; or

(C) purchase of equipment;

for use of a provider of emergency medical services under IC 16-31-5 to the unit establishing the fund.

(d) In addition to the requirements of IC 6-1.1-41, before a cumulative fund may be established by a township fire protection district, the county legislative body which appoints the trustees of the fire protection district must approve the establishment of the fund.

**(e) This subsection applies only to a county in which township government has been dissolved. The following apply on the dissolution date:**

**(1) A cumulative building and equipment fund is established for the county. The adoption and approval provisions of IC 6-1.1-41 do not apply to the establishment of the fund under this subsection. The provisions of IC 6-1.1-41 concerning the adoption of a tax levy apply to the fund. However, a county may before the dissolution date, take any action required under this chapter that is necessary to provide for the cumulative building and equipment fund to be established in the year of the dissolution date and to impose the property tax levy under this chapter beginning in the year of the dissolution date.**

**(2) Each cumulative building and equipment fund established by a township in the county is abolished, and the balance in the township's cumulative building and equipment fund shall be transferred to the county's cumulative building and equipment fund established under subdivision (1).**

SECTION 265. IC 36-8-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) To provide for the cumulative building and equipment fund established under this chapter, the legislative body may levy a tax on all taxable property within the taxing district in compliance with IC 6-1.1-41. The tax rate may not exceed three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of assessed valuation of property in the taxing district.

(b) As the tax is collected, it shall be deposited in a qualified public depository or depositories and held in a special fund to be known as **the following:**



(1) The "building or remodeling, firefighting, and police radio equipment fund" in the case of a municipality. ~~or as~~

(2) The "building or remodeling and fire equipment fund" in the case of a township, **a county (beginning with the dissolution date, in the case of a county in which township government has been dissolved)**, or a fire protection district.

SECTION 266. IC 36-8-19-8, AS AMENDED BY P.L.183-2014, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Upon the adoption of identical ordinances or resolutions, or both, by the participating units under section 6 of this chapter, the designated provider unit must establish a fire protection territory fund from which all expenses of operating and maintaining the fire protection services within the territory, including repairs, fees, salaries, depreciation on all depreciable assets, rents, supplies, contingencies, and all other expenses lawfully incurred within the territory shall be paid. The purposes described in this subsection are the sole purposes of the fund, and money in the fund may not be used for any other expenses. Except as allowed in subsections (d) and (e) and section 8.5 of this chapter, the provider unit is not authorized to transfer money out of the fund at any time.

(b) The fund consists of the following:

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

(2) Any money transferred to the fund by the provider unit as authorized under subsection (d).

(3) Any receipts from a false alarm fee or service charge imposed by the participating units under IC 36-8-13-4 **or 36-8-13.7-7**.

(4) Any money transferred to the fund by a participating unit under section 8.6 of this chapter.

(c) The provider unit, with the assistance of each of the other participating units, shall annually budget the necessary money to meet the expenses of operation and maintenance of the fire protection services within the territory. The provider unit may maintain a reasonable balance, not to exceed one hundred twenty percent (120%) of the budgeted expenses. Except as provided in IC 6-1.1-18.5-10.5, after estimating expenses and receipts of money, the provider unit shall establish the tax levy required to fund the estimated budget. The amount budgeted under this subsection shall be considered a part of each of the participating unit's budget.

(d) If the amount levied in a particular year is insufficient to cover the costs incurred in providing fire protection services within the territory, the provider unit may transfer from available sources to the fire protection territory fund the money needed to cover those costs. In



1 this case:

2 (1) the levy in the following year shall be increased by the amount  
3 required to be transferred; and

4 (2) the provider unit is entitled to transfer the amount described  
5 in subdivision (1) from the fund as reimbursement to the provider  
6 unit.

7 (e) If the amount levied in a particular year exceeds the amount  
8 necessary to cover the costs incurred in providing fire protection  
9 services within the territory, the levy in the following year shall be  
10 reduced by the amount of surplus money that is not transferred to the  
11 equipment replacement fund established under section 8.5 of this  
12 chapter. The amount that may be transferred to the equipment  
13 replacement fund may not exceed five percent (5%) of the levy for that  
14 fund for that year. Each participating unit must agree to the amount to  
15 be transferred by adopting an ordinance (if the unit is a county or  
16 municipality) or a resolution (if the unit is a township) that specifies an  
17 identical amount to be transferred.

18 (f) The tax under this section is subject to the tax levy limitations  
19 imposed under IC 6-1.1-18.5-10.5.

20 SECTION 267. IC 36-8-19-17 IS ADDED TO THE INDIANA  
21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2020]: **Sec. 17. (a) This section applies only**  
23 **to a county in which township government has been dissolved.**

24 **(b) The following apply if a township is a participating unit in**  
25 **a fire protection territory as of the dissolution date:**

26 (1) Subject to subdivision (2), on the dissolution date, the  
27 county shall assume the powers, duties, rights, responsibilities,  
28 and obligations under this chapter previously held by the  
29 township that was a participating unit.

30 (2) A county legislative body may withdraw as otherwise  
31 provided in this chapter from the fire protection territory, as  
32 specified in the county fire protection and emergency services  
33 plan.

34 (3) The department of local government finance shall make  
35 any necessary adjustments to the maximum permissible ad  
36 valorem property tax levy for the county firefighting fund to  
37 account for any transfer of powers, duties, rights,  
38 responsibilities, and obligations under this section.

39 SECTION 268. IC 36-10-7-1.5 IS ADDED TO THE INDIANA  
40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2020]: **Sec. 1.5. (a) This section applies only:**

42 **(1) to a county in which township government has been**



1 dissolved; and

2 (2) beginning with the dissolution date.

3 (b) The following apply to a county in which township  
4 government has been dissolved:

5 (1) The powers and duties of a township trustee concerning  
6 parks and recreation under this chapter are transferred to the  
7 county executive.

8 (2) Any reference in this chapter to "township trustee" or  
9 "trustee" is considered a reference to the county executive or  
10 the county executive's designee to administer this chapter.

11 (3) Any reference in this chapter to "township board" is  
12 considered a reference to the county fiscal body.

13 SECTION 269. IC 36-10-7-6, AS AMENDED BY P.L.73-2005,  
14 SECTION 175, IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) This section applies to all  
16 townships having a population of at least eight thousand five hundred  
17 (8,500) that contain a town.

18 (b) The township executive may do the following in relation to  
19 township parks:

20 (1) Purchase, acquire by eminent domain, accept by grant, devise,  
21 bequest, or other conveyance, or otherwise acquire land within the  
22 township for park purposes.

23 (2) Make necessary improvements on the land.

24 (3) Maintain and operate the land.

25 (4) Dispose of all or part of the land that is unnecessary for the  
26 park or park purposes.

27 (c) If the executive decides to acquire land for park purposes under  
28 this section, the following procedures apply:

29 (1) A resolution to that effect shall be adopted by the legislative  
30 body and shall be entered upon the minutes of the legislative  
31 body. The resolution must be signed by the members of the  
32 legislative body and by the executive.

33 (2) Upon a petition signed in ink by at least one hundred (100)  
34 resident taxpayers and freeholders of the township, the executive  
35 shall, after the adoption of the resolution, fix a day not less than  
36 fifteen (15) nor more than twenty (20) days after adoption during  
37 which time remonstrances may be filed with the executive against  
38 the resolution.

39 (3) The executive shall give notice by publication of the  
40 resolution and of the time limits for filing remonstrances in  
41 accordance with IC 5-3-1.

42 (4) Remonstrances must be signed in ink and shall be filed not



1 later than the day fixed for the expiration of the time for filing  
2 remonstrances in the notices.

3 (5) If the number of signers of remonstrances exceeds the number  
4 of signers who have signed the original petition, determined by  
5 the same qualifications, the executive may give notice, in  
6 accordance with IC 5-3-1, of a date by which time a  
7 supplementary petition containing the names of qualified signers  
8 in addition to the names signed to the first petition may be filed  
9 asking for acquisition.

10 (6) A supplemental petition must be signed in ink by signers  
11 having the same qualifications as required for the original  
12 petition.

13 (7) If, after the expiration of the period for filing a supplemental  
14 petition, it is determined that the number of qualified signers to  
15 the original petition and the supplemental petition exceeds the  
16 number of signers to the remonstrance, the executive may proceed  
17 with the acquisition of land and the improvement and operation  
18 of it.

19 (8) If the number signing the remonstrance is greater than the  
20 number signing the original and supplemental petition, then the  
21 township may not proceed with the improvement.

22 However, the remonstrance does not prevent the acquisition of land or  
23 inhibit the power of the executive to acquire parkland unless at least  
24 twenty percent (20%) of the resident freeholders who are also legal  
25 voters, execute the remonstrance. Only the executive and the legislative  
26 body may determine the sufficiency of a petition or remonstrance and  
27 the qualifications of a signer. These matters are subject to review only  
28 for fraud.

29 (d) The executive may acquire any property, land, privilege,  
30 immunities, or other species of interest reasonably necessary for the  
31 park or for the purpose of improving, maintaining, or operating it. The  
32 executive may sue in the name of the township for the condemnation  
33 of any property, land, privilege, immunities, or other species of interest  
34 in accordance with statutes available to municipal corporations for  
35 condemnation.

36 (e) To provide money for any of the purposes of this section, the  
37 legislative body may authorize the executive to issue the bonds of the  
38 township. However, the total bonds issued and outstanding at any time  
39 for such purposes may not exceed ninety thousand dollars (\$90,000).  
40 The bonds may bear interest at any rate, may be made payable  
41 semiannually, shall be sold for at least their par value, and run for a  
42 period of not less than ten (10) nor more than twenty (20) years. Parts



of the total issue may be sold from time to time as the executive determines. After the authorization of the bonds, the executive shall, in accordance with IC 5-3-1, publish notice of that part of the bonds that will be sold at that time. The notice must state the amount of bonds offered, the denomination, the period to run, the rate of interest, and the date, place, and hour of sale. No part of the bonds may be sold except after notice.

(f) The legislative body shall levy annually a sufficient tax to pay at least the principal and interest of bonds that will mature in the following year, and the executive shall apply the tax to the payment of bonds and interest. The tax levy is in addition to other tax levies. The tax shall be levied and collected on all property within the boundaries of the township, including municipalities. The cost of the care, upkeep, repair, maintenance, and improvement of the park shall be paid out of the general fund of the township, and the legislative body shall increase the levy of the fund each year by an amount sufficient to provide the money to maintain the park.

(g) The executive shall direct the expenditure of the money raised by the bond issue to save money that otherwise would be expended for ~~township~~ **local** assistance. The executive may offer persons who are able-bodied and capable of work the opportunity to work upon the park improvement. If a person refuses without good excuse, the executive shall consider the refusal prima facie evidence that the person is not entitled to ~~township~~ **local** assistance.

SECTION 270. IC 36-10-7.5-1.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 1.4. (a) This section applies only to a county in which township government has been dissolved.**

**(b) Beginning with the dissolution date, the following apply:**

**(1) The powers and duties of a township trustee concerning parks and recreation under this chapter are transferred to the county executive.**

**(2) Any reference in this chapter to "township trustee" or "trustee" is considered a reference to the county executive or the county executive's designee to administer this chapter.**

**(3) Any reference in this chapter to "township board" is considered a reference to the county fiscal body.**

SECTION 271. IC 36-12-1-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 7.5. (a) This section applies only to a county in which township government is dissolved.**

**(b) Beginning with the dissolution date, the following apply:**



1       **(1) The powers and duties of a township trustee concerning**  
 2       **public libraries, library districts, or provision or receipt of**  
 3       **library services by contract under this article are transferred**  
 4       **to the county executive.**

5       **(2) Any reference in this article to "township trustee" or**  
 6       **"trustee" is considered a reference to the county executive or**  
 7       **the county executive's designee to administer this chapter.**

8       **(3) Any reference in this chapter to "township board" is**  
 9       **considered a reference to the county fiscal body.**

10       **(4) All responsibilities and obligations of a township**  
 11       **government with respect to a public library, a library district,**  
 12       **or provision or receipt of library services by contract are**  
 13       **assumed by the county.**

14       **(5) The dissolution of township government does not**  
 15       **terminate a public library, library district, or contract for**  
 16       **provision or receipt of library services in existence before the**  
 17       **termination date.**

18       **SECTION 272. [EFFECTIVE JULY 1, 2020] (a) The legislative**  
 19       **services agency shall prepare, as directed by the legislative council,**  
 20       **legislation for introduction in the 2021 regular session of the**  
 21       **general assembly to organize and correct statutes affected by this**  
 22       **act, if necessary.**

23       **(b) This SECTION expires July 1, 2022.**

