

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 621 be amended to read as follows:

- 1 Page 1, delete lines 1 through 15, begin a new paragraph and insert:
- 2 "SECTION 1. IC 3-5-2-25 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 25. "Fiscal body"
- 4 means **the following:**
- 5 (1) **The** county council, for a county not having a consolidated
- 6 city.
- 7 (2) **The** city-county council, for a consolidated city or county
- 8 having a consolidated city.
- 9 (3) **The** common council, for a second or third class city.
- 10 (4) **The** town council, for a town.
- 11 (5) **The** township board, for a township ~~or~~ **not located in a**
- 12 **county having a consolidated city.**
- 13 **(6) For a township located in a county having a consolidated**
- 14 **city:**
- 15 **(A) the township board, before January 1, 2014; and**
- 16 **(B) the city-county council, after December 31, 2013.**
- 17 ~~(6)~~ **(7) The** governing body or budget approval body, for any
- 18 other political subdivision.
- 19 SECTION 2. IC 3-8-1-31 IS AMENDED TO READ AS FOLLOWS
- 20 [EFFECTIVE JULY 1, 2013]: Sec. 31. **(a)** A candidate for the office
- 21 of constable of a small claims court must:
- 22 (1) have resided in the township for more than one (1) year upon
- 23 taking office; and
- 24 (2) be at least twenty-one (21) years ~~old~~ **of age** upon taking office.

(b) This section expires January 1, 2014.

SECTION 3. IC 3-10-1-19, AS AMENDED BY P.L.6-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

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

Vote for one (1) only

Representative in Congress

(1) AB _____

(2) CD _____

(3) EF _____

(4) GH _____

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

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

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

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

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

(d) 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

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

3 (1) Federal and state offices:

4 (A) President of the United States.

5 (B) United States Senator.

6 (C) Governor.

7 (D) United States Representative.

8 (2) Legislative offices:

9 (A) State senator.

10 (B) State representative.

11 (3) Circuit offices and county judicial offices:

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

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

18 (C) Judge of the probate court.

19 (D) Prosecuting attorney.

20 (E) Circuit court clerk.

21 (4) County offices:

22 (A) County auditor.

23 (B) County recorder.

24 (C) County treasurer.

25 (D) County sheriff.

26 (E) County coroner.

27 (F) County surveyor.

28 (G) County assessor.

29 (H) County commissioner.

30 (I) County council member.

31 (5) Township offices:

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

34 (B) Township trustee. **This subdivision does not apply to
 35 elections in 2014 and thereafter in a county having a
 36 consolidated city.**

37 (C) Township board member. **This subdivision does not
 38 apply to elections in 2014 and thereafter in a county having
 39 a consolidated city.**

40 (D) Judge of the small claims court. **This subdivision does
 41 not apply to elections in 2016 and thereafter in a county
 42 having a consolidated city.**

43 (E) Constable of the small claims court.

44 (6) City offices:

45 (A) Mayor.

46 (B) Clerk or clerk-treasurer.

- 1 (C) Judge of the city court.
 2 (D) City-county council member or common council member.
 3 (7) Town offices:
 4 (A) Clerk-treasurer.
 5 (B) Judge of the town court.
 6 (C) Town council member.
 7 (f) The political party offices with candidates for election shall be
 8 placed on the primary election ballot in the following order after the
 9 offices described in subsection (e):
 10 (1) Precinct committeeman.
 11 (2) State convention delegate.
 12 (g) The local offices to be elected at the primary election shall be
 13 placed on the primary election ballot after the offices described in
 14 subsection (f).
 15 (h) The offices described in subsection (g) shall be placed:
 16 (1) in a separate column on the ballot if voting is by paper ballot;
 17 (2) after the offices described in subsection (f) in the form
 18 specified in IC 3-11-13-11 if voting is by ballot card; or
 19 (3) either:
 20 (A) on a separate screen for each office or public question; or
 21 (B) after the offices described in subsection (f) in the form
 22 specified in IC 3-11-14-3.5;
 23 if voting is by an electronic voting system.
 24 SECTION 4. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,
 25 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2013]: Sec. 13. The following public officials shall be elected
 27 at the general election before their terms of office expire and every four
 28 (4) years thereafter:
 29 (1) Clerk of the circuit court.
 30 (2) County auditor.
 31 (3) County recorder.
 32 (4) County treasurer.
 33 (5) County sheriff.
 34 (6) County coroner.
 35 (7) County surveyor.
 36 (8) County assessor.
 37 (9) County commissioner.
 38 (10) County council member.
 39 (11) Township trustee. **This subdivision does not apply to**
 40 **elections in 2014 and thereafter in a county having a**
 41 **consolidated city.**
 42 (12) Township board member. **This subdivision does not apply**
 43 **to elections in 2014 and thereafter in a county having a**
 44 **consolidated city.**
 45 (13) Township assessor (only in a township referred to in
 46 IC 36-6-5-1(d)).

1 (14) Judge of a small claims court.

2 (15) Constable of a small claims court. **This subdivision does not**
 3 **apply to elections in 2016 and thereafter in a county having a**
 4 **consolidated city.**

5 SECTION 5. IC 3-11-1.5-32.5 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 32.5. (a) This section
 7 applies to townships in a county containing a consolidated city.

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

13 **(c) This section expires January 1, 2014.**

14 SECTION 6. IC 3-11-2-12, AS AMENDED BY P.L.6-2012,
 15 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2013]: Sec. 12. The following offices shall be placed on the
 17 general election ballot in the following order after the public questions
 18 described in section 10(a) of this chapter:

19 (1) Federal and state offices:

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

21 (B) United States Senator.

22 (C) Governor and lieutenant governor.

23 (D) Secretary of state.

24 (E) Auditor of state.

25 (F) Treasurer of state.

26 (G) Attorney general.

27 (H) Superintendent of public instruction.

28 (I) United States Representative.

29 (2) Legislative offices:

30 (A) State senator.

31 (B) State representative.

32 (3) Circuit offices and county judicial offices:

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

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

39 (C) Judge of the probate court.

40 (D) Prosecuting attorney.

41 (E) Clerk of the circuit court.

42 (4) County offices:

43 (A) County auditor.

44 (B) County recorder.

45 (C) County treasurer.

46 (D) County sheriff.

- 1 (E) County coroner.
 2 (F) County surveyor.
 3 (G) County assessor.
 4 (H) County commissioner.
 5 (I) County council member.
 6 (5) Township offices:
 7 (A) Township assessor (only in a township referred to in
 8 IC 36-6-5-1(d)).
 9 (B) Township trustee. **This clause does not apply to elections
 10 in 2014 and thereafter in a county having a consolidated
 11 city.**
 12 (C) Township board member. **This clause does not apply to
 13 elections in 2014 and thereafter in a county having a
 14 consolidated city.**
 15 (D) Judge of the small claims court.
 16 (E) Constable of the small claims court. **This clause does not
 17 apply to elections in 2016 and thereafter in a county having
 18 a consolidated city.**
 19 (6) City offices:
 20 (A) Mayor.
 21 (B) Clerk or clerk-treasurer.
 22 (C) Judge of the city court.
 23 (D) City-county council member or common council member.
 24 (7) Town offices:
 25 (A) Clerk-treasurer.
 26 (B) Judge of the town court.
 27 (C) Town council member.
- 28 SECTION 7. IC 5-9-4-7, AS AMENDED BY P.L.1-2005,
 29 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2013]: Sec. 7. (a) Except as provided in subsection (b) or (c),
 31 an officeholder who elects to take the leave of absence described in
 32 section 6 of this chapter shall give written notice that the officeholder
 33 is taking a leave of absence for military service to the person or entity
 34 designated in IC 5-8-3.5-1 to receive a resignation for the office the
 35 officeholder holds.
 36 (b) An officeholder who is:
 37 (1) a justice of the supreme court, a judge of the court of appeals,
 38 or a judge of the tax court; or
 39 (2) a judge of a circuit, city, county, probate, or superior court;
 40 shall give the written notice required by subsection (a) to the clerk of
 41 the supreme court.
 42 (c) An officeholder who holds a school board office shall give the
 43 written notice required by subsection (a) to the person or entity
 44 designated in IC 20-25-3, IC 20-25-4, ~~IC 20-25-5~~, IC 20-23-12,
 45 IC 20-23-14, IC 20-23-15, IC 20-23-4, or IC 20-26 to receive a
 46 resignation for the office the officeholder holds.

1 (d) The written notice required by subsection (a) must state that the
2 officeholder is taking a leave of absence because the officeholder:

3 (1) has been called for active duty in:

4 (A) the armed forces of the United States; or

5 (B) the national guard; and

6 (2) will be temporarily unable to perform the duties of the
7 officeholder's office.

8 SECTION 8. IC 5-9-4-8, AS AMENDED BY P.L.179-2011,
9 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2013]: Sec. 8. (a) Except as provided in subsection (b), during
11 the officeholder's leave of absence, the officeholder's office must be
12 filled by a temporary appointment made under:

13 (1) IC 3-13-4;

14 (2) IC 3-13-5;

15 (3) IC 3-13-6;

16 (4) IC 3-13-7;

17 (5) IC 3-13-8;

18 (6) IC 3-13-9;

19 (7) IC 3-13-10;

20 (8) IC 3-13-11;

21 (9) IC 20-23-4;

22 (10) IC 20-26;

23 (11) IC 20-23-12;

24 (12) IC 20-23-14;

25 (13) IC 20-23-15;

26 (14) IC 20-23-17;

27 (15) IC 20-23-17.2;

28 (16) IC 20-25-3; **or**

29 (17) IC 20-25-4; **or**

30 ~~(18) IC 20-25-5;~~

31 in the same manner as a vacancy created by a resignation is filled.

32 (b) For an officeholder who:

33 (1) is:

34 (A) a justice of the supreme court, a judge of the court of
35 appeals, or a judge of the tax court; or

36 (B) a judge of a circuit, city, county, probate, or superior court;

37 and

38 (2) is taking a leave of absence under this chapter;

39 the supreme court shall appoint a judge pro tempore to fill the
40 officeholder's office in accordance with the court's rules and
41 procedures.

42 (c) The person selected or appointed under subsection (a) or (b)
43 serves until the earlier of:

44 (1) the date the officeholder's leave of absence ends as provided
45 in section 10 of this chapter; or

46 (2) the officeholder's term of office expires.

1 (d) The person selected or appointed to an office under subsection
2 (a) or (b):

- 3 (1) assumes all the rights and duties of; and
4 (2) is entitled to the compensation established for;
5 the office for the period of the temporary appointment.

6 SECTION 9. IC 6-1.1-11-4, AS AMENDED BY P.L.173-2011,
7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2013]: Sec. 4. (a) The exemption application referred to in
9 section 3 of this chapter is not required if the exempt property is owned
10 by the United States, the state, an agency of this state, or a political
11 subdivision (as defined in IC 36-1-2-13). However, this subsection
12 applies only when the property is used, and in the case of real property
13 occupied, by the owner.

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

- 16 (1) described by IC 6-1.1-2-7; or
17 (2) maintained by:
18 (A) a township executive; **or**
19 (B) **after December 31, 2014, in a county having a**
20 **consolidated city, the mayor of the consolidated city;**
21 under IC 23-14-68.

22 (c) The exemption application referred to in section 3 of this chapter
23 is not required if the exempt property is owned by the bureau of motor
24 vehicles commission established under IC 9-15-1.

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

- 27 (1) the exempt property is:
28 (A) tangible property used for religious purposes described in
29 IC 6-1.1-10-21;
30 (B) tangible property owned by a church or religious society
31 used for educational purposes described in IC 6-1.1-10-16;
32 (C) other tangible property owned, occupied, and used by a
33 person for educational, literary, scientific, religious, or
34 charitable purposes described in IC 6-1.1-10-16; or
35 (D) other tangible property owned by a fraternity or sorority
36 (as defined in IC 6-1.1-10-24).
37 (2) the exemption application referred to in section 3 or 3.5 of this
38 chapter was filed properly at least once for a religious use under
39 IC 6-1.1-10-21, an educational, literary, scientific, religious, or
40 charitable use under IC 6-1.1-10-16, or use by a fraternity or
41 sorority under IC 6-1.1-10-24; and
42 (3) the property continues to meet the requirements for an
43 exemption under IC 6-1.1-10-16, IC 6-1.1-10-21, or
44 IC 6-1.1-10-24.

45 A change in ownership of property does not terminate an exemption of
46 the property if, after the change in ownership, the property continues

1 to meet the requirements for an exemption under IC 6-1.1-10-16,
 2 IC 6-1.1-10-21, or IC 6-1.1-10-24. However, if title to any of the real
 3 property subject to the exemption changes or any of the tangible
 4 property subject to the exemption is used for a nonexempt purpose after
 5 the date of the last properly filed exemption application, the person that
 6 obtained the exemption or the current owner of the property shall notify
 7 the county assessor for the county where the tangible property is
 8 located of the change in the year that the change occurs. The notice
 9 must be in the form prescribed by the department of local government
 10 finance. If the county assessor discovers that title to property granted
 11 an exemption described in IC 6-1.1-10-16, IC 6-1.1-10-21, or
 12 IC 6-1.1-10-24 has changed, the county assessor shall notify the
 13 persons entitled to a tax statement under IC 6-1.1-22-8.1 for the
 14 property of the change in title and indicate that the county auditor will
 15 suspend the exemption for the property until the persons provide the
 16 county assessor with an affidavit, signed under penalties of perjury, that
 17 identifies the new owners of the property and indicates that the
 18 property continues to meet the requirements for an exemption under
 19 IC 6-1.1-10-21, IC 6-1.1-10-16, or IC 6-1.1-10-24. Upon receipt of the
 20 affidavit, the county assessor shall reinstate the exemption for the years
 21 for which the exemption was suspended and each year thereafter that
 22 the property continues to meet the requirements for an exemption under
 23 IC 6-1.1-10-21, IC 6-1.1-10-16, or IC 6-1.1-10-24.

24 SECTION 10. IC 6-1.1-17-2, AS AMENDED BY P.L.1-2006,
 25 SECTION 135, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) When formulating an annual
 27 budget estimate, the proper officers of a political subdivision shall
 28 prepare an estimate of the amount of revenue which the political
 29 subdivision will receive from the state for and during the budget year
 30 for which the budget is being formulated. These estimated revenues
 31 shall be shown in the budget estimate and shall be taken into
 32 consideration in calculating the tax levy which is to be made for the
 33 ensuing calendar year. However, this section does not apply to funds
 34 to be received from the state or the federal government for:

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

41 (b) When formulating an annual budget estimate, the proper officers
 42 of a political subdivision shall prepare an estimate of the amount of
 43 revenue that the political subdivision will receive under a development
 44 agreement (as defined in IC 36-1-8-9.5) for and during the budget year
 45 for which the budget is being formulated. Revenue received under a
 46 development agreement may not be used to reduce the political

1 subdivision's maximum levy under IC 6-1.1-18.5 but may be used at
2 the discretion of the political subdivision to reduce the property tax
3 levy of the political subdivision for a particular year.

4 **(c) This subsection applies only in a county having a**
5 **consolidated city. When formulating a proposed annual budget**
6 **estimate for 2014 and thereafter, the township executive and the**
7 **city-county council shall, with regard to a township capital**
8 **improvement fund or cumulative building fund, consider the**
9 **township capital improvement plan prepared under IC 36-6-10.**

10 **(d) This subsection applies only in a county having a**
11 **consolidated city. After December 31, 2013, the city-county council**
12 **shall fix the budget, tax rate, and tax levy of each township in the**
13 **county under section 5 of this chapter.**

14 SECTION 11. IC 6-1.1-17-3, AS AMENDED BY P.L.137-2012,
15 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2013]: Sec. 3. (a) The proper officers of a political subdivision
17 shall formulate its estimated budget and its proposed tax rate and tax
18 levy on the form prescribed by the department of local government
19 finance and approved by the state board of accounts. The political
20 subdivision or appropriate fiscal body, if the political subdivision is
21 subject to section 20 of this chapter, shall give notice by publication to
22 taxpayers of:

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

27 The political subdivision or appropriate fiscal body shall also state the
28 time and place at which the political subdivision or appropriate fiscal
29 body will hold a public hearing on these items. The political
30 subdivision or appropriate fiscal body shall publish the notice twice in
31 accordance with IC 5-3-1 with the first publication at least ten (10)
32 days before the date fixed for the public hearing. The first publication
33 must be before September 14, and the second publication must be
34 before September 21 of the year. The political subdivision shall pay for
35 the publishing of the notice.

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

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

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

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

- 3 **(d) This subsection applies:**
- 4 **(1) only to a county having a consolidated city; and**
- 5 **(2) to budgets for calendar years after 2014 and to property**
- 6 **taxes first due and payable after 2014.**

7 **Notwithstanding any other law, in 2014 and each year thereafter,**
8 **the mayor of the consolidated city shall estimate the amount**
9 **necessary to meet the cost of township assistance in the county for**
10 **the ensuing calendar year. The city-county council shall adopt with**
11 **the county budget for property taxes due in 2015 and each year**
12 **thereafter a uniform tax rate throughout the county sufficient to**
13 **meet the estimated cost of township assistance in the county. The**
14 **property taxes collected as a result of the tax rate adopted under**
15 **this subsection shall be credited to the township assistance fund**
16 **established under IC 12-20-21-6.**

17 **(e) This subsection applies only in a county having a**
18 **consolidated city. The following apply to township budgets adopted**
19 **for 2014:**

- 20 **(1) Except as provided in subdivision (2), the total amount**
- 21 **appropriated by the township board for a particular year**
- 22 **(including any additional appropriations made for that year)**
- 23 **may not exceed the result of:**

24 **(A) the total amount appropriated for the previous year**
25 **(including any additional appropriations made for that**
26 **year); multiplied by**

27 **(B) the assessed value growth quotient determined under**
28 **IC 6-1.1-18.5-2 and applicable to the township for the**
29 **particular year.**

30 **(2) If the city-county council determines after a public hearing**
31 **that a township cannot carry out the township's governmental**
32 **functions for 2013 under the appropriation limitations**
33 **imposed by subdivision (1), the city-county council may**
34 **appeal, before October 20, 2013, to the department of local**
35 **government finance for relief from the appropriation**
36 **limitations for the ensuing year. In the appeal, the city-county**
37 **council must state that the township will be unable to carry**
38 **out the governmental functions committed to the township by**
39 **law unless the township is given relief from the appropriation**
40 **limitations. The city-county council must support the appeal**
41 **by reasonably detailed statements of fact. The department of**
42 **local government finance shall review the merits of the**
43 **appeal. If the department of local government finance**
44 **determines after reviewing the appeal that the township**
45 **cannot carry out the township's governmental functions for**
46 **a year under the appropriation limitations imposed by**
47 **subdivision (1), the department of local government finance**

1 **may grant relief from those appropriation limitations in the**
2 **manner determined to be appropriate by the department of**
3 **local government finance.**

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

5 SECTION 12. IC 6-1.1-18.5-22 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2013]: **Sec. 22. (a) This section applies only**
8 **in a county having a consolidated city.**

9 **(b) A separate maximum permissible ad valorem property tax**
10 **levy for township assistance shall be determined as provided in this**
11 **section for 2015 and thereafter.**

12 **(c) The county's maximum permissible ad valorem property tax**
13 **levy for township assistance for property taxes first due and**
14 **payable in 2015 is equal to the result of:**

15 **(1) the total amount of property taxes levied for township**
16 **assistance by all townships in the county for property taxes**
17 **first due and payable in 2014; multiplied by**

18 **(2) the assessed value growth quotient determined under**
19 **section 2 of this chapter for 2015.**

20 **(d) The county's maximum permissible ad valorem property tax**
21 **levy for township assistance for property taxes for an ensuing**
22 **calendar year after 2015 is equal to:**

23 **(1) the county's maximum permissible ad valorem property**
24 **tax levy for township assistance determined under this section**
25 **for the current calendar year; multiplied by**

26 **(2) the assessed value growth quotient determined under**
27 **section 2 of this chapter for the ensuing calendar year.**

28 SECTION 13. IC 8-14-2-7 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 7. (a) An included town**
30 **under IC 36-3-1-7 may transfer surplus allocated monies to the town**
31 **general fund from the local road and street account if those monies**
32 **have not been allocated or expended within the previous twenty-four**
33 **(24) months.**

34 **(b) This section expires January 1, 2015.**

35 SECTION 14. IC 12-7-2-22, AS AMENDED BY P.L.145-2006,
36 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2013]: **Sec. 22. "Board" means the following:**

38 **(1) For purposes of IC 12-10-10 and IC 12-10-11, the community**
39 **and home options to institutional care for the elderly and disabled**
40 **board established by IC 12-10-11-1.**

41 **(2) For purposes of IC 12-12-7-5, the meaning set forth in**
42 **IC 12-12-7-5(a).**

43 **(3) For purposes of IC 12-15-35, the meaning set forth in**
44 **IC 12-15-35-2.**

45 **(4) For purposes of IC 12-20, the meaning set forth in**
46 **IC 12-20-1.5-2.**

1 SECTION 15. IC 12-7-2-24.9, AS ADDED BY P.L.180-2005,
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2013]: Sec. 24.9. "Case contact", for purposes of
 4 IC 12-20-28-3 **and IC 12-20-28-4**, has the meaning set forth in
 5 ~~IC 12-20-28-3(b)~~: **IC 12-20-28-3(c)**.

6 SECTION 16. IC 12-7-2-140.5, AS AMENDED BY P.L.3-2008,
 7 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2013]: Sec. 140.5. "Plan", for purposes of:

9 (1) IC 12-15-44.2, has the meaning set forth in IC 12-15-44.2-1;
 10 **and**

11 (2) **IC 12-20, means a township assistance plan prepared**
 12 **under IC 12-20-1.6.**

13 SECTION 17. IC 12-7-2-192.3, AS AMENDED BY P.L.1-2006,
 14 SECTION 184, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2013]: Sec. 192.3. "Total number of households
 16 containing township assistance recipients", for purposes of
 17 IC 12-20-28-3 **and IC 12-20-28-4**, has the meaning set forth in
 18 ~~IC 12-20-28-3(c)~~: **IC 12-20-28-3(d)**.

19 SECTION 18. IC 12-7-2-192.4, AS AMENDED BY P.L.180-2005,
 20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2013]: Sec. 192.4. "Total number of recipients", for purposes
 22 of IC 12-20-28-3 **and IC 12-20-28-4**, has the meaning set forth in
 23 ~~IC 12-20-28-3(d)~~: **IC 12-20-28-3(e)**.

24 SECTION 19. IC 12-7-2-192.5, AS AMENDED BY P.L.180-2005,
 25 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2013]: Sec. 192.5. "Total number of requests for assistance",
 27 for purposes of IC 12-20-28-3 **and IC 12-20-28-4**, has the meaning set
 28 forth in ~~IC 12-20-28-3(e)~~: **IC 12-20-28-3(f)**.

29 SECTION 20. IC 12-20-1-4, AS AMENDED BY P.L.73-2005,
 30 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2013]: Sec. 4. (a) This section does not apply to an attorney
 32 who is admitted to practice law in Indiana.

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

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

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

39 (2) provision of services;

40 to a township assistance recipient commits township assistance fraud,
 41 a Class D felony. For purposes of this subsection, a person unfairly
 42 profits if the person receives payment from the township trustee **or**
 43 **(after December 31, 2014, in a county having a consolidated city)**
 44 **the county trustee** for goods or services that the person does not
 45 provide or the person charges the township trustee **or (after December**
 46 **31, 2014, in a county having a consolidated city) the county trustee**

1 more for the goods or services than the person would charge members
2 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 assistance fraud
5 is ineligible to participate in the township assistance program for thirty
6 (30) years after the date of the conviction.

7 SECTION 21. IC 12-20-1-7 IS ADDED TO THE INDIANA CODE
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2013]: **Sec. 7. (a) This section applies only to a county having a
10 consolidated city.**

11 **(b) The county shall establish in 2015 a township assistance fund
12 for the county.**

13 **(c) Beginning with property taxes first due and payable in 2015,
14 the fund shall be raised by a tax levy that:**

- 15 **(1) is in addition to all other tax levies authorized; and**
- 16 **(2) shall be levied annually by the city-county council on all**
- 17 **taxable property in the county in the amount necessary to pay**
- 18 **the items, awards, claims, allowances, assistance, and other**
- 19 **expenses set forth in the annual county township assistance**
- 20 **budget for the county.**

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

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

- 24 **(1) All receipts from the tax imposed under this section.**
- 25 **(2) Earnings on the money deposited in the fund.**
- 26 **(3) Any other money required by law to be placed in the fund.**

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

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

31 SECTION 22. IC 12-20-1.5 IS ADDED TO THE INDIANA CODE
32 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
33 UPON PASSAGE]:

34 **Chapter 1.5. Township Assistance Planning Board**

35 **Sec. 1. This chapter applies only to a county having a
36 consolidated city.**

37 **Sec. 2. As used in this chapter, "board" means the township
38 assistance planning board established for the county under section
39 3 of this chapter.**

40 **Sec. 3. (a) The county shall establish a township assistance
41 planning board. The mayor of the consolidated city shall appoint
42 the members of the board not later than June 30, 2013. The board
43 consists of the following members:**

- 44 **(1) Four (4) members who are residents of the county. Two (2)**
- 45 **of the members appointed under this subdivision may not be:**
 - 46 **(A) employed by; or**
 - 47 **(B) a party to a contract with;**

- 1 a township or a human services provider agency.
- 2 Not more than two (2) members appointed under this
- 3 subdivision may be members of the same political party.
- 4 (2) One (1) person employed by a faith based human services
- 5 provider agency.
- 6 (3) One (1) person employed by a government funded human
- 7 services provider agency.
- 8 (4) One (1) person employed by a nonprofit human services
- 9 provider agency.
- 10 (5) Two (2) members of the city-county council. The members
- 11 appointed under this subdivision may not be members of the
- 12 same political party.

13 (b) The county trustee appointed under IC 12-20-1.7 shall serve
 14 as an advisory member to the board after December 31, 2014. The
 15 advisory member has all the privileges of membership, except the
 16 right to vote.

17 (c) A majority of the voting members of the board constitutes a
 18 quorum. An affirmative vote of a majority of the members of the
 19 board is required for the board to take action.

20 Sec. 4. (a) The first meeting of the board shall be convened not
 21 later than August 1, 2013, by the member of the city-county council
 22 appointed to the board and designated by the mayor.

23 (b) The board shall select a board member to be the board's
 24 chair at the board's first meeting.

25 (c) The members of the board serve at the pleasure of the
 26 mayor.

27 (d) The city-county council shall determine, in the manner
 28 provided by law, the compensation of the board members.

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

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

34 Sec. 6. Before June 1, 2014, the board shall adopt a resolution
 35 approving standards that meet the requirements of this article and
 36 forward the resolution to the city-county council for adoption. The
 37 standards adopted by the city-county council take effect January
 38 1, 2015.

39 SECTION 23. IC 12-20-1.6 IS ADDED TO THE INDIANA CODE
 40 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2013]:

42 **Chapter 1.6. Plan for Delivery of Township Assistance Services**
 43 **Throughout the County**

44 Sec. 1. Except as specifically provided, this chapter applies after
 45 December 31, 2014, but only to a county having a consolidated city.

46 Sec. 2. As used in this chapter, "board" means the township
 47 assistance planning board established for the county under

1 **IC 12-20-1.5-3.**
2 **Sec. 3. As used in this chapter, "plan" means a township**
3 **assistance plan prepared by the board under this chapter.**
4 **Sec. 4. (a) Before June 1, 2014, the board shall develop a plan**
5 **for the delivery of township assistance services throughout the**
6 **county that is consistent with the standards adopted under**
7 **IC 12-20-1.5 and this chapter. The plan must apply to the provision**
8 **of township assistance services after December 31, 2014.**
9 **(b) In preparing a plan, the board shall make the following**
10 **determinations:**
11 **(1) Whether the county will:**
12 **(A) provide township assistance services by means of the**
13 **county's own workforce; or**
14 **(B) contract with a service provider to provide some or all**
15 **township assistance services.**
16 **(2) Office hours, locations, and staffing levels.**
17 **Sec. 5. (a) The board shall prepare and recommend a township**
18 **assistance budget for calendar year 2015 to the mayor of the**
19 **consolidated city. The mayor may reduce and modify but not**
20 **increase the recommended budget.**
21 **(b) The department of local government finance shall review the**
22 **budget for calendar year 2015. If the budget spends more than the**
23 **combined budgets of the existing townships, the department of**
24 **local government finance may reduce and modify but not increase**
25 **the budget.**
26 **Sec. 6. (a) The board shall adopt a resolution approving the plan**
27 **and forward the resolution to the city-county council for adoption.**
28 **(b) If:**
29 **(1) the city-county council adopts an ordinance approving the**
30 **plan; and**
31 **(2) the ordinance is approved by the mayor;**
32 **the plan and the transfer of township assistance responsibilities to**
33 **the county take effect January 1, 2015.**
34 **SECTION 24. IC 12-20-1.7 IS ADDED TO THE INDIANA CODE**
35 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
36 **JULY 1, 2013]:**
37 **Chapter 1.7. County Trustee**
38 **Sec. 1. This chapter applies:**
39 **(1) after December 31, 2014; and**
40 **(2) only to a county having a consolidated city.**
41 **Sec. 2. As used in this chapter, "department" refers to the**
42 **department of township assistance established by section 3 of this**
43 **chapter.**
44 **Sec. 3. (a) The department of township assistance is established**
45 **as an executive department of the consolidated city.**
46 **(b) The department shall administer township assistance in the**
47 **county.**

1 **Sec. 4. (a) The mayor of the consolidated city shall appoint a**
2 **county trustee as the executive head of the department. The county**
3 **trustee shall carry out the county trustee's powers and duties as**
4 **directed by the mayor.**

5 **(b) The county trustee serves at the pleasure of the mayor.**

6 **(c) The county trustee may not have a conviction for township**
7 **assistance fraud under IC 12-20-1-4.**

8 **(d) The county trustee is the director of the department for**
9 **purposes of IC 36-3-5-2.**

10 **Sec. 5. (a) The county trustee shall perform all duties related to**
11 **township assistance that were performed by township trustees in**
12 **the county before township government was abolished. The county**
13 **trustee, in performing the powers and duties under this article and**
14 **IC 12-30-4, acts as the administrator of township assistance for the**
15 **county.**

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

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

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

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

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

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

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

29 **(2) Hire and manage staff for the department.**

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

31 **(4) Administer the township assistance fund established under**
32 **IC 12-20-1-7.**

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

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

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

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

40 **SECTION 25. IC 12-20-2-1, AS AMENDED BY P.L.73-2005,**
41 **SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
42 **JULY 1, 2013]: Sec. 1. (a) This section does not apply after**
43 **December 31, 2015, to a county having a consolidated city.**

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

47 **SECTION 26. IC 12-20-3-3, AS AMENDED BY P.L.73-2005,**

1 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2013]: Sec. 3. **(a) This section does not apply after
3 December 31, 2015, to a county having a consolidated city.**

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

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

14 SECTION 27. IC 12-20-4-2, AS AMENDED BY P.L.73-2005,
15 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2013]: Sec. 2. **(a) This subsection does not apply after
17 December 31, 2014, to a county having a consolidated city.** The
18 township trustee of each township, in the trustee's official capacity as
19 chief executive officer within the township, may do the following:

- 20 (1) Employ supervisors, investigators, assistants, or other
21 necessary employees in discharging the township trustee's duties
22 concerning the provision of township assistance.
- 23 (2) Fix the salaries or wages to be paid to the supervisors,
24 investigators, assistants, and other necessary employees employed
25 by the township trustee.

26 **(b) This subsection applies after December 31, 2014, but only in
27 a county having a consolidated city. The county trustee:**

- 28 **(1) shall, subject to the approval of the city-county council,
29 hire employees and staff; and**
- 30 **(2) may, subject to the approval of the city-county council,
31 establish offices throughout the county;**

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

34 SECTION 28. IC 12-20-4-3, AS AMENDED BY P.L.73-2005,
35 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2013]: Sec. 3. **(a) This subsection does not apply after
37 December 31, 2014, to a county having a consolidated city.** The
38 township trustee shall determine the number of township assistance
39 supervisors, investigators, assistants, or other necessary employees that
40 are employed by the township to administer township assistance.

41 **(b) This subsection applies after December 31, 2014, but only to
42 a county having a consolidated city. The county trustee may:**

- 43 **(1) in accordance with the county plan; and**
- 44 **(2) subject to the approval of the city-county council;
45 determine the number of township assistance supervisors,
46 investigators, assistants, or other necessary employees who are**

1 employed by the county to administer township assistance.
2 ~~(b)~~ (c) This subsection does not apply after December 31, 2014,
3 to a county having a consolidated city. The pay of township
4 assistance supervisors, investigators, assistants, and other necessary
5 employees shall be fixed by the township trustee subject only to the
6 total budgetary appropriation for personnel services for the
7 administration of township assistance approved by the township board.
8 (d) This subsection applies after December 31, 2014, but only to
9 a county having a consolidated city. The pay of township assistance
10 employees shall be fixed in the manner provided by law for other
11 county salaries.
12 ~~(e)~~ (e) This subsection does not apply after December 31, 2014,
13 to a county having a consolidated city. A township assistance
14 supervisor, investigator, assistant, or other necessary employee who
15 uses an automobile in the performance of the employee's work is
16 entitled to the same mileage paid to state officers and employees.
17 (f) This subsection applies after December 31, 2014, but only to
18 a county having a consolidated city. A township assistance
19 employee of a county is entitled to a sum for mileage at a rate
20 determined by the county fiscal body.
21 SECTION 29. 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, 2013]: Sec. 5. (a) This subsection does not apply after
24 December 31, 2014, to a county having a consolidated city. The
25 number of supervisors of township assistance investigators may not
26 exceed one (1) supervisor for the first four (4) township assistance
27 investigators. If there are more than four (4) township assistance
28 investigators, the township trustee may employ one (1) additional
29 supervisor for each twelve (12) township assistance investigators or
30 major fraction of that number.
31 (b) This subsection applies after December 31, 2014, but only to
32 a county having a consolidated city. If there are more than four (4)
33 township assistance investigators, the county trustee may, if
34 provided by the county plan, and subject to the approval of the
35 city-county council, employ one (1) additional supervisor for each
36 twelve (12) township assistance investigators or major fraction of
37 that number.
38 (c) This subsection applies after December 31, 2014, but only to
39 a county having a consolidated city. The county trustee may hire
40 the number of additional supervisors provided for in the county
41 plan.
42 ~~(b)~~ (d) This subsection does not apply after December 31, 2014,
43 to a county having a consolidated city. The pay for supervisors of
44 township assistance investigators shall be fixed in the manner provided
45 by law for other township salaries.
46 (e) This subsection applies after December 31, 2014, but only to

1 **a county having a consolidated city. The pay of township assistance**
2 **investigators shall be fixed in the manner provided by law for other**
3 **county salaries.**

4 SECTION 30. IC 12-20-4-11, AS AMENDED BY P.L.73-2005,
5 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2013]: Sec. 11. (a) A township assistance supervisor,
7 investigator, assistant, or other necessary employee shall be paid only
8 for the number of days the employee is actually engaged in
9 employment during each month.

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

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

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

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

27 **(f) This section does not apply after December 31, 2014, to a**
28 **county having a consolidated city.**

29 SECTION 31. IC 12-20-4-13 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13. The:

31 (1) township trustee, ~~may~~, with the approval of the township
32 board; or

33 (2) **county trustee (after December 31, 2014, in a county**
34 **having a consolidated city), if permitted by the county plan**
35 **and subject to the approval of the city-county council;**

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

38 SECTION 32. IC 12-20-5-4 IS ADDED TO THE INDIANA CODE
39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
40 1, 2013]: **Sec. 4. This chapter does not apply after December 31,**
41 **2014, to a county having a consolidated city.**

42 SECTION 33. IC 12-20-5.5-2, AS AMENDED BY P.L.73-2005,
43 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
44 JULY 1, 2013]: Sec. 2. (a) Standards for the administration of township
45 assistance must ~~contain~~ **establish at a minimum** the following:

46 (1) Criteria for determining township assistance eligibility.

- 1 (2) Minimum requirements of township trustee accessibility.
- 2 (3) Other information as needed, including the following:
- 3 (A) Township office locations, hours, and days of availability.
- 4 (B) Initial eligibility criteria.
- 5 (C) Continuing eligibility criteria.
- 6 (D) Workfare requirements.
- 7 (E) Essential and nonessential assets.
- 8 (F) Available resources.
- 9 (G) Income exemptions.
- 10 (H) Application process.
- 11 (I) Countable income.
- 12 (J) Countable assets.
- 13 (K) Wasted resources.

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

17 SECTION 34. IC 12-20-5.5-5, AS AMENDED BY P.L.73-2005,
 18 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2013]: Sec. 5. The township's **or (after December 31, 2013)**
 20 **county's** standards for the administration of township assistance must
 21 include all applicable standards governing the provision of basic
 22 necessities, including maximum amounts, special conditions, or other
 23 limitations on eligibility, if any have been established for one (1) or
 24 more basic necessities.

25 SECTION 35. IC 12-20-5.5-6 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) A township
 27 trustee **or, for standards applicable after December 31, 2013, in a**
 28 **county having a consolidated city, the city-county council**, shall set
 29 income standards for the township that provide for financial eligibility
 30 in an amount consistent with reasonable costs of basic necessities in the
 31 trustee's particular township.

32 (b) A township trustee **or, for standards applicable after**
 33 **December 31, 2013, in a county having a consolidated city, the**
 34 **city-county council** may not consider a Holocaust victim's settlement
 35 payment received by an eligible individual when setting income
 36 standards under this section.

37 SECTION 36. IC 12-20-6-0.5 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 0.5. (a) As used in this
 39 section, "member of the applicant's household" includes any person
 40 who lives in the same residence as the applicant.

41 (b) The township trustee **or (after December 31, 2014, in the case**
 42 **of a county having a consolidated city) the county trustee** shall
 43 determine whether an applicant or a member of the applicant's
 44 household has been denied assistance under IC 12-14-1-1,
 45 IC 12-14-1-1.5, IC 12-14-2-5.1, IC 12-14-2-5.3, IC 12-14-2-18,
 46 IC 12-14-2-20, IC 12-14-2-21, IC 12-14-2-24, IC 12-14-2-26,

1 IC 12-14-2.5, or IC 12-14-5.5.
2 (c) A township trustee has no obligation to extend aid to an
3 applicant or to a member of an applicant's household who has been
4 denied assistance as described in subsection (b). **This subsection does**
5 **not apply after December 31, 2014, to a county having a**
6 **consolidated city.**
7 (d) **This subsection applies after December 31, 2014, but only to**
8 **a county having a consolidated city. A county plan may provide**
9 **that a county trustee has no obligation to extend aid to an applicant**
10 **or to a member of an applicant's household who has been denied**
11 **assistance as described in subsection (b).**
12 (e) A township trustee **or (after December 31, 2014, in the case**
13 **of a county having a consolidated city) a county trustee** shall not
14 extend aid to an applicant or to a member of an applicant's household
15 if the applicant or the member of the applicant's household has been
16 convicted of an offense under IC 35-43-5-7 or IC 35-43-5-7.1 as
17 follows:
18 (1) If the conviction is a misdemeanor, a township trustee **or**
19 **(after December 31, 2014, in the case of a county having a**
20 **consolidated city) a county trustee** shall not extend aid to the
21 applicant or the member of the applicant's household for one (1)
22 year after the conviction.
23 (2) If the conviction is a felony, a township trustee **or (after**
24 **December 31, 2014, in the case of a county having a**
25 **consolidated city) a county trustee** shall not extend aid to the
26 applicant or the member of the applicant's household for ten (10)
27 years after the conviction.
28 SECTION 37. IC 12-20-6-1, AS AMENDED BY P.L.73-2005,
29 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2013]: Sec. 1. (a) A township trustee **or (after December 31,**
31 **2014, in the case of a county having a consolidated city) a county**
32 **trustee** may not extend aid to an individual or a household unless an
33 application and affidavit setting forth the personal condition of the
34 individual or household has been filed with the trustee within one
35 hundred eighty (180) days before the date aid is extended.
36 (b) An individual filing an application and affidavit on behalf of a
37 household must provide the names of all household members and any
38 information necessary for determining the household's eligibility for
39 township assistance. The application must be on the form prescribed by
40 the state board of accounts.
41 (c) An applicant for utility assistance under IC 12-20-16-3(a) must
42 comply with ~~IC 12-20-16-3(d)~~. **IC 12-20-16-3(e)**.
43 (d) The township trustee **or (after December 31, 2014, in the case**
44 **of a county having a consolidated city) a county trustee** may not
45 extend additional or continuing aid to an individual or a household
46 unless the individual or household files an affidavit with the request for

1 assistance affirming how, if at all, the personal condition of the
2 individual or the household has changed from that set forth in the
3 individual's or household's most recent application.

4 (e) The township trustee **or (after December 31, 2014, in the case**
5 **of a county having a consolidated city) a county trustee** shall assist
6 an applicant for township assistance in completing a township
7 assistance application if the applicant:

8 (1) has a mental or physical disability, including mental
9 retardation, cerebral palsy, blindness, or paralysis;

10 (2) has dyslexia; or

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

12 SECTION 38. IC 12-20-6-3, AS AMENDED BY P.L.145-2006,
13 SECTION 112, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2013]: Sec. 3. **(a)** Each township trustee **or**
15 **(after December 31, 2014, in the case of a county having a**
16 **consolidated city) the county trustee** shall obtain information about
17 public assistance programs and services administered by the division
18 of family resources and county offices under this article, the Social
19 Security Administration, the federal Food Stamp program (7 U.S.C.
20 2011 et seq.), or by another federal or state governmental entity.

21 **(b)** If a township trustee **or (after December 31, 2014, in the case**
22 **of a county having a consolidated city) a county trustee** believes a
23 township assistance applicant or a member of the applicant's household
24 may be eligible for a public assistance program, the trustee may not
25 extend aid to the applicant or the applicant's household unless the
26 applicant verifies that:

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

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

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

40 SECTION 39. IC 12-20-6-5, AS AMENDED BY P.L.145-2006,
41 SECTION 113, IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2013]: Sec. 5. If the township trustee **or (after**
43 **December 31, 2014, in the case of a county having a consolidated**
44 **city) the county trustee** determines that an applicant or a member of
45 the applicant's household who is granted emergency township
46 assistance under section ~~3(3)~~ **3(b)(3)** of this chapter may be eligible for

1 public assistance other than township assistance, the applicant shall,
2 not more than fifteen (15) working days after the date that emergency
3 township assistance was granted, file an application for public
4 assistance and comply with all the requirements necessary for
5 completing the application process for public assistance administered
6 by the division of family resources and county offices or another
7 federal or state governmental entity. An applicant or a member of the
8 applicant's household who fails to file an application for public
9 assistance not more than fifteen (15) working days after the date that
10 emergency township assistance was granted may not be granted
11 township assistance for sixty (60) days following the grant of township
12 assistance on an emergency basis.

13 SECTION 40. IC 12-20-6-5.5, AS AMENDED BY P.L.145-2006,
14 SECTION 114, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2013]: Sec. 5.5. (a) This section does not apply
16 in an emergency.

17 (b) If, before granting township assistance, the township trustee **or**
18 **(after December 31, 2014, in the case of a county having a**
19 **consolidated city) the county trustee** determines that an applicant or
20 a member of an applicant's household may be eligible for public
21 assistance other than township assistance, the applicant or household
22 member shall, when referred by the township trustee **or the county**
23 **trustee**, make an application and comply with all necessary
24 requirements for completing the application process for public
25 assistance administered by:

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

28 (c) An applicant or a household member who fails to:
29 (1) file an application as specified in subsection (b); and
30 (2) show evidence that the application, as referred by the
31 township trustee **or (after December 31, 2014, in the case of a**
32 **county having a consolidated city) the county trustee** was filed
33 not more than fifteen (15) working days after the township
34 trustee's referral;

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

36 SECTION 41. IC 12-20-6-6.5, AS AMENDED BY P.L.73-2005,
37 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2013]: Sec. 6.5. (a) If an individual has been convicted of an
39 offense under IC 35-43-5-7, a township trustee **or (after December 31,**
40 **2014, in the case of a county having a consolidated city) a county**
41 **trustee** may not extend aid to or for the benefit of that individual for
42 the following periods:

- 43 (1) If the conviction is for a misdemeanor, for one (1) year after
44 the conviction.
- 45 (2) If the conviction is for a felony, for ten (10) years after the
46 conviction.

1 (b) If a township trustee **or (after December 31, 2014, in the case**
2 **of a county having a consolidated city) a county trustee** finds that
3 an individual has obtained township assistance from any township **or**
4 **(after December 31, 2014) county** by means of conduct described in
5 IC 35-43-5-7, the township trustee **or county trustee** may refuse to
6 extend aid to or for the benefit of that individual for sixty (60) days
7 after the later of the:

- 8 (1) date of the improper conduct; or
- 9 (2) date aid was last extended to the individual based on the
10 improper conduct.

11 SECTION 42. IC 12-20-6-6.6, AS AMENDED BY P.L.73-2005,
12 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2013]: Sec. 6.6. Notwithstanding any other provision of this
14 article:

15 (1) a township trustee **or (after December 31, 2014, in the case**
16 **of a county having a consolidated city) a county trustee** may
17 not extend aid to or for the benefit of an individual if that aid
18 would pay for goods or services provided to or for the benefit of
19 the individual; and

- 20 (2) a:
 - 21 (A) township; **or**
 - 22 (B) **after December 31, 2014, county having a consolidated**
23 **city (if so provided in the county plan);**

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

28 SECTION 43. IC 12-20-6-7, AS AMENDED BY P.L.73-2005,
29 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2013]: Sec. 7. (a) In a case of emergency, a trustee shall
31 accept and promptly act upon a completed application from an
32 individual requesting assistance.

33 (b) **This subsection does not apply after December 31, 2014, to**
34 **a county having a consolidated city.** In a nonemergency request for
35 township assistance, the trustee shall act on the completed application
36 not later than seventy-two (72) hours after receiving the application,
37 excluding weekends and legal holidays listed in IC 1-1-9. The trustee's
38 office shall retain a copy of each application and affidavit whether or
39 not relief is granted.

40 (c) **This subsection applies after December 31, 2014, but only to**
41 **a county having a consolidated city. In a nonemergency request for**
42 **township assistance, the county trustee shall act on the completed**
43 **application not later than the earlier of the following:**

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

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

3 ~~(b)~~ **(d)** The actions that a trustee may take on a completed
4 application for township assistance, except in a case of emergency, are
5 the following:

- 6 (1) Grant assistance.
- 7 (2) Deny assistance, including a partial denial of assistance
- 8 requested.
- 9 (3) Leave the decision pending. **After December 31, 2014, the**
- 10 **county trustee in a county having a consolidated city may**
- 11 **leave the decision pending only if permitted by the county**
- 12 **plan.**

13 ~~(c)~~ **(e)** A decision pending determination under subsection ~~(b)(3)~~:
14 **(d)(3):**

- 15 (1) may not remain pending for more than seventy-two (72) hours
- 16 after the expiration of the period described in subsection ~~(a)~~; **(b)**;
- 17 and
- 18 (2) must include a statement listing the specific reasons that
- 19 assistance is not granted or denied within the period required
- 20 under subsection ~~(a)~~: **(b)**.

21 **This subsection does not apply after December 31, 2014, to a**
22 **county having a consolidated city.**

23 **(f) This subsection applies after December 31, 2014, but only to**
24 **a county having a consolidated city. A decision that is pending**
25 **under subsection (d)(3):**

- 26 **(1) may not remain pending for more than the earlier of:**
- 27 **(A) the period specified in the county plan; or**
- 28 **(B) seventy-two (72) hours after the expiration of the**
- 29 **period described in subsection (c); and**
- 30 **(2) must include a statement listing the specific reasons that**
- 31 **assistance is not granted or denied within the period required**
- 32 **under subsection (c).**

33 **(g) If a township trustee or (after December 31, 2014, in the case**
34 **of a county having a consolidated city) a county trustee does not:**

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

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

40 SECTION 44. IC 12-20-6-8, AS AMENDED BY P.L.73-2005,
41 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2013]: Sec. 8. (a) A township trustee **or (after December 31,**
43 **2014, in the case of a county having a consolidated city) a county**
44 **trustee** shall promptly notify in writing each applicant for township
45 assistance of action taken upon a completed application for township
46 assistance, ~~The trustee shall do~~ **including** the following:

1 (1) **The trustee shall** mail notice or provide personal notice not
2 later than seventy-two (72) hours, excluding weekends and legal
3 holidays listed in IC 1-1-9, after the completed application is
4 received advising the applicant of the right to appeal an adverse
5 decision of the trustee to the board of commissioners. **This**
6 **subdivision does not apply after December 31, 2014, to a**
7 **county having a consolidated city.**

8 (2) **This subdivision applies after December 31, 2014, but only**
9 **to a county having a consolidated city. The trustee shall mail**
10 **notice or provide personal notice not later than the earlier of:**

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

15 **advising the applicant of the right to appeal an adverse**
16 **decision of the trustee to the circuit court having jurisdiction**
17 **in the county.**

18 ~~(2)~~ (3) **The trustee shall** include in the notice required under
19 ~~subdivision subdivisions~~ **(1) and (2)** the following:

- 20 (A) The type and amount of assistance granted.
- 21 (B) The type and amount of assistance denied or partially
22 granted.
- 23 (C) Specific reasons for denying all or part of the assistance
24 requested.
- 25 (D) Information advising the applicant of the procedures for
26 appeal to the board of commissioners **or (after December 31,**
27 **2014, in the case of a county having a consolidated city) to**
28 **the circuit court having jurisdiction in the county.**
- 29 (E) **After December 31, 2014, in the case of a county having**
30 **a consolidated city, any other information required by the**
31 **county plan.**

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

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

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

43 **This subsection does not apply after December 31, 2014, to a**
44 **county having a consolidated city.**

45 SECTION 45. IC 12-20-6-9, AS AMENDED BY P.L.73-2005,
46 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2013]: Sec. 9. (a) If an application for township assistance is
2 made to the township trustee as administrator of township assistance
3 **or (after December 31, 2014, in the case of a county having a**
4 **consolidated city) to the county trustee,** the ~~township~~ trustee as
5 administrator of township assistance; shall carefully investigate the
6 circumstances of the applicant and each member of the applicant's
7 household.

8 (b) **A township trustee or (after December 31, 2014, in the case**
9 **of a county having a consolidated city) a county trustee shall**
10 **investigate** to ascertain the following:

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

32 SECTION 46. IC 12-20-6-10, AS AMENDED BY P.L.73-2005,
33 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2013]: Sec. 10. (a) As used in this section, "relative" includes
35 only the parent, stepparent, child, stepchild, sibling, stepsibling,
36 grandparent, stepgrandparent, grandchild, or stepgrandchild of a
37 township assistance applicant.

38 (b) If an applicant who applies for township assistance or a member
39 of the applicant's household has a relative living in the township **or**
40 **(after December 31, 2014, in the case of a county having a**
41 **consolidated city) the county** who is able to assist the applicant or
42 member of the applicant's household, the ~~township~~ trustee shall, as
43 administrator of township assistance and before granting aid a second
44 time, ask the relative to help the applicant or member of the applicant's
45 household, either with material relief or by furnishing employment.

46 (c) A township trustee **or (after December 31, 2014, in the case of**

1 **a county having a consolidated city) a county trustee** may not use
2 township assistance funds to pay the cost of an applicant's shelter with
3 a relative who is the applicant's landlord if the applicant lives in:

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

10 (d) If shelter payments are made to a relative of a township
11 assistance applicant on behalf of the applicant or a member of the
12 applicant's household, the **township trustee or (after December 31,**
13 **2014, in the case of a county having a consolidated city) the county**
14 **trustee** may file a lien against the relative's real property for the
15 amount of township shelter assistance granted.

16 SECTION 47. IC 12-20-7-0.5 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. (a) This section applies only**
19 **to a county having a consolidated city.**

20 **(b) After December 31, 2013, any reference in this chapter to**
21 **"township board" is considered a reference to the city-county**
22 **council.**

23 **(c) After December 31, 2014, any reference in this chapter to:**
24 **(1) "township" is considered a reference to the county; and**
25 **(2) "township trustee" or "trustee" is considered a reference**
26 **to the county trustee appointed under IC 12-20-1.7.**

27 SECTION 48. IC 12-20-7-1, AS AMENDED BY P.L.145-2006,
28 SECTION 115, IS AMENDED TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Each applicant and each adult
30 member of the applicant's household seeking township assistance must
31 consent to a disclosure and release of information about the applicant
32 and the applicant's household before township assistance may be
33 provided by the ~~township~~ trustee. The consent must be made by signing
34 a form prescribed by the state board of accounts. The form must
35 include the following:

- 36 (1) The applicant's name, case number, and address.
- 37 (2) The types of information being solicited, including the
- 38 following:
 - 39 (A) Countable income.
 - 40 (B) Countable assets.
 - 41 (C) Wasted resources.
 - 42 (D) Relatives capable of providing assistance.
 - 43 (E) Past or present employment.
 - 44 (F) Pending claims or causes of action.
 - 45 (G) A medical condition if relevant to work or workfare
 - 46 requirements.

- 1 (H) Any other information required by law.
- 2 (3) The names of individuals, agencies, and ~~township~~ trustee
- 3 offices that will receive the information.
- 4 (4) The expiration date of the permission to disclose information.
- 5 (b) Information that is declared to be confidential by state or federal
- 6 statute may not be obtained under the consent form prescribed by this
- 7 section.
- 8 (c) The ~~township~~ trustee shall keep on file and shall make available
- 9 to the division of family resources and office of Medicaid policy and
- 10 planning upon request a copy of the signed consent form described in
- 11 subsection (a).
- 12 (d) The ~~township~~ trustee shall send to the county office a copy of the
- 13 signed consent form described in subsection (a).
- 14 (e) The division of family resources, county offices, and the office
- 15 of Medicaid policy and planning shall make available to the ~~township~~
- 16 trustee upon request a copy of signed consent to disclosure and release
- 17 of information forms in each entity's files.
- 18 (f) If an individual who is required to sign a form under this section
- 19 is unable to sign the form in the ~~township~~ trustee's office due to a
- 20 physical or mental disability or illness, the ~~township~~ trustee shall make
- 21 alternate arrangements to obtain the individual's signature.
- 22 SECTION 49. IC 12-20-8-1.5 IS ADDED TO THE INDIANA
- 23 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 24 **[EFFECTIVE JULY 1, 2013]: Sec. 1.5. (a) This section applies only**
- 25 **to a county having a consolidated city.**
- 26 **(b) Any reference in this chapter to:**
- 27 **(1) "township" is considered a reference to the county; and**
- 28 **(2) "township trustee" or "trustee" is considered a reference**
- 29 **to the county trustee appointed under IC 12-20-1.7.**
- 30 SECTION 50. IC 12-20-8-1.6 IS ADDED TO THE INDIANA
- 31 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 32 **[EFFECTIVE JULY 1, 2013]: Sec. 1.6. (a) This section applies after**
- 33 **December 31, 2014, but only to a county having a consolidated city.**
- 34 **(b) Notwithstanding any other law, the county may provide**
- 35 **township assistance only to an individual who is a resident of the**
- 36 **county or who intends to make the county the individual's sole**
- 37 **place of residence.**
- 38 **(c) The county trustee may consider all relevant information**
- 39 **that supports or refutes the individual's intent to make the**
- 40 **township or county the individual's sole place of residence, except**
- 41 **the length of time the individual has been located in the township**
- 42 **or county.**
- 43 SECTION 51. IC 12-20-8-3, AS AMENDED BY P.L.73-2005,
- 44 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 45 JULY 1, 2013]: Sec. 3. (a) The township trustee may deny township
- 46 assistance to an individual if the township trustee determines that the

1 individual does not intend to make the township or county the
2 individual's sole place of residence.

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

7 (c) **This section does not apply after December 31, 2014, to a**
8 **county having a consolidated city.**

9 SECTION 52. IC 12-20-9-0.5 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. (a) Notwithstanding any**
12 **other law, after December 31, 2014, a county or county trustee is**
13 **subject to section 3 or 5 of this chapter only if the provisions of the**
14 **section are included in the county plan.**

15 (b) **After December 31, 2014, any reference in this chapter to:**

16 (1) **"township", in the case of a township in a county having**
17 **a consolidated city, is considered a reference to the county;**
18 **and**

19 (2) **"township trustee" or "trustee", in the case of a county**
20 **having a consolidated city, is considered a reference to the**
21 **county trustee appointed under IC 12-20-1.7.**

22 SECTION 53. IC 12-20-10-0.5 IS ADDED TO THE INDIANA
23 CODE AS A NEW SECTION TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. After December 31, 2014, any**
25 **reference in this chapter to "county trustee" refers to the county**
26 **trustee appointed under IC 12-20-1.7.**

27 SECTION 54. IC 12-20-10-3.5, AS AMENDED BY P.L.73-2005,
28 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2013]: **Sec. 3.5. If a township assistance applicant or a**
30 **member of the applicant's household claims an inability to work due to**
31 **health, the township trustee or (after December 31, 2014, in the case**
32 **of a county having a consolidated city) the county trustee, if**
33 **permitted by the county plan, may require and provide for any**
34 **medical examination necessary for the township trustee to determine**
35 **whether the applicant or household member is able to perform work.**

36 SECTION 55. IC 12-20-10-4, AS AMENDED BY P.L.73-2005,
37 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2013]: **Sec. 4. (a) The township trustee may call upon**
39 **residents of the township to aid in finding employment for a township**
40 **assistance applicant who is able to work. This subsection does not**
41 **apply after December 31, 2014, to a county having a consolidated**
42 **city.**

43 (b) **This subsection applies after December 31, 2014, but only to**
44 **a county having a consolidated city. The county trustee may call**
45 **upon residents of the county to aid in finding employment for a**
46 **township assistance applicant who is able to work.**

1 SECTION 56. IC 12-20-11-0.5 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. (a) This section applies only**
 4 **to a county having a consolidated city.**

5 **(b) After December 31, 2014, any reference in this chapter to:**
 6 **(1) "township" is considered a reference to the county; and**
 7 **(2) "township trustee" or "trustee" is considered a reference**
 8 **to the county trustee appointed under IC 12-20-1.7.**

9 SECTION 57. IC 12-20-12-1, AS AMENDED BY P.L.73-2005,
 10 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2013]: Sec. 1. As a condition of continuing eligibility, a
 12 township trustee **or (after December 31, 2014, in the case of a county**
 13 **having a consolidated city) a county trustee** may require a recipient
 14 of township assistance or any member of a recipient's household to
 15 participate in an appropriate work training program that is offered to
 16 the recipient or a member of the recipient's household within the county
 17 or an adjoining township in another county by a:

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

20 SECTION 58. IC 12-20-13-0.5 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. (a) This section applies only**
 23 **to a county having a consolidated city.**

24 **(b) Notwithstanding any other law, after December 31, 2014, the**
 25 **county is not subject to a provision of this chapter unless the**
 26 **county includes the provision in the county plan.**

27 **(c) After December 31, 2013, any reference in this chapter to**
 28 **"township board" is considered a reference to the county fiscal**
 29 **body.**

30 **(d) After December 31, 2014, any reference in this chapter to:**
 31 **(1) "township" is considered a reference to the county; and**
 32 **(2) "township trustee" or "trustee" is considered a reference**
 33 **to the county trustee appointed under IC 12-20-1.7.**

34 SECTION 59. IC 12-20-15-0.5 IS ADDED TO THE INDIANA
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. This chapter does not apply**
 37 **after December 31, 2014, to a county having a consolidated city.**

38 SECTION 60. IC 12-20-15.1 IS ADDED TO THE INDIANA
 39 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2013]:

41 **Chapter 15.1. Appeals of Denial or Reduction in the Amount of**
 42 **Township Assistance in Counties Having a Consolidated City**

43 **Sec. 1. This chapter applies after December 31, 2014, but only**
 44 **to a county having a consolidated city.**

45 **Sec. 2. If an applicant for or recipient of township assistance is**
 46 **not satisfied with the decision of the county trustee, the applicant**

1 or recipient may appeal to the circuit court in the county.
2 **Sec. 3. In hearing an appeal, the court is governed by the**
3 **county's township assistance standards for determining eligibility**
4 **for granting township assistance in the county adopted under**
5 **IC 12-20-1.5. If legally sufficient standards have not been**
6 **established, the court is guided by the circumstances of the case.**
7 SECTION 61. IC 12-20-16-0.6 IS ADDED TO THE INDIANA
8 CODE AS A NEW SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2013]: **Sec. 0.6. (a) This section applies only**
10 **to a county having a consolidated city.**
11 **(b) After December 31, 2013, any reference in this chapter to**
12 **"township board" is considered a reference to the county fiscal**
13 **body.**
14 **(c) After December 31, 2014, any reference in this chapter to:**
15 **(1) "township" is considered a reference to the county; and**
16 **(2) "township trustee" or "trustee" is considered a reference**
17 **to the county trustee appointed under IC 12-20-1.7.**
18 SECTION 62. IC 12-20-17-0.5 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. (a) This section applies only**
21 **to a county having a consolidated city.**
22 **(b) Notwithstanding any other law, after December 31, 2014, the**
23 **county or county trustee is not subject to section 2 or 4 of this**
24 **chapter unless the county includes the provision in the county plan.**
25 **(c) After December 31, 2013, any reference to "township board"**
26 **is considered a reference to the city-county council.**
27 **(d) After December 31, 2014, any reference in this chapter to:**
28 **(1) "township" is considered a reference to the county; and**
29 **(2) "township trustee" or "trustee" is considered a reference**
30 **to the county trustee appointed under IC 12-20-1.7.**
31 SECTION 63. IC 12-20-18-0.5 IS ADDED TO THE INDIANA
32 CODE AS A NEW SECTION TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. (a) This section applies only**
34 **to a county having a consolidated city.**
35 **(b) Notwithstanding any other law, after December 31, 2014, the**
36 **county or county trustee is not subject to any provision of this**
37 **chapter unless the county includes the provision in the county plan.**
38 **(c) After December 31, 2014, any reference in this chapter to:**
39 **(1) "township" is considered a reference to the county; and**
40 **(2) "township trustee" or "trustee" is considered a reference**
41 **to the county trustee appointed under IC 12-20-1.7.**
42 SECTION 64. IC 12-20-19-0.5 IS ADDED TO THE INDIANA
43 CODE AS A NEW SECTION TO READ AS FOLLOWS
44 [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. (a) This section applies only**
45 **to a county having a consolidated city.**
46 **(b) Notwithstanding any other law, after December 31, 2014, the**

1 county or county trustee is not subject to any provision of this
2 chapter unless the county includes the provision in the county's
3 plan.

4 (c) After December 31, 2014, any reference in this chapter to:
5 (1) "township" is considered a reference to the county; and
6 (2) "township trustee" or "trustee" is considered a reference
7 to the county trustee appointed under IC 12-20-1.7.

8 SECTION 65. IC 12-20-20-1, AS AMENDED BY P.L.73-2005,
9 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2013]: Sec. 1. (a) After December 31, 2014, this subsection
11 applies only to a county that does not have a consolidated city. If a
12 township trustee, as administrator of township assistance, grants
13 township assistance to an indigent individual or to any other person or
14 agency on a township assistance order as provided by law or obligates
15 the township for an item properly payable from township assistance
16 money, the claim against the township must be:

- 17 (1) itemized and sworn to as provided by law;
- 18 (2) accompanied by the original township assistance order, which
19 must be itemized and signed; and
- 20 (3) checked with the records of the township trustee, as
21 administrator of township assistance, and audited and certified by
22 the township trustee.

23 (b) After December 31, 2014, this subsection applies only to a
24 county that does not have a consolidated city. The township trustee
25 shall pay claims against the township for township assistance in the
26 same manner that other claims against the township are paid. The
27 township trustee, when authorized to pay claims directly to vendors,
28 shall pay a claim within forty-five (45) days. The township trustee shall
29 pay the claim from:

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

34 (c) This subsection applies after December 31, 2014, but only to
35 a county having a consolidated city. A county trustee shall pay
36 claims against the county for township assistance in the same
37 manner that other claims against the county are paid.

38 SECTION 66. IC 12-20-20-2, AS AMENDED BY P.L.73-2005,
39 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2013]: Sec. 2. (a) If money is not available for the payment of
41 township assistance claims under section 1 of this chapter, the
42 township board shall appeal to borrow money under IC 12-20-24.

43 (b) This subsection does not apply to a county having a consolidated
44 city. If the township board does not appeal to borrow money under
45 IC 12-20-24 or if an appeal fails, the board of commissioners may
46 borrow money or otherwise provide the money. If the county

1 commissioners determine to borrow the money or otherwise provide
2 the money, the county fiscal body shall promptly pass necessary
3 ordinances and make the necessary appropriations to enable this to be
4 done, after determining whether to borrow money by any of the
5 following:

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

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

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

25 **(d) After December 31, 2014, this section applies only to a**
26 **county that does not have a consolidated city.**

27 SECTION 67. IC 12-20-20-4, AS AMENDED BY P.L.73-2005,
28 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2013]: Sec. 4. The state board of accounts shall prescribe the
30 forms for the purchase of and payment for township assistance items.
31 **After December 31, 2014, this section applies only to a county that**
32 **does not have a consolidated city.**

33 SECTION 68. IC 12-20-21-2, AS AMENDED BY P.L.169-2006,
34 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2013]: Sec. 2. Township assistance money raised by
36 townships **or (after December 31, 2014) a county having a**
37 **consolidated city** may not be commingled.

38 SECTION 69. IC 12-20-21-3, AS AMENDED BY P.L.73-2005,
39 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2013]: Sec. 3. (a) A township trustee and township board may
41 levy a specific tax for the purpose of providing money for the payment
42 of township assistance expenses in the following year. The tax may be
43 sufficient to meet the entire requirement of the township in the
44 following year or the part that is determined to be proper.

45 (b) If a tax levy is established under subsection (a), all proceeds
46 derived from the tax levy shall be distributed to the township at the

1 same time and in the same manner as proceeds from other property tax
2 levies are distributed to the township. The proceeds of the tax levy shall
3 be held by the township in its township assistance account free and
4 available for the payment of township assistance obligations of the
5 township. The funds are continuing funds and do not revert to any other
6 fund at the end of the year.

7 **(c) After December 31, 2014, this section applies only to a**
8 **county that does not have a consolidated city.**

9 SECTION 70. IC 12-20-21-6 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2013]: **Sec. 6. (a) This section applies after**
12 **December 31, 2014, but only to a county having a consolidated city.**
13 **The county shall establish a township assistance fund not later than**
14 **January 1, 2015.**

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

- 16 **(1) is in addition to all other tax levies authorized; and**
- 17 **(2) shall be levied annually for property taxes first due and**
18 **payable in 2015 and thereafter by the city-county council on**
19 **all taxable property in the county in the amount necessary to**
20 **pay the items, awards, claims, allowances, assistance, and**
21 **other expenses set forth in the annual county township**
22 **assistance budget.**

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

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

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

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

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

32 **(g) The department of local government finance shall, for**
33 **property taxes first due and payable after December 31, 2014,**
34 **adjust the maximum permissible ad valorem property tax levy of**
35 **the county as necessary and proper to account for the transfer of**
36 **township assistance budgeting and property tax levies from**
37 **townships to the county after December 31, 2014.**

38 SECTION 71. IC 12-20-22-0.5 IS ADDED TO THE INDIANA
39 CODE AS A NEW SECTION TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. After December 31, 2014, this**
41 **chapter applies only to a county that does not have a consolidated**
42 **city.**

43 SECTION 72. IC 12-20-24-0.5 IS ADDED TO THE INDIANA
44 CODE AS A NEW SECTION TO READ AS FOLLOWS
45 [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. After December 31, 2014, this**
46 **chapter applies only to a county that does not have a consolidated**

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SECTION 73. IC 12-20-24.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 24.5. Township Assistance Borrowing for Counties Having a Consolidated City

Sec. 1. This chapter applies after December 31, 2014, but only to a county having a consolidated city.

Sec. 2. (a) In addition to the other methods of township assistance financing provided by this article, if the county trustee determines that the county's township assistance fund will be exhausted before the end of a fiscal year, the county trustee shall notify the city-county council of that determination.

(b) After receiving notice under subsection (a) that the county's township assistance fund will be exhausted before the end of a fiscal year, the city-county council may appeal to the department of local government finance for the right to borrow money on a short term basis to fund township assistance services in the county.

In the appeal, the city-county council must do the following:

- (1) Show that the amount of money contained in the township assistance fund will not be sufficient to fund services required to be provided within the county by this article.**
- (2) Show the amount of money that the city-county council estimates will be needed to fund the deficit.**
- (3) Indicate a period, not to exceed five (5) years, during which the county would repay the loan.**

Sec. 3. (a) If upon appeal under section 2 of this chapter the department of local government finance determines that the city-county council should be allowed to borrow money under this chapter, the department shall order the mayor of the consolidated city to borrow the money from a financial institution on behalf of the city-county council and to deposit the money borrowed in the county's township assistance fund.

(b) If upon appeal under section 2 of this chapter, the department of local government finance determines that the city-county council should not be allowed to borrow money, the city-county council body may not borrow money under this chapter for that year.

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

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

- (1) Approve a request to borrow money made under this chapter unless the city-county council determines that the county's township assistance fund will be exhausted before the**

1 fund can fund all township obligations incurred under this
2 article.
3 (2) Recommend or approve a loan that will exceed the
4 estimated amount of the deficit.
5 **Sec. 6. (a) If the city-county council:**
6 (1) appeals before August 1 for permission to borrow money;
7 (2) receives permission from the department to borrow money
8 before November 1 of that year; and
9 (3) borrows money under this chapter;
10 the city-county council shall levy a property tax beginning in the
11 next succeeding year and continuing for the term of the loan in an
12 amount each year that will be sufficient to pay the principal and
13 interest due on the loan for the year.
14 **(b) If the city-county council:**
15 (1) appeals after August 1 for permission to borrow money;
16 (2) receives permission from the department to borrow
17 money; and
18 (3) borrows money in the year of the appeal under this
19 chapter;
20 the city-county council shall levy a property tax beginning in the
21 second succeeding year and continuing for the term of the loan in
22 an amount each year that will be sufficient to pay the principal and
23 interest due on the loan for the year.
24 **(c) The property taxes levied under this section shall be retained**
25 **by the mayor of the consolidated city and applied by the mayor to**
26 **retire the debt.**
27 **Sec. 7. The city-county council must make an additional**
28 **appropriation before money borrowed under this chapter may be**
29 **spent.**
30 SECTION 74. IC 12-20-25-0.5 IS ADDED TO THE INDIANA
31 CODE AS A NEW SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. This chapter does not apply**
33 **after December 31, 2014, to a county having a consolidated city.**
34 SECTION 75. IC 12-20-26-0.5 IS ADDED TO THE INDIANA
35 CODE AS A NEW SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. This chapter does not apply**
37 **after December 31, 2014, to a county having a consolidated city.**
38 SECTION 76. IC 12-20-27-0.5 IS ADDED TO THE INDIANA
39 CODE AS A NEW SECTION TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. (a) This section applies only**
41 **to a county having a consolidated city.**
42 **(b) Notwithstanding any other law, after December 31, 2014,**
43 **any reference in this chapter to:**
44 **(1) "township" is considered a reference to the county; and**
45 **(2) "township trustee" or "trustee" is considered a reference**
46 **to the county trustee appointed under IC 12-20-1.7.**

1 SECTION 77. IC 12-20-28-3, AS AMENDED BY P.L.1-2009,
 2 SECTION 106, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2013]: Sec. 3. **(a) After December 31, 2014,**
 4 **this section applies only to a county that does not have a**
 5 **consolidated city.**

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

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

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

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

- 25 (1) number of times assistance is provided; or
- 26 (2) number of households in which the individual resides during
 27 a particular year.

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

31 ~~(f)~~ **(g)** The township trustee shall file an annual statistical report on
 32 township housing, medical care, utility assistance, food assistance,
 33 burial assistance, food pantry assistance, services related to
 34 representative payee programs, services related to special
 35 nontraditional programs, and case management services with the state
 36 board of accounts. The township trustee shall provide a copy of the
 37 annual statistical report to the county auditor. The county auditor shall
 38 keep the copy of the report in the county auditor's office. Except as
 39 provided in subsection ~~(k)~~; **(I)**, the report must be made on a form
 40 provided by the state board of accounts. The report must contain the
 41 following information:

- 42 (1) The total number of requests for assistance.
- 43 (2) The total number of each of the following:
 - 44 (A) Recipients of township assistance.
 - 45 (B) Households containing recipients of township assistance.
 - 46 (C) Case contacts made with or on behalf of:

- 1 (i) recipients of township assistance; or
- 2 (ii) members of a household receiving township assistance.
- 3 (3) The total value of benefits provided to recipients of township
- 4 assistance.
- 5 (4) The total value of benefits provided through the efforts of
- 6 township staff from sources other than township funds.
- 7 (5) The total number of each of the following:
- 8 (A) Recipients of township assistance and households
- 9 receiving utility assistance.
- 10 (B) Recipients assisted by township staff in receiving utility
- 11 assistance from sources other than township funds.
- 12 (6) The total value of benefits provided for the payment of
- 13 utilities, including the value of benefits of utility assistance
- 14 provided through the efforts of township staff from sources other
- 15 than township funds.
- 16 (7) The total number of each of the following:
- 17 (A) Recipients of township assistance and households
- 18 receiving housing assistance.
- 19 (B) Recipients assisted by township staff in receiving housing
- 20 assistance from sources other than township funds.
- 21 (8) The total value of benefits provided for housing assistance,
- 22 including the value of benefits of housing assistance provided
- 23 through the efforts of township staff from sources other than
- 24 township funds.
- 25 (9) The total number of each of the following:
- 26 (A) Recipients of township assistance and households
- 27 receiving food assistance.
- 28 (B) Recipients assisted by township staff in receiving food
- 29 assistance from sources other than township funds.
- 30 (10) The total value of food assistance provided, including the
- 31 value of food assistance provided through the efforts of township
- 32 staff from sources other than township funds.
- 33 (11) The total number of each of the following:
- 34 (A) Recipients of township assistance and households
- 35 provided health care.
- 36 (B) Recipients assisted by township staff in receiving health
- 37 care assistance from sources other than township funds.
- 38 (12) The total value of health care provided, including the value
- 39 of health care assistance provided through the efforts of township
- 40 staff from sources other than township funds.
- 41 (13) The total number of funerals, burials, and cremations.
- 42 (14) The total value of funerals, burials, and cremations, including
- 43 the difference between the:
- 44 (A) actual value of the funerals, burials, and cremations; and
- 45 (B) amount paid by the township for the funerals, burials, and
- 46 cremations.

- 1 (15) The total of each of the following:
- 2 (A) Number of nights of emergency shelter provided to the
- 3 homeless.
- 4 (B) Number of nights of emergency shelter provided to
- 5 homeless individuals through the efforts of township staff from
- 6 sources other than township funds.
- 7 (C) Value of the nights of emergency shelter provided to
- 8 homeless individuals by the township and the value of the
- 9 nights of emergency shelter provided through the efforts of the
- 10 township staff from sources other than township funds.
- 11 (16) The total of each of the following:
- 12 (A) Number of referrals of township assistance applicants to
- 13 other programs.
- 14 (B) Value of the services provided by the township in making
- 15 referrals to other programs.
- 16 (17) The total number of training programs or job placements
- 17 found for recipients of township assistance with the assistance of
- 18 the township trustee.
- 19 (18) The number of hours spent by recipients of township
- 20 assistance at workfare.
- 21 (19) The total value of the services provided by workfare to the
- 22 township and other agencies.
- 23 (20) The total amount of reimbursement for assistance received
- 24 from:
- 25 (A) recipients;
- 26 (B) members of recipients' households; or
- 27 (C) recipients' estates;
- 28 under IC 12-20-6-10, IC 12-20-27-1, or IC 12-20-27-1.5.
- 29 (21) The total amount of reimbursement for assistance received
- 30 from medical programs under IC 12-20-16-2(e).
- 31 (22) The total of each of the following:
- 32 (A) Number of individuals assisted through a representative
- 33 payee program.
- 34 (B) Amount of funds processed through the representative
- 35 payee program that are not township funds.
- 36 (23) The total of each of the following:
- 37 (A) Number of individuals assisted through special
- 38 nontraditional programs provided through the township
- 39 without the expenditure of township funds.
- 40 (B) Amount of funds used to provide the special nontraditional
- 41 programs that are not township funds.
- 42 (24) The total of each of the following:
- 43 (A) Number of hours an investigator of township assistance
- 44 spends providing case management services to a recipient of
- 45 township assistance or a member of a household receiving
- 46 township assistance.

1 (B) Value of the case management services provided.
 2 (25) The total number of housing inspections performed by the
 3 township.

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

8 ~~(g)~~ **(h)** The state board of accounts shall compare and compile all
 9 data reported under subsection ~~(f)~~ **(g)** into a statewide statistical report.
 10 The department shall summarize the data compiled by the state board
 11 of accounts that relate to the fixing of township budgets, levies, and tax
 12 rates and shall include the department's summary within the statewide
 13 statistical report prepared under this subsection. Before July 1 of each
 14 year, the state board of accounts shall file the statewide statistical
 15 report prepared under this subsection with the executive director of the
 16 legislative services agency in an electronic format under IC 5-14-6.

17 ~~(h)~~ **(i)** The state board of accounts shall forward a copy of:
 18 (1) each annual report forwarded to the board under subsection
 19 ~~(f)~~; **(g)**; and
 20 (2) the statewide statistical report under subsection ~~(g)~~; **(h)**;
 21 to the department and the division of family resources.

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

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

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

35 (1) The method of reporting is acceptable to both the township
 36 trustee reporting the information and the governmental entity to
 37 which the information is reported.

38 (2) A written copy of information reported by electronic transfer
 39 is on file with the township trustee reporting information by
 40 electronic means.

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

44 SECTION 78. IC 12-20-28-4 IS ADDED TO THE INDIANA
 45 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 46 [EFFECTIVE JULY 1, 2013]: **Sec. 4. (a) This section applies after**

- 1 December 31, 2014, but only to a county having a consolidated city.
 2 (b) The definitions in section 3 of this chapter apply to a report
 3 that is required to be filed under this section.
 4 (c) As used in this section, "county trustee" means the county
 5 trustee appointed under IC 12-20-1.7.
 6 (d) The county trustee shall file an annual statistical report on
 7 county housing, medical care, utility assistance, food assistance,
 8 burial assistance, food pantry assistance, services related to
 9 representative payee programs, services related to special
 10 nontraditional programs, and case management services with the
 11 state board of accounts. The county trustee shall provide a copy of
 12 the annual statistical report to the county auditor. The county
 13 auditor shall keep the copy of the report in the county auditor's
 14 office. The report must be made on a form provided by the state
 15 board of accounts. The report must contain the following
 16 information:
- 17 (1) The total number of requests for assistance.
 - 18 (2) The total number of each of the following:
 - 19 (A) Recipients of township assistance.
 - 20 (B) Households containing recipients of township
 21 assistance.
 - 22 (C) Case contacts made with or on behalf of:
 - 23 (i) recipients of township assistance; or
 - 24 (ii) members of a household receiving township
 25 assistance.
 - 26 (3) The total value of benefits provided to recipients of
 27 township assistance.
 - 28 (4) The total value of benefits provided through the efforts of
 29 the county from sources other than county funds.
 - 30 (5) The total number of each of the following:
 - 31 (A) Recipients of township assistance and households
 32 receiving utility assistance.
 - 33 (B) Recipients assisted by staff of the county trustee in
 34 receiving utility assistance from sources other than county
 35 funds.
 - 36 (6) The total value of benefits provided for the payment of
 37 utilities, including the value of benefits of utility assistance
 38 provided through the efforts of the county from sources other
 39 than county funds.
 - 40 (7) The total number of each of the following:
 - 41 (A) Recipients of township assistance and households
 42 receiving housing assistance.
 - 43 (B) Recipients assisted by the county in receiving housing
 44 assistance from sources other than county funds.
 - 45 (8) The total value of benefits provided for housing assistance,
 46 including the value of benefits of housing assistance provided
 47 through the efforts of the county, from sources other than

- 1 county funds.
- 2 (9) The total number of each of the following:
- 3 (A) Recipients of township assistance and households
- 4 receiving food assistance.
- 5 (B) Recipients assisted by the county in receiving food
- 6 assistance from sources other than county funds.
- 7 (10) The total value of food assistance provided, including the
- 8 value of food assistance provided through the efforts of the
- 9 county from sources other than county funds.
- 10 (11) The total number of each of the following:
- 11 (A) Recipients of township assistance and households
- 12 provided health care.
- 13 (B) Recipients assisted by the county in receiving health
- 14 care assistance from sources other than county funds.
- 15 (12) The total value of health care provided, including the
- 16 value of health care assistance provided through the efforts of
- 17 the county from sources other than county funds.
- 18 (13) The total number of funerals, burials, and cremations.
- 19 (14) The total value of funerals, burials, and cremations,
- 20 including the difference between the actual value of the
- 21 funerals, burials, and cremations and the amount paid by the
- 22 county for the funerals, burials, and cremations.
- 23 (15) The total of each of the following:
- 24 (A) Number of nights of emergency shelter provided to
- 25 homeless individuals.
- 26 (B) Number of nights of emergency shelter provided to
- 27 homeless individuals through the efforts of the county from
- 28 sources other than county funds.
- 29 (C) Value of the nights of emergency shelter provided to
- 30 homeless individuals by the county and the value of the
- 31 nights of emergency shelter provided through the efforts
- 32 of the county from sources other than county funds.
- 33 (16) The total of each of the following:
- 34 (A) Number of referrals of township assistance applicants
- 35 to other programs.
- 36 (B) Value of the services provided by the county in making
- 37 referrals to other programs.
- 38 (17) The total number of training programs or job placements
- 39 found for recipients of township assistance with the assistance
- 40 of the county trustee.
- 41 (18) The number of hours spent by recipients of township
- 42 assistance at workfare.
- 43 (19) The total value of the services provided by workfare to
- 44 the county and other agencies.
- 45 (20) The total amount of reimbursement for assistance
- 46 received from:
- 47 (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**
- 5 **received 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**
 - 8 **representative payee program.**
 - 9 **(B) Amount of funds processed through the representative**
 - 10 **payee program that are not 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 **the county without the expenditure of county funds.**
 - 15 **(B) Amount of funds used to provide the special**
 - 16 **nontraditional programs that are not county funds.**
- 17 **(24) The total of each of the following:**
 - 18 **(A) Number of hours an investigator of township assistance**
 - 19 **spends providing case management services to a recipient**
 - 20 **of township assistance or a member of a household**
 - 21 **receiving township assistance.**
 - 22 **(B) Value of the case management services provided.**
- 23 **(25) The total number of housing inspections performed by**
- 24 **the county.**

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

29 **(e) The department may not approve the budget of the county**
 30 **if an annual statistical report under subsection (d) in the preceding**
 31 **calendar year has not been filed.**

32 **(f) This section does not prevent the electronic transfer of data**
 33 **required to be reported under IC 12-2-1-40 (before its repeal) or**
 34 **this section if the following conditions are met:**

35 **(1) The method of reporting is acceptable to both the board**
 36 **reporting the information and the governmental entity to**
 37 **which the information is reported.**

38 **(2) A written copy of information reported by electronic**
 39 **transfer is on file with the board reporting information by**
 40 **electronic means.**

41 **(g) The information required to be reported by the board under**
 42 **this section shall be maintained by the county trustee in accordance**
 43 **with IC 5-15-6.**

44 **SECTION 79. IC 12-30-4-0.5 IS ADDED TO THE INDIANA**
 45 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 46 **[EFFECTIVE JULY 1, 2013]: Sec. 0.5. (a) This section applies only**
 47 **to a county having a consolidated city.**

1 **(b) Notwithstanding any other law, after December 31, 2014,**
2 **any reference in this chapter to:**

- 3 **(1) "township" is considered a reference to the county; and**
- 4 **(2) "township trustee" or "trustee" is considered a reference**
5 **to the county trustee appointed under IC 12-20-1.7.**

6 SECTION 80. IC 13-11-2-86 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 86. "Fiscal body"
8 means **the following:**

- 9 (1) The county council, for a county not having a consolidated
10 city.
- 11 (2) The city-county council of a consolidated city and county.
- 12 (3) The common council of a city.
- 13 (4) The town council of a town.
- 14 (5) The township board, of a township ~~or~~ **in a county other than**
15 **a county having a consolidated city.**
- 16 **(6) For a township in a county having a consolidated city:**
17 **(A) the township board, before January 1, 2014; and**
18 **(B) the city-county council, after December 31, 2013.**
- 19 ~~(7)~~ (7) The board of directors of a conservancy district.

20 SECTION 81. IC 15-16-7-4, AS ADDED BY P.L.2-2008,
21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2013]: Sec. 4. (a) The weed control board consists of the
23 following members to be appointed by the authorizing body:

- 24 (1) One (1) **member who is:**
25 **(A) a township trustee of a township in the county; or**
26 **(B) after December 31, 2014, in the case of a county having**
27 **a consolidated city, the county officer or employee**
28 **responsible for the destruction of detrimental plants**
29 **described in this chapter or the officer's or employee's**
30 **designee.**
- 31 (2) One (1) soil and water conservation district supervisor.
- 32 (3) One (1) representative from the agricultural community of the
33 county.
- 34 (4) One (1) representative from the county highway department
35 or an appointee of the county commissioners.
- 36 (5) One (1) cooperative extension service agent from the county
37 to serve in a nonvoting advisory capacity.

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

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

45 SECTION 82. IC 15-16-8-0.5 IS ADDED TO THE INDIANA
46 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

1 [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. (a) This section applies only**
2 **to a county having a consolidated city.**

3 **(b) After December 31, 2014, the powers and duties established**
4 **by this chapter are conferred and imposed on the mayor of the**
5 **consolidated city or the mayor's designee with respect to property**
6 **in a township that is located in the county.**

7 **(c) After December 31, 2013, any reference in this chapter to**
8 **"township board" is considered a reference to the city-county**
9 **council.**

10 **(d) After December 31, 2014, any reference in this chapter to:**
11 **(1) "township" is considered a reference to the geographic**
12 **area of a township in the county; and**
13 **(2) "township trustee" or "trustee" is considered a reference**
14 **to the mayor of the consolidated city or the mayor's designee**
15 **to administer this chapter.**

16 SECTION 83. IC 16-41-19-7, AS AMENDED BY P.L.73-2005,
17 SECTION 169, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2013]: **Sec. 7. (a) As used in this section,**
19 **"county trustee" means a county trustee appointed under**
20 **IC 12-20-1.7.**

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

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

- 26 (1) **by the appropriate county, city, or town against which the**
27 **application form is issued from general funds; and**
- 28 (2) **by the appropriate township against which the application**
29 **form is issued from funds in the township assistance fund; and**
- 30 (3) **after December 31, 2014, in the case of a county having a**
31 **consolidated city, from funds in the county's township**
32 **assistance fund;**

33 not otherwise appropriated without appropriations.

34 ~~(b)~~ **(d) A:**

- 35 (1) **township; or**
- 36 (2) **(after December 31, 2014) county having a consolidated**
37 **city;**

38 is not responsible for paying for biologicals as provided in subsection
39 ~~(a)(2)~~ **(c)(2) or (c)(3)** if the township trustee **or (after December 31,**
40 **2014) county trustee** has evidence that the individual has the financial
41 ability to pay for the biologicals.

42 ~~(c)~~ **(e)** After being presented with a legal claim for insulin being
43 furnished to the same individual a second time, a township trustee **or**
44 **(after December 31, 2014) a county trustee, if provided in the**
45 **county plan,** may require the individual to complete and file a standard
46 application for township assistance in order to investigate the financial

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

- 3 (1) the financial ability of the individual claiming to be indigent
- 4 is in question; and
- 5 (2) a standard application for township assistance must be filed
- 6 with the township **or (after December 31, 2014, in the case of**
- 7 **a county having a consolidated city) the county.**

8 The township **or (after December 31, 2014, in the case of a county**
9 **having a consolidated city) the county** shall continue to furnish
10 insulin under this section until the township trustee **or the county**
11 **trustee** completes an investigation and makes a determination as to the
12 individual's financial ability to pay for insulin.

13 ~~(d)~~ **(f)** For purposes of this section, the township **or (after**
14 **December 31, 2014, in the case of a county having a consolidated**
15 **city) the county** shall consider an adult individual needing insulin as
16 an individual and not as a member of a household requesting township
17 assistance.

18 SECTION 84. IC 20-25-1-1, AS ADDED BY P.L.1-2005,
19 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2013]: Sec. 1. This article applies to **the following:**

- 21 **(1) Before July 1, 2015,** a common school corporation that:
- 22 ~~(1)~~ **(A)** is located in whole or in part in the most populous
- 23 township in a county having a ~~population of more than seven~~
24 ~~hundred thousand (700,000);~~ **city;** and
- 25 ~~(2)~~ **(B)** serves the largest geographical territory of any school
- 26 corporation in the township.
- 27 **(2) After June 30, 2015, is the only school corporation for a**
- 28 **county having a consolidated city.**

29 SECTION 85. IC 20-25-1-2, IS ADDED TO THE INDIANA CODE
30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
31 1, 2013]: Sec. 2. **(a) As used in this section, "consolidated school**
32 **corporation" refers to the school corporation established by**
33 **IC 20-25-3-0.1.**

34 **(b) As used in this section, "dissolved school corporation" refers**
35 **to every:**

- 36 **(1) metropolitan school district;**
- 37 **(2) school city, other than the school city referred to in section**
- 38 **1(1) of this chapter; and**
- 39 **(3) school town.**

40 **(c) As used in this section, "metropolitan school district" refers**
41 **to a metropolitan school district located in a county having a**
42 **consolidated city.**

43 **(d) As used in this section, "school city" refers to a school city**
44 **located in a county having a consolidated city.**

45 **(e) As used in this section, "school town" refers to a school town**
46 **located in a county having a consolidated city.**

- 1 **(f) On July 1, 2015, the following apply:**
- 2 **(1) Each dissolved school corporation is abolished.**
- 3 **(2) The term of office of each member of the governing body**
- 4 **of a dissolved school corporation is terminated.**
- 5 **(3) A student of a dissolved school corporation becomes a**
- 6 **student of the consolidated school corporation.**
- 7 **(4) All the real and personal property owned by a dissolved**
- 8 **school corporation become the property of the board.**
- 9 **(5) All assets, including all money, of a dissolved school**
- 10 **corporation are transferred to the board.**
- 11 **(6) A contract or other obligation of a dissolved school**
- 12 **corporation becomes a contract or obligation of the board.**
- 13 **(7) An employee of a dissolved school corporation becomes an**
- 14 **employee of the consolidated school corporation.**
- 15 **(8) A teacher of a dissolved school corporation becomes an**
- 16 **employee of the consolidated school corporation.**
- 17 **(9) An employee of a dissolved school corporation remains a**
- 18 **member of the pension fund that the employee was a member**
- 19 **of on December 31, 2014. The employee retains, after the**
- 20 **consolidation, credit in the fund for service earned while an**
- 21 **employee of the dissolved school corporation and continues to**
- 22 **earn service credit in that fund as a member of the**
- 23 **consolidated school corporation for purposes of determining**
- 24 **the member's benefits from the fund.**
- 25 **(g) A reference to a dissolved school corporation in a statute,**
- 26 **rule, or legal document is, after June 30, 2015, considered a**
- 27 **reference to the consolidated school corporation.**
- 28 **(h) The department of local government finance may adjust the**
- 29 **budgets and tax rates of the consolidated school corporation and**
- 30 **the distribution of any excise taxes as necessary and proper to**
- 31 **account for the dissolution of school corporations as provided in**
- 32 **this section.**
- 33 SECTION 86. IC 20-25-2-2, AS ADDED BY P.L.1-2005,
- 34 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2013]: Sec. 2. "Administrator" means a full-time employee of
- 36 a school in the school **city corporation** who is:
- 37 (1) a principal;
- 38 (2) an assistant principal; or
- 39 (3) any other educational manager at the school.
- 40 SECTION 87. IC 20-25-2-5, AS ADDED BY P.L.1-2005,
- 41 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 JULY 1, 2013]: Sec. 5. "Board" refers to the ~~local~~ board of school
- 43 commissioners established by IC 20-25-3-1.
- 44 SECTION 88. IC 20-25-2-9, AS ADDED BY P.L.1-2005,
- 45 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 46 JULY 1, 2013]: Sec. 9. "Neighborhood school" means the school of the

- 1 school ~~city~~ **corporation** located closest to a student's residence.
- 2 SECTION 89. IC 20-25-2-12 IS REPEALED [EFFECTIVE JULY
3 1, 2013]. ~~Sec. 12: "School city" refers to a school corporation to which~~
4 ~~this article applies.~~
- 5 SECTION 90. IC 20-25-2-12.1 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JANUARY 1, 2014]: **Sec. 12.1. "School corporation"**
8 **refers to the following:**
- 9 (1) **Before July 1, 2015, the school city to which this article, as**
10 **in effect on June 30, 2013, applied.**
- 11 (2) **After June 30, 2015, the school corporation established by**
12 **IC 20-25-3-0.1.**
- 13 SECTION 91. IC 20-25-2-14, AS ADDED BY P.L.1-2005,
14 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2013]: Sec. 14. "Student" refers to a student enrolled in ~~a~~ **the**
16 ~~school city.~~ **corporation.**
- 17 SECTION 92. IC 20-25-2-17, AS ADDED BY P.L.1-2005,
18 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2013]: Sec. 17. "Teacher" means a:
- 20 (1) certified; and
21 (2) full-time;
- 22 teacher in the school ~~city.~~ **corporation.**
- 23 SECTION 93. IC 20-25-3-0.1 IS ADDED TO THE INDIANA
24 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2013]: **Sec. 0.1. Beginning July 1, 2015, a**
26 **school corporation is established in a county having a consolidated**
27 **city that consists of the consolidation of all school corporations**
28 **operating in the county on June 30, 2015.**
- 29 SECTION 94. IC 20-25-3-1, AS ADDED BY P.L.1-2005,
30 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2013]: Sec. 1. (a) The government, management, and control
32 of all common schools and common school libraries in the school ~~city~~
33 **corporation** are vested in a board of school commissioners that
34 consists of seven (7) school commissioners.
- 35 (b) **Before July 1, 2015, the corporate name of the school city**
36 **corporation is "The Board of School Commissioners of the City of**
37 **_____** " (the blank being filled with the name of the civil city).
38 **and by that After June 30, 2015, the corporate name of the school**
39 **corporation is "The Board of School Commissioners of**
40 **Indianapolis - Marion County".**
- 41 (c) **By the corporate name described in subsection (b), the school**
42 **city corporation shall:**
- 43 (1) contract;
44 (2) be contracted with;
45 (3) sue; and
46 (4) be sued.

1 SECTION 95. IC 20-25-3-2, AS AMENDED BY P.L.2-2006,
 2 SECTION 112, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The ~~school city~~ board has the
 4 following powers:

5 (1) The powers conferred upon school cities by Acts 1871, c.15.

6 (2) The powers conferred by law as of March 9, 1931, on boards
 7 of school commissioners in cities having a population of one
 8 hundred thousand (100,000) or more.

9 (3) The powers conferred by all laws in effect as of March 9,
 10 1931, on boards of school commissioners in cities having a
 11 population of more than two hundred thousand (200,000) or more
 12 than three hundred thousand (300,000).

13 (4) The powers conferred under IC 20-26-1, IC 20-26-2,
 14 IC 20-26-3, IC 20-26-4, IC 20-26-5, IC 20-26-7, and IC 20-41-1,
 15 except as otherwise provided in this chapter.

16 (b) ~~A school city~~ **The** board provided for by this chapter, in its
 17 respective school ~~city~~, **corporation**, is liable for and must pay and
 18 discharge all of the indebtedness, liabilities, and obligations of a board
 19 elected in the school city under any of the statutes listed in this section
 20 and under this chapter.

21 (c) The board is vested with the title and ownership of all property
 22 of every kind of the existing school city.

23 **(d) After June 30, 2015, the board, as governing body of the**
 24 **school corporation has all the powers, rights, duties, and**
 25 **obligations that the board had under this section before July 1,**
 26 **2015.**

27 SECTION 96. IC 20-25-3-3, AS AMENDED BY P.L.126-2012,
 28 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2013]: Sec. 3. (a) A member of the board must:

30 (1) be a resident voter of the ~~school city~~, **county**; and

31 (2) have been a resident of the ~~school city~~ **county** for at least one
 32 (1) year immediately preceding the member's election.

33 (b) A board member may not:

34 (1) serve in an elective or appointive office under the board or
 35 under the government of the ~~civil consolidated~~ **city and county**
 36 while serving on the board; or

37 (2) knowingly have a pecuniary interest as described in
 38 IC 35-44.1-1-4 in a contract or purchase with the school ~~city~~
 39 **corporation** in which the member is elected.

40 If, at any time after a member is elected to the board, the board member
 41 knowingly acquires a pecuniary interest in a contract or purchase with
 42 the school ~~city~~, **corporation**, the member is disqualified to continue as
 43 a member of the board, and a vacancy in the office is created.

44 (c) Each member of the board shall, before assuming the duties of
 45 office, take an oath, before a person qualified to administer oaths, that:

46 (1) the member possesses all the qualifications required by this

- 1 chapter for membership on the board;
 2 (2) the member will honestly and faithfully discharge the duties
 3 of office;
 4 (3) the member will not, while serving as a member of the board,
 5 become interested, directly or indirectly, in any contract with or
 6 claim against the school ~~city~~, **corporation**, except as authorized
 7 by law;
 8 (4) in the performance of official duties as a member of the board,
 9 including the selection of the board's officers, agents, and
 10 employees, the member will not be influenced by any
 11 consideration of politics or religion; and
 12 (5) the member will be controlled in the selection of officers,
 13 agents, and employees only by considerations of merit, fitness,
 14 and qualification.
- 15 (d) Board members are entitled to receive compensation not to
 16 exceed the amount allowed under IC 20-26-4-7 and a per diem not to
 17 exceed the rate approved for members of the city-county council
 18 established under IC 36-3-4 for attendance at each regular and
 19 committee meeting as determined by the board.
- 20 SECTION 97. IC 20-25-3-4, AS AMENDED BY P.L.179-2011,
 21 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2013]: Sec. 4. (a) The board consists of seven (7) members.
 23 A member:
- 24 (1) must be elected on a nonpartisan basis in general elections
 25 held in the county as specified in this section; and
 26 (2) serves a four (4) year term.
- 27 (b) Five (5) members shall be elected from the school board districts
 28 in which the members reside, and two (2) members must be elected at
 29 large. Not more than two (2) of the members who serve on the board
 30 may reside in the same school board district.
- 31 (c) If a candidate runs for one (1) of the district positions on the
 32 board, only eligible voters residing in the candidate's district may vote
 33 for that candidate. If a person is a candidate for one (1) of the at-large
 34 positions, eligible voters from all the districts may vote for that
 35 candidate.
- 36 (d) If a candidate files to run for a position on the board, the
 37 candidate must specify whether the candidate is running for a district
 38 or an at-large position.
- 39 (e) A candidate who runs for a district or an at-large position wins
 40 if the candidate receives the greatest number of votes of all the
 41 candidates for the position.
- 42 (f) Districts shall be established within:
- 43 (1) the school city, **before July 1, 2015; and**
 44 (2) **the county, after June 30, 2015;**
 45 by the state board. The districts must be drawn on the basis of precinct
 46 lines, and as nearly as practicable, of equal population with the

1 population of the largest district not to exceed the population of the
 2 smallest district by more than five percent (5%). District lines must not
 3 cross precinct lines. The state board shall establish:

4 (1) balloting procedures for the election under IC 3; and

5 (2) other procedures required to implement this section.

6 (g) A member of the board serves under section 3 of this chapter.

7 (h) In accordance with subsection (k), a vacancy in the board shall
 8 be filled temporarily by the board as soon as practicable after the
 9 vacancy occurs. The member chosen by the board to fill a vacancy
 10 holds office until the member's successor is elected and qualified. The
 11 successor shall be elected at the next regular school board election
 12 occurring after the date on which the vacancy occurs. The successor
 13 fills the vacancy for the remainder of the term.

14 (i) An individual elected to serve on the board begins the
 15 individual's term on January 1 immediately following the individual's
 16 election.

17 (j) Notwithstanding any law to the contrary, each voter must cast a
 18 vote for a school board candidate or school board candidates by voting
 19 system or paper ballot. However, the same method used to cast votes
 20 for all other offices for which candidates have qualified to be on the
 21 election ballot must be used for the board offices.

22 (k) If a vacancy in the board exists because of the death of a
 23 member, the remaining members of the board shall meet and select an
 24 individual to fill the vacancy in accordance with subsection (h) after
 25 the secretary of the board receives notice of the death under IC 5-8-6.

26 SECTION 98. IC 20-25-3-5, AS ADDED BY P.L.1-2005,
 27 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2013]: Sec. 5. The board in a school city shall organize in the
 29 manner set forth in IC 20-26-4-1.

30 SECTION 99. IC 20-25-3-6, AS ADDED BY P.L.1-2005,
 31 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2013]: Sec. 6. (a) A member of a standing committee of the
 33 board provided for by the board's rules shall be appointed by the
 34 president within three (3) weeks after the president's election to the
 35 office of president.

36 (b) Subject to the limitations in this chapter, the board may fix the
 37 salaries of each officer and employee of the board.

38 (c) The board in:

39 (1) electing and choosing a general superintendent; and

40 (2) employing agents and employees that the board considers
 41 necessary to conduct the business of the school ~~city~~; **corporation**;
 42 shall choose individuals whose qualifications peculiarly fit the
 43 positions the individuals will occupy.

44 (d) The board shall contract for and establish the amount of salary
 45 or compensation to be paid to each officer, agent, and employee chosen
 46 or elected by the board. The board shall adopt a schedule of salaries

1 that the board considers proper, and for the purpose of establishing a
2 salary schedule, the board may divide teachers, principals, and other
3 employees into classes based upon efficiency, qualifications,
4 experience, and responsibility. Each principal, teacher, or employee in
5 a class shall receive the same regular salary given to each of the other
6 members of the same class, subject to the provisions of this article.

7 (e) The board may:

8 (1) by rule fix the time and the number of meetings of the board,
9 except that one (1) regular meeting must be held in each calendar
10 month; and

11 (2) make, amend, and repeal bylaws and rules for:

12 (A) the board's own procedure; and

13 (B) the government and management of:

14 (i) the board's schools; and

15 (ii) property under the board's control.

16 SECTION 100. IC 20-25-3-10, AS ADDED BY P.L.1-2005,
17 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2013]: Sec. 10. (a) The superintendent shall act as general
19 administrator of the school ~~city and~~ **corporation. The superintendent**
20 **shall** make recommendations to the board concerning:

21 (1) the conduct of the schools;

22 (2) the employment and dismissal of personnel;

23 (3) the purchase of supplies;

24 (4) the construction of buildings; and

25 (5) all other matters pertaining to the conduct of the schools
26 within the general framework of the school laws of ~~the state:~~

27 **Indiana.**

28 (b) The superintendent shall:

29 (1) attend all meetings of the board, except when the
30 superintendent's appointment is under consideration;

31 (2) carry out the orders of the board; and

32 (3) make all other decisions and perform all other duties that are
33 prescribed by law or that reasonably fall within the
34 superintendent's power and jurisdiction.

35 SECTION 101. IC 20-25-3-12, AS ADDED BY P.L.1-2005,
36 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2013]: Sec. 12. (a) An appointment or discharge of an
38 employee of the school ~~city~~ **corporation** must be:

39 (1) made in conformity with the rules of the board; and

40 (2) reported at the meeting of the board that follows the date of
41 each appointment or discharge by the superintendent.

42 (b) The superintendent's actions reported to the board under this
43 section are subject to the approval of the majority of the board.

44 (c) A discharge operates as a suspension until the discharge is
45 approved by the board.

46 (d) A school employee of the school ~~city~~ **corporation** except a

1 probationary employee discharged before the end of the employee's
 2 probationary period, is entitled to request a hearing before being
 3 discharged. Upon written request for a hearing from the school
 4 employee, the superintendent shall appoint a hearing examiner.

5 (e) The hearing examiner appointed by the superintendent under
 6 subsection (d) may be an individual on the school **city's corporation's**
 7 administrative staff or the school **city's corporation's** counsel, as long
 8 as the hearing examiner:

9 (1) did not recommend the discharge of the employee;

10 (2) will not be a witness at the hearing; and

11 (3) has no involvement in the recommendation to discharge the
 12 employee.

13 (f) The hearing examiner shall:

14 (1) make a written report of the hearing examiner's findings and
 15 conclusions; and

16 (2) submit the report to the superintendent.

17 (g) An employee may appeal in writing an adverse decision of the
 18 hearing examiner to the board. Upon appeal, the board shall review the
 19 decision of the hearing examiner and may receive additional evidence
 20 or testimony.

21 (h) The board shall adopt rules and procedures that afford an
 22 employee, other than a probationary employee, the right to a hearing
 23 and the right to appeal under this section.

24 (i) This section does not apply to teachers.

25 SECTION 102. IC 20-25-4-3, AS ADDED BY P.L.1-2005,
 26 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2013]: Sec. 3. (a) This section does not apply if the board by
 28 formal vote elects to:

29 (1) build;

30 (2) enlarge;

31 (3) make alterations to; or

32 (4) make improvements to;

33 a school or building owned by the board if the project described in
 34 subdivisions (1) through (4) will cost not more than fifteen thousand
 35 dollars (\$15,000) and the board intends to complete the project using
 36 its own employees.

37 (b) If subsection (a) does not apply and the board determines to:

38 (1) build;

39 (2) enlarge;

40 (3) make alterations to; or

41 (4) make improvements to;

42 a school or building owned by the board, the cost of which is estimated
 43 to be more than ten thousand dollars (\$10,000), the business manager
 44 or other board designated employee shall advertise for bids in the
 45 manner provided in subsection (c).

46 (c) The advertisements for bids must be placed as follows:

- 1 (1) One (1) advertisement must be placed each week for three (3)
- 2 weeks.
- 3 (2) The first advertisement must be placed at least twenty-one
- 4 (21) days before the bids are opened.
- 5 (3) The advertisement must be placed in two (2) newspapers of
- 6 general circulation in the ~~city~~ **county**.

7 The board shall enter in full in the minutes that advertisements for bids
 8 have been placed under this subsection.

- 9 (d) If bids are taken under this section, a bid must be:
- 10 (1) enclosed by the bidder in an envelope sealed by the bidder;
- 11 and
- 12 (2) presented at a meeting of the board or the bid committee of the
- 13 board at the time and place fixed by the advertisement.

14 A bid may not be received after the time established in the
 15 advertisement.

16 (e) The business manager at the hour established in the
 17 advertisements and in the presence of the board or the bid committee
 18 shall open all the bids. The bids must then be publicly read by a
 19 designated employee and be immediately entered in full in the records
 20 of the board.

21 (f) The board shall, by general rules, specify the condition of each
 22 bid, and only the lowest and best bids from responsible bidders may be
 23 accepted. The board may, if the board has reason to suspect collusion
 24 among bidders, reject the bids of all bidders involved in the collusion.

25 SECTION 103. IC 20-25-4-10, AS AMENDED BY P.L.2-2006,
 26 SECTION 113, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) If the compensation to be
 28 paid for the purchase of real estate or an interest in real estate required
 29 by the board for the board's purposes cannot be agreed upon or
 30 determined by the:

- 31 (1) board; and
 - 32 (2) persons owning or having an interest in the land desired;
- 33 the board may, by eminent domain, determine the compensation and
 34 acquire the title to the real estate or interest in the real estate by court
 35 action under IC 32-24.

36 (b) The right and power of the board to own and acquire real estate
 37 and interests in real estate in any manner and for any purpose specified
 38 in this chapter or by the general school laws of Indiana is ~~not~~ limited
 39 to real estate situated within the ~~corporate boundaries of the civil city~~
 40 ~~in which a school city is located~~. However, the right and power to
 41 acquire and own real estate extends to any parcel or trace of real estate
 42 the whole of which is situated:

- 43 (1) ~~within one-half (1/2) mile of the nearest point on the corporate~~
 44 ~~boundary of the civil city;~~
- 45 (2) ~~within a platted territory:~~
- 46 (A) ~~outside but contiguous to; or~~

- 1 (B) contiguous to another platted territory that is contiguous
2 to;
3 the corporate boundary of the civil city; or
4 (3) within one-half (1/2) mile of the nearest point of the boundary
5 of a platted territory:
6 (A) outside but contiguous to; or
7 (B) contiguous to another platted territory that is contiguous
8 to;
9 the corporate boundary of the civil city.

10 "Platted territory"; as used in this subsection; means a territory or land
11 area for which a plat has been recorded in the manner provided by
12 Indiana law pertaining to the recording of plats of land.

13 (c) Before acquiring any real estate or interest in real estate outside
14 the corporate limits of the civil city, the board must, by resolution
15 entered into the record of the board's corporate minutes, find and
16 determine that, in the judgment of the board, the real estate or interest
17 in real estate to be acquired will be needed for the future purposes of
18 the board. This chapter does not limit the right of any board to accept,
19 own, and hold real estate or an interest in real estate, wherever situated,
20 that is acquired by the board by gift or devise. **county.**

21 SECTION 104. IC 20-25-4-12, AS ADDED BY P.L.1-2005,
22 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2013]: Sec. 12. (a) The board may **do any of the following:**

- 24 (1) Except as provided in subsection (b), acquire by purchase,
25 devise, gift, lease, or condemnation grounds needed by the school
26 city; **corporation.**
27 (2) Construct or lease buildings for school, school administration,
28 or school office purposes.
29 (3) Employ and pay all employees needed in any branch of the
30 work committed to the board.
31 (4) Disburse, according to law, all money of the school city;
32 **corporation, for lawful school city corporation purposes.**
33 (5) Have and exercise in the school city; **corporation, full and**
34 exclusive:
35 (A) authority concerning the conduct and management of all
36 common schools, including elementary schools and high
37 schools; and
38 (B) power to establish and enforce all regulations for the:
39 (i) grading of; and
40 (ii) courses of;
41 instruction in all schools and for the government and
42 discipline of the schools.
43 (6) Divide the:
44 (A) city, **before July 1, 2015; and**
45 (B) county, **after June 30, 2015;**
46 into districts for school attendance purposes.

- 1 (7) Maintain special day or night schools to which the board may
- 2 admit adults and children at least fifteen (15) years of age. ~~and~~
- 3 (8) Maintain playgrounds and vacation schools.
- 4 (b) The board may not acquire the following real property:
- 5 Lots 693-719, inclusive, and 7 1/2 feet west of and adjacent to
- 6 such lots, in Norcliffe Addition, an addition to the city of
- 7 Indianapolis, as per plat thereof, recorded in plat book 18 at pages
- 8 165 and 166, in the office of the recorder of Marion County,
- 9 Indiana.

10 SECTION 105. IC 20-25-4-13, AS ADDED BY P.L.1-2005,
 11 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2013]: Sec. 13. The expense of operating special schools
 13 under section 12(a)(7) of this chapter and playgrounds and vacation
 14 schools under section 12(a)(8) of this chapter must be paid out of the
 15 board's general fund. The board may make and impose fees that the
 16 board considers reasonable for:

- 17 (1) enrollment of any high school graduate in any class offered in
- 18 a special school; and
- 19 (2) enrollment by any person at least seventeen (17) years of age
- 20 in any special school class that does not provide credit toward
- 21 graduation or progression in the regularly maintained common
- 22 schools in the school ~~city~~, **corporation**.

23 The receipts from fees under this section become a part of the board's
 24 general fund.

25 SECTION 106. IC 20-25-4-14, AS ADDED BY P.L.1-2005,
 26 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2013]: Sec. 14. (a) ~~A~~ **The school city corporation** may:

- 28 (1) sell real estate;
- 29 (2) transfer personal property; and
- 30 (3) execute deeds of conveyance and instruments of transfer with
- 31 or without covenants of warranty;

32 if, in the opinion of the board, the real estate or personal property
 33 cannot be advantageously used for school or library purposes and can
 34 be sold for its fair cash value.

35 (b) A determination by the board that real estate or personal
 36 property cannot be advantageously used under subsection (a) must be
 37 entered into the record of the minutes of the ~~school city's~~ board.

38 SECTION 107. IC 20-25-4-15, AS ADDED BY P.L.1-2005,
 39 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2013]: Sec. 15. (a) The board may, subject to the board's rules,
 41 authorize a member of the board or an officer or individual employed
 42 by the board to be absent from the school ~~city~~ **corporation** in the
 43 interest of the school ~~city~~ **corporation** without loss of compensation.

44 (b) The board may refund to an individual described in subsection
 45 (a) necessary expenses incurred during the individual's absence. The
 46 amount refunded under this subsection must be paid from the board's

1 general fund.
2 SECTION 108. IC 20-25-4-17, AS AMENDED BY P.L.234-2007,
3 SECTION 102, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2013]: Sec. 17. (a) If ~~a~~ **the school city**
5 **corporation** acquires title to or possession of real estate, buildings, and
6 personal property in the school **city corporation** by gift or donation,
7 and the real estate, building, or personal property was used as an
8 industrial or trade school for the education of youths in the trades of:
9 (1) printing;
10 (2) lithography;
11 (3) machine making;
12 (4) molding;
13 (5) typesetting;
14 (6) bricklaying;
15 (7) tile setting;
16 (8) pattern making;
17 (9) pharmacy; or
18 (10) other trades or occupations;
19 the board may, by the use of the board's school funds, maintain and
20 operate the industrial or trade school or schools.
21 (b) If real estate, a building, or personal property is acquired by the
22 school **city corporation** under subsection (a), the board shall:
23 (1) perform any conditions incident to the school **city's**
24 **corporation's** acquisition of the property;
25 (2) maintain and operate the trade school and real estate, building,
26 or personal property;
27 (3) employ competent instructors in the various subjects to be
28 taught;
29 (4) purchase all necessary tools, implements, supplies, and
30 apparatus; and
31 (5) establish general rules and requirements for:
32 (A) admission of pupils to the school or schools;
33 (B) the courses of instruction; and
34 (C) the conduct of the trade or industrial schools;
35 that, in the board's judgment, will produce the best results and
36 give instruction to the largest practicable number of students.
37 The school **city corporation** may also use the real estate, building, or
38 personal property acquired under subsection (a) for other school
39 purposes, but not for any purpose that will materially interfere with the
40 conduct of the trade or industrial schools.
41 (c) The transfer tuition charge for each student who:
42 (1) is transferred to the school **city corporation** from another
43 school corporation in Indiana; and
44 (2) receives trade or industrial instruction in a trade or industrial
45 school located on property acquired under subsection (a);
46 must be the actual per capita cost of operating the school the student

1 attends. However, the costs of permanent improvements or additions,
 2 the salaries of the superintendents, or the costs of apparatus or
 3 repairing broken or damaged apparatus may not be used in computing
 4 the actual per capita cost.

5 (d) If the school **city corporation** admits a student to a trade school
 6 acquired by means described in this section and the student is not, by
 7 law, entitled to school privileges, the tuition charge for the student may
 8 not be greater than the per capita cost of operating the school the
 9 student attends. The cost of permanent improvements and additions
 10 may not be included in computing the cost under this subsection.

11 (e) ~~A~~ **The school city corporation** may admit to the school ~~city's~~
 12 **corporation's** career and technical, trade, or industrial schools
 13 nonresidents of Indiana. A nonresident student must pay reasonable
 14 laboratory and shop fees and a tuition fee of not more than the per
 15 student cost to the school **city corporation** conducting the career and
 16 technical, trade, or industrial schools. A return on capital invested in
 17 buildings, grounds, or equipment may not be included in computing the
 18 per student cost under this subsection.

19 SECTION 109. IC 20-25-4-18, AS AMENDED BY P.L.234-2007,
 20 SECTION 103, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2013]: Sec. 18. (a) ~~A~~ **The school city,**
 22 **corporation** may accept property in trust to be used for common
 23 school or career and technical, trade, or industrial school purposes. The
 24 school **city corporation**, whether made trustee by appointment of a
 25 court or by the founder of the trust, may carry out the terms of the trust
 26 in conducting common schools or career and technical, trade, or
 27 industrial schools.

28 (b) If ~~a~~ **the school city corporation** by:

- 29 (1) resolution of; or
 30 (2) other formal corporate action of;

31 the board accepts real estate or other property in trust under subsection
 32 (a), the school ~~city,~~ **corporation** shall perform all requirements made
 33 conditions of the trust performable by the trustee.

34 SECTION 110. IC 20-25-4-20, AS ADDED BY P.L.1-2005,
 35 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2013]: Sec. 20. (a) **Before July 1, 2015**, the general school
 37 laws of Indiana and all laws and parts of laws applicable to the general
 38 system of common schools in school cities, so far as not inconsistent
 39 with this chapter and other provisions of this article, and unless made
 40 inapplicable by this article, are in full force and effect in ~~a~~ **the school**
 41 **city to which this chapter applies: corporation.**

42 (b) **After June 30, 2015, the general school laws of Indiana, so**
 43 **far as not inconsistent with this article, apply to the school**
 44 **corporation.**

45 SECTION 111. IC 20-25-4-21, AS ADDED BY P.L.1-2005,
 46 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2013]: Sec. 21. This chapter applies to the school ~~city~~
2 **corporation**, to the extent the chapter is not in conflict with:

3 (1) IC 20-23-4 and IC 20-23-16; and

4 (2) the school reorganization plan applicable to the school ~~city~~,
5 **corporation, before July 1, 2015**, or the school ~~city's~~
6 **corporation's** successor corporation, **after June 30, 2015**, under
7 the terms of IC 20-23-4 and IC 20-23-16.

8 However, IC 20-25-3-4 prevails over any conflicting provision of
9 IC 20-23-4 and IC 20-23-16 and over the provisions of any school
10 reorganization plan.

11 SECTION 112. IC 20-25-4-22, AS ADDED BY P.L.132-2007,
12 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2013]: Sec. 22. The ~~governing body of a school city board~~
14 may establish a police department under IC 20-26-16.

15 SECTION 113. IC 20-25-5 IS REPEALED [EFFECTIVE JULY 1,
16 2013]. (Real Property Annexations and Transfers; Remonstrances).

17 SECTION 114. IC 20-25-6 IS REPEALED [EFFECTIVE JULY 1,
18 2013]. (Determination of School City Conditions and Needs).

19 SECTION 115. IC 20-25-7-1, AS ADDED BY P.L.1-2005,
20 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2013]: Sec. 1. The school ~~city~~ **corporation** shall offer a
22 parental choice program that allows a parent the opportunity to choose
23 the school in the school ~~city~~ **corporation** that the parent's child will
24 attend.

25 SECTION 116. IC 20-25-8-2, AS ADDED BY P.L.1-2005,
26 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2013]: Sec. 2. (a) Each school in the school ~~city~~, **corporation**
28 shall develop a written compact among:

- 29 (1) the school;
30 (2) the students;
31 (3) the students' teachers; and
32 (4) the students' parents.

33 (b) A written compact must contain the expectations for:

- 34 (1) the school;
35 (2) the student;
36 (3) the student's teachers; and
37 (4) the student's parent.

38 (c) Each educator at the school shall affirm and sign the compact.

39 (d) Each student and the student's parent shall go to the school
40 before the start of each school year to sign and affirm the compact.

41 SECTION 117. IC 20-25-9-1, AS ADDED BY P.L.1-2005,
42 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
43 JULY 1, 2013]: Sec. 1. IC 20-31-8 applies to the school ~~city~~,
44 **corporation** and its schools. The board shall use the student
45 performance improvement levels established under IC 20-25-11 to:

- 46 (1) assess;

1 (2) report; and
2 (3) improve;
3 the performance of schools, educators, and students in the school city
4 **or school corporation.**

5 SECTION 118. IC 20-25-9-5, AS ADDED BY P.L.1-2005,
6 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2013]: Sec. 5. Each school in the school **city corporation**
8 shall measure and record:

- 9 (1) the students' achievement in reaching the school's student
10 performance improvement levels established under IC 20-25-11;
- 11 (2) student achievement information for the school described in
12 IC 20-20-8-8 and IC 20-25-9-6; and
- 13 (3) teacher and administrative performance information for the
14 school described in IC 20-25-9-6;

15 which in each case must not be less rigorous than the student
16 performance improvement levels and information developed and
17 required under IC 20-31-8.

18 SECTION 119. IC 20-25-9-6, AS ADDED BY P.L.1-2005,
19 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2013]: Sec. 6. For all schools under this article, the report
21 must include the following, in addition to the requirements of
22 IC 20-20-8-8:

- 23 (1) Student achievement information as follows:
 - 24 (A) For each elementary and middle school, grade
25 advancement rates.
 - 26 (B) For each high school, the percentage of students who apply
27 to, are accepted by, and attend a college, university, or other
28 postsecondary educational institution after high school.
- 29 (2) Administrative performance measures as follows:
 - 30 (A) School receipts and expenditures by source, compared
31 with budget amounts.
 - 32 (B) Total school enrollment.
 - 33 (C) The school's general fund expenditures per student and
34 total expenditures per student.
 - 35 (D) The amount and percentage of the school's general fund
36 expenditures and the amount and percentage of total
37 expenditures directly reaching the classroom as determined by
38 a formula to be established by the board.
 - 39 (E) Teacher/pupil ratios totaled by class, grade, and school.
 - 40 (F) Administrator/pupil ratio for the school.
 - 41 (G) Teacher attendance rates totaled by class, grade, and
42 school.
- 43 (3) Achievement on the annual performance objectives identified
44 under IC 20-25-11.
- 45 (4) The performance objectives established under IC 20-25-11 for
46 the upcoming school year.

1 (5) State and school ~~city~~; **corporation** averages for each of the
2 measures set forth in subdivisions (1) through (2), if available.
3 SECTION 120. IC 20-25-10-1, AS ADDED BY P.L.1-2005,
4 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2013]: Sec. 1. (a) The board shall modify, develop, and
6 implement a plan for the improvement of student achievement in the
7 schools in the school ~~city~~; **corporation**.
8 (b) A plan modified, developed, and implemented under this chapter
9 must be consistent with this article and with IC 20-31-1, IC 20-31-2,
10 IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9, and
11 IC 20-31-10.
12 SECTION 121. IC 20-25-10-2, AS ADDED BY P.L.1-2005,
13 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2013]: Sec. 2. The plan modified, developed, and
15 implemented under this chapter must do the following:
16 (1) Provide for efforts to increase support of the schools by:
17 (A) the parents of students; and
18 (B) the neighborhood communities surrounding the schools.
19 (2) Establish student performance improvement levels for
20 students in each school in the school ~~city~~; **corporation** that are
21 not less rigorous than the student performance improvement
22 levels developed under IC 20-31.
23 (3) Provide opportunity and support for the educators in each
24 school to develop a school plan, including:
25 (A) traditional or innovative methods and approaches to
26 improve student achievement; and
27 (B) efficient and cost effective management efforts in the
28 school;
29 that are developed consistently with IC 20-25-12-1 and with the
30 board's plan developed under this chapter.
31 (4) Require annual reports identifying the progress of student
32 achievement for each school as described in IC 20-20-8-8 and
33 IC 20-25-9-6.
34 (5) Provide for the effective evaluation of:
35 (A) each school in the school ~~city~~; **corporation**; and
36 (B) the school's educators;
37 including the consideration of student achievement in the school.
38 (6) Provide a range of opportunity for remediation of students
39 who:
40 (A) fail to meet state achievement standards; or
41 (B) are at risk of academic failure.
42 (7) Require action to raise the level of performance of a school if
43 the school's students fail to achieve student performance
44 improvement levels established for the school under
45 IC 20-25-11-1.
46 SECTION 122. IC 20-25-10-5, AS AMENDED BY P.L.1-2006,

1 SECTION 324, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) The board shall annually
 3 assess and evaluate educational programs offered by the school ~~city~~
 4 **corporation** to determine:

- 5 (1) the relationship of the programs to improved student
 6 achievement; and
 7 (2) the educational value of the programs in relation to cost.

8 (b) The board may obtain information from:

- 9 (1) educators in the schools offering a program;
 10 (2) students participating in a program; and
 11 (3) the parents of students participating in a program;

12 in preparing an assessment and evaluation under this section. The
 13 assessment must include the performance of the school's students in
 14 achieving student performance improvement levels under IC 20-31-1,
 15 IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9,
 16 IC 20-31-10, and IC 20-25-11.

17 SECTION 123. IC 20-25-12-1, AS ADDED BY P.L.1-2005,
 18 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2013]: Sec. 1. (a) IC 20-31-1, IC 20-31-2, IC 20-31-5,
 20 IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9, and IC 20-31-10 apply
 21 to the school ~~city~~ **corporation**. The composition of a local school
 22 improvement committee is determined under IC 20-31-1, IC 20-31-2,
 23 IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9, and
 24 IC 20-31-10.

25 (b) The plan developed and implemented by the board under
 26 IC 20-25-10 must contain general guidelines for decisions by the
 27 educators in each school to improve student achievement in the school.

28 (c) The board's plan shall provide for the publication to other
 29 schools in the school ~~city~~ **corporation** and to the general community
 30 those:

- 31 (1) processes;
 32 (2) innovations; and
 33 (3) approaches;

34 that have led individual schools to significant improvement in student
 35 achievement.

36 SECTION 124. IC 20-25-12-5, AS ADDED BY P.L.1-2005,
 37 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2013]: Sec. 5. The approved general fund budget for each
 39 school for a school year must be, as nearly as is reasonable and
 40 practicable, proportionate to the total general fund budget for the
 41 school ~~city~~ **corporation** in the same ratio as the school's estimated
 42 ADM compares to the school ~~city's~~ **corporation's** estimated ADM for
 43 that school year.

44 SECTION 125. IC 20-25-13-7, AS AMENDED BY P.L.1-2006,
 45 SECTION 326, IS AMENDED TO READ AS FOLLOWS
 46 [EFFECTIVE JULY 1, 2013]: Sec. 7. IC 20-28-6-4 and IC 20-28-6-5

1 apply to certificated employees in the school ~~city~~ **corporation**. A
 2 teacher's students' performance improvement levels under the
 3 assessment tests and programs of IC 20-31-1, IC 20-31-5, IC 20-31-6,
 4 IC 20-31-7, IC 20-31-8, IC 20-31-9, and IC 20-31-10 may be used as
 5 a factor, but not the only factor, to evaluate the performance of a
 6 teacher in the school ~~city~~ **corporation**.

7 SECTION 126. IC 20-25-14-1, AS ADDED BY P.L.1-2005,
 8 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2013]: Sec. 1. (a) The school ~~city~~ **corporation** must provide
 10 summer remediation services to each student in a designated grade
 11 level who does not meet state achievement standards.

12 (b) The school ~~city~~ **corporation** may provide summer remediation
 13 services to students of any other grade level who are determined by the
 14 school ~~city~~ **corporation** to be at risk of academic failure.

15 SECTION 127. IC 20-25-14-2, AS ADDED BY P.L.1-2005,
 16 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2013]: Sec. 2. The board may:

18 (1) request and receive competitive proposals from:

19 (A) a school of the school ~~city~~ **corporation**;

20 (B) another public educational institution; or

21 (C) a group of educators from the school ~~city~~ **corporation**;

22 to provide summer remediation services under guidelines and
 23 specified performance standards established by the board; and

24 (2) contract with one (1) or more providers listed in subdivision

25 (1) to provide summer remediation services to students in the
 26 school ~~city~~ **corporation**.

27 SECTION 128. IC 20-25-14-3, AS ADDED BY P.L.1-2005,
 28 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2013]: Sec. 3. The school ~~city~~ **corporation**:

30 (1) shall pay the cost of summer remediation services; and

31 (2) may use all available funding from the state for the payment.

32 The purchase of remediation services is eligible for state
 33 reimbursement in the same manner as other state funding, including
 34 summer school funding.

35 SECTION 129. IC 20-25-14-4, AS ADDED BY P.L.1-2005,
 36 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2013]: Sec. 4. (a) Summer remediation services provided by
 38 contractors under section 2 of this chapter shall be provided at no
 39 tuition cost to the student.

40 (b) Upon the request of the parent of a student described in section
 41 1 of this chapter, the school ~~city~~ **corporation** shall provide the parent
 42 with a summer remediation subsidy in an amount equal to fifty percent
 43 (50%) of the lowest per student cost of summer remediation services
 44 provided by a contractor under section 2 of this chapter.

45 (c) A parent to whom a summer remediation subsidy is provided
 46 may use the subsidy to purchase summer remediation services from a

1 provider located in Marion County. The parent may choose to use the
 2 remediation subsidy at an accredited public school. If the amount of
 3 tuition for the remediation services is greater than the amount of the
 4 remediation subsidy provided to the parent, the parent is responsible
 5 for the additional amount.

6 (d) The allocated remediation subsidy is payable to a provider of
 7 remediation services upon the provider's enrollment of the student in
 8 the remediation program.

9 (e) Payment of a remediation subsidy fulfills the obligation under
 10 this chapter of the school **city corporation** to provide remediation
 11 services to a student.

12 (f) If a student who has received a remediation subsidy does not
 13 complete a remediation program, the provider of remediation services
 14 shall refund the remediation subsidy on a pro rata basis to the school
 15 **city corporation**.

16 SECTION 130. IC 20-25-15-1, AS ADDED BY P.L.1-2005,
 17 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2013]: Sec. 1. In addition to the consequences of IC 20-31-9,
 19 the board shall place a school in the school **city corporation** in
 20 academic receivership if the school fails for any two (2) consecutive
 21 school years to meet student performance improvement levels.

22 SECTION 131. IC 20-25-15-3, AS ADDED BY P.L.1-2005,
 23 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2013]: Sec. 3. (a) If a school is placed in academic
 25 receivership, the superintendent and the board must take action to raise
 26 the school's level of performance.

27 (b) In addition to the consequences of IC 20-31-9, the actions that
 28 the superintendent and the board may take to raise the performance of
 29 a school in academic receivership include the following:

30 (1) Shifting resources of the school **city corporation** to the
 31 school.

32 (2) Changing or removing:

33 (A) the school principal;

34 (B) teachers;

35 (C) administrators; or

36 (D) other staff.

37 (3) Establishing a new educational plan for the school.

38 (4) Requiring the superintendent or another school **city**
 39 **corporation** appointee to administer the school until the
 40 academic receivership status of the school is removed.

41 (5) Contracting with a:

42 (A) for-profit organization;

43 (B) nonprofit organization; or

44 (C) individual;

45 to manage the school.

46 (6) Closing the school.

- 1 (7) Any other management, personnel, or policy changes that the
 2 superintendent and board expect in the following school year to:
 3 (A) raise the performance of the school; and
 4 (B) avoid continuing academic receivership status for the
 5 school.
- 6 (c) If this chapter is inconsistent with any other law relating to:
 7 (1) education;
 8 (2) teachers; or
 9 (3) common schools;
 10 this chapter governs.
- 11 SECTION 132. IC 20-25-16-1, AS AMENDED BY P.L.73-2011,
 12 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2013]: Sec. 1. To provide the board with the necessary
 14 flexibility and resources to carry out this article, the following apply:
 15 (1) The board may:
 16 (A) eliminate or modify existing policies;
 17 (B) create new policies; and
 18 (C) alter policies;
 19 subject to this article and the plan developed under IC 20-25-10.
 20 (2) IC 20-29 applies to the school ~~city~~, **corporation**, except for
 21 the provision of IC 20-29-6-7(a) that requires any items included
 22 in the 1972-1973 agreements between an employer school
 23 corporation and an employee organization to continue to be
 24 bargainable.
 25 (3) The board may waive the following statutes and rules for any
 26 school in the school ~~city~~ **corporation** without administrative,
 27 regulatory, or legislative approval:
 28 (A) The following rules concerning curriculum and
 29 instructional time:
 30 511 IAC 6.1-5-0.5
 31 511 IAC 6.1-5-1
 32 511 IAC 6.1-5-2.5
 33 511 IAC 6.1-5-3.5
 34 511 IAC 6.1-5-4.
 35 (B) 511 IAC 6.1-4-1 concerning student/teacher ratios.
 36 (C) 511 IAC 6.1-4-2 concerning school principals.
 37 (4) Notwithstanding any other law, ~~a~~ **the school city corporation**
 38 may do the following:
 39 (A) Lease school transportation equipment to others for
 40 nonschool use when the equipment is not in use for a school
 41 **city corporation** purpose.
 42 (B) Establish a professional development and technology fund
 43 to be used for:
 44 (i) professional development; or
 45 (ii) technology, including video distance learning.
 46 (C) Transfer funds obtained from sources other than state or

1 local government taxation to any account of the school
2 corporation, including a professional development and
3 technology fund established under clause (B).

4 (5) Transfer funds obtained from property taxation to the general
5 fund and the school transportation fund, subject to the following:

6 (A) The sum of the property tax rates for the general fund and
7 the school transportation fund after a transfer occurs under this
8 subdivision may not exceed the sum of the property tax rates
9 for the general fund and the school transportation fund before
10 a transfer occurs under this subdivision.

11 (B) This subdivision does not allow a the school corporation
12 to transfer to any other fund money from the debt service fund.

13 SECTION 133. IC 20-26-5-31, AS ADDED BY P.L.122-2007,
14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2013]: Sec. 31. (a) If a school corporation, including a school
16 city (as defined in IC 20-25-2-12), **corporation (as defined in**
17 **IC 20-25-2-12.1)**, establishes a school corporation police department,
18 the governing body of the school corporation shall adopt a policy that
19 requires every individual appointed as a school corporation police
20 officer to complete training and education, approved by the state board,
21 that will enable the school corporation police officer to appropriately
22 deal with individuals with autism and Asperger's syndrome.

23 (b) This subsection applies to a regular or special police officer who
24 is assigned as a security police officer for a school corporation under
25 IC 36-8-3-7. The governing body of the school corporation to which the
26 police officer is assigned shall ensure that the police officer receives
27 training and education, approved by the state board, that will enable the
28 police officer to appropriately deal with individuals with autism and
29 Asperger's syndrome.

30 SECTION 134. IC 20-26-16-1, AS ADDED BY P.L.132-2007,
31 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2013]: Sec. 1. This chapter applies to a school corporation,
33 including a school city (as defined in IC 20-25-2-12): **corporation (as**
34 **defined in IC 20-25-2-12.1).**

35 SECTION 135. IC 20-41-2-7, AS ADDED BY P.L.2-2006,
36 SECTION 164, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2013]: Sec. 7. IC 20-25-4-19 applies to a lunch
38 program established by a school city (as defined in IC 20-25-2-12):
39 **corporation (as defined in IC 20-25-2-12.1).**

40 SECTION 136. IC 20-45-7-3, AS ADDED BY P.L.2-2006,
41 SECTION 168, IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2013]: Sec. 3. As used in this chapter, "ADA"
43 means, as to any qualified school corporation, the average number of
44 pupils in daily attendance in the qualified school corporation,
45 determined in accordance with the rules established by the state board.
46 If territory is transferred from one (1) school corporation to another

1 after April 4, 1973, under IC 20-4-4 (before its repeal), IC 20-3-14
 2 (before its repeal), IC 20-23-5, or IC 20-25-5 (**before its repeal**), ADA
 3 ratio shall be interpreted as though the pupils in the territory had been
 4 transferred in the school year ending in 1973.

5 SECTION 137. IC 20-45-7-4, AS ADDED BY P.L.2-2006,
 6 SECTION 168, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2013]: Sec. 4. As used in this chapter, "ADA
 8 ratio" means, as to any qualified school corporation, the quotient
 9 resulting from a division of that qualified school corporation's current
 10 ADA by that qualified school corporation's ADA for the school year
 11 ending in 1973. However, in any case in which the quotient is less than
 12 one (1), the ADA ratio for the qualified school corporation is one (1).
 13 If territory is transferred from one (1) school corporation to another
 14 after April 4, 1973, under IC 20-4-4 (before its repeal), IC 20-3-14
 15 (before its repeal), IC 20-23-5, or IC 20-25-5 (**before its repeal**), ADA
 16 ratio shall be interpreted as though the pupils in the territory had been
 17 transferred in the school year ending in 1973.

18 SECTION 138. IC 20-45-7-9, AS ADDED BY P.L.2-2006,
 19 SECTION 168, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2013]: Sec. 9. As used in this chapter, "current
 21 ADA" means the most recently determined ADA for the qualified
 22 school corporation in question. If territory is transferred from one (1)
 23 school corporation to another after April 4, 1973, under IC 20-4-4
 24 (before its repeal), IC 20-3-14 (before its repeal), IC 20-23-5, or
 25 IC 20-25-5 (**before its repeal**), current ADA ratio shall be interpreted
 26 as though the pupils in the territory had been transferred in the school
 27 year ending in 1973.

28 SECTION 139. IC 20-48-3-1, AS ADDED BY P.L.2-2006,
 29 SECTION 171, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2013]: Sec. 1. This chapter applies only to **a the**
 31 school ~~city~~; **corporation** to which IC 20-25 applies.

32 SECTION 140. IC 20-48-3-3, AS ADDED BY P.L.2-2006,
 33 SECTION 171, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2013]: Sec. 3. As used in this chapter, "school
 35 city" ~~has the meaning set forth in IC 20-25-2-12.~~ **refers to the school**
 36 **corporation (as defined in IC 20-25-2-12.1).**

37 SECTION 141. IC 23-14-31-26, AS AMENDED BY P.L.6-2012,
 38 SECTION 161, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2013]: Sec. 26. (a) Except as provided in
 40 subsection (c), the following persons, in the priority listed, have the
 41 right to serve as an authorizing agent:

42 (1) A person:

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

45 (B) named in a United States Department of Defense form
 46 "Record of Emergency Data" (DD Form 93) or a successor

- 1 form adopted by the United States Department of Defense, if
- 2 the decedent died while serving in any branch of the United
- 3 States Armed Forces (as defined in 10 U.S.C. 1481) and
- 4 completed the form.
- 5 (2) An individual specifically granted the authority to serve in a
- 6 power of attorney or a health care power of attorney executed by
- 7 the decedent under IC 30-5-5-16.
- 8 (3) The individual who was the spouse of the decedent at the time
- 9 of the decedent's death, except when:
- 10 (A) a petition to dissolve the marriage or for legal separation
- 11 of the decedent and spouse is pending with a court at the time
- 12 of the decedent's death, unless a court finds that the decedent
- 13 and spouse were reconciled before the decedent's death; or
- 14 (B) a court determines the decedent and spouse were
- 15 physically and emotionally separated at the time of death and
- 16 the separation was for an extended time that clearly
- 17 demonstrates an absence of due affection, trust, and regard for
- 18 the decedent.
- 19 (4) The decedent's surviving adult child or, if more than one (1)
- 20 adult child is surviving, the majority of the adult children.
- 21 However, less than half of the surviving adult children have the
- 22 rights under this subdivision if the adult children have used
- 23 reasonable efforts to notify the other surviving adult children of
- 24 their intentions and are not aware of any opposition to the final
- 25 disposition instructions by more than half of the surviving adult
- 26 children.
- 27 (5) The decedent's surviving parent or parents. If one (1) of the
- 28 parents is absent, the parent who is present has authority under
- 29 this subdivision if the parent who is present has used reasonable
- 30 efforts to notify the absent parent.
- 31 (6) The decedent's surviving sibling or, if more than one (1)
- 32 sibling is surviving, the majority of the surviving siblings.
- 33 However, less than half of the surviving siblings have the rights
- 34 under this subdivision if the siblings have used reasonable efforts
- 35 to notify the other surviving siblings of their intentions and are
- 36 not aware of any opposition to the final disposition instructions by
- 37 more than half of the surviving siblings.
- 38 (7) The individual in the next degree of kinship under IC 29-1-2-1
- 39 to inherit the estate of the decedent or, if more than one (1)
- 40 individual of the same degree is surviving, the majority of those
- 41 who are of the same degree. However, less than half of the
- 42 individuals who are of the same degree of kinship have the rights
- 43 under this subdivision if they have used reasonable efforts to
- 44 notify the other individuals who are of the same degree of kinship
- 45 of their intentions and are not aware of any opposition to the final
- 46 disposition instructions by more than half of the individuals who

- 1 are of the same degree of kinship.
- 2 (8) If none of the persons described in subdivisions (1) through
- 3 (7) are available, any other person willing to act and arrange for
- 4 the final disposition of the decedent's remains, including a funeral
- 5 home that:
- 6 (A) has a valid prepaid funeral plan executed under IC 30-2-13
- 7 that makes arrangements for the disposition of the decedent's
- 8 remains; and
- 9 (B) attests in writing that a good faith effort has been made to
- 10 contact any living individuals described in subdivisions (1)
- 11 through (7).
- 12 (9) In the case of an indigent or other individual whose final
- 13 disposition is the responsibility of the state, ~~or township,~~ **or (after**
- 14 **December 31, 2014) a county trustee in the case of a county**
- 15 **having a consolidated city,** the following may serve as the
- 16 authorizing agent:
- 17 (A) If none of the persons identified in subdivisions (1)
- 18 through (8) are available:
- 19 (i) a public administrator, including a responsible township
- 20 trustee or the trustee's designee; or
- 21 (ii) the coroner.
- 22 (B) A state appointed guardian.
- 23 However, an indigent decedent may not be cremated if a
- 24 surviving family member objects to the cremation or if cremation
- 25 would be contrary to the religious practices of the deceased
- 26 individual as expressed by the individual or the individual's
- 27 family.
- 28 (10) In the absence of any person under subdivisions (1) through
- 29 (9), any person willing to assume the responsibility as the
- 30 authorizing agent, as specified in this article.
- 31 (b) When a body part of a nondeceased individual is to be cremated,
- 32 a representative of the institution that has arranged with the crematory
- 33 authority to cremate the body part may serve as the authorizing agent.
- 34 (c) If:
- 35 (1) the death of the decedent appears to have been the result of:
- 36 (A) murder (IC 35-42-1-1);
- 37 (B) voluntary manslaughter (IC 35-42-1-3); or
- 38 (C) another criminal act, if the death does not result from the
- 39 operation of a vehicle; and
- 40 (2) the coroner, in consultation with the law enforcement agency
- 41 investigating the death of the decedent, determines that there is a
- 42 reasonable suspicion that a person described in subsection (a)
- 43 committed the offense;
- 44 the person referred to in subdivision (2) may not serve as the
- 45 authorizing agent.
- 46 (d) The coroner, in consultation with the law enforcement agency

1 investigating the death of the decedent, shall inform the crematory
2 authority of the determination referred to in subsection (c)(2).

3 (e) If a person vested with a right under subsection (a) does not
4 exercise that right not later than seventy-two (72) hours after the person
5 receives notification of the death of the decedent, the person forfeits the
6 person's right to determine the final disposition of the decedent's
7 remains, and the right to determine final disposition passes to the next
8 person described in subsection (a).

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

13 (g) If there is a dispute concerning the disposition of a decedent's
14 remains, a crematory authority is not liable for refusing to accept the
15 remains of the decedent until the crematory authority receives:

16 (1) a court order; or

17 (2) a written agreement signed by the disputing parties;

18 that determines the final disposition of the decedent's remains. If a
19 crematory authority agrees to shelter the remains of the decedent while
20 the parties are in dispute, the crematory authority may collect any
21 applicable fees for storing the remains, including legal fees that are
22 incurred.

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

26 (i) A spouse seeking a judicial determination under subsection
27 (a)(3)(A) that the decedent and spouse were reconciled before the
28 decedent's death may petition the court having jurisdiction over the
29 dissolution or separation proceeding to make this determination by
30 filing the petition under the same cause number as the dissolution or
31 separation proceeding. A spouse who files a petition under this
32 subsection is not required to pay a filing fee.

33 SECTION 142. IC 23-14-33-3.5 IS ADDED TO THE INDIANA
34 CODE AS A NEW SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2013]: **Sec. 3.5. (a) This section applies only**
36 **to a county having a consolidated city.**

37 **(b) After December 31, 2014, the powers and duties established**
38 **by this chapter through IC 23-14-76 are conferred and imposed on**
39 **the mayor of the consolidated city or the mayor's designee with**
40 **respect to property in the county.**

41 **(c) After December 31, 2013, any reference in this chapter**
42 **through IC 23-14-76 to "township board" is considered a reference**
43 **to the city-county council.**

44 **(d) After December 31, 2014, any reference in this chapter**
45 **through IC 23-14-76 to:**

46 **(1) "township" is considered a reference to the geographic**

1 **area of the township in the county; and**
 2 **(2) "township trustee" or "trustee" is considered a reference**
 3 **to the county executive or the county executive's designee to**
 4 **administer this chapter.**

5 SECTION 143. IC 32-26-4-2 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The trustee of
 7 each township, the county highway superintendent, the Indiana
 8 department of transportation, or other officer in control of the
 9 maintenance of a highway shall between January 1 and April 1 of each
 10 year, examine all hedges, live fences, natural growths along highways,
 11 and other obstructions described in section 1 of this chapter in their
 12 respective jurisdictions. **However, after December 31, 2014, in the**
 13 **case of a township in a county having a consolidated city, the duties**
 14 **and obligations of a township trustee under this chapter are**
 15 **transferred to the mayor of the consolidated city or the mayor's**
 16 **designee.** If there are hedges, live fences, other growths, or
 17 obstructions along the highways that have not been cut, trimmed down,
 18 and maintained in accordance with this chapter, the owner shall be
 19 given written notice to cut or trim the hedge or live fence and to burn
 20 the brush trimmed from the hedge or live fence and remove any other
 21 obstructions or growths.

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

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

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

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

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

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

41 (e) The township trustee, county highway superintendent, or Indiana
 42 department of transportation, having charge of the work performed
 43 under subsection (d) shall prepare an itemized statement of the total
 44 cost of the work of removing the obstructions or growths and shall sign
 45 and certify the statement to the county auditor of the county in which
 46 the land is located. The county auditor shall place the statement on the

1 tax duplicates. The county treasurer shall collect the costs entered on
 2 the duplicates at the same time and in the same manner as road taxes
 3 are collected. The treasurer may not issue a receipt for road taxes
 4 unless the costs entered on the duplicates are paid in full at the same
 5 time the road taxes are paid. If the costs are not paid when due, the
 6 costs shall become delinquent, bear the same interest, be subject to the
 7 same penalties, and be collected at the same time and in the same
 8 manner as other unpaid and delinquent taxes.

9 SECTION 144. IC 32-26-9-0.6 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2013]: **Sec. 0.6. (a) This section applies only
 12 to a county having a consolidated city.**

13 **(b) After December 31, 2014, the powers and duties established
 14 by this chapter are conferred and imposed on the mayor of the
 15 consolidated city or the mayor's designee with respect to property
 16 in the county.**

17 **(c) After December 31, 2013, any reference in this chapter to
 18 "township board" is considered a reference to the city-county
 19 council.**

20 **(d) After December 31, 2014, any reference in this chapter to:**
 21 **(1) "township" is considered a reference to the geographic
 22 area of a township in the county; and**
 23 **(2) "township trustee" or "trustee" is considered a reference
 24 to the mayor of the consolidated city or the mayor's designee
 25 to administer this chapter.**

26 SECTION 145. IC 33-34-1-2 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) There are
 28 established township small claims courts in each county containing a
 29 consolidated city.

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

33 **(c) This subsection applies after December 31, 2014. Except as
 34 provided by Indiana law, the small claims courts established under
 35 this chapter operate independently from the circuit and superior
 36 courts. Except for adopting the budget and approving salaries, the
 37 city-county council does not have authority over a small claims
 38 court judge and the operations of a small claims court. The
 39 executive committee of the superior court does not have authority
 40 over a small claims court judge and the operations of a small
 41 claims court.**

42 SECTION 146. IC 33-34-1-8 IS AMENDED TO READ AS
 43 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. The township trustee
 44 **or (after December 31, 2014, in a county having a consolidated
 45 city) the clerk of the city-county council** shall give ten (10) days
 46 notice of all hearings held under section 7 of this chapter in one (1) or

1 more newspapers of general circulation in the county.
2 SECTION 147. IC 33-34-1-9, AS AMENDED BY P.L.174-2006,
3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2013]: Sec. 9. Not more than two (2) weeks after a hearing is
5 conducted under section 7 of this chapter, the township board **or (after**
6 **December 31, 2013) the city-county council** shall, after considering
7 the evidence, opinions, advice, and suggestions presented at the
8 hearing, enter an order concerning:
9 (1) whether a small claims court shall be established or abolished
10 in the township if the township has a population of less than
11 fifteen thousand (15,000) persons;
12 (2) whether the small claims court if any, shall function full time
13 or part time;
14 (3) the location of the small claims court courtroom and offices
15 under IC 33-34-6-1; and
16 (4) other relevant matters.
17 SECTION 148. IC 33-34-2-5 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) The salary of a
19 judge who serves full time must be in an amount determined by the
20 township board of the township in which the small claims court is
21 located **or (after December 31, 2014) in an amount established by**
22 **ordinance adopted by the city-county council.**
23 (b) The salary of each judge who serves part time must be in an
24 amount:
25 (1) determined by the township board and approved by the
26 city-county council; **or**
27 (2) **after December 31, 2014, established by ordinance of the**
28 **city-county council.**
29 (c) The salary of a judge may not be reduced during the judge's term
30 of office.
31 (d) At any other time, salaries of any full-time or part-time judge
32 may be increased or decreased:
33 (1) by the township board of the township in which the small
34 claims court is located; **or**
35 (2) **after December 31, 2014, by ordinance adopted by the**
36 **city-county council.**
37 SECTION 149. IC 33-34-2-6 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The annual salary
39 of a judge shall be paid in twelve (12) equal monthly installments by
40 the township trustee **and, after December 31, 2014, the mayor of the**
41 **consolidated city.**
42 (b) The judge may not receive remuneration other than a salary set
43 under section 5 of this chapter for the performance of the judge's
44 official duties except payments for performing marriage ceremonies.
45 SECTION 150. IC 33-34-2-14 IS AMENDED TO READ AS
46 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 14. (a) The resignation

1 of a judge shall be delivered to the clerk of the circuit court. The clerk
 2 shall advise the circuit court and appropriate township board. **This**
 3 **subsection expires January 1, 2015.**

4 **(b) This subsection applies after December 31, 2014. The**
 5 **resignation of a judge shall be delivered to the clerk of the circuit**
 6 **court. The clerk shall advise the circuit court.**

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

9 SECTION 151. IC 33-34-5-4, AS AMENDED BY P.L.174-2006,
 10 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2013]: Sec. 4. (a) If a judge is unable to preside over the
 12 judge's small claims court during any number of days, the judge may
 13 appoint in writing a person qualified to be a small claims judge under
 14 IC 33-34-2-2 to preside in place of the judge.

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

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

23 SECTION 152. IC 33-34-6-1, AS AMENDED BY P.L.174-2006,
 24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2013]: Sec. 1. The township trustee **or after December 31,**
 26 **2014, the mayor of the consolidated city,** shall provide a courtroom
 27 and an office for each judge in a convenient location within the
 28 township that has:

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

35 SECTION 153. IC 33-34-6-2, AS AMENDED BY P.L.174-2006,
 36 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2013]: Sec. 2. A township **or, after December 31, 2014, the**
 38 **mayor of the consolidated city** shall:

- 39 (1) furnish all:
 - 40 (A) supplies, including all blanks, forms, stationery, and
 41 papers of every kind, required for use in all cases in the
 42 township small claims court; and
 - 43 (B) furniture, books, and other necessary equipment and
 44 supplies; and
- 45 (2) provide for all necessary maintenance and upkeep of the
 46 facilities where court is held.

1 SECTION 154. IC 33-34-6-3 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. **(a) This subsection**
 3 **applies before January 1, 2015.** Each township shall provide an
 4 appropriate and competitive salary of at least five thousand six hundred
 5 dollars (\$5,600) for the number of clerks for the small claims court
 6 sufficient to:

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

9 **(b) This subsection applies after December 31, 2014. The judges**
 10 **shall establish, with the approval of the city-county council, an**
 11 **appropriate and competitive salary of at least five thousand six**
 12 **hundred dollars (\$5,600) for the number of clerks for the small**
 13 **claims court sufficient to:**

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

16 SECTION 155. IC 33-34-6-4 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) The voters of
 18 each township having a small claims court shall elect a constable for
 19 the small claims court at the general election every four (4) years for a
 20 term of office of four (4) years, beginning January 1 after election and
 21 continuing until a successor is elected and qualified. The ballot must
 22 state the:

- 23 (1) name of the candidate; and
- 24 (2) court for which the candidate is to serve.

25 (b) Each small claims court shall have a constable who:

- 26 (1) acts as the bailiff of the court;
- 27 (2) serves the court's personal service of process;
- 28 (3) has police powers to:
 - 29 (A) make arrests;
 - 30 (B) keep the peace; and
 - 31 (C) carry out the orders of the court;
- 32 (4) must meet the qualifications prescribed by IC 3-8-1-31;
- 33 (5) is compensated for each process that is delivered to effect
 34 personal service when serving as the bailiff for the court;
- 35 (6) is responsible for:
 - 36 (A) the preparation and mailing of all registered or certified
 37 service and is compensated for each process served by mail;
 - 38 and
 - 39 (B) all the official acts of the deputies;
- 40 (7) is compensated solely from the service of process fees
 41 collected under IC 33-34-8-1; and
- 42 (8) may require a deputy to give a bond for the proper discharge
 43 of the deputy's duties for an amount fixed by the constable.

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

- 46 (1) perform all the official duties required to be performed by the

- 1 constable;
- 2 (2) possess the same statutory and common law powers and
- 3 authority as the constable;
- 4 (3) must take the same oath required of the constable;
- 5 (4) are compensated solely from the service of process fees
- 6 collected under IC 33-34-8-1; and
- 7 (5) serve at the pleasure of the constable and may be dismissed at
- 8 any time with or without cause.

- 9 (d) If there is an:
 - 10 (1) emergency; or
 - 11 (2) inability of a constable to carry out the constable's duties;
 the judge may appoint a special constable to carry out the duties of the

12 constable during the emergency or inability.

14 **(e) This section expires January 1, 2015.**
 15 SECTION 156. IC 33-34-6-4.5 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2013]: **Sec. 4.5. (a) Subject to subsection (b),**
 18 **this section applies after December 31, 2014.**

19 **(b) Not later than June 30, 2014, a designee of the mayor of the**
 20 **consolidated city shall begin a transition process with the**
 21 **constables of the small claims courts in the county to properly**
 22 **transfer the functions, duties, and responsibilities of the constables**
 23 **to the mayor. The designee of the mayor shall present to the mayor**
 24 **a report on the status of the transition. The report is a public**
 25 **record for purposes of IC 5-14-3 and shall be made available to the**
 26 **public upon request. The transfer of the functions, duties, and**
 27 **responsibilities of each constable to the mayor is effective January**
 28 **1, 2015. On January 1, 2015, all:**

- 29 (1) assets;
 - 30 (2) debts;
 - 31 (3) property rights;
 - 32 (4) equipment;
 - 33 (5) records; and
 - 34 (6) contracts;
- 35 **connected with the operations of each constable are transferred to**
 36 **the mayor.**

37 **(c) On January 1, 2015, the department of public safety of the**
 38 **consolidated city established in IC 36-3-5-4(a)(3) shall provide to**
 39 **each small claims court adequate personnel to:**

- 40 (1) act as bailiffs of the court;
- 41 (2) serve the court's personal service of process;
- 42 (3) carry out the orders of the court; and
- 43 (4) prepare and mail all registered or certified service.

44 **(d) As part of the annual budget process of the county, the**
 45 **city-county council shall establish an appropriate salary for each**
 46 **county employee responsible for constable duties, including the**

1 **constable, for 2015 and thereafter.**

2 SECTION 157. IC 33-34-7-3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. The judge of the
4 circuit court, with the assistance of the clerk of the circuit court, the
5 judges of the small claims courts, and the state board of accounts, shall,
6 at the expense of the townships **and, after December 31, 2014, at the**
7 **expense of the county:**

8 (1) provide the forms, blanks, court calendar books, judgment
9 dockets, and fee books; and

10 (2) make rules and instructions to direct the judges in keeping
11 records and making reports.

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

15 SECTION 158. IC 33-34-8-1, AS AMENDED BY P.L.136-2012,
16 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2013]: Sec. 1. (a) The following fees and costs apply to cases
18 in the small claims court:

19 (1) A township docket fee of five dollars (\$5) plus forty-five
20 percent (45%) of the infraction or ordinance violation costs fee
21 under IC 33-37-4-2.

22 (2) The bailiff's service of process by registered or certified mail
23 fee of thirteen dollars (\$13) for each service. **This subdivision**
24 **does not apply after December 31, 2014.**

25 **(3) After December 31, 2014, a fee for service of process by**
26 **registered or certified mail of thirteen dollars (\$13) for each**
27 **service.**

28 ~~(4)~~ **(4)** The cost for the personal service of process by the bailiff
29 or other process server of thirteen dollars (\$13) for each service.
30 **This subdivision does not apply after December 31, 2014.**

31 **(5) After December 31, 2014, the cost for the personal service**
32 **of process by the process server of thirteen dollars (\$13) for**
33 **each service.**

34 ~~(6)~~ **(6)** Witness fees, if any, in the amount provided by
35 IC 33-37-10-3 to be taxed and charged in the circuit court.

36 ~~(7)~~ **(7)** A redocketing fee, if any, of five dollars (\$5).

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

38 ~~(9)~~ **(9)** An automated record keeping fee under IC 33-37-5-21.

39 ~~(10)~~ **(10)** A late fee, if any, under IC 33-37-5-22.

40 ~~(11)~~ **(11)** A public defense administration fee under
41 IC 33-37-5-21.2.

42 ~~(12)~~ **(12)** A judicial insurance adjustment fee under
43 IC 33-37-5-25.

44 ~~(13)~~ **(13)** A judicial salaries fee under IC 33-37-5-26.

45 ~~(14)~~ **(14)** A court administration fee under IC 33-37-5-27.

46 ~~(15)~~ **(15)** Before July 1, 2017, a pro bono legal services fee under

1 IC 33-37-5-31.
2 The docket fee and the cost for the initial service of process shall be
3 paid at the institution of a case. The cost of service after the initial
4 service shall be assessed and paid after service has been made. The
5 cost of witness fees shall be paid before the witnesses are called.
6 (b) If the amount of the township docket fee computed under
7 subsection (a)(1) is not equal to a whole number, the amount shall be
8 rounded to the next highest whole number.
9 SECTION 159. IC 33-34-8-3, AS AMENDED BY P.L.136-2012,
10 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2013]: Sec. 3. (a) Payment for all costs made as a result of
12 proceedings in a small claims court shall be to the _____ Township
13 of Marion County Small Claims Court (with the name of the township
14 inserted). The court shall issue a receipt for all money received on a
15 form numbered serially in duplicate. All township docket fees and late
16 fees received by the court shall be paid to the township trustee **and,**
17 **after December 31, 2014, the county,** at the close of each month.
18 (b) The ~~court~~ **county auditor** shall:
19 (1) semiannually distribute to the auditor of state:
20 (A) all automated record keeping fees (IC 33-37-5-21)
21 received by the court for deposit in the homeowner protection
22 unit account established by IC 4-6-12-9 and the state user fee
23 fund established under IC 33-37-9;
24 (B) all public defense administration fees collected by the
25 court under IC 33-37-5-21.2 for deposit in the state general
26 fund;
27 (C) sixty percent (60%) of all court administration fees
28 collected by the court under IC 33-37-5-27 for deposit in the
29 state general fund;
30 (D) all judicial insurance adjustment fees collected by the
31 court under IC 33-37-5-25 for deposit in the judicial branch
32 insurance adjustment account established by IC 33-38-5-8.2;
33 (E) seventy-five percent (75%) of all judicial salaries fees
34 collected by the court under IC 33-37-5-26 for deposit in the
35 state general fund; and
36 (F) one hundred percent (100%) of the pro bono legal services
37 fees collected before July 1, 2017, by the court under
38 IC 33-37-5-31; and
39 (2) distribute monthly to the county auditor all document storage
40 fees received by the court.
41 (c) The remaining twenty-five percent (25%) of the judicial salaries
42 fees described in ~~subdivision (1)(E)~~ **subsection (b)(1)(E)** shall be
43 deposited monthly in the **following**:
44 **(1)** The township general fund of the township in which the court
45 is located. The county auditor shall deposit fees distributed under
46 ~~subdivision (2)~~ **subsection (b)(2)** into the clerk's record

1 perpetuation fund under IC 33-37-5-2. **This subdivision does not**
 2 **apply after December 31, 2014.**

3 **(2) After December 31, 2014, the county general fund.**
 4 **Deposits made under this subdivision shall be credited to the**
 5 **township small claims courts account described in section 5 of**
 6 **this chapter.**

7 ~~(e)~~ **(d) The court semiannually shall do the following:**

8 **(1) Pay to the township trustee of the township in which the court**
 9 **is located the remaining forty percent (40%) of the court**
 10 **administration fees described under subsection (b)(1)(C) to fund**
 11 **the operations of the small claims court in the trustee's township.**

12 **This subdivision does not apply after December 31, 2014.**

13 **(2) After December 31, 2014, pay to the clerk of the circuit**
 14 **court the remaining forty percent (40%) of the court**
 15 **administration fees described under subsection (b)(1)(C) to**
 16 **fund the operations of the small claims court. The court**
 17 **administration fees shall be deposited in the county general**
 18 **fund and credited to the township small claims courts account**
 19 **described in section 5 of this chapter.**

20 SECTION 160. IC 33-34-8-5 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2013]: **Sec. 5. (a) This section applies after**
 23 **December 31, 2014.**

24 **(b) Fees and costs paid and collected under sections 1 and 3 of**
 25 **this chapter shall be deposited in the county general fund and**
 26 **credited to a separate account identified as the township small**
 27 **claims courts account.**

28 **(c) The mayor of the consolidated city may expend funds**
 29 **credited to the township small claims courts account, without**
 30 **appropriation, only for the purpose of administering this article.**

31 SECTION 161. IC 36-1-2-6, AS AMENDED BY P.L.186-2006,
 32 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2013]: **Sec. 6. "Fiscal body" means the following:**

34 **(1) The county council, for a county not having a consolidated**
 35 **city.**

36 **(2) The city-county council, for a consolidated city or county**
 37 **having a consolidated city.**

38 **(3) The common council, for a city other than a consolidated city.**

39 **(4) The town council, for a town.**

40 **(5) The township board, for a township other than a township**
 41 **in a county having a consolidated city.**

42 **(6) In a county having a consolidated city, for a township:**

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

44 **(B) the city-county council, after December 31, 2012.**

45 ~~(6)~~ **(7) The governing body or budget approval body, for any**
 46 **other political subdivision that has a governing body or budget**

1 approval body. or
2 ~~(7)~~ **(8)** The chief executive officer of any other political
3 subdivision that does not have a governing body or budget
4 approval body.

5 SECTION 162. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,
6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2013]: Sec. 9. "Legislative body" means the **following:**

- 8 (1) **The** board of county commissioners, for a county not subject
9 to IC 36-2-3.5 or IC 36-3-1.
- 10 (2) **The** county council, for a county subject to IC 36-2-3.5.
- 11 (3) **The** city-county council, for a consolidated city or county
12 having a consolidated city.
- 13 (4) **The** common council, for a city other than a consolidated city.
- 14 (5) **The** town council, for a town.
- 15 (6) **The** township board, for a township **other than a township**
16 **in a county having a consolidated city.**
- 17 **(7) In a county having a consolidated city, for a township:**
- 18 **(A) the township board, before January 1, 2014; and**
- 19 **(B) the city-county council, after December 31, 2013.**

20 ~~(7)~~ **(8)** The governing body of any other political subdivision that
21 has a governing body. or

22 ~~(8)~~ **(9)** The chief executive officer of any other political
23 subdivision that does not have a governing body.

24 SECTION 163. IC 36-2-6-4.6 IS ADDED TO THE INDIANA
25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2013]: **Sec. 4.6. (a) This section applies after**
27 **December 31, 2014, but only to a county having a consolidated city.**

28 **(b) Notwithstanding IC 5-11-10, the county auditor may make**
29 **payments for claims payable from the township assistance fund**
30 **under IC 12-20-21-6 in advance of allowance by the mayor of the**
31 **consolidated city. Each payment of expenses under this section**
32 **must be supported by a fully itemized invoice or bill and**
33 **certification by the county auditor.**

34 SECTION 164. IC 36-3-1-0.3, AS ADDED BY P.L.220-2011,
35 SECTION 647, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2013]: Sec. 0.3. The general assembly finds the
37 following:

- 38 (1) A consolidated city faces unique budget challenges due to a
39 high demand for services combined with the large number of tax
40 exempt properties located in a consolidated city as the seat of
41 state government, home to several institutions of higher
42 education, and home to numerous national, state, and regional
43 nonprofit corporations.
- 44 (2) By virtue of its size and population density, a consolidated city
45 has unique overlapping territories of county and city government
46 and an absence of unincorporated areas within its county.

- 1 (3) Substantial operational efficiencies, reduction of
- 2 administrative costs, and economies of scale may be obtained in
- 3 a consolidated city through consolidation of ~~certain~~ all county,
- 4 city, and township functions.
- 5 (4) Consolidation of ~~certain~~ all county, city, and township
- 6 services and operations will serve the public purpose by allowing
- 7 the consolidated city to:
- 8 (A) eliminate duplicative services;
- 9 (B) provide better coordinated and more uniform delivery of
- 10 local governmental services;
- 11 (C) provide uniform oversight and accountability for the
- 12 budgets for local governmental services; and
- 13 (D) allow local government services to be provided more
- 14 efficiently and at a lower cost than without consolidation.
- 15 (5) Efficient and fiscally responsible operation of local
- 16 government benefits the health and welfare of the citizens of a
- 17 consolidated city and is of public utility and benefit.
- 18 (6) The public purpose of those parts of P.L.227-2005 relating to
- 19 a consolidated city is to provide a consolidated city with the
- 20 means to perform essential governmental services for its citizens
- 21 in an effective, efficient, and fiscally responsible manner.

22 SECTION 165. IC 36-3-1-1.3 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2013]: **Sec. 1.3. As used in this article, after**
 25 **June 30, 2013, "effective date of the consolidation" refers to**
 26 **January 1, 2015.**

27 SECTION 166. IC 36-3-1-4 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) When a first class
 29 city becomes a consolidated city, the first class city is abolished as a
 30 separate entity, and the territory of the consolidated city includes:

- 31 (1) all the territory that comprised the first class city before it
- 32 became a consolidated city; ~~and~~
- 33 (2) all other territory in the county except territory of an excluded
- 34 city; ~~and~~
- 35 **(3) all the territory in the county on the effective date of the**
- 36 **consolidation.**

37 However, certain departments and special taxing districts of the
 38 consolidated city may have jurisdiction as provided by law over more
 39 or less territory than that inside the boundaries of the consolidated city.

40 (b) The consolidated city is known as "City of _____," with the
 41 name of the first class city inserted in the blank.

42 (c) ~~Unless the executive and legislative body of the consolidated~~
 43 ~~city are elected during the interim period and take office on the date~~
 44 ~~prescribed by section 2(3) of this chapter, the members of the interim~~
 45 ~~government prescribed by section 3 of this chapter continue in office~~
 46 ~~as officers of the consolidated city until an executive and a legislative~~

- 1 body of the consolidated city are elected and qualified."
- 2 Delete page 2.
- 3 Page 3, delete lines 1 through 6.
- 4 Page 3, line 13, delete "The" and insert **"After December 31, 2014,**
- 5 **the"**.
- 6 Page 3, line 14, delete "must be a division of the department of" and
- 7 insert **"includes all dissolved law enforcement departments as**
- 8 **provided in section 5.2 of this chapter."**
- 9 Page 3, delete lines 15 through 16.
- 10 Page 5, between lines 40 and 41, begin a new paragraph and insert:
- 11 "SECTION 168. IC 36-3-1-5.2 IS ADDED TO THE INDIANA
- 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 13 [EFFECTIVE JULY 1, 2013]: **Sec. 5.2. (a) As used in this section,**
- 14 **"consolidated law enforcement department" refers to the law**
- 15 **enforcement department established under section 5.1 of this**
- 16 **chapter.**
- 17 **(b) As used in this section, "dissolved law enforcement**
- 18 **department" refers to a law enforcement department of:**
- 19 **(1) an excluded city; or**
- 20 **(2) any other political subdivision in the county.**
- 21 **The term does not include the consolidated law enforcement**
- 22 **department or the county sheriff's department.**
- 23 **(c) On January 1, 2015, the following apply:**
- 24 **(1) Each dissolved law enforcement department is abolished.**
- 25 **(2) All the personal property under the control of a dissolved**
- 26 **law enforcement department is transferred to the**
- 27 **consolidated law enforcement department.**
- 28 **(3) All the records of a dissolved law enforcement department**
- 29 **are transferred to the consolidated law enforcement**
- 30 **department.**
- 31 **(4) The employees of each dissolved law enforcement**
- 32 **department become employees of the consolidated law**
- 33 **enforcement department.**
- 34 **(5) An employee of a dissolved law enforcement department**
- 35 **remains a member of the pension fund that the employee was**
- 36 **a member of on December 31, 2014. The employee retains,**
- 37 **after the consolidation, credit in the fund for service earned**
- 38 **while an employee of the dissolved law enforcement**
- 39 **department and continues to earn service credit in that fund**
- 40 **as a member of the consolidated law enforcement department**
- 41 **for purposes of determining the member's benefits from the**
- 42 **fund.**
- 43 **(6) The merit board and the merit system of each dissolved**
- 44 **law enforcement department are dissolved, and the duties of**
- 45 **the merit board are transferred to and assumed by the merit**
- 46 **board for the consolidated law enforcement department.**

1 **(d) A reference to a dissolved law enforcement department in a**
 2 **statute, rule, or legal document is, after June 30, 2015, considered**
 3 **a reference to the consolidated law enforcement department.**

4 SECTION 169. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
 5 SECTION 560, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2013]: Sec. 6.1. (a) **This section applies only in**
 7 **a county containing a consolidated city. If the requirements of**
 8 **subsection (g) are satisfied, the fire departments of The following are**
 9 **consolidated into the fire department of a the consolidated city**
 10 **(referred to as "the consolidated fire department") on the effective date**
 11 **of the consolidation:**

12 (1) **The fire department of a township for which the**
 13 **consolidation is approved by the township legislative body and**
 14 **trustee and the legislative body and mayor of the consolidated**
 15 **city: located in the county, that has not previously been**
 16 **consolidated into the fire department of the consolidated city.**

17 (2) Any fire protection territory established under IC 36-8-19 that
 18 is located in a township described in subdivision (1).

19 (3) **The fire department of any other political subdivision in**
 20 **the county.**

21 (b) **If the requirements of subsection (g) are satisfied, The**
 22 **consolidated fire department shall provide fire protection services**
 23 **within an entity described in subsection (a)(1) or (a)(2) in which the**
 24 **requirements of subsection (g) are satisfied on the date agreed to in the**
 25 **resolution of the township legislative body and the ordinance of the**
 26 **legislative body of the consolidated city: the consolidated city.**

27 (c) **If the requirements of subsection (g) are satisfied and the fire**
 28 **department of an entity listed in subsection (a) is consolidated into the**
 29 **fire department of the consolidated city, All of the property, equipment,**
 30 **records, rights, and contracts of the department consolidated into the**
 31 **fire department of the consolidated city are:**

32 (1) transferred to; or

33 (2) assumed by;

34 **the consolidated city on the effective date of the consolidation.**
 35 **However, real property other than real property used as a fire station**
 36 **may be transferred only on terms mutually agreed to by the legislative**
 37 **body and mayor of the consolidated city and the trustee and legislative**
 38 **body of the township in which that real property is located:**

39 (d) **If the requirements of subsection (g) are satisfied and the fire**
 40 **department of an entity listed in subsection (a) is consolidated into the**
 41 **fire department of the consolidated city, The employees of the fire**
 42 **department consolidated into the fire department of the consolidated**
 43 **city cease employment with the department of the entity listed in**
 44 **subsection (a) and become employees of the consolidated fire**
 45 **department on the effective date of the consolidation. The consolidated**
 46 **city shall assume all agreements with labor organizations that:**

- 1 (1) are in effect on the effective date of the consolidation; and
- 2 (2) apply to employees of the department consolidated into the
- 3 fire department of the consolidated city who become employees
- 4 of the consolidated fire department.
- 5 (e) If the requirements of subsection (g) are satisfied and the fire
- 6 department of an entity listed in subsection (a) is consolidated into the
- 7 fire department of a consolidated city; The indebtedness related to fire
- 8 protection services incurred before the effective date of the
- 9 consolidation by the entity or a building, holding, or leasing
- 10 corporation on behalf of the entity whose fire department is
- 11 consolidated into the consolidated fire department under subsection (a)
- 12 **becomes shall remain the debt of the entity and does not become and**
- 13 **may not be assumed by the consolidated city.** Indebtedness related to
- 14 fire protection services that is incurred by the consolidated city before
- 15 the effective date of the consolidation shall remain the debt of the
- 16 consolidated city and property taxes levied to pay the debt may only be
- 17 levied by the fire special service district.
- 18 (f) If the requirements of subsection (g) are satisfied and the fire
- 19 department of an entity listed in subsection (a) is consolidated into the
- 20 fire department of a consolidated city; The merit board and the merit
- 21 system **of each of the** fire department that is consolidated are dissolved
- 22 on the effective date of the consolidation, and the duties of the merit
- 23 board are transferred to and assumed by the merit board for the
- 24 consolidated fire department on the effective date of the consolidation.
- 25 (g) A township legislative body; after approval by the township
- 26 trustee; may adopt a resolution approving the consolidation of the
- 27 township's fire department with the fire department of the consolidated
- 28 city. A township legislative body may adopt a resolution under this
- 29 subsection only after the township legislative body has held a public
- 30 hearing concerning the proposed consolidation. The township
- 31 legislative body shall hold the hearing not earlier than thirty (30) days
- 32 after the date the resolution is introduced. The hearing shall be
- 33 conducted in accordance with IC 5-14-1.5 and notice of the hearing
- 34 shall be published in accordance with IC 5-3-1. If the township
- 35 legislative body has adopted a resolution under this subsection; the
- 36 township legislative body shall; after approval from the township
- 37 trustee; forward the resolution to the legislative body of the
- 38 consolidated city. If such a resolution is forwarded to the legislative
- 39 body of the consolidated city and the legislative body of the
- 40 consolidated city adopts an ordinance; approved by the mayor of the
- 41 consolidated city; approving the consolidation of the fire department of
- 42 the township into the fire department of the consolidated city; the
- 43 requirements of this subsection are satisfied. The consolidation shall
- 44 take effect on the date agreed to by the township legislative body in its
- 45 resolution and by the legislative body of the consolidated city in its
- 46 ordinance approving the consolidation.

1 ~~(h)~~ **(g)** The following apply if the requirements of subsection ~~(g)~~ are
2 satisfied: **to a consolidation that occurs under this section on the**
3 **effective date of the consolidation:**

4 (1) The consolidation of the fire department of ~~that the~~ township
5 **or other political subdivision** is effective on the date agreed to
6 by the township legislative body in the resolution and by the
7 legislative body of the consolidated city in its ordinance
8 approving the consolidation: **the effective date of the**
9 **consolidation.**

10 (2) Notwithstanding any other provision, a firefighter:
11 (A) who is a member of the 1977 fund before the effective
12 date of ~~a the~~ consolidation; ~~under this section;~~ and
13 (B) who, after the consolidation, becomes an employee of the
14 fire department of a consolidated city under this section;
15 remains a member of the 1977 fund without being required to
16 meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The
17 firefighter shall receive credit for any service as a member of the
18 1977 fund before the consolidation to determine the firefighter's
19 eligibility for benefits under IC 36-8-8.

20 (3) Notwithstanding any other provision, a firefighter:
21 (A) who is a member of the 1937 fund before the effective
22 date of ~~a the~~ consolidation ~~under this section;~~ and
23 (B) who, after the consolidation, becomes an employee of the
24 fire department of a consolidated city under this section;
25 remains a member of the 1937 fund. The firefighter shall receive
26 credit for any service as a member of the 1937 fund before the
27 consolidation to determine the firefighter's eligibility for benefits
28 under IC 36-8-7.

29 (4) For property taxes first due and payable in the year in which
30 the consolidation is effective, the maximum permissible ad
31 valorem property tax levy under IC 6-1.1-18.5:

32 (A) is increased for the consolidated city by an amount equal
33 to the maximum permissible ad valorem property tax levy in
34 the year preceding the year in which the consolidation is
35 effective for fire protection and related services by the
36 township whose fire department is consolidated into the fire
37 department of the consolidated city under this section; and

38 (B) is reduced for the township whose fire department is
39 consolidated into the fire department of the consolidated city
40 under this section by the amount equal to the maximum
41 permissible ad valorem property tax levy in the year preceding
42 the year in which the consolidation is effective for fire
43 protection and related services for the township.

44 (5) The amount levied in the year preceding the year in which the
45 consolidation is effective by the township whose fire department
46 is consolidated into the fire department of the consolidated city

1 for the township's cumulative building and equipment fund for
2 fire protection and related services is transferred on the effective
3 date of the consolidation to the consolidated city's cumulative
4 building and equipment fund for fire protection and related
5 services, which is hereby established. The consolidated city is
6 exempted from the requirements of IC 36-8-14 and IC 6-1.1-41
7 regarding establishment of the cumulative building and
8 equipment fund for fire protection and related services.

9 (6) The local boards for the 1937 firefighters' pension fund and
10 the 1977 police officers' and firefighters' pension and disability
11 fund of the township **or other political subdivision** are dissolved,
12 and their services are terminated not later than the effective date
13 of the consolidation. The duties performed by the local boards
14 under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the
15 consolidated city's local board for the 1937 firefighters' pension
16 fund and local board for the 1977 police officers' and firefighters'
17 pension and disability fund, respectively. Notwithstanding any
18 other provision, the legislative body of the consolidated city may
19 adopt an ordinance to adjust the membership of the consolidated
20 city's local board to reflect the consolidation.

21 (7) The consolidated city may levy property taxes within the
22 consolidated city's maximum permissible ad valorem property tax
23 levy limit to provide for the payment of the expenses for the
24 operation of the consolidated fire department. However, property
25 taxes to fund the pension obligation under IC 36-8-7 for members
26 of the 1937 firefighters fund who were employees of the
27 consolidated city at the time of the consolidation may be levied
28 only by the fire special service district within the fire special
29 service district. The fire special service district established under
30 IC 36-3-1-6 may levy property taxes to provide for the payment
31 of expenses for the operation of the consolidated fire department
32 within the territory of the fire special service district. Property
33 taxes to fund the pension obligation under IC 36-8-8 for members
34 of the 1977 police officers' and firefighters' pension and disability
35 fund who were members of the fire department of the
36 consolidated city on the effective date of the consolidation may be
37 levied only by the fire special service district within the fire
38 special service district. Property taxes to fund the pension
39 obligation for members of the 1937 firefighters fund who were
40 not members of the fire department of the consolidated city on the
41 effective date of the consolidation and members of the 1977
42 police officers' and firefighters' pension and disability fund who
43 were not members of the fire department of the consolidated city
44 on the effective date of the consolidation may be levied by the
45 consolidated city within the city's maximum permissible ad
46 valorem property tax levy. However, these taxes may be levied

1 only within the fire special service district and any townships that
2 have consolidated fire departments under this section.

3 (8) The executive of the consolidated city shall provide for an
4 independent evaluation and performance audit, due before March
5 † of the year in which the consolidation is effective and before
6 March † in each of the following two (2) years; to determine:

7 (A) the amount of any cost savings; operational efficiencies; or
8 improved service levels; and

9 (B) any tax shifts among taxpayers;
10 that result from the consolidation. The independent evaluation
11 and performance audit must be provided to the legislative council
12 in an electronic format under IC 5-14-6 and to the state budget
13 committee.

14 SECTION 170. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005,
15 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2013]: Sec. 6.2. (a) ~~If a~~ **After the** consolidated fire department
17 is established under section 6.1 of this chapter, the consolidated city,
18 through the consolidated fire department, shall after the consolidation
19 establish, operate, and maintain emergency ambulance services (as
20 defined in IC 16-18-2-107) ~~in the fire special service district and in~~
21 ~~those townships in the county that are consolidated under section 6.†~~
22 ~~of this chapter.~~ **throughout the consolidated city.**

23 (b) This section does not prohibit the providing of emergency
24 ambulance services under an interlocal agreement under IC 36-1-7.

25 SECTION 171. IC 36-3-1-7 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) A municipality
27 ~~other than a first class city, having a population of more than five~~
28 ~~thousand (5,000) in the county is known as that is~~ an excluded city and
29 ~~does not become before July 1, 2013, becomes~~ part of the
30 consolidated city under this chapter ~~In addition, a municipality that had~~
31 ~~qualified as an excluded city before January †, 1973, under~~
32 ~~IC 18-4-1-2(d) (repealed September †, 1981); is considered an~~
33 ~~excluded city.~~ **on the effective date of the consolidation. Any other**

34 (b) **The part of a municipality is known as an included town and**
35 **does become before July 1, 2013, and located in the county:**

- 36 (1) **remains** part of the consolidated city under this chapter; and
- 37 (2) **has no municipal or other governmental status beginning**
38 **on the effective date of the consolidation.**

39 (b) This article applies to any part of an included town that is inside
40 the county boundaries, even though part of it is outside those
41 boundaries.

42 (c) **The following apply on the effective date of the**
43 **consolidation:**

- 44 (1) **Each excluded city and included town is abolished.**
- 45 (2) **Notwithstanding any other law, each elected office of an**
46 **excluded city or an included town is abolished and the term of**

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office of an individual who holds an elected office of an excluded city or an included town is terminated.

(3) All the property, equipment, records, rights, and contracts of an excluded city or an included town are transferred to or assumed by the consolidated city.

(4) The ordinances of an excluded city or an included town are void.

(5) The ordinances of the consolidated city apply in the territory that was the excluded city or an included town before January 1, 2015.

(6) All distributions that would otherwise be made to an excluded city or an included town under a statute shall be made to the consolidated city.

(7) An employee of an excluded city or an included town becomes an employee of the consolidated city. An employee of an excluded city or an included town remains a member of the pension fund that the employee was a member of on December 31, 2014. The employee retains, after the effective date of the consolidation, credit in the fund for service earned while an employee of the excluded city or included town and continues to earn service credit in that fund as an employee of the consolidated school corporation for purposes of determining the member's benefits from the fund.

(8) The consolidated city is responsible for carrying out the municipal powers and duties formerly carried out by the excluded city or the included town.

(d) Beginning on the effective date of the consolidation, any reference to an excluded city or an included town in any law, ordinance, resolution, or other legal document, is considered a reference to the consolidated city.

(e) Except as provided in IC 6-1.1-18.5-22, the maximum permissible ad valorem property tax levy for the consolidated city must increase for property taxes first due and payable after December 31, 2014, by an amount equal to:

(1) the combined maximum ad valorem property tax levies for property taxes first due and payable in 2013 of all political subdivisions that are abolished or have their powers and duties transferred to the consolidated city on the effective date of the consolidation; multiplied by

(2) the assessed value growth quotient determined under IC 6-1.1-18.5-2.

Notwithstanding any other law, the department of local government finance may adjust the maximum permissible ad valorem property tax levies, budgets, and tax rates of any political subdivision and the distribution of any excise taxes as necessary and proper to account for the transfer of powers and duties from political subdivisions that are abolished or have their powers and

1 **duties transferred to the consolidated city on the effective date of**
2 **the consolidation.**

3 SECTION 172. IC 36-3-1-10 IS REPEALED [EFFECTIVE JULY
4 1, 2013]. ~~Sec. 10: If any annexation proceedings concerning territory~~
5 ~~inside the county are pending when a first class city becomes a~~
6 ~~consolidated city; the annexation proceedings shall be continued as if~~
7 ~~this chapter did not apply. However, if the annexation later takes effect,~~
8 ~~the following provisions apply:~~

9 (1) ~~If the annexation is by the first class city, it has the effect of~~
10 ~~expanding the special service districts created by section 6 of this~~
11 ~~chapter.~~

12 (2) ~~If the annexation is by another municipality in the county; it~~
13 ~~has the effect of expanding the municipality as an excluded city~~
14 ~~or included town.~~

15 SECTION 173. IC 36-3-1-11 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) Political
17 subdivisions in the county are not affected when a first class city
18 becomes a consolidated city, except to the extent that this title limits
19 their functions or transfers them to the consolidated city. Such a
20 political subdivision continues to have:

21 (1) the power to levy and collect property taxes in furtherance of
22 functions not transferred to the consolidated city; and

23 (2) if applicable, the power to adopt and enforce ordinances
24 prescribing a penalty for violation.

25 In addition, an excluded city or included town continues to have the
26 right to receive distributions of revenues collected by the state, in the
27 manner prescribed by statute, including distributions from the motor
28 vehicle highway account, the cigarette tax fund, alcoholic beverage
29 fees, and other tax revenues.

30 **(b) This section expires January 1, 2015.**

31 SECTION 174. IC 36-3-1-12 IS REPEALED [EFFECTIVE JULY
32 1, 2012]. ~~Sec. 12: This chapter does not alter the status, boundaries, or~~
33 ~~ordinances of political subdivisions in a county where a first class city~~
34 ~~became a consolidated city before September 1, 1981. The status,~~
35 ~~boundaries, and ordinances remain as they existed on August 31, 1981,~~
36 ~~until altered according to the applicable law.~~

37 SECTION 175. IC 36-3-2-2 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The consolidated
39 city has home rule powers under IC 36-1-3, including all the powers
40 that a first class city has according to law. In addition, the consolidated
41 city has the power to levy and collect taxes on taxable privileges and
42 to regulate those privileges.

43 (b) ~~If the consolidated city wants to annex territory inside the~~
44 ~~county, it must do so in the manner prescribed by section 7 of this~~
45 ~~chapter.~~

46 (c) (b) The consolidated city may not annex territory outside the

1 county.

2 SECTION 176. IC 36-3-2-4 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) An excluded city
4 has home rule powers under IC 36-1-3, including all the powers that
5 municipalities of its class have according to law.

6 (b) An excluded city that wants to annex territory inside the county
7 must do so in the manner prescribed by section 7 of this chapter.

8 (c) An excluded city that wants to annex territory outside the county
9 may do so in any manner prescribed by ~~IC 36-4-3~~.

10 **(b) This section expires January 1, 2015.**

11 SECTION 177. IC 36-3-2-5 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) An included town
13 has home rule powers under IC 36-1-3, including all the powers that
14 municipalities of its class have according to law. However, an included
15 town may not:

16 (1) enforce an ordinance or regulation that is in conflict with or
17 permits a lesser standard than an applicable ordinance or
18 regulation of the consolidated city; or

19 (2) issue general obligation bonds.

20 (b) An included town that wants to annex territory inside the county
21 may annex only territory that is outside the corporate boundaries of the
22 excluded cities in the county. This subsection applies notwithstanding
23 ~~IC 36-4-3-2~~; however:

24 (1) the included town must follow the procedures prescribed by
25 ~~IC 36-4-3~~ for other annexations; and

26 (2) all territory annexed under this subsection remains part of the
27 consolidated city.

28 (c) An included town that wants to annex territory outside the
29 county may do so in any manner prescribed by ~~IC 36-4-3~~.

30 **(b) This section expires January 1, 2015.**

31 SECTION 178. IC 36-3-2-7 IS REPEALED [EFFECTIVE JULY 1,
32 2013]. Sec. 7: (a) This section governs the transfer of territory that is
33 either:

34 (1) inside the corporate boundaries of the consolidated city and
35 contiguous to an excluded city; or

36 (2) inside the corporate boundaries of an excluded city and
37 contiguous to the consolidated city.

38 ~~IC 36-4-3~~ does not apply to such a transfer.

39 (b) If the owners of land located in territory described in subsection
40 (a) want to have that territory transferred from one (1) municipality to
41 the other, they must file:

42 (1) a petition for annexation of that territory with the legislative
43 body of the contiguous municipality; and

44 (2) a petition for disannexation of that territory with the legislative
45 body of the municipality containing that territory.

46 Each petition must be signed by at least fifty-one percent (51%) of the

1 owners of land in the territory sought to be transferred. The territory
 2 must be reasonably compact in configuration, and its boundaries must
 3 generally follow streets or natural boundaries.

4 (c) Each legislative body shall, not later than sixty (60) days after a
 5 petition is filed with it under subsection (b); either approve or
 6 disapprove the petition; with the following results:

7 (1) Except as provided in subsection (g); if both legislative bodies
 8 approve, the transfer of territory takes effect:

9 (A) on the effective date of the approval of the latter
 10 legislative body to act; and

11 (B) when a copy of each transfer approval has been filed under
 12 subsection (f):

13 (2) If the legislative body of the contiguous municipality
 14 disapproves or fails to act within the prescribed period; the
 15 proceedings are terminated:

16 (3) If the legislative body of the contiguous municipality approves
 17 but the legislative body of the other municipality disapproves or
 18 fails to act within the prescribed period; the proceedings are
 19 terminated unless there is an appeal under subsection (d):

20 (d) In the case described by subsection (c)(3); the petitioners may;
 21 not later than sixty (60) days after the disapproval or expiration of the
 22 prescribed period; appeal to the circuit court. The appeal must allege
 23 that the benefits to be derived by the petitioners from the transfer
 24 outweigh the detriments to the municipality that has failed to approve;
 25 which is defendant in the appeal:

26 (e) The court shall try an appeal under subsection (d) as other civil
 27 actions; but without a jury. If the court determines that:

28 (1) the requirements of this section have been met; and

29 (2) the benefits to be derived by the petitioners outweigh the
 30 detriments to the municipality;

31 it shall order the transfer of territory to take effect on the date its order
 32 becomes final; subject to subsection (g); and shall file the order under
 33 subsection (f). However; if the municipality; or a district of it; is
 34 furnishing sanitary sewer service or municipal water service in the
 35 territory; or otherwise has expended substantial sums for public
 36 facilities (other than roads) specially benefiting the territory; the court
 37 shall deny the transfer:

38 (f) A municipal legislative body that approves a transfer of territory
 39 under subsection (c) or a court that approves a transfer under
 40 subsection (e) shall file a copy of the approval or order; setting forth a
 41 legal description of the territory to be transferred; with:

42 (1) the office of the secretary of state; and

43 (2) the circuit court clerk of each county in which the
 44 municipality is located:

45 (g) A transfer of territory under this section may not take effect
 46 during the year preceding a year in which a federal decennial census is

1 conducted. A transfer of territory that would otherwise take effect
 2 during the year preceding a year in which a federal decennial census is
 3 conducted takes effect January 1 of the year in which a federal
 4 decennial census is conducted.

5 (h) A petition for annexation or disannexation under this section
 6 may not be filed with respect to land as to which a transfer of territory
 7 has been disapproved or denied within the preceding three (3) years.

8 (i) The legislative body of a municipality annexing territory under
 9 this section shall assign the territory to at least one (1) municipal
 10 legislative body district under IC 36-3-4-3 or IC 36-4-6 not later than
 11 thirty (30) days after the transfer of territory becomes effective under
 12 this section.

13 (j) Notwithstanding subsection (g) as that subsection existed on
 14 December 31, 2009; a transfer of territory that took effect January 2,
 15 2010; because of the application of subsection (g); as that subsection
 16 existed on December 31, 2009; is instead considered to take effect
 17 January 1, 2010; without any additional action being required.

18 SECTION 179. IC 36-3-5-4, AS AMENDED BY P.L.227-2005,
 19 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2013]: Sec. 4. (a) The following executive departments of the
 21 consolidated city are established, subject to IC 36-3-4-23:

- 22 (1) Department of administration and equal opportunity.
- 23 (2) Department of metropolitan development.
- 24 (3) Department of public safety.
- 25 (4) Department of public works.
- 26 (5) Department of transportation.
- 27 (6) Department of parks and recreation.
- 28 **(7) The department of township assistance established by**
- 29 **IC 12-20-1.7-3.**

30 These departments and their divisions have all the powers, duties,
 31 functions, and obligations prescribed by law for them as of August 31,
 32 1981, subject to IC 36-3-4-23.

33 (b) The department of public utilities established under IC 8-1-11.1
 34 continues as an agency of the consolidated city, which is the successor
 35 trustee of a public charitable trust created under Acts 1929, c. 78. The
 36 department of public utilities is governed under IC 8-1-11.1 and is not
 37 subject to this article.

38 SECTION 180. IC 36-3-6-9, AS AMENDED BY P.L.137-2012,
 39 SECTION 118, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) ~~Except as provided in~~
 41 ~~subsection (d);~~ The city-county legislative body shall review the
 42 proposed operating and maintenance budgets and tax levies and adopt
 43 final operating and maintenance budgets and tax levies for each of the
 44 following entities in the county:

- 45 (1) An airport authority operating under IC 8-22-3.
- 46 (2) A public library operating under IC 36-12.

- 1 (3) A capital improvement board of managers operating under
- 2 IC 36-10.
- 3 (4) A public transportation corporation operating under IC 36-9-4.
- 4 (5) A health and hospital corporation established under
- 5 IC 16-22-8.
- 6 (6) Any other taxing unit (as defined in IC 6-1.1-1-21) that is
- 7 located in the county and has a governing body that is not
- 8 comprised of a majority of officials who are elected to serve on
- 9 the governing body.

10 Except as provided in subsection (c), the city-county legislative body
 11 may reduce or modify but not increase a proposed operating and
 12 maintenance budget or tax levy under this section.

13 (b) The board of each entity listed in subsection (a) shall, after
 14 adoption of its proposed budget and tax levies, submit them, along with
 15 detailed accounts, to the city clerk before September 2.

16 (c) ~~The city-county legislative body or, when subsection (d) applies,~~
 17 ~~the fiscal body of an excluded city or town~~ shall review the issuance of
 18 bonds of an entity listed in subsection (a). Approval of the city-county
 19 legislative body ~~or, when subsection (d) applies, the fiscal body of an~~
 20 ~~excluded city or town~~ is required for the issuance of bonds. The
 21 city-county legislative body or the fiscal body of an excluded city or
 22 town may not reduce or modify a budget or tax levy of an entity listed
 23 in subsection (a) in a manner that would:

- 24 (1) limit or restrict the rights vested in the entity to fulfill the
- 25 terms of any agreement made with the holders of the entity's
- 26 bonds; or
- 27 (2) in any way impair the rights or remedies of the holders of the
- 28 entity's bonds.

29 (d) ~~If the assessed valuation of a taxing unit is entirely contained~~
 30 ~~within an excluded city or town (as described in IC 36-3-1-7) that is~~
 31 ~~located in a county having a consolidated city, the governing body of~~
 32 ~~the taxing unit shall submit its proposed operating and maintenance~~
 33 ~~budget and tax levies to the city or town fiscal body for approval and~~
 34 ~~not the city-county legislative body. Except as provided in subsection~~
 35 ~~(c), the fiscal body of the excluded city or town may reduce or modify~~
 36 ~~but not increase a proposed operating and maintenance budget or tax~~
 37 ~~levy under this section.~~

38 SECTION 181. IC 36-4-3-9, AS AMENDED BY P.L.111-2005,
 39 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2013]: Sec. 9. (a) ~~A town must obtain the consent of both the~~
 41 ~~metropolitan development commission and the legislative body of a~~
 42 ~~county having a consolidated city before annexing territory within the~~
 43 ~~county where a consolidated city is located.~~

44 (b) (a) A town must obtain the consent of the legislative body of a
 45 second or third class city before annexing territory within three (3)
 46 miles of the corporate boundaries of the city unless:

- 1 (1) the town that proposes to annex the territory is located in a
- 2 different county than the city; or
- 3 (2) the annexation by the town is:
 - 4 (A) an annexation under section 5 or 5.1 of this chapter; or
 - 5 (B) consented to by at least fifty-one percent (51%) of the
 - 6 owners of land in the territory the town proposes to annex.

7 ~~(c)~~ **(b)** In determining the total number of landowners of the
 8 annexed territory and whether signers of a consent under subsection
 9 ~~(b)(2)(B)~~ **(a)(2)(B)** are landowners, the names appearing on the tax
 10 duplicate for that territory constitute prima facie evidence of
 11 ownership. Only one (1) person having an interest in each single
 12 property, as evidenced by the tax duplicate, is considered a landowner
 13 for purposes of this section.

14 ~~(d)~~ Each municipality that is known as an included town under
 15 ~~IC 36-3-1-7~~ is also considered a town for purposes of this section.

16 SECTION 182. IC 36-5-1-1 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. **(a) Before January**
 18 **1, 2015**, this chapter applies to all towns except an included town (as
 19 defined in IC 36-3-1-7).

20 **(b) After December 31, 2014, this chapter applies to all towns.**

21 SECTION 183. IC 36-5-1.1-2 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) Proceedings to
 23 dissolve a town may be instituted under section 10.5 or ~~10.6~~ of this
 24 chapter or by filing with the executive of the county containing more
 25 than fifty percent (50%) in assessed valuation of the land in the town:

- 26 (1) a resolution adopted by the town legislative body requesting
- 27 dissolution; or
- 28 (2) a petition signed by at least twenty-five percent (25%) of the
- 29 town's voters registered at the last general election.

30 (b) On receipt of a petition or resolution for dissolution, the county
 31 executive shall mark the petition or resolution with the date of filing.

32 SECTION 184. IC 36-5-1.1-10.6 IS REPEALED [EFFECTIVE
 33 JULY 1, 2013]. Sec. ~~10.6~~: (a) This section applies to included towns:

34 ~~(b) The dissolution of a town under this section may be instituted by~~
 35 ~~filing a petition with the county board of registration. The petition must~~
 36 ~~be signed by at least the number of the registered voters of the town~~
 37 ~~required to place a candidate on the ballot under IC 3-8-6-3. The~~
 38 ~~petition must be filed not later than June 1 of a year in which a general~~
 39 ~~or municipal election will be held.~~

40 ~~(c) If a petition meets the criteria set forth in subsection (b); the~~
 41 ~~county board of registration shall certify the public question to the~~
 42 ~~county election board under IC 3-10-9-3. The county election board~~
 43 ~~shall place the question of dissolution on the ballot provided for voters~~
 44 ~~in the included town at the first general or municipal election following~~
 45 ~~certification. The question shall be placed on the ballot in the form~~
 46 ~~prescribed by IC 3-10-9-4 and must state "Shall the town of _____~~

- 1 dissolve?".
- 2 (d) If the public question is approved by a majority of the voters
- 3 voting on the question, the county election board shall file a copy of the
- 4 certification prepared under IC ~~3-12-4-9~~ concerning the public question
- 5 described by this section with the following:
- 6 (1) The circuit court clerk of the county.
- 7 (2) The office of the secretary of state.
- 8 (e) Except as provided in subsection (f), dissolution occurs:
- 9 (1) at least sixty (60) days after certification under IC ~~3-12-4-9~~;
- 10 and
- 11 (2) when the certification is filed under subsection (d).
- 12 (f) A dissolution under this section may not take effect during the
- 13 year preceding a year in which a federal decennial census is conducted.
- 14 A dissolution under this section that would otherwise take effect during
- 15 the year preceding a year in which the federal decennial census is
- 16 conducted takes effect January 1 of the year in which a federal
- 17 decennial census is conducted.
- 18 (g) When a town is dissolved under this section:
- 19 (1) the territory included within the town when the ordinance was
- 20 adopted becomes a part of the consolidated city;
- 21 (2) the books and records of the town become the property of the
- 22 county executive;
- 23 (3) the property owned by the town after payment of debts and
- 24 liabilities shall be disposed of by the county executive; and
- 25 (4) the county executive shall deposit any proceeds remaining
- 26 after payment of debts and liabilities into the county general fund.
- 27 (h) The dissolution of a town under this section does not affect the
- 28 validity of a contract to which the town is a party.
- 29 (i) Notwithstanding subsection (f) as that subsection existed on
- 30 December 31, 2009; a dissolution that took effect January 2, 2010;
- 31 because of the application of subsection (f); as that subsection existed
- 32 on December 31, 2009; is instead considered to take effect January 1;
- 33 2010; without any additional action being required.
- 34 SECTION 185. IC 36-5-1.1-11 IS AMENDED TO READ AS
- 35 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 11. If a dissolution
- 36 proceeding under this chapter is unsuccessful, the person seeking
- 37 dissolution may not attempt a new proceeding under this chapter or
- 38 IC 36-5-1 for at least one (1) year following the hearing under section
- 39 3 or 10.5 of this chapter. ~~or the election under section 10.6 of this~~
- 40 ~~chapter.~~
- 41 SECTION 186. IC 36-6-4-3, AS AMENDED BY P.L.1-2009,
- 42 SECTION 163, IS AMENDED TO READ AS FOLLOWS
- 43 [EFFECTIVE JULY 1, 2013]: Sec. 3. The executive shall do the
- 44 following:
- 45 (1) Keep a written record of official proceedings.
- 46 (2) Manage all township property interests.

- 1 (3) Keep township records open for public inspection.
- 2 (4) Attend all meetings of the township legislative body.
- 3 (5) Receive and pay out township funds.
- 4 (6) Examine and settle all accounts and demands chargeable
- 5 against the township.
- 6 (7) Administer township assistance under IC 12-20 and
- 7 IC 12-30-4.
- 8 (8) Perform the duties of fence viewer under IC 32-26.
- 9 (9) Provide and maintain cemeteries under IC 23-14.
- 10 (10) Provide fire protection under IC 36-8. ~~except in a township~~
- 11 ~~that:~~
- 12 (A) ~~is located in a county having a consolidated city; and~~
- 13 (B) ~~consolidated the township's fire department under~~
- 14 ~~IC 36-3-1-6.1.~~
- 15 (11) File an annual personnel report under IC 5-11-13.
- 16 (12) Provide and maintain township parks and community centers
- 17 under IC 36-10.
- 18 (13) Destroy detrimental plants, noxious weeds, and rank
- 19 vegetation under IC 15-16-8.
- 20 (14) Provide insulin to the poor under IC 12-20-16.
- 21 (15) Perform other duties prescribed by statute.

22 SECTION 187. IC 36-6-4-16, AS AMENDED BY P.L.1-2010,
 23 SECTION 148, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) When twenty-five (25) or
 25 more resident freeholders of a township file a petition with the circuit
 26 court of the county, alleging that the township executive is incapable
 27 of performing his duties due to mental or physical incapacity, the clerk
 28 of the court shall issue a summons to be served on the executive. The
 29 summons is returnable not less than ten (10) days from its date of issue.

30 (b) Immediately following the return date set out on the summons,
 31 the circuit court shall hold a hearing on the matter alleged in the
 32 petition. After hearing the evidence and being fully advised, the court
 33 shall enter its findings and judgment.

34 (c) If the court finds the executive incapable of performing the
 35 duties of office, the clerk of the court shall certify a copy of the
 36 judgment to the county executive, which shall, within five (5) days,
 37 appoint a resident of the township as acting executive of the township
 38 during the incapacity of the executive.

39 (d) The acting executive shall execute and file a bond in an amount
 40 fixed by the county auditor. After taking the oath of office, the acting
 41 executive has all the powers and duties of the executive.

42 (e) The acting executive is entitled to the salary and benefits
 43 provided by this article for the executive.

44 (f) When an incapacitated executive files a petition with the circuit
 45 court of the county alleging that the executive is restored to mental or
 46 physical ability to perform the duties of office, the court shall

- 1 immediately hold a hearing on the matters alleged. After hearing the
- 2 evidence and being fully advised, the court shall enter its findings and
- 3 judgment.
- 4 (g) If the court finds the executive capable of resuming duties, the
- 5 clerk of the court shall certify a copy of the judgment to the county
- 6 executive, which shall, within five (5) days, revoke the appointment of
- 7 the acting executive.
- 8 (h) For purposes of this section, the board of county commissioners
- 9 is considered the executive of a county having a consolidated city. **This**
- 10 **subsection expires January 1, 2014."**
- 11 Page 5, delete lines 41 through 42.
- 12 Delete pages 6 through 9.
- 13 Page 10, delete lines 1 through 14.
- 14 Page 10, line 21, delete "the following:".
- 15 Page 10, line 22, delete "(1) Before January 1, 2017,"
- 16 Page 10, run in lines 21 through 22.
- 17 Page 10, line 23, after "township." insert "**This subsection expires**
- 18 **January 1, 2015."**
- 19 Page 10, delete lines 24 through 25.
- 20 Page 10, between lines 29 and 30, begin a new paragraph and insert:
- 21 "SECTION 189. IC 36-6-6-2.2 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2.2. (a) This subsection
- 23 applies to townships in a county containing a consolidated city. The
- 24 voters of each legislative body district established under section 2.5 of
- 25 this chapter shall elect one (1) member of the township board. **This**
- 26 **subsection expires January 1, 2015.**
- 27 (b) This subsection applies to townships not included in subsection
- 28 (a). The voters of each township shall elect all the members of the
- 29 township board.
- 30 SECTION 190. IC 36-6-6-2.5, AS AMENDED BY P.L.230-2005,
- 31 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2013]: Sec. 2.5. (a) This section applies to townships in a
- 33 county containing a consolidated city.
- 34 (b) The legislative body shall adopt a resolution that divides the
- 35 township into legislative body districts that:
- 36 (1) are composed of contiguous territory;
- 37 (2) are reasonably compact;
- 38 (3) respect, as nearly as reasonably practicable, precinct boundary
- 39 lines; and
- 40 (4) contain, as nearly as reasonably practicable, equal population.
- 41 (c) Before a legislative body may adopt a resolution that divides a
- 42 township into legislative body districts, the secretary of the legislative
- 43 body shall mail a written notice to the circuit court clerk. This notice
- 44 must:
- 45 (1) state that the legislative body is considering the adoption of a
- 46 resolution to divide the township into legislative body districts;

- 1 and
- 2 (2) be mailed not later than ten (10) days before the legislative
- 3 body adopts the resolution.
- 4 (d) The legislative body shall make a division into legislative body
- 5 districts at the following times:
- 6 (1) During the second year after a year in which a federal
- 7 decennial census is conducted.
- 8 (2) Subject to IC 3-11-1.5-32.5, whenever the boundary of the
- 9 township changes.
- 10 (e) The legislative body may make the division under this section at
- 11 any time, subject to IC 3-11-1.5-32.5.
- 12 **(f) This section expires January 1, 2014.**
- 13 SECTION 191. IC 36-6-6-2.7 IS ADDED TO THE INDIANA
- 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 15 [EFFECTIVE JULY 1, 2013]: **Sec. 2.7. (a) This section applies only**
- 16 **in a county having a consolidated city.**
- 17 **(b) On January 1, 2014, each township board in the county is**
- 18 **abolished.**
- 19 **(c) After December 31, 2013:**
- 20 **(1) the city-county council is the fiscal body and legislative**
- 21 **body of each township in the county; and**
- 22 **(2) the city-county fiscal body shall exercise the legislative and**
- 23 **fiscal powers assigned in the Indiana Code to township**
- 24 **boards, including the authority to adopt the township's annual**
- 25 **budget and to levy township property taxes for township**
- 26 **funds.**
- 27 **(d) The abolishment of a township board under subsection (b)**
- 28 **does not invalidate:**
- 29 **(1) any resolutions, fees, or schedules adopted or other actions**
- 30 **taken by the township board before January 1, 2014; or**
- 31 **(2) any appointments made by the township board before**
- 32 **January 1, 2014.**
- 33 **(e) After December 31, 2013, any reference in the Indiana Code,**
- 34 **in the Indiana Administrative Code, or in any resolution to the**
- 35 **township board of the county is considered a reference to the**
- 36 **city-county council.**
- 37 SECTION 192. IC 36-6-6-3, AS AMENDED BY P.L.240-2005,
- 38 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2013]: **Sec. 3. (a) This subsection applies to townships in a**
- 40 **county containing a consolidated city. One (1) member of the**
- 41 **legislative body must reside within each legislative body district. If a**
- 42 **member of the legislative body ceases to be a resident of the district**
- 43 **from which the member was elected, the office becomes vacant. This**
- 44 **subsection expires January 1, 2014.**
- 45 **(b) This subsection applies to townships not included in subsection**
- 46 **(a) or (c). A member of the legislative body must reside within the**

1 township as provided in Article 6, Section 6 of the Constitution of the
2 State of Indiana. If a member of the legislative body ceases to be a
3 resident of the township, the office becomes vacant.

- 4 (c) This subsection applies to a township government that:
- 5 (1) is created by a merger of township governments under
- 6 IC 36-6-1.5; and
- 7 (2) elects a township board under section 2.1 of this chapter.

8 One (1) member of the legislative body must reside within the
9 boundaries of each of the former townships that merged. If a member
10 of the legislative body ceases to be a resident of that former township,
11 the office becomes vacant."

12 Page 10, line 34, delete "Before January 1, 2017, four" and insert
13 "Four".

14 Page 10, line 35, after "quorum." insert "**This subsection expires**
15 **January 1, 2014.**".

16 Page 10, delete lines 36 through 37.

17 Page 11, delete lines 4 through 42, begin a new paragraph and
18 insert:

19 "SECTION 194. IC 36-6-10 IS ADDED TO THE INDIANA CODE
20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2013]:

22 **Chapter 10. Township Capital Improvement Plan**

23 **Sec. 1. This chapter applies after December 31, 2013, but only**
24 **to a county having a consolidated city.**

25 **Sec. 2. As used in this chapter, "capital improvement" means:**

- 26 (1) acquisition of land;
- 27 (2) site improvements;
- 28 (3) infrastructure improvements;
- 29 (4) construction of buildings or structures;
- 30 (5) rehabilitation, renovation, or enlargement of buildings or
- 31 structures; or
- 32 (6) acquisition or improvement of machinery, equipment,
- 33 furnishings, or facilities.

34 **Sec. 3. As used in this chapter, "capital improvement fund"**
35 **means a township fund in which the money in the fund may be used**
36 **for the payment of capital improvements. The term includes:**

- 37 (1) a cumulative firefighting building and equipment fund
- 38 under IC 36-8-14;
- 39 (2) an equipment replacement fund under IC 36-8-19-8.5;
- 40 (3) a cumulative township vehicle and building fund under
- 41 IC 36-9-17.5;
- 42 (4) a cumulative building fund under IC 36-10-7.5-19; and
- 43 (5) any other fund established by a township for the payment
- 44 of capital improvements.

45 **Sec. 4. As used in this chapter, "plan" refers to a township**
46 **capital improvement plan adopted or amended under this chapter.**

1 **Sec. 5. Before a township may collect property taxes for a**
2 **capital improvement fund in a particular year, the township**
3 **trustee must prepare a proposed or amended plan in the**
4 **immediately preceding year. The city-county council, not later than**
5 **August 1, shall hold a public hearing on a proposed or amended**
6 **plan and adopt the proposed or amended plan.**

7 **Sec. 6. (a) The department of local government finance shall**
8 **prescribe the format of the plan.**

- 9 **(b) A plan must:**
10 **(1) apply to at least the three (3) years immediately following**
11 **the year the plan is adopted;**
12 **(2) estimate for each year to which the plan applies the nature**
13 **and amount of proposed expenditures from the capital**
14 **improvement fund; and**
15 **(3) estimate:**
16 **(A) the source of all revenue to be dedicated to the**
17 **proposed expenditures in the upcoming calendar year; and**
18 **(B) the amount of property taxes to be collected in the**
19 **upcoming calendar year and retained in the fund for**
20 **expenditures proposed for a later year.**

21 **Sec. 7. A township trustee, with the approval of the city-county**
22 **council, may amend a plan to:**

- 23 **(1) provide money for the purposes of the fund; or**
24 **(2) supplement money accumulated in the fund for the**
25 **purposes of the fund.**

26 **Sec. 8. The plan shall be considered by:**

- 27 **(1) the city-county council in making the annual budget**
28 **estimate under IC 6-1.1-17-2; and**
29 **(2) the department of local government finance when**
30 **reviewing a budget, tax rate, and tax levy of a township under**
31 **IC 6-1.1-17-16.**

32 SECTION 195. IC 36-8-13-3, AS AMENDED BY P.L.110-2010,
33 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2013]: Sec. 3. (a) The executive of a township, with the
35 approval of the legislative body, may do the following:

- 36 (1) Purchase firefighting and emergency services apparatus and
37 equipment for the township, provide for the housing, care,
38 maintenance, operation, and use of the apparatus and equipment
39 to provide services within the township but outside the corporate
40 boundaries of municipalities, and employ full-time or part-time
41 personnel to operate the apparatus and equipment and to provide
42 services in that area. Preference in employment under this section
43 shall be given according to the following priority:
44 (A) A war veteran who has been honorably discharged from
45 the United States armed forces.
46 (B) A person whose mother or father was a:

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- (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).

The executive of a township may give a preference for employment under this section to a person who was employed full-time or part-time by another township to provide fire protection and emergency services and has been laid off by the township. The executive of a township may also give a preference for employment to a firefighter laid off by a city under IC 36-8-4-11. 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 with a municipality in the township or in a contiguous township that maintains adequate firefighting or emergency services apparatus and equipment to provide fire protection or emergency services for the township in accordance with IC 36-1-7.

(3) Cooperate with a municipality in the township or in a contiguous township in the purchase, maintenance, and upkeep of firefighting or emergency services apparatus and equipment for use in the municipality and township in accordance with IC 36-1-7.

(4) Contract with a volunteer fire department that has been organized to fight fires in the township for the use and operation of firefighting apparatus and equipment that has been purchased by the township in order to save the private and public property of the township from destruction by fire, including use of the apparatus and equipment in an adjoining township by the department if the department has made a contract with the executive of the adjoining township for the furnishing of firefighting service within the township.

(5) Contract with a volunteer fire department that maintains adequate firefighting service in accordance with IC 36-8-12.

(b) This subsection applies only to townships that provide fire protection or emergency services or both under subsection (a)(1) and to municipalities that have some part of the municipal territory within a township and do not have a full-time paid fire department. A township may provide fire protection or emergency services or both without contracts inside the corporate boundaries of the municipalities if before July 1 of a year the following occur:

- (1) The legislative body of the municipality adopts an ordinance to have the township provide the services without a contract.
- (2) The township legislative body passes a resolution approving

1 the township's provision of the services without contracts to the
 2 municipality.
 3 In a township providing services to a municipality under this section,
 4 the legislative body of either the township or a municipality in the
 5 township may opt out of participation under this subsection by adopting
 6 an ordinance or a resolution, respectively, before July 1 of a year.
 7 (c) This subsection applies only to a township that:
 8 (1) is located in a county containing a consolidated city;
 9 (2) has at least three (3) included towns (as defined in
 10 IC 36-3-1-7) that have all municipal territory completely within
 11 the township on January 1, 1996; and
 12 (3) provides fire protection or emergency services, or both, under
 13 subsection (a)(1);
 14 and to included towns (as defined in IC 36-3-1-7) that have all the
 15 included town's municipal territory completely within the township. A
 16 township may provide fire protection or emergency services, or both,
 17 without contracts inside the corporate boundaries of the municipalities
 18 if before August 1 of the year preceding the first calendar year to which
 19 this subsection applies the township legislative body passes a
 20 resolution approving the township's provision of the services without
 21 contracts to the municipality. The resolution must identify the included
 22 towns to which the resolution applies. In a township providing services
 23 to a municipality under this section, the legislative body of the
 24 township may opt out of participation under this subsection by adopting
 25 a resolution before July 1 of a year. A copy of a resolution adopted
 26 under this subsection shall be submitted to the executive of each
 27 included town covered by the resolution, the county auditor, and the
 28 department of local government finance. **This subsection expires**
 29 **January 1, 2015.**
 30 SECTION 196. IC 36-10-7-1 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) **Subject to**
 32 **subsections (b) and (c),** this chapter applies to the townships indicated
 33 in each section.
 34 **(b) After December 31, 2013, for a county having a consolidated**
 35 **city, any reference in this chapter to "township board" is**
 36 **considered a reference to the city-county council.**
 37 **(c) After December 31, 2014, in a county having a consolidated**
 38 **city:**
 39 **(1) the powers and duties of a township trustee concerning**
 40 **parks and recreation under this chapter are transferred to the**
 41 **mayor of the consolidated city;**
 42 **(2) any reference in this chapter to "township trustee" or**
 43 **"trustee" is considered a reference to the mayor of the**
 44 **consolidated city or the mayor's designee to administer this**
 45 **chapter; and**
 46 **(3) this chapter does not apply to a township located in the**

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county.
SECTION 197. IC 36-10-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. **(a) Except as provided in subsections (b) and (c), this chapter applies to all townships.**

(b) After December 31, 2013, for a county having a consolidated city, any reference in this chapter to "township board" is considered a reference to the city-county council.

(c) After December 31, 2014, in a county having a consolidated city:

- (1) the powers and duties of a township trustee concerning parks and recreation under this chapter are transferred to the mayor of the consolidated city;**
- (2) any reference in this chapter to "township trustee" or "trustee" is considered a reference to the mayor of the consolidated city or the mayor's designee to administer this chapter; and**
- (3) this chapter does not apply to a township located in the county.**

SECTION 198. IC 36-12-2-16, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) This section applies to the appointment of members to a library board of a public library serving a library district that is:

- (1) partly or fully within the boundaries of a consolidated city; and
- (2) fully within the boundaries of one (1) county.

(b) Seven (7) members of a library board shall be appointed in the following order as the terms of previously appointed members expire:

- (1) One (1) member appointed by the board of county commissioners of the county in which the library district is located.
- (2) One (1) member appointed by the fiscal body of the county in which the library district is located.
- (3) One (1) member appointed by the board of county commissioners of the county in which the library district is located.
- (4) Two (2) members appointed by the school board of the school corporation in which the principal administrative offices of the public library are located.
- (5) One (1) member appointed by the board of county commissioners of the county in which the library district is located.
- (6) One (1) member appointed by the fiscal body of the county in which the library district is located.

(c) This section expires January 1, 2015.

1 SECTION 199. IC 36-12-2.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]:

4 **Chapter 2.5. Library for a County Having a Consolidated City**

5 **Sec. 1. This chapter applies only in a county having a**
6 **consolidated city.**

7 **Sec. 2. As used in this chapter, "public library" refers to the**
8 **municipal corporation established by section 3 of this chapter.**

9 **Sec. 3. (a) On January 1, 2015, a Class 1 public library is**
10 **established for the county, known as the Indianapolis-Marion**
11 **County Public Library.**

12 **(b) The public library is a municipal corporation with district**
13 **boundaries coextensive with the boundaries of the county.**

14 **(c) In the name set forth in subsection (a), the public library**
15 **may:**

16 **(1) contract and be contracted with; and**

17 **(2) sue and be sued in court.**

18 **(d) The public library constitutes an independent taxing unit for**
19 **purposes of IC 6-1.1-1-21.**

20 **Sec. 4. (a) The library board consists of the following members:**

21 **(1) One (1) member appointed by the board of county**
22 **commissioners of the county.**

23 **(2) One (1) member appointed by the city-county council.**

24 **(3) One (1) member appointed by the board of county**
25 **commissioners of the county.**

26 **(4) Two (2) members appointed by the school board of the**
27 **school corporation established by IC 20-25-3-0.1.**

28 **(5) One (1) member appointed by the board of county**
29 **commissioners of the county.**

30 **(6) One (1) member appointed by the city-county council.**

31 **(b) The members of the library board of the largest public**
32 **library in the county on December 31, 2014, compose the first**
33 **library board of the library. The term of office of each of the first**
34 **library board members expires at the same time as the term of that**
35 **member would have expired as a board member of the library**
36 **board in existence on December 31, 2014.**

37 **(c) As the terms of office of library board members described in**
38 **subsection (b) expire, their successors shall be appointed by the**
39 **authorities described in subsection (a), in the order listed in**
40 **subsection (a).**

41 **(d) An appointee to the library board must:**

42 **(1) be a resident of the county during the time the appointee**
43 **is on the library board; and**

44 **(2) have resided in the county for at least the two (2) years**
45 **immediately preceding the appointee's appointment to the**
46 **library board.**

47 **(e) The term of a library board member is four (4) years. A**

1 member may continue to serve on the library board after the
 2 member's term expires until the member's successor is qualified
 3 under section 4 of this chapter. The term of the member's
 4 successor is not extended by the time that has elapsed before the
 5 successor's appointment and qualification. If a member is
 6 appointed to fill a vacancy on a library board, the member's term
 7 is the unexpired term of the member being replaced.

8 (f) An appointee to the library board may not serve more than
 9 four (4) consecutive terms on the library board. An unexpired term
 10 of two (2) years or less that an individual serves in filling a vacancy
 11 on the library board may not be counted in computing consecutive
 12 terms for purposes of this subsection. The consecutive terms are
 13 computed without regard to a change in the appointing authority
 14 that appointed the member. An appointee who has served four (4)
 15 consecutive terms may be reappointed to the library board after
 16 four (4) years after the date the appointee's most recent term
 17 ended.

18 Sec. 5. The following apply to the library board established by
 19 this chapter:

- 20 (1) IC 36-12-2-19.
- 21 (2) IC 36-12-2-20.
- 22 (3) IC 36-12-2-21.
- 23 (4) IC 36-12-2-22.
- 24 (5) IC 36-12-2-24.
- 25 (6) IC 36-12-2-25.

26 Sec. 6. The public library has the powers and duties set forth in
 27 IC 36-12-3.

28 Sec. 7. (a) As used in this section, "consolidated public library"
 29 refers to the Class 1 public library established by section 3 of this
 30 chapter.

31 (b) As used in this section, "dissolved public library" refers to
 32 a Class 1 public library operating in the county on December 31,
 33 2014.

34 (c) On January 1, 2015, the following apply:

- 35 (1) Each dissolved public library is abolished.
- 36 (2) Except as provided in section 4 of this chapter, the term of
 37 office of each member of the library board of a dissolved
 38 public library expires.
- 39 (3) All the real property and personal property owned by a
 40 dissolved public library become the property of the
 41 consolidated public library.
- 42 (4) All assets, including all money, of a dissolved public
 43 library are transferred to the consolidated public library.
- 44 (5) A contract or other obligation of a dissolved public library
 45 becomes a contract or obligation of the consolidated public
 46 library.
- 47 (6) An employee of a dissolved public library becomes an

1 **employee of the consolidated public library.**
2 **(7) An employee of a dissolved public library remains a**
3 **member of the pension fund that the employee was a member**
4 **of on December 31, 2013. The employee retains, after**
5 **December 31, 2013, credit in the fund for service earned while**
6 **an employee of the dissolved public library and continues to**
7 **earn service credit in that fund as a member of the**
8 **consolidated public library for purposes of determining the**
9 **member's benefits from the fund.**
10 **(8) All budgets and tax levies of a dissolved public library are**
11 **transferred to the consolidated public library.**
12 **(d) A reference to a dissolved public library in a statute, rule, or**
13 **legal document is, after December 31, 2014, considered a reference**
14 **to the consolidated public library.**
15 **(e) For property taxes first due and payable after December 31,**
16 **2014, the department of local government finance shall take all**
17 **necessary action to adjust the budgets, tax rates, and tax levies of:**
18 **(1) the dissolved public libraries; and**
19 **(2) the consolidated public library;**
20 **so that the budgets, tax rates, and tax levies will conform to**
21 **existing law and implement this section.**
22 **SECTION 200. [EFFECTIVE JULY 1, 2013] (a) The legislative**
23 **services agency shall prepare, as directed by the legislative council,**
24 **legislation for introduction in the 2014 regular session of the**
25 **general assembly to organize and correct statutes affected by this**
26 **act, if necessary.**
27 **(b) This SECTION expires July 1, 2014.**
28 **SECTION 201. An emergency is declared for this act."**
29 Delete pages 12 through 13.
30 Renumber all SECTIONS consecutively.
 (Reference is to ESB 621 as printed April 2, 2013.)

Representative Bartlett