

HOUSE BILL No. 1650

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-25; IC 3-10; IC 3-11-2-12; IC 3-13-11-17; IC 5-1-10-1; IC 6-1.1; IC 12-20; IC 13-11-2-86; IC 14-33-5.4-6; IC 15-16-8-5; IC 16-23-9; IC 20-23-6; IC 20-42-3-10; IC 20-48-4-1; IC 23-14-69-5; IC 36-1; IC 36-6; IC 36-8-14; IC 36-9-13-2; IC 36-10.

Synopsis: Elimination of township advisory boards. Provides that on January 1, 2020, in all counties (except Marion County): (1) township boards are dissolved; (2) the duties and responsibilities of the township board are transferred to the township trustee; (3) the township trustee has the legislative and fiscal powers and duties of the township, in addition to the executive powers and duties; and (4) the property and personnel of the township board are transferred to the township trustee. Beginning with property taxes due and payable in calendar year 2021 in a county not having a consolidated city, the township trustee shall submit the township budget to the county fiscal body for review and approval, if the township's proposed tax rate exceeds the statewide township property tax rate average during the preceding five years by at least 3% for property taxes due and payable that same year. Provides that beginning January 1, 2020, in all counties (except Marion County) a township trustee may not collect property taxes for a capital improvement fund in a particular year unless the township trustee adopted a capital improvement plan in the immediately preceding year. Requires the department of local government finance and the county fiscal body to consider the capital improvement plan when reviewing a township's budget, tax rate, and tax levy. Repeals statutes allowing townships to merge on January 1, 2020 (under current law, these statutes do not apply to townships in Marion County).

Effective: January 1, 2020.

Ziemke

January 24, 2019, read first time and referred to Committee on Government and Regulatory Reform.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1650

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 3-5-2-25 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JANUARY 1, 2020]: Sec. 25. "Fiscal body" means **the**
3 **following**:

- 4 (1) **The** county council, for a county not having a consolidated
5 city.
- 6 (2) **The** city-county council, for a consolidated city or county
7 having a consolidated city.
- 8 (3) **The** common council, for a second or third class city.
- 9 (4) **The** town council, for a town.
- 10 (5) **The** township board, for a township ~~or in a county having a~~
11 **consolidated city. The township trustee in a county not having**
12 **a consolidated city.**
- 13 (6) **The** governing body or budget approval body, for any other
14 political subdivision.

15 SECTION 2. IC 3-10-1-19, AS AMENDED BY P.L.21-2016,
16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JANUARY 1, 2020]: Sec. 19. (a) The ballot for a primary election shall



1 be printed in substantially the form described in this section for all the
2 offices for which candidates have qualified under IC 3-8.

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

5 "OFFICIAL PRIMARY BALLOT

6 _____ Party (insert the name of the political party)".

7 (c) The following shall be printed immediately below the heading
8 required by subsection (b) or be posted in each voting booth as
9 provided in IC 3-11-2-8(b):

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

13 (2) For optical scan ballots, print: To vote for a person, darken or
14 shade in the circle, oval, or square (or draw a line to connect the
15 arrow) that precedes the person's name in the proper column.

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

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

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

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

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

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

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

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

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

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

42 (The explanatory text for the public question,



if required by law.)

"Shall (insert public question)?"

YES

NO

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

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

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

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

(C) Judge of the probate court.

(D) Prosecuting attorney.

(E) Circuit court clerk.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner. This clause applies only to a county that is not subject to IC 36-2-2.5.

(I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.

(J) County council member.

(5) Township offices:

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

(B) Township trustee.

(C) Township board member. **After December 31, 2019, this**



- 1 **clause applies only to a township in a county having a**
 2 **consolidated city.**
 3 (D) Judge of the small claims court.
 4 (E) Constable of the small claims court.
 5 (6) City offices:
 6 (A) Mayor.
 7 (B) Clerk or clerk-treasurer.
 8 (C) Judge of the city court.
 9 (D) City-county council member or common council member.
 10 (7) Town offices:
 11 (A) Clerk-treasurer.
 12 (B) Judge of the town court.
 13 (C) Town council member.
 14 (h) The political party offices with candidates for election shall be
 15 placed on the primary election ballot in the following order after the
 16 offices described in subsection (g):
 17 (1) Precinct committeeman.
 18 (2) State convention delegate.
 19 (i) The local offices to be elected at the primary election shall be
 20 placed on the primary election ballot after the offices described in
 21 subsection (h).
 22 (j) The offices described in subsection (i) shall be placed as follows:
 23 (1) In a separate column on the ballot if voting is by paper ballot;
 24 (2) After the offices described in subsection (h) in the form
 25 specified in IC 3-11-13-11 if voting is by ballot card.
 26 (3) Either:
 27 (A) on a separate screen for each office or public question; or
 28 (B) after the offices described in subsection (h) in the form
 29 specified in IC 3-11-14-3.5;
 30 if voting is by an electronic voting system.
 31 SECTION 3. IC 3-10-2-13, AS AMENDED BY P.L.77-2014,
 32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JANUARY 1, 2020]: Sec. 13. The following public officials shall be
 34 elected at the general election before their terms of office expire and
 35 every four (4) years thereafter:
 36 (1) Clerk of the circuit court.
 37 (2) County auditor.
 38 (3) County recorder.
 39 (4) County treasurer.
 40 (5) County sheriff.
 41 (6) County coroner.
 42 (7) County surveyor.



- 1 (8) County assessor.
 2 (9) County commissioner. This subdivision applies only to a
 3 county that is not subject to IC 36-2-2.5.
 4 (10) Single county executive. This subdivision applies only to a
 5 county that is subject to IC 36-2-2.5.
 6 (11) County council member.
 7 (12) Township trustee.
 8 (13) Township board member. **After December 31, 2019, this**
 9 **subdivision applies only to a township in a county having a**
 10 **consolidated city.**
 11 (14) Township assessor (only in a township referred to in
 12 IC 36-6-5-1(d)).
 13 (15) Judge of a small claims court.
 14 (16) Constable of a small claims court.
- 15 SECTION 4. IC 3-11-2-12, AS AMENDED BY P.L.219-2017,
 16 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JANUARY 1, 2020]: Sec. 12. The following offices shall be placed on
 18 the general election ballot in the following order after the public
 19 questions described in section 10(a) of this chapter:
- 20 (1) Federal and state offices:
 21 (A) President and Vice President of the United States.
 22 (B) United States Senator.
 23 (C) Governor and lieutenant governor.
 24 (D) Secretary of state.
 25 (E) Auditor of state.
 26 (F) Treasurer of state.
 27 (G) Attorney general.
 28 (H) Superintendent of public instruction. This clause does not
 29 apply after December 31, 2020.
 30 (I) United States Representative.
- 31 (2) Legislative offices:
 32 (A) State senator.
 33 (B) State representative.
- 34 (3) Circuit offices and county judicial offices:
 35 (A) Judge of the circuit court, and unless otherwise specified
 36 under IC 33, with each division separate if there is more than
 37 one (1) judge of the circuit court.
 38 (B) Judge of the superior court, and unless otherwise specified
 39 under IC 33, with each division separate if there is more than
 40 one (1) judge of the superior court.
 41 (C) Judge of the probate court.
 42 (D) Prosecuting attorney.



- 1 (E) Clerk of the circuit court.
 2 (4) County offices:
 3 (A) County auditor.
 4 (B) County recorder.
 5 (C) County treasurer.
 6 (D) County sheriff.
 7 (E) County coroner.
 8 (F) County surveyor.
 9 (G) County assessor.
 10 (H) County commissioner. This clause applies only to a county
 11 that is not subject to IC 36-2-2.5.
 12 (I) Single county executive. This clause applies only to a
 13 county that is subject to IC 36-2-2.5.
 14 (J) County council member, except as provided in section 12.4
 15 of this chapter.
 16 (5) Township offices:
 17 (A) Township assessor (only in a township referred to in
 18 IC 36-6-5-1(d)).
 19 (B) Township trustee.
 20 (C) Township board member, except as provided in section
 21 12.4 of this chapter. **After December 31, 2019, this clause**
 22 **applies only to a township in a county having a**
 23 **consolidated city.**
 24 (D) Judge of the small claims court.
 25 (E) Constable of the small claims court.
 26 (6) City offices:
 27 (A) Mayor.
 28 (B) Clerk or clerk-treasurer.
 29 (C) Judge of the city court.
 30 (D) City-county council member or common council member,
 31 except as provided in section 12.4 of this chapter.
 32 (7) Town offices:
 33 (A) Clerk-treasurer.
 34 (B) Judge of the town court.
 35 (C) Town council member, except as provided in section 12.4
 36 of this chapter.
 37 SECTION 5. IC 3-13-11-17 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 17. (a) This
 39 section does not apply to the office of a judge or a township board
 40 member.
 41 (b) In accordance with section 12 of this chapter, if a chief deputy
 42 employee does not exist in a township office or the chief deputy



1 employee declines or is ineligible to serve, the **chairman of the**
 2 **township board following** assumes the duties of the township office
 3 until the office is filled under this chapter:

4 **(1) In a county having a consolidated city, the chairman of the**
 5 **township board.**

6 **(2) In a county not having a consolidated city, the township**
 7 **trustee.**

8 SECTION 6. IC 5-1-10-1, AS AMENDED BY P.L.233-2015,
 9 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2020]: Sec. 1. Any civil township in the state whose
 11 indebtedness is evidenced by bonds, notes, judgments, or other
 12 obligations issued or negotiated by such township, or rendered against
 13 such township, may for the purpose of funding or refunding such
 14 indebtedness, or any part thereof, reducing the rate of interest thereon,
 15 extending the time of payment and canceling so much thereof as may
 16 be or become due, by:

17 **(1) the vote of two-thirds (2/3) of the members of the township**
 18 **board, and with the approval of the township trustee, in a county**
 19 **having a consolidated city; and**

20 **(2) the order of the township trustee, in a county not having**
 21 **a consolidated city;**

22 issue its bonds, with interest coupons attached, for an amount not
 23 exceeding in the aggregate the whole amount of the indebtedness of
 24 such township.

25 SECTION 7. IC 6-1.1-17-3, AS AMENDED BY P.L.184-2016,
 26 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JANUARY 1, 2020]: Sec. 3. (a) The proper officers of a political
 28 subdivision shall formulate its estimated budget and its proposed tax
 29 rate and tax levy on the form prescribed by the department of local
 30 government finance and approved by the state board of accounts. In
 31 formulating a political subdivision's estimated budget under this
 32 section, the proper officers of the political subdivision must consider
 33 the net property tax revenue that will be collected by the political
 34 subdivision during the ensuing year, after taking into account the
 35 estimate by the department of local government finance under
 36 IC 6-1.1-20.6-11.1 of the amount by which the political subdivision's
 37 distribution of property taxes will be reduced by credits under
 38 IC 6-1.1-20.6-9.5 in the ensuing year, and after taking into account the
 39 estimate by the department of local government finance under section
 40 0.7 of this chapter of the maximum amount of net property tax revenue
 41 and miscellaneous revenue that the political subdivision will receive in
 42 the ensuing year. The political subdivision or appropriate fiscal body,



1 if the political subdivision is subject to section 20 of this chapter, shall
 2 submit the following information to the department's computer
 3 gateway:

- 4 (1) The estimated budget.
- 5 (2) The estimated maximum permissible levy, as provided by the
 6 department under IC 6-1.1-18.5-24.
- 7 (3) The current and proposed tax levies of each fund.
- 8 (4) The amount by which the political subdivision's distribution
 9 of property taxes may be reduced by credits granted under
 10 IC 6-1.1-20.6, as estimated by the department of local government
 11 finance under IC 6-1.1-20.6-11.
- 12 (5) The amounts of excessive levy appeals to be requested.
- 13 (6) The time and place at which the political subdivision or
 14 appropriate fiscal body will hold a public hearing on the items
 15 described in subdivisions (1) through (5).

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

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

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

34 (c) **This subsection applies only to a township in a county having**
 35 **a consolidated city.** The trustee of each township in the county shall
 36 estimate the amount necessary to meet the cost of township assistance
 37 in the township for the ensuing calendar year. The township board shall
 38 adopt with the township budget a tax rate sufficient to meet the
 39 estimated cost of township assistance. The taxes collected as a result
 40 of the tax rate adopted under this subsection are credited to the
 41 township assistance fund.

42 (d) A political subdivision for which any of the information under



1 subsection (a) is not submitted to the department's computer gateway
 2 in the manner prescribed by the department shall have its most recent
 3 annual appropriations and annual tax levy continued for the ensuing
 4 budget year.

5 (e) If a political subdivision or appropriate fiscal body timely
 6 submits the information under subsection (a) but subsequently
 7 discovers the information contains an error, the political subdivision or
 8 appropriate fiscal body may submit amended information to the
 9 department's computer gateway. However, submission of amended
 10 information must occur at least ten (10) days before the public hearing
 11 held under subsection (a).

12 **(f) This subsection applies only to:**

13 **(1) a township in a county not having a consolidated city; and**

14 **(2) budgets for calendar years after 2020 and to property**
 15 **taxes first due and payable after 2020.**

16 **Notwithstanding any other law, in 2020 and each year thereafter,**
 17 **the township executive shall estimate the amount necessary to meet**
 18 **the cost of township assistance in the county for the ensuing**
 19 **calendar year and shall adopt with the township budget for**
 20 **property taxes due in 2021 and each year thereafter a uniform tax**
 21 **rate throughout the township sufficient to meet the estimated cost**
 22 **of township assistance. The taxes collected as a result of the tax**
 23 **rate adopted under this subsection shall be credited to the township**
 24 **assistance fund.**

25 SECTION 8. IC 6-1.1-17-3.3 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JANUARY 1, 2020]: **Sec. 3.3. (a) This section applies**
 28 **only to a county not having a consolidated city.**

29 **(b) The county fiscal body shall review the proposed budget and**
 30 **tax levy of a township in the county in accordance with subsection**
 31 **(c) or (d).**

32 **(c) If a township's property tax rate for property taxes first due**
 33 **and payable in 2021 or in any year thereafter is less than or equal**
 34 **to the statewide average township property tax rate (as determined**
 35 **by the department of local government finance) during the**
 36 **preceding five (5) years, the township trustee shall submit the**
 37 **proposed township budget and tax levy to the county fiscal body**
 38 **for a nonbinding review in accordance with section 3.6 of this**
 39 **chapter.**

40 **(d) If a township's property tax rate for property taxes first due**
 41 **and payable in 2021 or in any year thereafter is more than the**
 42 **statewide average township property tax rate (as determined by**



1 **the department of local government finance) during the preceding**
 2 **five (5) years, the township trustee shall submit the proposed**
 3 **township budget and tax levy to the county fiscal body under**
 4 **section 20 of this chapter. The county fiscal body shall adopt a final**
 5 **budget and tax levy for the township. The fiscal body may reduce**
 6 **or modify but not increase the proposed budget or tax levy.**

7 SECTION 9. IC 6-1.1-17-20, AS AMENDED BY P.L.257-2013,
 8 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JANUARY 1, 2020]: Sec. 20. (a) This section applies to **the following:**

10 (1) Each governing body of a taxing unit that is not comprised of
 11 a majority of officials who are elected to serve on the governing
 12 body.

13 (2) **Each township to which section 3.3(d) of this chapter**
 14 **applies.**

15 For purposes of this section, an individual who qualifies to be
 16 appointed to a governing body or serves on a governing body because
 17 of the individual's status as an elected official of another taxing unit
 18 shall be treated as an official who was not elected to serve on the
 19 governing body.

20 (b) As used in this section, "taxing unit" has the meaning set forth
 21 in IC 6-1.1-1-21, except that the term does not include a public library
 22 or an entity whose tax levies are subject to review and modification by
 23 a city-county legislative body under IC 36-3-6-9.

24 (c) If:

25 (1) the assessed valuation of a taxing unit is entirely contained
 26 within a city or town; or

27 (2) the assessed valuation of a taxing unit is not entirely contained
 28 within a city or town but:

29 (A) the taxing unit was originally established by the city or
 30 town; or

31 (B) the majority of the individuals serving on the governing
 32 body of the taxing unit are appointed by the city or town;

33 the governing body shall submit its proposed budget and property tax
 34 levy to the city or town fiscal body. The proposed budget and levy shall
 35 be submitted to the city or town fiscal body in the manner prescribed
 36 by the department of local government finance before September 2 of
 37 a year.

38 (d) If subsection (c) does not apply, the governing body of the taxing
 39 unit shall submit its proposed budget and property tax levy to the
 40 county fiscal body in the county where the taxing unit has the most
 41 assessed valuation. **A township to which section 3.3(d) of this**
 42 **chapter applies shall submit its proposed budget and property tax**



1 **levy to the county fiscal body of the county in which the township**
2 **is located.** The proposed budget and levy shall be submitted to the
3 county fiscal body in the manner prescribed by the department of local
4 government finance before September 2 of a year.

5 (e) The fiscal body of the city, town, or county (whichever applies)
6 shall review each budget and proposed tax levy and adopt a final
7 budget and tax levy for the taxing unit. The fiscal body may reduce or
8 modify but not increase the proposed budget or tax levy.

9 (f) If a taxing unit fails to file the information required in subsection
10 (c) or (d), whichever applies, with the appropriate fiscal body by the
11 time prescribed by this section, the most recent annual appropriations
12 and annual tax levy of that taxing unit are continued for the ensuing
13 budget year.

14 (g) If the appropriate fiscal body fails to complete the requirements
15 of subsection (e) before the adoption deadline in section 5 of this
16 chapter for any taxing unit subject to this section, the most recent
17 annual appropriations and annual tax levy of the city, town, or county,
18 whichever applies, are continued for the ensuing budget year.

19 SECTION 10. IC 6-1.1-20-3.1, AS AMENDED BY P.L.246-2017,
20 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JANUARY 1, 2020]: Sec. 3.1. (a) Subject to section 3.5(a)(1)(C) of
22 this chapter, this section applies only to the following:

23 (1) A controlled project (as defined in section 1.1 of this chapter
24 as in effect June 30, 2008) for which the proper officers of a
25 political subdivision make a preliminary determination in the
26 manner described in subsection (b) before July 1, 2008.

27 (2) An elementary school building, middle school building, high
28 school building, or other school building for academic instruction
29 that:

30 (A) is a controlled project;

31 (B) will be used for any combination of kindergarten through
32 grade 12; and

33 (C) will not cost more than the lesser of the following:

34 (i) The threshold amount determined under this item. In the
35 case of an ordinance or resolution adopted before January 1,
36 2018, making a preliminary determination to issue bonds or
37 enter into a lease for the project, the threshold amount is ten
38 million dollars (\$10,000,000). In the case of an ordinance or
39 resolution adopted after December 31, 2017, and before
40 January 1, 2019, making a preliminary determination to
41 issue bonds or enter into a lease for the project, the threshold
42 amount is fifteen million dollars (\$15,000,000). In the case



- 1 of an ordinance or resolution adopted in a calendar year after
 2 December 31, 2018, making a preliminary determination to
 3 issue bonds or enter into a lease for the project, the threshold
 4 amount is an amount (as determined by the department of
 5 local government finance) equal to the result of the assessed
 6 value growth quotient determined under IC 6-1.1-18.5-2 for
 7 the year multiplied by the threshold amount determined
 8 under this item for the preceding calendar year. In the case
 9 of a threshold amount determined under this item that
 10 applies for a calendar year after December 31, 2018, the
 11 department of local government finance shall publish the
 12 threshold in the Indiana Register under IC 4-22-7-7 not more
 13 than sixty (60) days after the date the budget agency releases
 14 the assessed value growth quotient for the ensuing year
 15 under IC 6-1.1-18.5-2.
- 16 (ii) An amount equal to one percent (1%) of the total gross
 17 assessed value of property within the political subdivision
 18 on the last assessment date, if that total gross assessed value
 19 is more than one billion dollars (\$1,000,000,000), or ten
 20 million dollars (\$10,000,000), if the total gross assessed
 21 value of property within the political subdivision on the last
 22 assessment date is not more than one billion dollars
 23 (\$1,000,000,000).
- 24 (3) Any other controlled project that:
- 25 (A) is not a controlled project described in subdivision (1) or
 26 (2); and
- 27 (B) will not cost the political subdivision more than the lesser
 28 of the following:
- 29 (i) The threshold amount determined under this item. In the
 30 case of an ordinance or resolution adopted before January 1,
 31 2018, making a preliminary determination to issue bonds or
 32 enter into a lease for the project, the threshold amount is
 33 twelve million dollars (\$12,000,000). In the case of an
 34 ordinance or resolution adopted after December 31, 2017,
 35 and before January 1, 2019, making a preliminary
 36 determination to issue bonds or enter into a lease for the
 37 project, the threshold amount is fifteen million dollars
 38 (\$15,000,000). In the case of an ordinance or resolution
 39 adopted in a calendar year after December 31, 2018, making
 40 a preliminary determination to issue bonds or enter into a
 41 lease for the project, the threshold amount is an amount (as
 42 determined by the department of local government finance)



1 equal to the result of the assessed value growth quotient
 2 determined under IC 6-1.1-18.5-2 for the year multiplied by
 3 the threshold amount determined under this item for the
 4 preceding calendar year. In the case of a threshold amount
 5 determined under this item that applies for a calendar year
 6 after December 31, 2018, the department of local
 7 government finance shall publish the threshold in the
 8 Indiana Register under IC 4-22-7-7 not more than sixty (60)
 9 days after the date the budget agency releases the assessed
 10 value growth quotient for the ensuing year under
 11 IC 6-1.1-18.5-2.

12 (ii) An amount equal to one percent (1%) of the total gross
 13 assessed value of property within the political subdivision
 14 on the last assessment date, if that total gross assessed value
 15 is more than one hundred million dollars (\$100,000,000), or
 16 one million dollars (\$1,000,000), if the total gross assessed
 17 value of property within the political subdivision on the last
 18 assessment date is not more than one hundred million
 19 dollars (\$100,000,000).

20 (b) A political subdivision may not impose property taxes to pay
 21 debt service on bonds or lease rentals on a lease for a controlled project
 22 without completing the following procedures:

23 (1) The proper officers of a political subdivision shall publish
 24 notice in accordance with IC 5-3-1 and send notice by first class
 25 mail to the circuit court clerk and to any organization that delivers
 26 to the officers, before January 1 of that year, an annual written
 27 request for such notices of any meeting to consider adoption of a
 28 resolution or an ordinance making a preliminary determination to
 29 issue bonds or enter into a lease and shall conduct at least two (2)
 30 public hearings on a preliminary determination before adoption
 31 of the resolution or ordinance. The political subdivision must at
 32 each of the public hearings on the preliminary determination
 33 allow the public to testify regarding the preliminary determination
 34 and must make the following information available to the public
 35 at each of the public hearings on the preliminary determination,
 36 in addition to any other information required by law:

37 (A) The result of the political subdivision's current and
 38 projected annual debt service payments divided by the net
 39 assessed value of taxable property within the political
 40 subdivision.

41 (B) The result of:

42 (i) the sum of the political subdivision's outstanding long



- 1 term debt plus the outstanding long term debt of other taxing
 2 units that include any of the territory of the political
 3 subdivision; divided by
 4 (ii) the net assessed value of taxable property within the
 5 political subdivision.
- 6 (C) The information specified in subdivision (3)(A) through
 7 (3)(H).
- 8 (2) When the proper officers of a political subdivision make a
 9 preliminary determination to issue bonds or enter into a lease for
 10 a controlled project, the officers shall give notice of the
 11 preliminary determination by:
- 12 (A) publication in accordance with IC 5-3-1; and
 13 (B) first class mail to the circuit court clerk and to the
 14 organizations described in subdivision (1).
- 15 (3) A notice under subdivision (2) of the preliminary
 16 determination of the political subdivision to issue bonds or enter
 17 into a lease for a controlled project must include the following
 18 information:
- 19 (A) The maximum term of the bonds or lease.
 20 (B) The maximum principal amount of the bonds or the
 21 maximum lease rental for the lease.
 22 (C) The estimated interest rates that will be paid and the total
 23 interest costs associated with the bonds or lease.
 24 (D) The purpose of the bonds or lease.
 25 (E) A statement that any owners of property within the
 26 political subdivision or registered voters residing within the
 27 political subdivision who want to initiate a petition and
 28 remonstrance process against the proposed debt service or
 29 lease payments must file a petition that complies with
 30 subdivisions (4) and (5) not later than thirty (30) days after
 31 publication in accordance with IC 5-3-1.
 32 (F) With respect to bonds issued or a lease entered into to
 33 open:
 34 (i) a new school facility; or
 35 (ii) an existing facility that has not been used for at least
 36 three (3) years and that is being reopened to provide
 37 additional classroom space;
 38 the estimated costs the school corporation expects to incur
 39 annually to operate the facility.
 40 (G) A statement of whether the school corporation expects to
 41 appeal for a new facility adjustment (as defined in
 42 IC 20-45-1-16 (repealed) before January 1, 2009) for an



- 1 increased maximum permissible tuition support levy to pay the
 2 estimated costs described in clause (F).
 3 (H) The following information:
 4 (i) The political subdivision's current debt service levy and
 5 rate.
 6 (ii) The estimated increase to the political subdivision's debt
 7 service levy and rate that will result if the political
 8 subdivision issues the bonds or enters into the lease.
 9 (iii) The estimated amount of the political subdivision's debt
 10 service levy and rate that will result during the following ten
 11 (10) years if the political subdivision issues the bonds or
 12 enters into the lease, after also considering any changes that
 13 will occur to the debt service levy and rate during that
 14 period on account of any outstanding bonds or lease
 15 obligations that will mature or terminate during that period.
 16 (I) The information specified in subdivision (1)(A) through
 17 (1)(B).
 18 (4) After notice is given, a petition requesting the application of
 19 a petition and remonstrance process may be filed by the lesser of:
 20 (A) five hundred (500) persons who are either owners of
 21 property within the political subdivision or registered voters
 22 residing within the political subdivision; or
 23 (B) five percent (5%) of the registered voters residing within
 24 the political subdivision.
 25 (5) The state board of accounts shall design and, upon request by
 26 the county voter registration office, deliver to the county voter
 27 registration office or the county voter registration office's
 28 designated printer the petition forms to be used solely in the
 29 petition process described in this section. The county voter
 30 registration office shall issue to an owner or owners of property
 31 within the political subdivision or a registered voter residing
 32 within the political subdivision the number of petition forms
 33 requested by the owner or owners or the registered voter. Each
 34 form must be accompanied by instructions detailing the
 35 requirements that:
 36 (A) the carrier and signers must be owners of property or
 37 registered voters;
 38 (B) the carrier must be a signatory on at least one (1) petition;
 39 (C) after the signatures have been collected, the carrier must
 40 swear or affirm before a notary public that the carrier
 41 witnessed each signature; and
 42 (D) govern the closing date for the petition period.



- 1 Persons requesting forms may be required to identify themselves
2 as owners of property or registered voters and may be allowed to
3 pick up additional copies to distribute to other owners of property
4 or registered voters. Each person signing a petition must indicate
5 whether the person is signing the petition as a registered voter
6 within the political subdivision or is signing the petition as the
7 owner of property within the political subdivision. A person who
8 signs a petition as a registered voter must indicate the address at
9 which the person is registered to vote. A person who signs a
10 petition as an owner of property must indicate the address of the
11 property owned by the person in the political subdivision.
- 12 (6) Each petition must be verified under oath by at least one (1)
13 qualified petitioner in a manner prescribed by the state board of
14 accounts before the petition is filed with the county voter
15 registration office under subdivision (7).
- 16 (7) Each petition must be filed with the county voter registration
17 office not more than thirty (30) days after publication under
18 subdivision (2) of the notice of the preliminary determination.
- 19 (8) The county voter registration office shall determine whether
20 each person who signed the petition is a registered voter.
21 However, after the county voter registration office has determined
22 that at least five hundred twenty-five (525) persons who signed
23 the petition are registered voters within the political subdivision,
24 the county voter registration office is not required to verify
25 whether the remaining persons who signed the petition are
26 registered voters. If the county voter registration office does not
27 determine that at least five hundred twenty-five (525) persons
28 who signed the petition are registered voters, the county voter
29 registration office shall, not more than fifteen (15) business days
30 after receiving a petition, forward a copy of the petition to the
31 county auditor. Not more than ten (10) business days after
32 receiving the copy of the petition, the county auditor shall provide
33 to the county voter registration office a statement verifying:
- 34 (A) whether a person who signed the petition as a registered
35 voter but is not a registered voter, as determined by the county
36 voter registration office, is the owner of property in the
37 political subdivision; and
- 38 (B) whether a person who signed the petition as an owner of
39 property within the political subdivision does in fact own
40 property within the political subdivision.
- 41 (9) The county voter registration office, not more than ten (10)
42 business days after determining that at least five hundred



1 twenty-five (525) persons who signed the petition are registered
 2 voters or receiving the statement from the county auditor under
 3 subdivision (8), as applicable, shall make the final determination
 4 of the number of petitioners that are registered voters in the
 5 political subdivision and, based on the statement provided by the
 6 county auditor, the number of petitioners that own property within
 7 the political subdivision. Whenever the name of an individual
 8 who signs a petition form as a registered voter contains a minor
 9 variation from the name of the registered voter as set forth in the
 10 records of the county voter registration office, the signature is
 11 presumed to be valid, and there is a presumption that the
 12 individual is entitled to sign the petition under this section. Except
 13 as otherwise provided in this chapter, in determining whether an
 14 individual is a registered voter, the county voter registration office
 15 shall apply the requirements and procedures used under IC 3 to
 16 determine whether a person is a registered voter for purposes of
 17 voting in an election governed by IC 3. However, an individual is
 18 not required to comply with the provisions concerning providing
 19 proof of identification to be considered a registered voter for
 20 purposes of this chapter. A person is entitled to sign a petition
 21 only one (1) time in a particular petition and remonstrance
 22 process under this chapter, regardless of whether the person owns
 23 more than one (1) parcel of real property, mobile home assessed
 24 as personal property, or manufactured home assessed as personal
 25 property, or a combination of those types of property within the
 26 subdivision and regardless of whether the person is both a
 27 registered voter in the political subdivision and the owner of
 28 property within the political subdivision. Notwithstanding any
 29 other provision of this section, if a petition is presented to the
 30 county voter registration office within forty-five (45) days before
 31 an election, the county voter registration office may defer acting
 32 on the petition, and the time requirements under this section for
 33 action by the county voter registration office do not begin to run
 34 until five (5) days after the date of the election.

35 (10) The county voter registration office must file a certificate and
 36 each petition with:

37 (A) the township trustee, if the political subdivision is a
 38 township, who shall present the petition or petitions to the
 39 township board **if the township is located in a county having**
 40 **a consolidated city;** or

41 (B) the body that has the authority to authorize the issuance of
 42 the bonds or the execution of a lease, if the political



1 subdivision is not a township;
2 within thirty-five (35) business days of the filing of the petition
3 requesting a petition and remonstrance process. The certificate
4 must state the number of petitioners that are owners of property
5 within the political subdivision and the number of petitioners who
6 are registered voters residing within the political subdivision.

7 If a sufficient petition requesting a petition and remonstrance process
8 is not filed by owners of property or registered voters as set forth in this
9 section, the political subdivision may issue bonds or enter into a lease
10 by following the provisions of law relating to the bonds to be issued or
11 lease to be entered into.

12 (c) A political subdivision may not divide a controlled project in
13 order to avoid the requirements of this section and section 3.2 of this
14 chapter. A person that owns property within a political subdivision or
15 a person that is a registered voter residing within a political subdivision
16 may file a petition with the department of local government finance
17 objecting that the political subdivision has divided a controlled project
18 in order to avoid the requirements of this section and section 3.2 of this
19 chapter. The petition must be filed not more than ten (10) days after the
20 political subdivision gives notice of the political subdivision's decision
21 to issue bonds or enter into leases for a capital project that the person
22 believes is the result of a division of a controlled project that is
23 prohibited by this subsection. If the department of local government
24 finance receives a petition under this subsection, the department shall
25 not later than thirty (30) days after receiving the petition make a final
26 determination on the issue of whether the political subdivision divided
27 a controlled project in order to avoid the requirements of this section
28 and section 3.2 of this chapter. If the department of local government
29 finance determines that a political subdivision divided a controlled
30 project in order to avoid the requirements of this section and section
31 3.2 of this chapter and the political subdivision continues to desire to
32 proceed with the project, the political subdivision shall fulfill the
33 requirements of this section and section 3.2 of this chapter, if
34 applicable, regardless of the cost of the project in dispute. A political
35 subdivision shall be considered to have divided a capital project in
36 order to avoid the requirements of this section and section 3.2 of this
37 chapter if the result of one (1) or more of the subprojects cannot
38 reasonably be considered an independently desirable end in itself
39 without reference to another capital project. This subsection does not
40 prohibit a political subdivision from undertaking a series of capital
41 projects in which the result of each capital project can reasonably be
42 considered an independently desirable end in itself without reference



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to another capital project.

SECTION 11. IC 6-1.1-20-3.5, AS AMENDED BY P.L.246-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 3.5. (a) This section applies only to a controlled project that meets the following conditions:

(1) The controlled project is described in one (1) of the following categories:

(A) An elementary school building, middle school building, high school building, or other school building for academic instruction that will be used for any combination of kindergarten through grade 12 and will cost more than the lesser of the following:

(i) The threshold amount determined under this item. In the case of an ordinance or resolution adopted before January 1, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is ten million dollars (\$10,000,000). In the case of an ordinance or resolution adopted after December 31, 2017, and before January 1, 2019, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is fifteen million dollars (\$15,000,000). In the case of an ordinance or resolution adopted in a calendar year after December 31, 2018, making a preliminary determination to issue bonds or enter into a lease for the project, the threshold amount is an amount (as determined by the department of local government finance) equal to the result of the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the year multiplied by the threshold amount determined under this item for the preceding calendar year. In the case of a threshold amount determined under this item that applies for a calendar year after December 31, 2018, the department of local government finance shall publish the threshold in the Indiana Register under IC 4-22-7-7 not more than sixty (60) days after the date the budget agency releases the assessed value growth quotient for the ensuing year under IC 6-1.1-18.5-2.

(ii) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that total gross assessed value is more than one billion dollars (\$1,000,000,000), or ten million dollars (\$10,000,000), if the total gross assessed value of property within the political subdivision on the last



- 1 assessment date is not more than one billion dollars
 2 (\$1,000,000,000).
- 3 (B) Any other controlled project that is not a controlled project
 4 described in clause (A) and will cost the political subdivision
 5 more than the lesser of the following:
- 6 (i) The threshold amount determined under this item. In the
 7 case of an ordinance or resolution adopted before January 1,
 8 2018, making a preliminary determination to issue bonds or
 9 enter into a lease for the project, the threshold amount is
 10 twelve million dollars (\$12,000,000). In the case of an
 11 ordinance or resolution adopted after December 31, 2017,
 12 and before January 1, 2019, making a preliminary
 13 determination to issue bonds or enter into a lease for the
 14 project, the threshold amount is fifteen million dollars
 15 (\$15,000,000). In the case of an ordinance or resolution
 16 adopted in a calendar year after December 31, 2018, making
 17 a preliminary determination to issue bonds or enter into a
 18 lease for the project, the threshold amount is an amount (as
 19 determined by the department of local government finance)
 20 equal to the result of the assessed value growth quotient
 21 determined under IC 6-1.1-18.5-2 for the year multiplied by
 22 the threshold amount determined under this item for the
 23 preceding calendar year. In the case of a threshold amount
 24 determined under this item that applies for a calendar year
 25 after December 31, 2018, the department of local
 26 government finance shall publish the threshold in the
 27 Indiana Register under IC 4-22-7-7 not more than sixty (60)
 28 days after the date the budget agency releases the assessed
 29 value growth quotient for the ensuing year under
 30 IC 6-1.1-18.5-2.
- 31 (ii) An amount equal to one percent (1%) of the total gross
 32 assessed value of property within the political subdivision
 33 on the last assessment date, if that total gross assessed value
 34 is more than one hundred million dollars (\$100,000,000), or
 35 one million dollars (\$1,000,000), if the total gross assessed
 36 value of property within the political subdivision on the last
 37 assessment date is not more than one hundred million
 38 dollars (\$100,000,000).
- 39 (C) Any other controlled project for which a political
 40 subdivision adopts an ordinance or resolution making a
 41 preliminary determination to issue bonds or enter into a lease
 42 for the project, if the sum of:



- 1 (i) the cost of that controlled project; plus
 2 (ii) the costs of all other controlled projects for which the
 3 political subdivision has previously adopted within the
 4 preceding three hundred sixty-five (365) days an ordinance
 5 or resolution making a preliminary determination to issue
 6 bonds or enter into a lease for those other controlled
 7 projects;
 8 exceeds twenty-five million dollars (\$25,000,000).
- 9 (2) The proper officers of the political subdivision make a
 10 preliminary determination after June 30, 2008, in the manner
 11 described in subsection (b) to issue bonds or enter into a lease for
 12 the controlled project.
- 13 (b) A political subdivision may not impose property taxes to pay
 14 debt service on bonds or lease rentals on a lease for a controlled project
 15 without completing the following procedures:
- 16 (1) The proper officers of a political subdivision shall publish
 17 notice in accordance with IC 5-3-1 and send notice by first class
 18 mail to the circuit court clerk and to any organization that delivers
 19 to the officers, before January 1 of that year, an annual written
 20 request for notices of any meeting to consider the adoption of an
 21 ordinance or a resolution making a preliminary determination to
 22 issue bonds or enter into a lease and shall conduct at least two (2)
 23 public hearings on the preliminary determination before adoption
 24 of the ordinance or resolution. The political subdivision must at
 25 each of the public hearings on the preliminary determination
 26 allow the public to testify regarding the preliminary determination
 27 and must make the following information available to the public
 28 at each of the public hearings on the preliminary determination,
 29 in addition to any other information required by law:
- 30 (A) The result of the political subdivision's current and
 31 projected annual debt service payments divided by the net
 32 assessed value of taxable property within the political
 33 subdivision.
- 34 (B) The result of:
- 35 (i) the sum of the political subdivision's outstanding long
 36 term debt plus the outstanding long term debt of other taxing
 37 units that include any of the territory of the political
 38 subdivision; divided by
 39 (ii) the net assessed value of taxable property within the
 40 political subdivision.
- 41 (C) The information specified in subdivision (3)(A) through
 42 (3)(G).



- 1 (2) If the proper officers of a political subdivision make a
 2 preliminary determination to issue bonds or enter into a lease, the
 3 officers shall give notice of the preliminary determination by:
 4 (A) publication in accordance with IC 5-3-1; and
 5 (B) first class mail to the circuit court clerk and to the
 6 organizations described in subdivision (1).
 7 (3) A notice under subdivision (2) of the preliminary
 8 determination of the political subdivision to issue bonds or enter
 9 into a lease must include the following information:
 10 (A) The maximum term of the bonds or lease.
 11 (B) The maximum principal amount of the bonds or the
 12 maximum lease rental for the lease.
 13 (C) The estimated interest rates that will be paid and the total
 14 interest costs associated with the bonds or lease.
 15 (D) The purpose of the bonds or lease.
 16 (E) A statement that the proposed debt service or lease
 17 payments must be approved in an election on a local public
 18 question held under section 3.6 of this chapter.
 19 (F) With respect to bonds issued or a lease entered into to
 20 open:
 21 (i) a new school facility; or
 22 (ii) an existing facility that has not been used for at least
 23 three (3) years and that is being reopened to provide
 24 additional classroom space;
 25 the estimated costs the school corporation expects to annually
 26 incur to operate the facility.
 27 (G) The following information:
 28 (i) The political subdivision's current debt service levy and
 29 rate.
 30 (ii) The estimated increase to the political subdivision's debt
 31 service levy and rate that will result if the political
 32 subdivision issues the bonds or enters into the lease.
 33 (iii) The estimated amount of the political subdivision's debt
 34 service levy and rate that will result during the following ten
 35 (10) years if the political subdivision issues the bonds or
 36 enters into the lease, after also considering any changes that
 37 will occur to the debt service levy and rate during that
 38 period on account of any outstanding bonds or lease
 39 obligations that will mature or terminate during that period.
 40 (H) The information specified in subdivision (1)(A) through
 41 (1)(B).
 42 (4) After notice is given, a petition requesting the application of



1 the local public question process under section 3.6 of this chapter
2 may be filed by the lesser of:

- 3 (A) five hundred (500) persons who are either owners of
4 property within the political subdivision or registered voters
5 residing within the political subdivision; or
6 (B) five percent (5%) of the registered voters residing within
7 the political subdivision.

8 (5) The state board of accounts shall design and, upon request by
9 the county voter registration office, deliver to the county voter
10 registration office or the county voter registration office's
11 designated printer the petition forms to be used solely in the
12 petition process described in this section. The county voter
13 registration office shall issue to an owner or owners of property
14 within the political subdivision or a registered voter residing
15 within the political subdivision the number of petition forms
16 requested by the owner or owners or the registered voter. Each
17 form must be accompanied by instructions detailing the
18 requirements that:

- 19 (A) the carrier and signers must be owners of property or
20 registered voters;
21 (B) the carrier must be a signatory on at least one (1) petition;
22 (C) after the signatures have been collected, the carrier must
23 swear or affirm before a notary public that the carrier
24 witnessed each signature; and
25 (D) govern the closing date for the petition period.

26 Persons requesting forms may be required to identify themselves
27 as owners of property or registered voters and may be allowed to
28 pick up additional copies to distribute to other owners of property
29 or registered voters. Each person signing a petition must indicate
30 whether the person is signing the petition as a registered voter
31 within the political subdivision or is signing the petition as the
32 owner of property within the political subdivision. A person who
33 signs a petition as a registered voter must indicate the address at
34 which the person is registered to vote. A person who signs a
35 petition as an owner of property must indicate the address of the
36 property owned by the person in the political subdivision.

37 (6) Each petition must be verified under oath by at least one (1)
38 qualified petitioner in a manner prescribed by the state board of
39 accounts before the petition is filed with the county voter
40 registration office under subdivision (7).

41 (7) Each petition must be filed with the county voter registration
42 office not more than thirty (30) days after publication under



1 subdivision (2) of the notice of the preliminary determination.
2 (8) The county voter registration office shall determine whether
3 each person who signed the petition is a registered voter.
4 However, after the county voter registration office has determined
5 that at least five hundred twenty-five (525) persons who signed
6 the petition are registered voters within the political subdivision,
7 the county voter registration office is not required to verify
8 whether the remaining persons who signed the petition are
9 registered voters. If the county voter registration office does not
10 determine that at least five hundred twenty-five (525) persons
11 who signed the petition are registered voters, the county voter
12 registration office, not more than fifteen (15) business days after
13 receiving a petition, shall forward a copy of the petition to the
14 county auditor. Not more than ten (10) business days after
15 receiving the copy of the petition, the county auditor shall provide
16 to the county voter registration office a statement verifying:
17 (A) whether a person who signed the petition as a registered
18 voter but is not a registered voter, as determined by the county
19 voter registration office, is the owner of property in the
20 political subdivision; and
21 (B) whether a person who signed the petition as an owner of
22 property within the political subdivision does in fact own
23 property within the political subdivision.
24 (9) The county voter registration office, not more than ten (10)
25 business days after determining that at least five hundred
26 twenty-five (525) persons who signed the petition are registered
27 voters or after receiving the statement from the county auditor
28 under subdivision (8), as applicable, shall make the final
29 determination of whether a sufficient number of persons have
30 signed the petition. Whenever the name of an individual who
31 signs a petition form as a registered voter contains a minor
32 variation from the name of the registered voter as set forth in the
33 records of the county voter registration office, the signature is
34 presumed to be valid, and there is a presumption that the
35 individual is entitled to sign the petition under this section. Except
36 as otherwise provided in this chapter, in determining whether an
37 individual is a registered voter, the county voter registration office
38 shall apply the requirements and procedures used under IC 3 to
39 determine whether a person is a registered voter for purposes of
40 voting in an election governed by IC 3. However, an individual is
41 not required to comply with the provisions concerning providing
42 proof of identification to be considered a registered voter for



1 purposes of this chapter. A person is entitled to sign a petition
 2 only one (1) time in a particular referendum process under this
 3 chapter, regardless of whether the person owns more than one (1)
 4 parcel of real property, mobile home assessed as personal
 5 property, or manufactured home assessed as personal property or
 6 a combination of those types of property within the political
 7 subdivision and regardless of whether the person is both a
 8 registered voter in the political subdivision and the owner of
 9 property within the political subdivision. Notwithstanding any
 10 other provision of this section, if a petition is presented to the
 11 county voter registration office within forty-five (45) days before
 12 an election, the county voter registration office may defer acting
 13 on the petition, and the time requirements under this section for
 14 action by the county voter registration office do not begin to run
 15 until five (5) days after the date of the election.

16 (10) The county voter registration office must file a certificate and
 17 each petition with:

18 (A) the township trustee, if the political subdivision is a
 19 township, who shall present the petition or petitions to the
 20 township board **in a township in a county having a**
 21 **consolidated city;** or

22 (B) the body that has the authority to authorize the issuance of
 23 the bonds or the execution of a lease, if the political
 24 subdivision is not a township;

25 within thirty-five (35) business days of the filing of the petition
 26 requesting the referendum process. The certificate must state the
 27 number of petitioners who are owners of property within the
 28 political subdivision and the number of petitioners who are
 29 registered voters residing within the political subdivision.

30 (11) If a sufficient petition requesting the local public question
 31 process is not filed by owners of property or registered voters as
 32 set forth in this section, the political subdivision may issue bonds
 33 or enter into a lease by following the provisions of law relating to
 34 the bonds to be issued or lease to be entered into.

35 (c) If the proper officers of a political subdivision make a
 36 preliminary determination to issue bonds or enter into a lease, the
 37 officers shall provide to the county auditor:

38 (1) a copy of the notice required by subsection (b)(2); and

39 (2) any other information the county auditor requires to fulfill the
 40 county auditor's duties under section 3.6 of this chapter.

41 SECTION 12. IC 12-20-4-3, AS AMENDED BY P.L.73-2005,
 42 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JANUARY 1, 2020]: Sec. 3. (a) The township trustee shall determine
 2 the number of township assistance supervisors, investigators,
 3 assistants, or other necessary employees that are employed by the
 4 township to administer township assistance.

5 (b) The pay of township assistance supervisors, investigators,
 6 assistants, and other necessary employees shall be fixed by the
 7 township trustee subject only to:

8 (1) the total budgetary appropriation for personnel services for the
 9 administration of township assistance; and

10 (2) in a township in a county having a consolidated city,
 11 approved approval by the township board.

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

16 SECTION 13. IC 12-20-4-11, AS AMENDED BY P.L.73-2005,
 17 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JANUARY 1, 2020]: Sec. 11. (a) A township assistance supervisor,
 19 investigator, assistant, or other necessary employee shall be paid only
 20 for the number of days the employee is actually engaged in
 21 employment during each month.

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

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

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

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

39 SECTION 14. IC 12-20-4-13 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 13. (a) Subject
 41 to subsection (b), the township trustee may with the approval of the
 42 township board; employ personnel to supervise rehabilitation, training,



1 retraining, and work programs as provided in IC 12-20-13.

2 **(b) In a township in a county having a consolidated city, the**
 3 **employment of personnel under subsection (a) is subject to the**
 4 **approval of the township board.**

5 SECTION 15. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005,
 6 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2020]: Sec. 1. (a) The township trustee shall process all
 8 applications for township assistance according to uniform written
 9 standards and without consideration of the race, creed, nationality, or
 10 gender of the applicant or any member of the applicant's household.

11 (b) The township's standards for the issuance of township assistance
 12 and the processing of applications must ~~be~~ **meet the following**
 13 **requirements:**

14 (1) **The standards must be** governed by the requirements of this
 15 article.

16 (2) **The standards must be adopted as follows:**

17 **(A) This clause applies only to a township in a county**
 18 **having a consolidated city. The standards must be** proposed
 19 by the township trustee, adopted by the township board, and
 20 filed with the board of county commissioners.

21 **(B) This clause applies only to a township in a county not**
 22 **having a consolidated city. The standards must be adopted**
 23 **by the township trustee and filed with the board of county**
 24 **commissioners.**

25 (3) **The standards must be** reviewed and updated annually to
 26 reflect changes in the cost of basic necessities in the township and
 27 changes in the law.

28 (4) **The standards must be** published in a single written
 29 document, including addenda attached to the document. ~~and~~

30 (5) **The standards must be** posted in a place prominently visible
 31 to the public in all offices of the township trustee where township
 32 assistance applications are taken or processed.

33 SECTION 16. IC 12-20-13-1, AS AMENDED BY P.L.73-2005,
 34 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JANUARY 1, 2020]: Sec. 1. **(a) This subsection applies only to a**
 36 **township in a county having a consolidated city.** A township trustee,
 37 may, with the approval of the township board do the following:

38 (1) Conduct the following for township assistance recipients in
 39 the township:

40 (A) Rehabilitation programs.

41 (B) Training programs.

42 (C) Retraining programs.



- 1 (D) Work programs.
- 2 (2) Employ personnel to supervise the programs.
- 3 (3) Pay the costs of the programs from township assistance
- 4 money.
- 5 **(b) This subsection applies only to a township in a county not**
- 6 **having a consolidated city. A township trustee may do the**
- 7 **following:**
- 8 **(1) Conduct the following for township assistance recipients**
- 9 **in the township:**
- 10 **(A) Rehabilitation programs.**
- 11 **(B) Training programs.**
- 12 **(C) Retraining programs.**
- 13 **(D) Work programs.**
- 14 **(2) Employ personnel to supervise the programs.**
- 15 **(3) Pay the costs of the programs from township assistance**
- 16 **money.**

17 SECTION 17. IC 12-20-20-2, AS AMENDED BY P.L.73-2005,
 18 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JANUARY 1, 2020]: Sec. 2. (a) If money is not available for the
 20 payment of township assistance claims under section 1 of this chapter,
 21 the township ~~board~~ shall appeal to borrow money under IC 12-20-24.

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

- 31 (1) A temporary loan against taxes levied and in the process of
- 32 collection.
- 33 (2) The sale of county township assistance bonds or other county
- 34 obligations.
- 35 (3) Any other lawful method of obtaining money for the payment
- 36 of township assistance claims.

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



- 1 borrow money by any of the following methods:
- 2 (1) A temporary loan against taxes levied and in the process of
- 3 collection.
- 4 (2) The sale of county township assistance bonds or other county
- 5 obligations.
- 6 (3) Any other lawful method of obtaining money for the payment
- 7 of township assistance claims.

8 SECTION 18. IC 12-20-21-3, AS AMENDED BY P.L.234-2013,
 9 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2020]: Sec. 3. (a) Except as provided in section 3.2 of
 11 this chapter, **the following may levy a specific tax for the purpose of**
 12 **providing money for the payment of township assistance expenses**
 13 **in the following year:**

14 **(1) This subdivision applies only to a township in a county**
 15 **having a consolidated city.** A township trustee and township
 16 board may levy a specific tax ~~for the purpose of providing money~~
 17 ~~for the payment of township assistance expenses in the following~~
 18 ~~year.~~ **under this section.**

19 **(2) This subdivision applies only to a township in a county not**
 20 **having a consolidated city. The township trustee may levy a**
 21 **specific tax under this section.**

22 The tax may be sufficient to meet the entire requirement of the
 23 township in the following year or the part that is determined to be
 24 proper.

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

34 SECTION 19. IC 12-20-22-1, AS AMENDED BY P.L.73-2005,
 35 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JANUARY 1, 2020]: Sec. 1. (a) A township trustee may not, acting as
 37 administrator of township assistance, disburse any money or incur any
 38 obligation in the furnishing of township assistance in excess of the
 39 amount appropriated for that purpose.

40 (b) Appropriations for township assistance purposes must be made
 41 in the manner provided by law for appropriations for other township
 42 purposes.



1 (c) ~~When preparing~~ **The following shall prepare** the annual budget
 2 for a township:

3 **(1) This subdivision applies only to a township in a county**
 4 **having a consolidated city.** The township trustee and the
 5 township board **shall prepare the annual budget for the**
 6 **township.**

7 **(2) This subdivision applies only to a township in a county not**
 8 **having a consolidated city. The township trustee shall prepare**
 9 **the annual budget for the township.**

10 **The appropriate township officials** shall set out in the budget the
 11 amount of expenditures estimated to be reasonably required for current
 12 township assistance in the following calendar year. If the amount
 13 provided for township assistance in the annual budget as finally
 14 adopted and approved is insufficient to meet the requirements for that
 15 purpose, additional appropriations may be made in the manner
 16 provided by law for the making of additional appropriations by
 17 townships for other purposes.

18 SECTION 20. IC 12-20-22-2, AS AMENDED BY P.L.73-2005,
 19 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JANUARY 1, 2020]: Sec. 2. (a) Copies of all township budgets for
 21 current township assistance shall, as finally adopted and approved, be
 22 placed on file in the office of the county auditor. If an additional
 23 appropriation for current township assistance is made, ~~by a township:~~
 24 **the following shall be filed in the office of the county auditor:**

25 (1) A certified copy of the action of the **following in making the**
 26 **additional appropriation:**

27 **(A) The action of the township board. This clause applies**
 28 **only to a township in a county having a consolidated city.**

29 **(B) The action of the township trustee. This clause applies**
 30 **only to a township in a county not having a consolidated**
 31 **city.**

32 ~~in making the additional appropriation; and~~

33 (2) A certified copy of the order of the department approving the
 34 additional appropriation.

35 ~~shall be filed in the office of the county auditor:~~

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

39 SECTION 21. IC 12-20-24-1, AS AMENDED BY P.L.169-2006,
 40 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JANUARY 1, 2020]: Sec. 1. (a) **This subsection applies only to a**
 42 **township in a county having a consolidated city.** In addition to the



1 other methods of township assistance financing provided by this article,
 2 if a township trustee for a township determines that a particular
 3 township's township assistance account will be exhausted before the
 4 end of a fiscal year, the township trustee shall notify the township
 5 board of that determination.

6 **(b) This subsection applies only to a township in a county having**
 7 **a consolidated city.** After receiving notice under subsection (a) that a
 8 township's township assistance account will be exhausted before the
 9 end of a fiscal year, the township board shall appeal to the department
 10 of local government finance for the right to borrow money on a short
 11 term basis to fund township assistance services in the township.

12 **(c) This subsection applies only to a township in a county not**
 13 **having a consolidated city. If the township trustee determines that**
 14 **a particular township's township assistance account will be**
 15 **exhausted before the end of a fiscal year, the township trustee shall**
 16 **appeal to the department of local government finance for the right**
 17 **to borrow money on a short term basis to fund township assistance**
 18 **services in the township.**

19 **(d) In the appeal the township board under subsection (b) or (c),**
 20 **the township** must do the following:

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

24 (2) Show the amount of money that the ~~board~~ **township** estimates
 25 will be needed to fund the deficit.

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

28 SECTION 22. IC 12-20-24-5, AS AMENDED BY P.L.169-2006,
 29 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JANUARY 1, 2020]: Sec. 5. (a) If upon appeal under section 1 of this
 31 chapter the department determines that a township ~~board~~ should be
 32 allowed to borrow money under this chapter, the department shall order
 33 the township trustee to borrow the money from a financial institution
 34 on behalf of the township ~~board~~ and to deposit the money borrowed in
 35 the township's township assistance account.

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

39 SECTION 23. IC 12-20-24-8, AS AMENDED BY P.L.169-2006,
 40 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JANUARY 1, 2020]: Sec. 8. (a) If a township: ~~board~~

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



- 1 (2) receives permission from
 2 (~~A~~) the board of commissioners or the county council; before
 3 July 1, 2006; or
 4 (~~B~~) the department
 5 to borrow money before November 1 of that year; and
 6 (3) borrows money under this chapter;
 7 the township ~~board~~ shall levy a property tax beginning in the next
 8 succeeding year and continuing for the term of the loan in an amount
 9 each year that will be sufficient to pay the principal and interest due on
 10 the loan for the year.
- 11 (b) If a township: ~~board~~:
 12 (1) appeals after August 1 for permission to borrow money;
 13 (2) receives permission from
 14 (~~A~~) the board of commissioners or the county council; before
 15 July 1, 2006; or
 16 (~~B~~) the department
 17 to borrow money; and
 18 (3) borrows money in the year of the appeal under this chapter;
 19 the township ~~board~~ shall levy a property tax beginning in the second
 20 succeeding year and continuing for the term of the loan in an amount
 21 each year that will be sufficient to pay the principal and interest due on
 22 the loan for the year.
- 23 (c) The property taxes levied under this section shall be retained by
 24 the township trustee and applied by the township trustee to retire the
 25 debt.
- 26 SECTION 24. IC 12-20-24-9 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 9. A township
 28 board must make an additional appropriation before money borrowed
 29 under IC 12-2-4.5 (before its repeal) or this chapter may be spent.
- 30 SECTION 25. IC 12-20-25-6 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 6. The township
 32 trustee shall immediately notify:
 33 (1) in a county having a consolidated city, the township board;
 34 and
 35 (2) the county fiscal body;
 36 when a township becomes a distressed township.
- 37 SECTION 26. IC 12-20-25-47 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 47. Rules
 39 established by the control board before the termination of a township's
 40 controlled status continue to govern the operations of the township
 41 trustee's office until the rules are modified or terminated by:
 42 (1) the township board, in a county having a consolidated city;



1 **and**
 2 **(2) the township trustee, in a county not having a consolidated**
 3 **city.**

4 SECTION 27. IC 13-11-2-86 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 86. "Fiscal body"
 6 means **the following:**

- 7 (1) The county council, for a county not having a consolidated
 8 city.
 9 (2) The city-county council of a consolidated city and county.
 10 (3) The common council of a city.
 11 (4) The town council of a town.
 12 (5) The **following for a township:**
 13 **(A) The township board of a township or in a county having**
 14 **a consolidated city.**
 15 **(B) The township trustee of a township in a county not**
 16 **having a consolidated city.**
 17 (6) The board of directors of a conservancy district.

18 SECTION 28. IC 14-33-5.4-6 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 6. (a) A district
 20 must adopt a form for applications for absentee ballots. The form
 21 adopted by the district must elicit the following information from the
 22 applicant:

- 23 (1) Name.
 24 (2) Location within the district of the real estate that is held by the
 25 applicant, making the applicant a freeholder.
 26 (b) An individual who:
 27 (1) holds a freeholder's interest in real property located within a
 28 district; and
 29 (2) wishes to cast an absentee ballot in an election of directors of
 30 the district;

31 must present an application for an absentee ballot to the trustee of the
 32 township in which the real property of the freeholder is located. The
 33 application must be made on the form adopted by the district under
 34 subsection (a).

35 (c) To be accepted, an application for an absentee ballot must reach
 36 the trustee at least thirty (30) days before the election.

37 (d) When the trustee receives an application for an absentee ballot
 38 under this section, the trustee shall verify that the name of the applicant
 39 appears on the list of freeholders provided to the district under section
 40 4(a) of this chapter. For the purposes of this subsection, the district
 41 shall provide a copy of the list of freeholders to the trustee of each
 42 township that is located in whole or in part within the district at least



- 1 thirty (30) days before the election.
- 2 (e) If the name of an applicant appears on the list of freeholders, the
3 trustee shall mail to the applicant:
- 4 (1) an absentee ballot; and
5 (2) instructions on the proper completion and mailing of the
6 ballot.
- 7 (f) The instructions provided by the trustee under subsection (e)(2)
8 must direct the applicant to return the absentee ballot by mail to the
9 trustee.
- 10 (g) If the name of an applicant does not appear on the list of
11 freeholders, the trustee shall:
- 12 (1) discard the application of the applicant; and
13 (2) mail to the applicant a letter or postcard informing the
14 applicant that the applicant's application for an absentee ballot has
15 been discarded because the applicant's name did not appear on the
16 list of freeholders.
- 17 (h) A trustee shall:
- 18 (1) keep a record of each absentee ballot mailed to an applicant
19 under subsection (e);
20 (2) retain absentee ballots that are returned to the office of the
21 trustee before the date of the election; and
22 (3) on the day of the election, deliver all absentee ballots retained
23 under subdivision (2) to an election polling place.
- 24 (i) The district shall:
- 25 (1) supply the trustee with:
26 (A) absentee ballots; and
27 (B) envelopes; and
28 (2) reimburse the expenses incurred by the trustee for postage;
29 under this section.
- 30 (j) If a relative of a trustee is a candidate for director of a district, the
31 duties of the trustee under this section with respect to the election of
32 directors of the district shall be carried out by **the following**:
- 33 **(1) In a county having a consolidated city**, a member of the
34 township board selected by the trustee.
- 35 **(2) In a county not having a consolidated city, an individual**
36 **selected by the county executive.**
- 37 SECTION 29. IC 15-16-8-5, AS ADDED BY P.L.2-2008,
38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JANUARY 1, 2020]: Sec. 5. (a) The township trustee may pay the
40 following costs incurred in cutting or destroying detrimental plants
41 under this chapter:
42 (1) Chemicals.



- 1 (2) Work.
- 2 (3) Labor, at a rate per hour to be fixed by the township trustee
- 3 commensurate with local hourly wages.
- 4 (b) If the trustee believes the infestation of the real estate with
- 5 detrimental plants is so great and widespread that cutting or eradication
- 6 by hand methods is impractical, the trustee shall use the necessary
- 7 power machinery or equipment. The trustee may pay for the work at a
- 8 rate per hour fixed by the township trustee commensurate with the local
- 9 hourly rate.
- 10 (c) When the work has been performed, the person doing the work
- 11 shall file an itemized bill for the work in the office of the township
- 12 trustee. When the bill has been approved, the trustee shall pay the bill
- 13 out of the township fund. If there is no money available in the township
- 14 fund for that purpose, the ~~township board~~, **following**, upon finding an
- 15 emergency exists, shall act under IC 36-6-6-14(b), ~~or~~ IC 36-6-6-15,
- 16 **IC 36-6-6.3-8(b), or IC 36-6-6.3-10** to borrow money sufficient to
- 17 meet the emergency:
- 18 (1) **The township board. This subdivision applies only to a**
- 19 **township in a county having a consolidated city.**
- 20 (2) **The township trustee. This subdivision applies only to a**
- 21 **township in a county not having a consolidated city.**
- 22 (d) **This subsection applies only to a county having a**
- 23 **consolidated city.** The trustee, when submitting estimates to the
- 24 township board for action, shall include in the estimates an item
- 25 sufficient to cover those expenditures.
- 26 SECTION 30. IC 16-23-9-1, AS AMENDED BY P.L.119-2012,
- 27 SECTION 138, IS AMENDED TO READ AS FOLLOWS
- 28 [EFFECTIVE JANUARY 1, 2020]: Sec. 1. This chapter applies to a
- 29 nonprofit hospital corporation that:
- 30 (1) is located in a township having a population of more than
- 31 eight thousand (8,000) but less than ten thousand (10,000) located
- 32 in a county having a population of more than forty-seven thousand
- 33 (47,000) but less than forty-seven thousand five hundred
- 34 (47,500);
- 35 (2) has a majority of members who are residents of the township;
- 36 (3) is managed by directors, a majority of whom are residents of
- 37 the township and who serve without compensation;
- 38 (4) is free from political or sectarian influence and is required by
- 39 the hospital's articles of incorporation to be so managed and
- 40 maintained perpetually; and
- 41 (5) is unable to be maintained and supported and to perform the
- 42 hospital service reasonably needed and required for the people of



- 1 the township without assistance, as determined by the township
 2 trustee. ~~and township board.~~
- 3 SECTION 31. IC 16-23-9-2 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2. The ~~township~~
 5 ~~board may~~, at the request of the township trustee **may** levy annually
 6 and cause to be collected as other taxes are collected a tax upon all of
 7 the taxable property within the township. The tax may not exceed six
 8 and sixty-seven hundredths cents (\$0.0667) on each one hundred
 9 dollars (\$100) of assessed valuation. The tax is for the use of the
 10 hospital in defraying the expenses of the hospital's maintenance and
 11 support, for providing necessary additions, and for the payment of
 12 mortgage indebtedness.
- 13 SECTION 32. IC 16-23-9-4 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 4. (a) This section
 15 applies if the township trustee ~~and the township board of the township~~
 16 ~~determine~~ **determines** the following:
- 17 (1) That the hospital is indebted in an amount not exceeding five
 18 thousand dollars (\$5,000), the payment of which is secured by a
 19 mortgage encumbering the buildings and grounds of the hospital.
 - 20 (2) That an addition to the hospital structure or additional
 21 building or buildings, or equipment is required to enable the
 22 hospital to efficiently carry on the hospital's activities under the
 23 hospital's articles of incorporation.
- 24 (b) The township ~~board may authorize the trustee may~~, by special
 25 order entered and signed upon the ~~township board's township's~~
 26 records, ~~to~~ borrow an amount on behalf of the township sufficient to
 27 pay the mortgage indebtedness, or to construct and equip an addition
 28 to a building or for an additional building. The township ~~board may~~
 29 ~~authorize the trustee of the township to may~~ issue bonds of the
 30 township to pay the debt created. The bonds:
- 31 (1) may run for a period not exceeding ten (10) years;
 - 32 (2) may bear interest at any rate; and
 - 33 (3) shall be sold ~~by one (1) of the trustees with the consent of the~~
 34 ~~township board~~, for not less than par value.
- 35 (c) The township ~~board trustee~~ shall annually levy sufficient taxes
 36 to pay at least one-tenth (1/10) of the township bonds, including
 37 interest, and the township trustee shall apply the tax levy collected each
 38 year to the retirement of the bonds and the payment of the interest on
 39 the bonds. The bonds issued under this section may not exceed an
 40 amount equal to one percent (1%) of the adjusted value of all the
 41 taxable property in the township, including that in a town, as
 42 determined under IC 36-1-15.



1 (d) This debt may not be created except by the township ~~board~~
 2 **trustee** in the manner specified in this section. A payment of an
 3 unauthorized debt by a trustee from public funds is recoverable upon
 4 the bond of the trustee.

5 (e) The township trustee shall pay the proceeds from the borrowing
 6 and the sale of bonds into the treasury of the hospital. The hospital may
 7 use the money only to pay the mortgage indebtedness for which bonds
 8 had been sold or for construction and equipment of buildings or
 9 additions to buildings.

10 SECTION 33. IC 20-23-6-1, AS ADDED BY P.L.1-2005,
 11 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JANUARY 1, 2020]: Sec. 1. As used in this chapter, "trustees" means
 13 the:

- 14 (1) township trustee and township board **of a township in a**
 15 **county having a consolidated city;**
 16 **(2) the township trustee of a township in a county not having**
 17 **a consolidated city; or**
 18 ~~(2)~~ **(3) governing body;**

19 of each school corporation joining in the resolution provided for in this
 20 chapter.

21 SECTION 34. IC 20-23-6-9, AS AMENDED BY P.L.244-2017,
 22 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JANUARY 1, 2020]: Sec. 9. (a) When any:

- 24 (1) school town;
 25 (2) school city;
 26 (3) school township;
 27 (4) joint school; or
 28 (5) consolidated school;

29 has become consolidated by resolution or election and the new
 30 governing body has been appointed and legally organized, the former
 31 school township, school town, school city, joint school, or consolidated
 32 school is considered abandoned.

33 (b) All school:

- 34 (1) property;
 35 (2) rights;
 36 (3) privileges; and
 37 (4) any indebtedness;

38 from the abandoned school is considered to accrue to and be assumed
 39 by the new consolidated school corporation.

40 (c) The title of property shall pass to and become vested in the new
 41 consolidated school corporation. All debts of the former school
 42 corporations shall be assumed and paid by the new consolidated school



1 corporation. All the privileges and rights conferred by law upon the
2 former:

- 3 (1) school town;
- 4 (2) school city;
- 5 (3) school township;
- 6 (4) joint school; or
- 7 (5) consolidated school;

8 are granted to the newly consolidated school corporation.

9 (d) This subsection applies when the consolidated governing body
10 of a consolidated school corporation decides that property acquired
11 under subsection (b) from a township is no longer needed for school
12 purposes. The governing body shall offer the property as a gift to the
13 township that owned the property before the school was consolidated.
14 If the property contains a structure that the governing body wishes to
15 demolish, the governing body shall give written notice of the proposed
16 demolition to the township. The township shall, within ninety (90) days
17 after receiving the notice, inform the governing body in writing as to
18 whether the township wishes to retain the structure. If the township
19 wishes to retain the structure, the governing body may not demolish the
20 structure before transferring the property. The township may sell or
21 lease the property to an Indiana nonprofit corporation that is exempt
22 from federal income taxation under Section 501 of the Internal
23 Revenue Code. If the township ~~board~~ accepts the offer, the governing
24 body shall give the township a quitclaim deed to the property. If the
25 township ~~board~~ refuses the offer, the governing body may sell the
26 property in the manner provided in subsection (e).

27 (e) This subsection provides the procedure for the sale of school
28 property that is no longer needed for school purposes by the governing
29 body of a consolidated school corporation. The governing body shall
30 cause the property to be appraised at a fair cash value by:

31 (1) one (1) disinterested resident freeholder of the school
32 corporation offering the property for sale; and

33 (2) two (2) disinterested appraisers licensed under IC 25-34.1;
34 who are residents of Indiana. One (1) of the appraisers described under
35 subdivision (2) must reside not more than fifty (50) miles from the
36 property. The appraisals shall be made under oath and spread of record
37 upon the records of the governing body. A sale may not be made for
38 less than the appraised value, and the sale must be made for cash. The
39 sale shall take place after the governing body gives notice under
40 IC 5-3-1 of the terms, date, time, and place of sale.

41 (f) Proceeds from a sale under subsection (e) shall be placed in the
42 operations fund of the consolidated school corporation.



1 (g) This subsection applies when the consolidated governing body
 2 of a consolidated school corporation decides that property acquired
 3 under subsection (b) from a city or town is no longer needed for school
 4 purposes. The governing body shall offer the property as a gift to the
 5 city or town that owned the property before the school was
 6 consolidated. If the property contains a structure that the governing
 7 body wishes to demolish, the governing body shall give written notice
 8 of the proposed demolition to the city or town. The city or town shall,
 9 within ninety (90) days after receiving the notice, inform the governing
 10 body in writing as to whether the city or town wishes to retain the
 11 structure. If the city or town wishes to retain the structure, the
 12 governing body may not demolish the structure before transferring the
 13 property. If the fiscal body of the city or town accepts the offer, the
 14 governing body shall give the city or town a quitclaim deed to the
 15 property. If the fiscal body of the city or town refuses the offer, the
 16 governing body may sell the property in the manner provided in
 17 subsection (e).

18 SECTION 35. IC 20-42-3-10, AS AMENDED BY P.L.286-2013,
 19 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JANUARY 1, 2020]: Sec. 10. **(a) In a county not**
 21 **having a consolidated city, the township trustee alone may take the**
 22 **actions described in this section without the action of a township**
 23 **board.**

24 **(b)** The trustee, with the advice and consent of the township board,
 25 shall use the account for the following educational purposes:

26 (1) Each year the trustee shall pay, to the parent or legal guardian
 27 of any child whose residence is within the township, the initial
 28 cost for the rental of curricular materials used in any elementary
 29 or secondary school that has been accredited by the state. The
 30 reimbursement for the rental of curricular materials shall be for
 31 the initial yearly rental charge only. Curricular materials
 32 subsequently lost or destroyed may not be paid for from this
 33 account.

34 (2) Students who are residents of the township for the last two (2)
 35 years of their secondary education and who still reside within the
 36 township are entitled to receive financial assistance in an amount
 37 not to exceed an amount determined by the trustee and the
 38 township board during an annual review of postsecondary
 39 education fees and tuition costs of education at any accredited
 40 postsecondary educational institution. Amounts to be paid to each
 41 eligible student shall be set annually after this review. The
 42 amount paid each year must be:



- 1 (A) equitable for every eligible student without regard to race,
- 2 religion, creed, sex, disability, or national origin; and
- 3 (B) based on the number of students and the amount of funds
- 4 available each year.
- 5 (3) A person who has been a permanent resident of the township
- 6 continuously for at least two (2) years and who needs educational
- 7 assistance for job training or retraining may apply to the trustee
- 8 of the township for financial assistance. The trustee and the
- 9 township board shall review each application and make assistance
- 10 available according to the need of each applicant and the
- 11 availability of funds.
- 12 (4) If all the available funds are not used in any one (1) year, the
- 13 unused funds shall be retained in the account by the trustee for
- 14 use in succeeding years.

15 SECTION 36. IC 20-48-4-1, AS ADDED BY P.L.2-2006,
 16 SECTION 171, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JANUARY 1, 2020]: Sec. 1. **(a)** Sections 2 through 4 of
 18 this chapter apply if a township board **(for a township in a county**
 19 **having a consolidated city) or a township trustee (for a township in**
 20 **a county not having a consolidated city)** finds at an annual or special
 21 meeting ~~of the board, or hearing~~, that:

- 22 (1) it is necessary to provide for the construction of a school
- 23 building; and
- 24 (2) the cost of the building, or the proportional cost if it is a joint
- 25 graded high school building, will exceed the sum available from
- 26 an annual levy.

27 **(b) For purposes of this chapter, a township trustee of a**
 28 **township in a county not having a consolidated city may take any**
 29 **action described in this chapter without the action of a township**
 30 **board.**

31 SECTION 37. IC 23-14-69-5, AS AMENDED BY THE
 32 TECHNICAL CORRECTIONS BILL OF THE 2019 GENERAL
 33 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JANUARY 1, 2020]: Sec. 5. **(a) This subsection applies only to a**
 35 **township in a county having a consolidated city. If:**

- 36 (1) no land suitable for a public cemetery is donated to a
- 37 township; and
- 38 (2) if the township legislative body adopts a resolution approving
- 39 the purchase;

40 the township executive may purchase land for the purpose of
 41 establishing a public cemetery.

42 **(b) This subsection applies only to a township in a county not**



1 **having a consolidated city. If no land suitable for a public cemetery**
 2 **is donated to a township, the township executive may purchase**
 3 **land for the purpose of establishing a public cemetery.**

4 ~~(b)~~ (c) When land is purchased and conveyed to the township under
 5 subsection (a), the land must be set apart, kept in repair, and used as
 6 provided in section 6 of this chapter.

7 SECTION 38. IC 36-1-2-6, AS AMENDED BY P.L.186-2006,
 8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JANUARY 1, 2020]: Sec. 6. "Fiscal body" means **the following:**

10 (1) **The** county council, for a county not having a consolidated
 11 city.

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

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

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

16 (5) **The** township board, for a township **in a county having a**
 17 **consolidated city.**

18 (6) **The township trustee for a township in a county not having**
 19 **a consolidated city.**

20 ~~(6)~~ (7) **The** governing body or budget approval body, for any
 21 other political subdivision that has a governing body or budget
 22 approval body. ~~or~~

23 ~~(7)~~ (8) **The** chief executive officer of any other political
 24 subdivision that does not have a governing body or budget
 25 approval body.

26 SECTION 39. IC 36-1-2-9, AS AMENDED BY P.L.77-2014,
 27 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JANUARY 1, 2020]: Sec. 9. "Legislative body" means **the following:**

29 (1) **The** board of county commissioners, for a county not subject
 30 to IC 36-2-2.5, IC 36-2-3.5, or IC 36-3-1.

31 (2) **The** county council, for a county subject to IC 36-2-2.5 or
 32 IC 36-2-3.5.

33 (3) **The** city-county council, for a consolidated city or county
 34 having a consolidated city.

35 (4) **The** common council, for a city other than a consolidated city.

36 (5) **The** town council, for a town.

37 (6) **The** township board, for a township **in a county having a**
 38 **consolidated city.**

39 (7) **The township trustee for a township in a county not having**
 40 **a consolidated city.**

41 ~~(7)~~ (8) **The** governing body of any other political subdivision that
 42 has a governing body. ~~or~~



- 1 ~~(8)~~ **(9)** The chief executive officer of any other political
 2 subdivision that does not have a governing body.
- 3 SECTION 40. IC 36-1-8-5, AS AMENDED BY P.L.244-2017,
 4 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JANUARY 1, 2020]: Sec. 5. (a) This section applies to
 6 all funds raised by a general or special tax levy on all the taxable
 7 property of a political subdivision.
- 8 (b) Whenever the purposes of a tax levy have been fulfilled and an
 9 unused and unencumbered balance remains in the fund, the fiscal body
 10 of the political subdivision shall order the balance of that fund to be
 11 transferred as follows, unless a statute provides that it be transferred
 12 otherwise:
- 13 (1) **The funds of a county shall be transferred** to the general
 14 fund or rainy day fund of the county, as provided in section 5.1 of
 15 this chapter.
- 16 (2) **The funds of a municipality shall be transferred** to the
 17 general fund or rainy day fund of the municipality, as provided in
 18 section 5.1 of this chapter.
- 19 (3) **The funds of a township for redemption of township**
 20 assistance obligations **shall be transferred** to the township
 21 assistance fund of the township or rainy day fund of the township,
 22 as provided in section 5.1 of this chapter.
- 23 (4) **The funds of any other political subdivision shall be**
 24 **transferred** to the general fund or rainy day fund of the political
 25 subdivision, as provided in section 5.1 of this chapter. However,
 26 if the political subdivision is dissolved or does not have a general
 27 fund or rainy day fund and is not a school corporation ~~then the~~
 28 **funds shall be transferred** to the general fund of each of the
 29 units located in the political subdivision in the same proportion
 30 that the assessed valuation of the unit bears to the total assessed
 31 valuation of the political subdivision. In the case of a school
 32 corporation, the school corporation may transfer the amount
 33 received to any of its funds.
- 34 (c) Whenever an unused and unencumbered balance remains in the
 35 civil township fund of a township and a current tax levy for the fund is
 36 not needed, the township fiscal body may order any part of the balance
 37 of that fund transferred to the debt service fund of the school
 38 corporation located in or partly in the township. However, if more than
 39 one (1) school corporation is located in or partly in the township, then
 40 any sum transferred shall be transferred to the debt service fund of each
 41 of those school corporations in the same proportion that the part of the
 42 assessed valuation of the school corporation in the township bears to



1 the total assessed valuation of the township.

2 (d) Whenever any township has collected any fund for the special
3 or specific purpose of erecting or constructing a school building and
4 the township trustee of the township decides to abandon the proposed
5 work of erecting or constructing the school building, the township
6 trustee of the township shall transfer the fund collected for the special
7 or specific purpose to the township fund of the township, upon the
8 order of the township board to make the transfer. It is lawful thereafter
9 to use the funds for any purpose for which the township funds of the
10 township may be used.

11 (e) Transfers to a political subdivision's rainy day fund may be made
12 at any time during the political subdivision's fiscal year.

13 **(g) The township executive of a township in a county not having**
14 **a consolidated city has full and complete authority to take any**
15 **action required under this section necessary to make a transfer to**
16 **or from a fund under this section.**

17 SECTION 41. IC 36-6-1.5 IS REPEALED [EFFECTIVE
18 JANUARY 1, 2020]. (Merger of Township Governments).

19 SECTION 42. IC 36-6-1.6 IS REPEALED [EFFECTIVE
20 JANUARY 1, 2020]. (Dissolution of Township Government Merger).

21 SECTION 43. IC 36-6-4-3, AS AMENDED BY P.L.1-2009,
22 SECTION 163, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JANUARY 1, 2020]: Sec. 3. The executive shall do the
24 following:

- 25 (1) Keep a written record of official proceedings.
- 26 (2) Manage all township property interests.
- 27 (3) Keep township records open for public inspection.
- 28 (4) Attend all meetings of the township legislative body. **This**
29 **subdivision applies only to a township in a county having a**
30 **consolidated city.**
- 31 (5) Receive and pay out township funds.
- 32 (6) Examine and settle all accounts and demands chargeable
33 against the township.
- 34 (7) Administer township assistance under IC 12-20 and
35 IC 12-30-4.
- 36 (8) Perform the duties of fence viewer under IC 32-26.
- 37 (9) Provide and maintain cemeteries under IC 23-14.
- 38 (10) Provide fire protection under IC 36-8, except in a township
39 that:
 - 40 (A) is located in a county having a consolidated city; and
 - 41 (B) consolidated the township's fire department under
42 IC 36-3-1-6.1.



- 1 (11) File an annual personnel report under IC 5-11-13.
- 2 (12) Provide and maintain township parks and community centers
- 3 under IC 36-10.
- 4 (13) Destroy detrimental plants, noxious weeds, and rank
- 5 vegetation under IC 15-16-8.
- 6 (14) Provide insulin to the poor under IC 12-20-16.
- 7 (15) Perform other duties prescribed by statute.
- 8 SECTION 44. IC 36-6-4-11, AS AMENDED BY P.L.73-2005,
- 9 SECTION 174, IS AMENDED TO READ AS FOLLOWS
- 10 [EFFECTIVE JANUARY 1, 2020]: Sec. 11. (a) At the township
- 11 legislative body's annual meeting under IC 36-6-6-11 **or the hearing**
- 12 **under IC 36-6-6.3-3**, the executive shall:
- 13 (1) present an itemized written statement of the estimated
- 14 expenditures for which appropriations are requested **or proposed**,
- 15 specifying:
- 16 (A) the number of teachers employed;
- 17 (B) the salary of each teacher employed;
- 18 (C) the property of the township (and supplies on hand);
- 19 (D) the estimated value of the property of the township (and
- 20 supplies on hand);
- 21 (E) the supplies necessary for each school; and
- 22 (F) the need for township assistance in the township; and
- 23 (2) submit to questions from the legislative body or taxpayers
- 24 concerning expenditures of the township.
- 25 (b) The written statement required under subsection (a)(1) must
- 26 comply with forms prescribed by the state board of accounts and show
- 27 the amount of each item to be charged against township funds.
- 28 SECTION 45. IC 36-6-4-12, AS AMENDED BY P.L.127-2017,
- 29 SECTION 156, IS AMENDED TO READ AS FOLLOWS
- 30 [EFFECTIVE JANUARY 1, 2020]: Sec. 12. (a) At the annual meeting
- 31 of the township legislative body under IC 36-6-6-9 **or the hearing**
- 32 **under IC 36-6-6.3-3**, the executive shall present a complete report of
- 33 all receipts and expenditures of the preceding calendar year, including
- 34 the balance to the credit of each fund controlled by the executive. If the
- 35 executive controls any money that is not included in a particular fund,
- 36 then the executive shall state all the facts concerning that money in the
- 37 report.
- 38 (b) Each item of expenditure must be accompanied by the verified
- 39 voucher of the person to whom the sum was paid, stating:
- 40 (1) why the payment was made;
- 41 (2) that the receipt is for the exact sum received;
- 42 (3) that no part of the sum has been retained by the executive; and



- 1 (4) that no part of the sum has been or is to be returned to the
 2 executive or any other person.
 3 The executive may administer oaths to persons giving these receipts.
 4 (c) The executive shall swear or affirm that:
 5 (1) the report shows all sums received by the executive;
 6 (2) the expenditures credited have been fully paid in the sums
 7 stated, without express or implied agreement that any part of the
 8 sums is to be retained by or returned to the executive or any other
 9 person; and
 10 (3) the executive has received no money or other property in
 11 consideration of any contract entered into on behalf of the
 12 township.
 13 (d) Within ten (10) days after the legislative body's action under
 14 IC 36-6-6-9, **or the hearing under IC 36-6-6.3-3**, the executive shall
 15 file a copy of the report and its accompanying vouchers, as adopted by
 16 the legislative body, in the county auditor's office. The legislative body
 17 may, for the benefit of the township, bring a civil action against the
 18 executive if the executive fails to file the report within ten (10) days
 19 after the legislative body's action. The legislative body may recover five
 20 dollars (\$5) for each day beyond the time limit for filing the report,
 21 until the report is filed.
 22 SECTION 46. IC 36-6-4-15, AS AMENDED BY P.L.127-2017,
 23 SECTION 159, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JANUARY 1, 2020]: Sec. 15. (a) If the executive resigns
 25 or dies, the former executive or the former executive's personal
 26 representative shall immediately deliver to the new executive custody
 27 of all funds and property of the township.
 28 **(b) This subsection applies only in a county having a**
 29 **consolidated city.** The new executive shall then issue a call for a
 30 special meeting of the township legislative body, to be held not more
 31 than fifteen (15) days later. At the special meeting the legislative body
 32 shall:
 33 (1) examine the records of the township;
 34 (2) inquire into the conduct of the executive's office; and
 35 (3) approve in whole or in part the records, receipts, and
 36 expenditures of the township to the date of death or resignation of
 37 the former executive.
 38 ~~(b)~~ **(c)** In the new executive's annual report to the legislative body
 39 **or the trustee's hearing under IC 36-6-6.3-3**, the new executive shall
 40 distinguish between the new executive's transactions and those of the
 41 former executive. The legislative body need not, at its annual meeting
 42 under IC 36-6-6-9, review items in the report that were considered at



- 1 the special meeting.
- 2 SECTION 47. IC 36-6-5-1, AS AMENDED BY P.L.167-2015,
3 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2020]: Sec. 1. (a) Subject to subsection (g), before 2009,
5 a township assessor shall be elected under IC 3-10-2-13 by the voters
6 of each township:
- 7 (1) having:
- 8 (A) a population of more than eight thousand (8,000); or
9 (B) an elected township assessor or the authority to elect a
10 township assessor before January 1, 1979; and
- 11 (2) in which the number of parcels of real property on January 1,
12 2008, is at least fifteen thousand (15,000).
- 13 (b) Subject to subsection (g), before 2009, a township assessor shall
14 be elected under IC 3-10-2-14 (repealed effective July 1, 2008) in each
15 township:
- 16 (1) having a population of more than five thousand (5,000) but
17 not more than eight thousand (8,000), if:
- 18 (A) the legislative body of the township, by resolution,
19 declares that the office of township assessor is necessary; and
20 (B) the resolution is filed with the county election board not
21 later than the first date that a declaration of candidacy may be
22 filed under IC 3-8-2; and
- 23 (2) in which the number of parcels of real property on January 1,
24 2008, is at least fifteen thousand (15,000).
- 25 (c) Subject to subsection (g), a township government that is created
26 by merger under IC 36-6-1.5 shall elect only one (1) township assessor
27 under this section. **This subsection expires January 1, 2020.**
- 28 (d) Subject to subsection (g), after 2008 a township assessor shall
29 be elected under IC 3-10-2-13 only by the voters of each township in
30 which:
- 31 (1) the number of parcels of real property on January 1, 2008, is
32 at least fifteen thousand (15,000); and
- 33 (2) the transfer to the county assessor of the assessment duties
34 prescribed by IC 6-1.1 is disapproved in the referendum under
35 IC 36-2-15.
- 36 (e) The township assessor must reside within the township as
37 provided in Article 6, Section 6 of the Constitution of the State of
38 Indiana. The assessor forfeits office if the assessor ceases to be a
39 resident of the township.
- 40 (f) The term of office of a township assessor is four (4) years,
41 beginning January 1 after election and continuing until a successor is
42 elected and qualified. However, the term of office of a township



1 assessor elected at a general election in which no other township
 2 officer is elected ends on December 31 after the next election in which
 3 any other township officer is elected.

4 (g) To be eligible to serve as a township assessor, an individual
 5 must meet the following qualifications before taking office:

6 (1) If the individual has never held the office of township
 7 assessor, the individual must have attained a level two
 8 assessor-appraiser certification under IC 6-1.1-35.5.

9 (2) If the individual has held the office of township assessor, the
 10 individual must have attained a level three assessor-appraiser
 11 certification under IC 6-1.1-35.5.

12 (h) After June 30, 2008, the county assessor shall perform the
 13 assessment duties prescribed by IC 6-1.1 in a township in which the
 14 number of parcels of real property on January 1, 2008, is less than
 15 fifteen thousand (15,000).

16 SECTION 48. IC 36-6-6-1 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1. This chapter
 18 applies ~~only to all townships.~~ **a township in a county having a**
 19 **consolidated city.**

20 SECTION 49. IC 36-6-6.1 IS ADDED TO THE INDIANA CODE
 21 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 22 JANUARY 1, 2020]:

23 **Chapter 6.1. Transfer of Township Board Powers and Duties in**
 24 **a County Other Than Marion County**

25 **Sec. 1. This chapter applies only to a township in a county not**
 26 **having a consolidated city.**

27 **Sec. 2. On January 1, 2020, the township boards of the**
 28 **townships in the county are dissolved.**

29 **Sec. 3. On January 1, 2020, all property, assets, funds,**
 30 **equipment, records, rights, contracts, obligations, and liabilities of**
 31 **a township board of a township are transferred to or assumed by**
 32 **the township trustee.**

33 **Sec. 4. Beginning January 1, 2020, the township trustee shall**
 34 **exercise the legislative and fiscal powers assigned in the Indiana**
 35 **Code to township boards, including the authority to adopt the**
 36 **township's annual budget and to levy township property taxes for**
 37 **township funds.**

38 **Sec. 5. Notwithstanding any other law, if a statute requires the**
 39 **township board to take an action by resolution, a township trustee**
 40 **shall instead take the action by issuing an executive order.**

41 **Sec. 6. (a) The dissolution of a township board under section 2**
 42 **of this chapter does not invalidate:**



1 (1) any resolutions, fees, schedules, or other actions adopted
 2 or taken by the township board; or
 3 (2) any appointments made by the township board;
 4 before January 1, 2020.

5 (b) After December 31, 2019, any reference:

6 (1) in the Indiana Code;

7 (2) in the Indiana Administrative Code; or

8 (3) in any resolution;

9 to the township board or township legislative body of a township
 10 shall be considered a reference to the township trustee.

11 SECTION 50. IC 36-6-6-2, AS AMENDED BY P.L.266-2013,
 12 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JANUARY 1, 2020]: Sec. 2. (a) Except as provided in subsection (b),
 14 and section 2.1 of this chapter, a three (3) member township board
 15 shall be elected under IC 3-10-2-13 by the voters of each township.

16 (b) The township board in a county containing a consolidated city
 17 shall consist of the following:

18 (1) Before January 1, 2017, seven (7) members elected under
 19 IC 3-10-2-13 by the voters of each township.

20 (2) After December 31, 2016, five (5) members elected under
 21 IC 3-10-2-13 by the voters of each township.

22 (c) The township board is the township legislative body.

23 (d) The term of office of a township board member is four (4) years,
 24 beginning January 1 after election and continuing until a successor is
 25 elected and qualified.

26 SECTION 51. IC 36-6-6-2.1 IS REPEALED [EFFECTIVE
 27 JANUARY 1, 2020]. Sec. 2.1: (a) This section applies if township
 28 governments merge under IC 36-6-1.5.

29 (b) If two (2) township governments merge, the resulting merged
 30 township government shall elect a three (3) member township board.
 31 The voters of the resulting merged township government shall elect all
 32 the members of the township board. One (1) member must reside
 33 within the boundaries of each of the township governments that
 34 merged.

35 (c) If at least three (3) township governments merge, the resulting
 36 merged township government shall elect a township board that has the
 37 same number of members as the number of township governments that
 38 merged. The voters of the resulting merged township shall elect all the
 39 members of the township board. One (1) township board member must
 40 reside within the boundaries of each of the townships that merged.

41 SECTION 52. IC 36-6-6-3, AS AMENDED BY P.L.240-2005,
 42 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JANUARY 1, 2020]: Sec. 3. (a) This subsection applies to townships
 2 in a county containing a consolidated city. One (1) member of the
 3 legislative body must reside within each legislative body district. If a
 4 member of the legislative body ceases to be a resident of the district
 5 from which the member was elected, the office becomes vacant.

6 (b) This subsection applies to townships not included in subsection
 7 (a). ~~or (e)~~: A member of the legislative body must reside within the
 8 township as provided in Article 6, Section 6 of the Constitution of the
 9 State of Indiana. If a member of the legislative body ceases to be a
 10 resident of the township, the office becomes vacant.

11 ~~(c) This subsection applies to a township government that:~~

12 ~~(1) is created by a merger of township governments under~~
 13 ~~IC 36-6-1.5; and~~

14 ~~(2) elects a township board under section 2.1 of this chapter.~~

15 One (1) member of the legislative body must reside within the
 16 boundaries of each of the former townships that merged. If a member
 17 of the legislative body ceases to be a resident of that former township,
 18 the office becomes vacant.

19 SECTION 53. IC 36-6-6-4, AS AMENDED BY P.L.266-2013,
 20 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JANUARY 1, 2020]: Sec. 4. (a) Except as provided in ~~subsections~~
 22 **subsection (b), and (c)**; two (2) members of the legislative body
 23 constitute a quorum.

24 (b) ~~Before January 1, 2017, four (4) members of the legislative body~~
 25 ~~In a county containing a consolidated city, constitute a quorum. After~~
 26 ~~December 31, 2016, three (3) members of the legislative body in a~~
 27 ~~county having a consolidated city constitute a quorum.~~

28 ~~(c) This subsection applies to a township government that:~~

29 ~~(1) is created by a merger of township governments under~~
 30 ~~IC 36-6-1.5; and~~

31 ~~(2) elects a township board under section 2.1 of this chapter.~~

32 A majority of the members of the legislative body constitute a quorum.
 33 If a township board has an even number of members, the township
 34 executive shall serve as an ex officio member of the township board for
 35 the purpose of casting the deciding vote to break a tie.

36 SECTION 54. IC 36-6-6.3 IS ADDED TO THE INDIANA CODE
 37 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 38 JANUARY 1, 2020]:

39 **Chapter 6.3. Fiscal and Legislative Powers of the Township**
 40 **Trustee**

41 **Sec. 1. This chapter applies only to a township in a county not**
 42 **having a consolidated city.**



1 **Sec. 2. A township taxpayer may appear at any hearing of the**
2 **township trustee and be heard as to:**

- 3 **(1) an estimate of expenditures;**
4 **(2) a proposed levy of taxes;**
5 **(3) the executive's annual report; or**
6 **(4) any other matter being considered by the township trustee.**

7 **Sec. 3. (a) The trustee shall hold a public hearing on or before**
8 **the third Tuesday after the first Monday in February of each year.**
9 **The township trustee shall present the township trustee's annual**
10 **report. The township trustee may send for persons, books, and**
11 **papers necessary in the presentation of the report and may**
12 **administer oaths necessary in the examination of the report.**

13 **(b) Any sum in the control of the executive that remains**
14 **unexpended and is not subject to liability shall be credited in favor**
15 **of the fund for which it was appropriated. Any fund expended, in**
16 **whole or in part, for a purpose for which it was not appropriated**
17 **shall be considered unexpended and in the control of the executive,**
18 **who is liable on the executive's bond for such an expenditure.**

19 **Sec. 4. (a) This section does not apply to the appropriation of**
20 **money to pay a deputy or an employee of a township assessor with**
21 **assessment duties or to an elected township assessor.**

22 **(b) The township trustee shall fix the:**

- 23 **(1) salaries;**
24 **(2) wages;**
25 **(3) rates of hourly pay; and**
26 **(4) remuneration other than statutory allowances;**

27 **of all officers and employees of the township.**

28 **(c) Subject to subsection (d), the township trustee may reduce**
29 **the salary of an appointed official. However, except as provided in**
30 **subsection (e), the official is entitled to a salary that is not less than**
31 **the salary fixed for the first year of the term of office that**
32 **immediately preceded the current term of office. Except as**
33 **provided in subsection (e), the township trustee may not alter the**
34 **salaries of elected or appointed officers during the fiscal year for**
35 **which they are fixed, but the township trustee may add or**
36 **eliminate any other position and change the salary of any other**
37 **employee, if the necessary funds and appropriations are available.**

38 **(d) If a change in the mileage allowance paid to state officers**
39 **and employees is established by July 1 of any year, the change shall**
40 **be included in the compensation fixed for the township trustee and**
41 **assessor under this section, to take effect January 1 of the next**
42 **year. However, the township trustee may by executive order**



1 provide for the change in the sum per mile to take effect before
2 January 1 of the next year.

3 (e) This subsection applies when a township executive dies or
4 resigns from office. A person filling the vacancy of the township
5 executive shall receive at least the same salary the previous
6 township executive received for the remainder of the unexpired
7 term of office of the township executive (as set forth in
8 IC 36-6-4-2), unless the person consents to a reduction in salary.

9 Sec. 5. (a) The township trustee shall adopt the township's
10 annual budget in accordance with IC 6-1.1-17, subject to review
11 and approval by the county fiscal body under IC 6-1.1-17-20 if
12 required by IC 6-1.1-17-3.3.

13 (b) The township trustee shall include in the budget:

14 (1) provisions for the payment of existing debt of the township
15 as it becomes due; and

16 (2) the salaries fixed under section 4 of this chapter.

17 (c) Subject to review and approval by the county fiscal body
18 under IC 6-1.1-17-20, the township trustee shall levy taxes for the
19 township funds on property in the township and fix rates of
20 taxation sufficient to provide that revenue during the next year.

21 (d) On the assessment date, as defined by IC 6-1.1-1-2, the rates
22 of taxation adopted under this section become a levy and a lien on
23 all taxable property in the township, including property in
24 municipalities in the township. The levy constitutes an
25 appropriation for the specific items in the township trustee's
26 estimates.

27 Sec. 6. (a) The township trustee may appropriate money for
28 membership of the township in county, state, or national
29 associations that:

30 (1) are of a civic, educational, or governmental nature; and

31 (2) have as a purpose the improvement of township
32 governmental operations.

33 The township representatives may participate in the activities of
34 the associations, and the legislative body may appropriate money
35 to defray the expenses of township representatives in connection
36 with the activities of the associations.

37 (b) Each representative of the township attending any meeting,
38 conference, seminar, or convention approved by the township
39 trustee shall be allowed reimbursement for all necessary and
40 legitimate expenses incurred while representing the township.
41 Expenses shall be paid to each representative in accordance with
42 the township's reimbursement policy, which may include an



1 established per diem rate, as adopted by the township trustee.

2 **Sec. 7.** The township trustee may appropriate and transfer
3 money to the county treasurer for use throughout the county under
4 agreements made by the township and the county under IC 36-1-7.

5 **Sec. 8. (a)** The township trustee may determine whether there
6 is a need for fire and emergency services or there is another
7 emergency requiring the expenditure of money not included in the
8 township's budget estimates and levy.

9 (b) Subject to section 9 of this chapter, if the township trustee
10 finds that a need for fire and emergency services or that another
11 emergency exists, the executive may issue an executive order of the
12 executive's determination to borrow a specified amount of money
13 sufficient to meet the emergency. However, the township trustee
14 may not borrow money under this subsection in more than three
15 (3) calendar years during any five (5) year period.

16 (c) Notwithstanding IC 36-8-13-4(a), the township trustee may
17 borrow a specified sum from a township fund other than the
18 township firefighting fund if the executive finds that the emergency
19 requiring the expenditure of money is related to paying the
20 operating expenses of a township fire department or a volunteer
21 fire department. The township trustee shall cover the debt created
22 by making a levy to the credit of the fund for which the amount
23 was borrowed under this subsection.

24 (d) In determining whether a fire and emergency services need
25 exists requiring the expenditure of money not included in the
26 township's budget estimates and levy, the township trustee and any
27 reviewing authority considering the approval of the additional
28 borrowing shall consider the following factors:

29 (1) The current and projected certified and noncertified
30 public safety payroll needs of the township.

31 (2) The current and projected need for fire and emergency
32 services within the jurisdiction served by the township.

33 (3) Any applicable national standards or recommendations
34 for the provision of fire protection and emergency services.

35 (4) Current and projected growth in the number of residents
36 and other citizens served by the township, emergency service
37 runs, certified and noncertified personnel, and other
38 appropriate measures of public safety needs in the
39 jurisdiction served by the township.

40 (5) Salary comparisons for certified and noncertified public
41 safety personnel in the township and other surrounding or
42 comparable jurisdictions.



1 **(6) Prior annual expenditures for fire and emergency services,**
 2 **including all amounts budgeted under this chapter.**

3 **(7) Current and projected growth in the assessed value of**
 4 **property requiring protection in the jurisdiction served by the**
 5 **township.**

6 **(8) Other factors directly related to the provision of public**
 7 **safety within the jurisdiction served by the township.**

8 **(e) If the township received additional funds under this chapter**
 9 **in the immediately preceding budget year for an approved**
 10 **expenditure, any reviewing authority shall take into consideration**
 11 **the use of the funds in the immediately preceding budget year and**
 12 **the continued need for funding the services and operations to be**
 13 **funded with the proceeds of the loan.**

14 **Sec. 9. (a) If the township trustee issues an executive order**
 15 **under section 10 of this chapter of the executive's determination to**
 16 **borrow money, not less than ten (10) taxpayers in the township**
 17 **who disagree with the executive order may file a petition in the**
 18 **office of the county auditor not more than thirty (30) days after**
 19 **notice of the executive order is given. The petition must state the**
 20 **taxpayers' objections and the reasons why the taxpayers believe**
 21 **the executive order is unnecessary or unwise.**

22 **(b) The county auditor shall immediately certify a copy of the**
 23 **petition filed under subsection (a), together with other data**
 24 **necessary to present the questions involved, to the department of**
 25 **local government finance. Upon receipt of the certified petition and**
 26 **other data, the department of local government finance shall fix a**
 27 **time and place for a hearing of the matter. The hearing shall be**
 28 **held not less than five (5) and not more than thirty (30) days after**
 29 **the receipt of the certified documents. The hearing shall be held in**
 30 **the county where the petition arose. Notice of the hearing shall be**
 31 **given by the department of local government finance to the**
 32 **township and to the first ten (10) taxpayer petitioners listed on the**
 33 **petition by letter. The letter shall be sent to the first ten (10)**
 34 **taxpayer petitioners at the taxpayer's usual place of residence at**
 35 **least five (5) days before the date of the hearing.**

36 **(c) A:**

37 **(1) taxpayer who signed a petition filed under subsection (a);**
 38 **or**

39 **(2) township against which a petition is filed under subsection**
 40 **(a);**

41 **may petition for judicial review of the final determination of the**
 42 **department of local government finance under subsection (b). The**



1 petition must be filed in the tax court not more than forty-five (45)
2 days after the date of the department's final determination.

3 **Sec. 10. (a) If the township trustee finds that an emergency**
4 **requires the borrowing of money to meet the township's current**
5 **expenses, the township trustee may take out temporary loans in an**
6 **amount not more than eighty percent (80%) of the total anticipated**
7 **revenue for the remainder of the year in which the loans are taken**
8 **out.**

9 **(b) The township trustee must authorize the temporary loans by**
10 **an executive order:**

11 **(1) stating the nature of the consideration for the loans;**

12 **(2) stating the time the loans are payable;**

13 **(3) stating the place the loans are payable;**

14 **(4) stating a rate of interest;**

15 **(5) stating the anticipated revenues on which the loans are**
16 **based and out of which they are payable; and**

17 **(6) appropriating a sufficient amount of the anticipated**
18 **revenues on which the loans are based and out of which they**
19 **are payable for the payment of the loans.**

20 **(c) The loans must be evidenced by time warrants of the**
21 **township stating:**

22 **(1) the nature of the consideration;**

23 **(2) the time payable;**

24 **(3) the place payable; and**

25 **(4) the anticipated revenues on which they are based and out**
26 **of which they are payable.**

27 SECTION 55. IC 36-6-10 IS ADDED TO THE INDIANA CODE
28 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
29 JANUARY 1, 2020]:

30 **Chapter 10. Township Capital Improvement Plan**

31 **Sec. 1. This chapter applies after December 31, 2019, in a county**
32 **not having a consolidated city.**

33 **Sec. 2. As used in this chapter, "capital improvement" means:**

34 **(1) acquisition of land;**

35 **(2) site improvements;**

36 **(3) infrastructure improvements;**

37 **(4) construction of buildings or structures;**

38 **(5) rehabilitation, renovation, or enlargement of buildings or**
39 **structures; or**

40 **(6) acquisition or improvement of machinery, equipment,**
41 **furnishings, or facilities.**

42 **Sec. 3. As used in this chapter, "capital improvement fund"**



1 means a township fund in which the money in the fund may be used
2 for the payment of capital improvements. The term includes:

- 3 (1) a cumulative firefighting building and equipment fund
4 under IC 36-8-14;
5 (2) an equipment replacement fund under IC 36-8-19-8.5;
6 (3) a cumulative township vehicle and building fund under
7 IC 36-9-17.5;
8 (4) a cumulative building fund under IC 36-10-7.5-19; and
9 (5) any other fund established by a township for the payment
10 of capital improvements.

11 Sec. 4. As used in this chapter, "plan" refers to a township
12 capital improvement plan adopted or amended under this chapter.

13 Sec. 5. Before a township may collect property taxes for a
14 capital improvement fund in a particular year, the township
15 trustee must prepare a proposed or amended plan in the
16 immediately preceding year. The township trustee shall, not later
17 than August 1, hold a public hearing on a proposed or amended
18 plan and adopt the proposed or amended plan.

19 Sec. 6. (a) The department of local government finance shall
20 prescribe the format of the plan.

21 (b) A plan must:

- 22 (1) apply to at least the three (3) years immediately following
23 the year the plan is adopted;
24 (2) estimate for each year to which the plan applies the nature
25 and amount of proposed expenditures from the capital
26 improvement fund; and
27 (3) estimate:
28 (A) the source of all revenue to be dedicated to the
29 proposed expenditures in the upcoming calendar year; and
30 (B) the amount of property taxes to be collected in the
31 upcoming calendar year and retained in the fund for
32 expenditures proposed for a later year.

33 Sec. 7. A township trustee may amend a plan to:

- 34 (1) provide money for the purposes of the fund; or
35 (2) supplement money accumulated in the fund for the
36 purposes of the fund.

37 Sec. 8. The plan shall be considered by:

- 38 (1) the county fiscal body in reviewing the township budget
39 under IC 6-1.1-17-3.3, IC 6-1.1-17-20, or IC 36-3-6-9; and
40 (2) the department of local government finance when
41 reviewing a budget, tax rate, and tax levy of a township under
42 IC 6-1.1-17-16.



1 SECTION 56. IC 36-8-14-1 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 1. (a) This
 3 chapter applies to all units except counties.

4 **(b) A township trustee in a county not having a consolidated city**
 5 **may take any action required under this chapter that is necessary**
 6 **to provide for the cumulative building and equipment fund to be**
 7 **established in 2025 and to impose the property tax levy under this**
 8 **chapter beginning in 2025.**

9 SECTION 57. IC 36-8-14-2 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2. (a) As used in
 11 this section, "emergency medical services" has the meaning set forth in
 12 IC 16-18-2-110.

13 (b) As used in this section, "volunteer fire department" has the
 14 meaning set forth in IC 36-8-12-2.

15 (c) The legislative body of a unit, **or the township trustee of a**
 16 **township in a county not having a consolidated city**, or the board of
 17 fire trustees of a fire protection district may provide a cumulative
 18 building and equipment fund under IC 6-1.1-41 for the following
 19 purposes:

20 (1) The:

21 (A) purchase, construction, renovation, or addition to
 22 buildings; or

23 (B) purchase of land;

24 used by the fire department or a volunteer fire department serving
 25 the unit.

26 (2) The purchase of firefighting equipment for use of the fire
 27 department or a volunteer fire department serving the unit,
 28 including making the required payments under a lease rental with
 29 option to purchase agreement made to acquire the equipment.

30 (3) In a municipality, the purchase of police radio equipment.

31 (4) The:

32 (A) purchase, construction, renovation, or addition to a
 33 building;

34 (B) purchase of land; or

35 (C) purchase of equipment;

36 for use of a provider of emergency medical services under
 37 IC 16-31-5 to the unit establishing the fund.

38 (d) In addition to the requirements of IC 6-1.1-41, before a
 39 cumulative fund may be established by a township fire protection
 40 district, the county legislative body which appoints the trustees of the
 41 fire protection district must approve the establishment of the fund.

42 SECTION 58. IC 36-9-13-2, AS AMENDED BY P.L.233-2015,



1 SECTION 340, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JANUARY 1, 2020]: Sec. 2. For purposes of this
 3 chapter, the following are considered the governing bodies of their
 4 respective eligible entities:

5 (1) Board of commissioners, for a county not subject to
 6 IC 36-2-2.5, IC 36-2-3.5, or IC 36-3-1.

7 (2) County council, for a county subject to IC 36-2-2.5 or
 8 IC 36-2-3.5.

9 (3) City-county council, for a consolidated city or county having
 10 a consolidated city.

11 (4) Common council, for a city other than a consolidated city.

12 (5) Town council, for a town.

13 (6) Trustee and township board, for a civil township **located in a**
 14 **county having a consolidated city.**

15 **(7) Trustee of a township for a civil township located in a**
 16 **county not having a consolidated city.**

17 ~~(7)~~ **(8)** Board of school trustees, board of school commissioners,
 18 or school board, for a school corporation.

19 ~~(8)~~ **(9)** Board of trustees, for a health and hospital corporation.

20 SECTION 59. IC 36-10-7-2 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 2. (a) This section
 22 applies to all townships except those in a county having a consolidated
 23 city.

24 (b) The township executive may, upon petition of at least
 25 twenty-five (25) resident freeholders, ~~and approval of the township~~
 26 ~~legislative body~~, purchase or improve suitable land or purchase,
 27 construct, reconstruct, renovate, remodel, or improve room space,
 28 buildings, or equipment for:

29 (1) a township community center for civic, social, recreation, or
 30 other township purposes; or

31 (2) a township recreational land area.

32 (c) A township may issue general obligation bonds for the purposes
 33 set forth in subsection (b) in the manner provided by IC 36-10-3 for the
 34 issue of bonds under that chapter.

35 (d) Money for the purposes set forth in subsection (b) must be
 36 appropriated as provided by statute from funds belonging to the
 37 township or from the proceeds of a general obligation bond.

38 (e) The executive may operate and maintain the community center
 39 or recreational land area. A property tax levy may be imposed as
 40 provided by statute for the cost of all or part of the operation and
 41 maintenance expense incurred under this section.

42 (f) The executive may rent to others all or part of the community



1 center or recreational land area when it is not needed for township
 2 purposes. The money received for rent shall be used to pay
 3 maintenance and utility expenses of the community center or
 4 recreational land area.

5 SECTION 60. IC 36-10-7-6, AS AMENDED BY P.L.73-2005,
 6 SECTION 175, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JANUARY 1, 2020]: Sec. 6. (a) This section applies to
 8 all townships having a population of at least eight thousand five
 9 hundred (8,500) that contain a town.

10 (b) The township executive may do the following in relation to
 11 township parks:

12 (1) Purchase, acquire by eminent domain, accept by grant, devise,
 13 bequest, or other conveyance, or otherwise acquire land within the
 14 township for park purposes.

15 (2) Make necessary improvements on the land.

16 (3) Maintain and operate the land.

17 (4) Dispose of all or part of the land that is unnecessary for the
 18 park or park purposes.

19 (c) If the executive decides to acquire land for park purposes under
 20 this section, the following procedures apply:

21 (1) A resolution to that effect shall be adopted by the legislative
 22 body and shall be entered upon the minutes of the legislative
 23 body. The resolution must be signed by the members of the
 24 legislative body and by the executive.

25 **(2) This subdivision applies only to a township in a county not**
 26 **having a consolidated city. The township executive shall adopt**
 27 **an executive order.**

28 ~~(2)~~ (3) Upon a petition signed in ink by at least one hundred (100)
 29 resident taxpayers and freeholders of the township, the executive
 30 shall, after the adoption of the resolution, fix a day not less than
 31 fifteen (15) nor more than twenty (20) days after adoption during
 32 which time remonstrances may be filed with the executive against
 33 the resolution.

34 ~~(3)~~ (4) The executive shall give notice by publication of the
 35 resolution and of the time limits for filing remonstrances in
 36 accordance with IC 5-3-1.

37 ~~(4)~~ (5) Remonstrances must be signed in ink and shall be filed not
 38 later than the day fixed for the expiration of the time for filing
 39 remonstrances in the notices.

40 ~~(5)~~ (6) If the number of signers of remonstrances exceeds the
 41 number of signers who have signed the original petition,
 42 determined by the same qualifications, the executive may give



1 notice, in accordance with IC 5-3-1, of a date by which time a
 2 supplementary petition containing the names of qualified signers
 3 in addition to the names signed to the first petition may be filed
 4 asking for acquisition.

5 ~~(6)~~ (7) A supplemental petition must be signed in ink by signers
 6 having the same qualifications as required for the original
 7 petition.

8 ~~(7)~~ (8) If, after the expiration of the period for filing a
 9 supplemental petition, it is determined that the number of
 10 qualified signers to the original petition and the supplemental
 11 petition exceeds the number of signers to the remonstrance, the
 12 executive may proceed with the acquisition of land and the
 13 improvement and operation of it.

14 ~~(8)~~ (9) If the number signing the remonstrance is greater than the
 15 number signing the original and supplemental petition, then the
 16 township may not proceed with the improvement.

17 However, the remonstrance does not prevent the acquisition of land or
 18 inhibit the power of the executive to acquire parkland unless at least
 19 twenty percent (20%) of the resident freeholders who are also legal
 20 voters, execute the remonstrance. Only the executive and the legislative
 21 body may determine the sufficiency of a petition or remonstrance and
 22 the qualifications of a signer. These matters are subject to review only
 23 for fraud.

24 (d) The executive may acquire any property, land, privilege,
 25 immunities, or other species of interest reasonably necessary for the
 26 park or for the purpose of improving, maintaining, or operating it. The
 27 executive may sue in the name of the township for the condemnation
 28 of any property, land, privilege, immunities, or other species of interest
 29 in accordance with statutes available to municipal corporations for
 30 condemnation.

31 (e) To provide money for any of the purposes of this section, the
 32 legislative body may authorize the executive to issue the bonds of the
 33 township. However, the total bonds issued and outstanding at any time
 34 for such purposes may not exceed ninety thousand dollars (\$90,000).
 35 The bonds may bear interest at any rate, may be made payable
 36 semiannually, shall be sold for at least their par value, and run for a
 37 period of not less than ten (10) nor more than twenty (20) years. Parts
 38 of the total issue may be sold from time to time as the executive
 39 determines. After the authorization of the bonds, the executive shall, in
 40 accordance with IC 5-3-1, publish notice of that part of the bonds that
 41 will be sold at that time. The notice must state the amount of bonds
 42 offered, the denomination, the period to run, the rate of interest, and the



1 date, place, and hour of sale. No part of the bonds may be sold except
2 after notice.

3 (f) The legislative body **or the township executive in a county not**
4 **having a consolidated city**, shall levy annually a sufficient tax to pay
5 at least the principal and interest of bonds that will mature in the
6 following year, and the executive shall apply the tax to the payment of
7 bonds and interest. The tax levy is in addition to other tax levies. The
8 tax shall be levied and collected on all property within the boundaries
9 of the township, including municipalities. The cost of the care, upkeep,
10 repair, maintenance, and improvement of the park shall be paid out of
11 the general fund of the township, and the legislative body **or the**
12 **township executive in a county not having a consolidated city**, shall
13 increase the levy of the fund each year by an amount sufficient to
14 provide the money to maintain the park.

15 (g) The executive shall direct the expenditure of the money raised
16 by the bond issue to save money that otherwise would be expended for
17 township assistance. The executive may offer persons who are
18 able-bodied and capable of work the opportunity to work upon the park
19 improvement. If a person refuses without good excuse, the executive
20 shall consider the refusal prima facie evidence that the person is not
21 entitled to township assistance.

22 SECTION 61. IC 36-10-7-7 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 7. (a) This section
24 applies to all townships having a population between two thousand
25 (2,000) and three thousand (3,000).

26 (b) The township executive may accept, acquire, and maintain
27 grounds and structures to be used as public parks upon petition of at
28 least fifty-one percent (51%) of the resident taxpayers of the township.

29 (c) Whenever a park has been established in the township, the
30 legislative body **or the township executive in a county not having a**
31 **consolidated city** shall, at its annual meeting and annually each
32 following year, levy a tax not exceeding one and sixty-seven
33 hundredths cents (\$0.0167) on each one hundred dollars (\$100) of
34 taxable property in the township. The money shall be set aside in a
35 public park fund to be used by the executive for the maintenance and
36 improvement of the park and for no other purpose.

37 SECTION 62. IC 36-10-7-8 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 8. (a) This section
39 applies to all townships having a population of less than two thousand
40 (2,000).

41 (b) The township executive may lease, purchase, accept by grant,
42 devise, bequest, or other conveyance to the township, or otherwise



1 acquire land for park purposes and may make necessary improvements
2 only as provided by this section.

3 (c) **This subsection applies only to a county having a**
4 **consolidated city.** The legislative body may establish a township park
5 and may, by resolution, appropriate from the general fund of the
6 township the necessary money to lease, purchase, accept, or otherwise
7 acquire land for park purposes or make improvements thereon. The
8 executive shall then lease, purchase, accept, or acquire the land for
9 park purposes or shall make improvements thereon as directed in the
10 resolution. However, the costs of the park grounds or of the
11 improvements provided for in the resolution may not exceed in one (1)
12 year ~~one-fifth~~ **two-tenths** of one percent (0.2%) of the adjusted value
13 of all taxable property of the township as determined under IC 36-1-15.

14 (d) **This subsection applies only in a county not having a**
15 **consolidated city. The township executive may establish a township**
16 **park and may, by executive order, appropriate from the general**
17 **fund of the township the necessary money to lease, purchase,**
18 **accept, or otherwise acquire land for park purposes or make**
19 **improvements on the land. The executive shall then lease,**
20 **purchase, accept, or acquire the land for park purposes or shall**
21 **make improvements as directed in the executive order. However,**
22 **the costs of the park grounds or of the improvements provided for**
23 **in the resolution may not exceed in one (1) year two-tenths of one**
24 **percent (0.2%) of the adjusted value of all taxable property of the**
25 **township as determined under IC 36-1-15.**

26 ~~(d)~~ (e) If a park has been established under this section, the
27 executive shall have the park maintained and may make improvements
28 and construct and maintain facilities for the comfort and convenience
29 of the public. However, the executive annually may not spend more
30 than one cent (\$0.01) on each one hundred dollars (\$100) of assessed
31 valuation of taxable property in the township as it appears on the tax
32 duplicates of the auditor of the county in which the township is located.
33 The money shall be paid from the general fund of the township.

34 ~~(e)~~ (f) **This subsection applies only in a county having a**
35 **consolidated city.** If the general fund of the township is insufficient to
36 meet the expenses of acquiring or improving the land for park
37 purposes, the executive shall call a special meeting of the legislative
38 body by written notice to each member of the legislative body at least
39 three (3) days before the date of the meeting. The notice must state the
40 time, place, and purpose of the meeting. The legislative body shall
41 meet and determine whether an emergency exists for the issuance of
42 the warrants or bonds of the township. The legislative body shall, by



1 resolution, authorize the issuance and sale of the warrants or bonds of
 2 the township in an amount not exceeding two percent (2%) of the
 3 adjusted value of all taxable property in the township as determined
 4 under IC 36-1-15. The amount of bonds may not exceed the total
 5 estimated cost of all land to be acquired and all improvements
 6 described in the resolution, including all expenses necessarily incurred
 7 in connection with the proceedings. The proceeds from the sale of the
 8 bonds shall be deposited in the general fund of the township. The
 9 bonds become due and payable not less than two (2) nor more than ten
 10 (10) years after the date of issuance, may bear interest at any rate, and
 11 may not be sold for less than par value. The bonds shall be sold after
 12 giving notice of the sale of bonds in accordance with IC 5-3-1. The
 13 bonds and the interest thereon are exempt from taxation as provided by
 14 IC 6-8-5 and are subject to the provisions of IC 6-1.1-20 relating to the
 15 filing of a petition requesting the issuance of bonds, the appropriation
 16 of the proceeds of the bonds, and the approval by the department of
 17 local government finance.

18 **(f) (g) This subsection applies only to a township in a county**
 19 **having a consolidated city.** The legislative body shall, at its next
 20 annual meeting after authorization of bonds and annually each
 21 following year, levy a sufficient tax against all the taxable property of
 22 the township to pay the principal of the bonds, together with accruing
 23 interest, as they become due. The executive shall apply the money
 24 received from the levy only to the payment of bonds and interest as
 25 they become due.

26 **(g) (h) This subsection applies only to a township in a county**
 27 **having a consolidated city.** In addition to the levy required by
 28 subsection (f); (g), the legislative body shall, when a park has been
 29 established under this section and at every annual meeting after
 30 establishment, levy a tax not exceeding one cent (\$0.01) on each one
 31 hundred dollars (\$100) of taxable property in the township. The levy
 32 required by this subsection shall be used by the executive for the
 33 maintenance and improvement of the park. The executive may not
 34 expend more for maintenance and improvement of the park than the
 35 amount collected by the levy except:

- 36 (1) upon petition by fifty-one percent (51%) of the taxpayers of
 37 the township; or
- 38 (2) when warrants or bonds are to be issued under this section to
 39 finance the expenses of improvements.

40 The amount received from the levy shall be deposited in the general
 41 fund of the township.

42 **(i) This subsection applies only to a township in a county not**



1 having a consolidated city. If the general fund of the township is
 2 insufficient to meet the expenses of acquiring or improving the land
 3 for park purposes, the executive shall determine whether an
 4 emergency exists for the issuance of the warrants or bonds of the
 5 township. The executive shall, by executive order, authorize the
 6 issuance and sale of the warrants or bonds of the township in an
 7 amount not exceeding two percent (2%) of the adjusted value of all
 8 taxable property in the township as determined under IC 36-1-15.
 9 The amount of bonds may not exceed the total estimated cost of all
 10 land to be acquired and all improvements described in the
 11 executive order, including all expenses necessarily incurred in
 12 connection with the proceedings. The proceeds from the sale of the
 13 bonds shall be deposited in the general fund of the township. The
 14 bonds become due and payable not less than two (2) nor more than
 15 ten (10) years after the date of issuance, may bear interest at any
 16 rate, and may not be sold for less than par value. The bonds shall
 17 be sold after giving notice of the sale of bonds in accordance with
 18 IC 5-3-1. The bonds and the interest on the bonds are exempt from
 19 taxation as provided by IC 6-8-5 and are subject to the provisions
 20 of IC 6-1.1-20 relating to the filing of a petition requesting the
 21 issuance of bonds, the appropriation of the proceeds of the bonds,
 22 and the approval by the department of local government finance.
 23 The executive shall, at its next annual budget hearing under
 24 IC 6-1.1-17 after authorization of bonds and annually each
 25 following year, levy a sufficient tax against all the taxable property
 26 of the township to pay the principal of the bonds, together with
 27 accruing interest, as they become due. The executive shall apply the
 28 money received from the levy only to the payment of bonds and
 29 interest as they become due. In addition to the levy, the executive
 30 shall, when a park has been established under this section and at
 31 every annual budget hearing under IC 6-1.1-17 after
 32 establishment, levy a tax not exceeding one cent (\$0.01) on each one
 33 hundred dollars (\$100) of taxable property in the township. The
 34 levy required by this subsection shall be used by the executive for
 35 the maintenance and improvement of the park. The executive may
 36 not expend more for maintenance and improvement of the park
 37 than the amount collected by the levy except:

- 38 (1) upon petition by fifty-one percent (51%) of the taxpayers
- 39 of the township; or
- 40 (2) when warrants or bonds are to be issued under this section
- 41 to finance the expenses of improvements.

42 The amount received from the levy shall be deposited in the



- 1 **general fund of the township.**
- 2 ~~(h)~~ **(j)** A park established under this section shall be kept open to the
- 3 public in accordance with rules prescribed by the executive.
- 4 ~~(i)~~ **(k)** If the executive determines that land or other property used
- 5 for park purposes under this section should be disposed of and that the
- 6 park should no longer be maintained, the executive shall appoint three
- 7 (3) disinterested appraisers to appraise the property. The property shall
- 8 then be disposed of either at public or private sale for at least its
- 9 appraised value.
- 10 ~~(j)~~ **(l)** This subsection applies if the township sells the property by
- 11 acceptance of bids. A bid submitted by a trust (as defined in
- 12 IC 30-4-1-1(a)) must identify each:
- 13 (1) beneficiary of the trust; and
- 14 (2) settlor empowered to revoke or modify the trust.
- 15 ~~(k)~~ **(m)** All money from the sale of park property, less the expenses
- 16 incurred in making the appraisal and sale, shall be paid into the general
- 17 fund of the township.
- 18 SECTION 63. IC 36-10-7.5-1.4 IS ADDED TO THE INDIANA
- 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 20 [EFFECTIVE JANUARY 1, 2020]: **Sec. 1.4. In a county not having**
- 21 **a consolidated city, a township trustee may take any action**
- 22 **required of the township legislative or fiscal body under this**
- 23 **chapter, including:**
- 24 (1) **creating a department of parks and recreation;**
- 25 (2) **purchasing a blanket bond or crime insurance policy;**
- 26 (3) **establishing funds and designating the deposit of fees to the**
- 27 **funds;**
- 28 (4) **acquiring real property and making improvements to**
- 29 **property;**
- 30 (5) **issuing bonds; and**
- 31 (6) **conducting hearings to disclose information about a bond**
- 32 **issue.**
- 33 SECTION 64. [EFFECTIVE JULY 1, 2019] **(a) The legislative**
- 34 **services agency shall prepare, as directed by the legislative council,**
- 35 **legislation for introduction in the 2020 regular session of the**
- 36 **general assembly to organize and correct statutes affected by this**
- 37 **act, if necessary.**
- 38 **(b) This SECTION expires July 1, 2020.**

