

SENATE BILL No. 409

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-3-1-3; IC 12-7-2; IC 12-13-16-10; IC 12-20; IC 36-6; IC 36-9-13.

Synopsis: Various township matters. Provides that a township trustee serves as a member of the township legislative body for purposes of casting a vote to break a tie. Makes changes to the information required to be submitted by a township in the township's annual report. Removes a provision that requires the department of local government finance to disapprove the township budget if the township trustee fails to file an annual report in the preceding calendar year. Requires the township trustee to annually certify and note on the township budget submitted to the department that the township trustee has filed the township's uniform written standards for township assistance with the county board of commissioners. Allows a township trustee to be appointed as a director of a county building authority. Eliminates the requirement that a township publish its annual abstract of receipts and expenditures.

Effective: July 1, 2021.

Niemeyer

January 25, 2021, read first time and referred to Committee on Local Government.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 409

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 5-3-1-3, AS AMENDED BY P.L.92-2020,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 3. (a) Within sixty (60) days after the expiration
4 of each calendar year, the fiscal officer of each civil city and town in
5 Indiana shall publish an annual report of the receipts and expenditures
6 of the city or town during the preceding calendar year.
7 (b) Not earlier than August 1 or later than August 15 of each year,
8 the secretary of each school corporation in Indiana shall publish either:
9 (1) an annual financial report; or
10 (2) a summary of the annual financial report with a description of
11 how to find and view the full annual fiscal report on the Internet.
12 The summary must include the following:
13 (A) The total amounts for:
14 (i) approved budget receipts for each property tax fund and
15 the total for the approved budget receipts for all of the
16 property tax funds combined; and
17 (ii) actual receipts for each property tax fund and the total



- 1 for the approved budget receipts for all of the property tax
 2 funds combined.
- 3 (B) The total amounts for:
- 4 (i) approved budget expenditures for each property tax fund
 5 and the total for the approved budget expenditures for all of
 6 the property tax funds combined; and
 7 (ii) actual expenditures for all property tax funds and the
 8 total for the approved budget receipts for all of the property
 9 tax funds combined.
- 10 (C) The minimum teacher salary range.
- 11 (D) The maximum teacher salary range.
- 12 (E) High school extracurricular salaries for head athletic
 13 coaches and orchestra, music, and band leaders.
- 14 (F) The salary ranges for noncertificated employees (as
 15 defined in IC 20-29-2-11) classifications.
- 16 (G) The:
- 17 (i) lowest salary;
 18 (ii) highest salary; and
 19 (iii) average salary;
- 20 for a certificated administrative staff employee.
- 21 (H) Student enrollment disaggregated by grade level.
- 22 (I) The total assessed valuation for property and the property
 23 tax rate per property tax fund for the past two (2) years.
- 24 (J) The type of indebtedness for the school corporation and the
 25 amount of principal that is outstanding.
- 26 (c) In the annual financial report the school corporation shall
 27 include the following:
- 28 (1) Actual receipts and expenditures by major accounts as
 29 compared to the budget advertised under IC 6-1.1-17-3 for the
 30 prior calendar year.
- 31 (2) The salary schedule for all certificated employees (as defined
 32 in IC 20-29-2-4) as of June 30, with the number of employees at
 33 each salary increment. However, the listing of salaries of
 34 individual teachers is not required.
- 35 (3) The extracurricular salary schedule as of June 30.
- 36 (4) The range of rates of pay for all noncertificated employees by
 37 specific classification.
- 38 (5) The number of employees who are full-time certificated,
 39 part-time certificated, full-time noncertificated, and part-time
 40 noncertificated.
- 41 (6) The lowest, highest, and average salary for the administrative
 42 staff and the number of administrators without a listing of the



- 1 names of particular administrators.
- 2 (7) The number of students enrolled at each grade level and the
- 3 total enrollment.
- 4 (8) The assessed valuation of the school corporation for the prior
- 5 and current calendar year.
- 6 (9) The tax rate for each fund for the prior and current calendar
- 7 year.
- 8 (10) In the education fund and operations fund, a report of the
- 9 total payment made to each vendor from each fund in excess of
- 10 two thousand five hundred dollars (\$2,500) during the prior
- 11 calendar year. However, a school corporation is not required to
- 12 include more than two hundred (200) vendors whose total
- 13 payment to each vendor was in excess of two thousand five
- 14 hundred dollars (\$2,500). A school corporation shall list the
- 15 vendors in descending order from the vendor with the highest
- 16 total payment to the vendor with the lowest total payment above
- 17 the minimum listed in this subdivision.
- 18 (11) A statement providing that the contracts, vouchers, and bills
- 19 for all payments made by the school corporation are in its
- 20 possession and open to public inspection.
- 21 (12) The total indebtedness as of the end of the prior calendar
- 22 year showing the total amount of notes, bonds, certificates, claims
- 23 due, total amount due from such corporation for public
- 24 improvement assessments or intersections of streets, and any and
- 25 all other evidences of indebtedness outstanding and unpaid at the
- 26 close of the prior calendar year.
- 27 (d) The school corporation may provide an interpretation or
- 28 explanation of the information included in the financial report.
- 29 (e) The department of education shall do the following:
- 30 (1) Develop guidelines for the preparation and form of the
- 31 financial report.
- 32 (2) Provide information to assist school corporations in the
- 33 preparation of the financial report.
- 34 (f) The annual reports required by this section and IC 36-2-2-19 ~~and~~
- 35 ~~the abstract required by IC 36-6-4-13~~ shall each be published one (1)
- 36 time only, in accordance with this chapter.
- 37 (g) Each school corporation shall submit to the department of
- 38 education a copy of the financial report required under this section. The
- 39 department of education shall make the financial reports available on
- 40 the department of education's Internet web site.
- 41 (h) As used in this subsection, "bonds" means any bonds, notes, or
- 42 other evidences of indebtedness, whether payable from property taxes,



1 other taxes, revenues, fees, or any other source. However, the term does
 2 not include notes, warrants, or other evidences of indebtedness that
 3 have a maturity of not more than five (5) years and that are made in
 4 anticipation of and to be paid from revenues of the school corporation.
 5 Notwithstanding any other law, a school corporation may not issue any
 6 bonds unless the school corporation has filed the annual financial
 7 report required under subsection (b) with the department of education.
 8 The requirements under this subsection for the issuance of bonds by a
 9 school corporation are in addition to any other requirements imposed
 10 under any other law. This subsection applies to the issuance of bonds
 11 authorized under any statute, regardless of whether that statute
 12 specifically references this subsection or the requirements under this
 13 subsection.

14 SECTION 2. IC 12-7-2-24.9, AS ADDED BY P.L.180-2005,
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2021]: Sec. 24.9. "Case contact", for purposes of
 17 IC 12-20-28-3, has the meaning set forth in IC 12-20-28-3(b). **This**
 18 **section expires January 1, 2023.**

19 SECTION 3. IC 12-7-2-192.4, AS AMENDED BY P.L.180-2005,
 20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2021]: Sec. 192.4. "Total number of recipients", for purposes
 22 of IC 12-20-28-3, has the meaning set forth in **the following:**

- 23 (1) IC 12-20-28-3(d). **This subdivision expires January 1, 2023.**
- 24 (2) **IC 12-20-28-3(e). This subdivision applies after December**
 25 **31, 2022.**

26 SECTION 4. IC 12-7-2-192.5, AS AMENDED BY P.L.180-2005,
 27 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2021]: Sec. 192.5. "Total number of requests for assistance",
 29 for purposes of IC 12-20-28-3, has the meaning set forth in
 30 ~~IC 12-20-28-3(e).~~ **IC 12-20-28-3(f).**

31 SECTION 5. IC 12-13-16-10, AS ADDED BY P.L.73-2020,
 32 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2021]: Sec. 10. Beginning July 1, 2021, the office of the
 34 secretary shall:

- 35 (1) compile data regarding 211 services, including:
 - 36 (A) community needs, including utility, housing, and food
 37 assistance;
 - 38 (B) the number of referrals to community resources;
 - 39 (C) the number of individuals seeking assistance in each
 40 county; and
 - 41 (D) all community resource providers, **including township**
 42 **trustees;** and



1 (2) enter into data sharing agreements with entities approved by
 2 the office of the secretary that allow the approved entities to
 3 access data compiled under this section in a manner that is
 4 consistent with state and federal privacy laws.

5 SECTION 6. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005,
 6 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2021]: 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:

- 13 (1) governed by the requirements of this article;
- 14 (2) proposed by the township trustee, adopted by the township
 15 board, and filed with the board of county commissioners;
- 16 (3) reviewed and updated annually to reflect changes in the cost
 17 of basic necessities in the township and changes in the law;
- 18 (4) published in a single written document, including addenda
 19 attached to the document; and
- 20 (5) posted in a place prominently visible to the public in all
 21 offices of the township trustee where township assistance
 22 applications are taken or processed.

23 **(c) The township trustee shall annually certify that the uniform**
 24 **written standards for the issuance of township assistance have been**
 25 **filed with the board of county commissioners as required under**
 26 **subsection (b)(2). The certification shall be noted in the township's**
 27 **budget submitted to the department of local government finance's**
 28 **computer gateway under IC 6-1.1-17-3.**

29 SECTION 7. IC 12-20-5.5-3, AS AMENDED BY P.L.73-2005,
 30 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2021]: Sec. 3. (a) The township trustee shall ensure adequate
 32 access to township assistance services, including a ~~published~~ telephone
 33 number in the name of the township **published in the annual report**
 34 **as provided in IC 12-20-28-3 and the township's budget submitted**
 35 **to the department of local government finance's computer gateway**
 36 **under IC 6-1.1-17-3.**

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

- 40 (1) township trustee's name;
- 41 (2) availability of township assistance; and
- 42 (3) township assistance office's telephone number.



- 1 The sign must conform to all local zoning and signage restrictions.
- 2 SECTION 8. IC 12-20-28-3, AS AMENDED BY P.L.1-2009,
- 3 SECTION 106, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The definitions in this section
- 5 apply to a report that is required to be filed under this section.
- 6 (b) As used in this section, "case contact" means any act of service
- 7 in which a township employee has reason to enter a comment or
- 8 narrative into the record of an application for township assistance
- 9 under this article regardless of whether the applicant receives or does
- 10 not receive township assistance funds. **This subsection expires**
- 11 **January 1, 2023.**
- 12 (c) As used in this section, "total number of households containing
- 13 township assistance recipients" means the sum to be determined by
- 14 counting the total number of individuals who file an application for
- 15 which assistance is granted. A household may be counted only once
- 16 during a calendar year regardless of the number of times assistance is
- 17 provided if the same individual makes the application for assistance.
- 18 (d) As used in this section, "total number of recipients" means the
- 19 number of individuals who are members of a household that receives
- 20 assistance on at least one (1) occasion during the calendar year. An
- 21 individual may be counted only one (1) time during a calendar year
- 22 regardless of the:
- 23 (1) number of times assistance is provided; or
- 24 (2) number of households in which the individual resides during
- 25 a particular year.
- 26 **This subsection expires January 1, 2023.**
- 27 (e) **This subsection applies to a report filed after December 31,**
- 28 **2022. As used in this section, "total number of recipients" means**
- 29 **the number of individuals who are members of a household that**
- 30 **receives assistance on at least one (1) occasion during the calendar**
- 31 **year. An individual may be counted for each time assistance is**
- 32 **separately provided regardless of the:**
- 33 **(1) number of times assistance is provided; or**
- 34 **(2) number of households in which the individual resides**
- 35 **during a particular year.**
- 36 (f) As used in this section, "total number of requests for
- 37 assistance" means the number of times an individual or a household
- 38 separately requests any type of township assistance.
- 39 (g) The township trustee shall file an annual statistical report on
- 40 township housing, medical care, utility assistance, food assistance,
- 41 burial assistance, food pantry assistance, services related to
- 42 representative payee programs, services related to special



1 nontraditional programs, and case management services with the state
 2 board of accounts. The township trustee shall provide a copy of the
 3 annual statistical report to the county auditor. The county auditor shall
 4 keep the copy of the report in the county auditor's office. Except as
 5 provided in subsection (k), the report must be made on a form provided
 6 by the state board of accounts. The report must contain the following
 7 information:

- 8 (1) The total number of requests for assistance.
 9 (2) The total number of each of the following:
 10 (A) Recipients of township assistance.
 11 (B) Households containing recipients of township assistance.
 12 (C) Case contacts made with or on behalf of:
 13 (i) recipients of township assistance; or
 14 (ii) members of a household receiving township assistance.

15 **This subdivision expires January 1, 2023.**

16 **(3) This subdivision applies to a report filed after December**
 17 **31, 2022. The total number of each of the following:**

- 18 (A) Recipients of township assistance.
 19 (B) Households containing recipients of township
 20 assistance.
 21 (C) Individuals denied township assistance.

22 ~~(3)~~ **(4)** The total value of benefits provided to recipients of
 23 township assistance.

24 **(5) This subdivision applies to a report filed after December**
 25 **31, 2022. The total value of benefits denied to individuals**
 26 **applying for township assistance.**

27 ~~(4)~~ **(6)** The total value of benefits provided through the efforts of
 28 township staff from sources other than township funds.

29 ~~(5)~~ **(7)** The total number of each of the following:

- 30 (A) Recipients of township assistance and households
 31 receiving utility assistance.
 32 (B) Recipients assisted by township staff in receiving utility
 33 assistance from sources other than township funds.

34 ~~(6)~~ **(8)** The total value of benefits provided for the payment of
 35 utilities, including the value of benefits of utility assistance
 36 provided through the efforts of township staff from sources other
 37 than township funds.

38 ~~(7)~~ **(9)** The total number of each of the following:

- 39 (A) Recipients of township assistance and households
 40 receiving housing assistance.
 41 (B) Recipients assisted by township staff in receiving housing
 42 assistance from sources other than township funds.



- 1 ~~(8)~~ **(10)** The total value of benefits provided for housing
 2 assistance, including the value of benefits of housing assistance
 3 provided through the efforts of township staff from sources other
 4 than township funds.
- 5 ~~(9)~~ **(11)** The total number of each of the following:
 6 (A) Recipients of township assistance and households
 7 receiving food assistance.
 8 (B) Recipients assisted by township staff in receiving food
 9 assistance from sources other than township funds.
- 10 ~~(10)~~ **(12)** The total value of food assistance provided, including
 11 the value of food assistance provided through the efforts of
 12 township staff from sources other than township funds.
- 13 ~~(11)~~ **(13)** The total number of each of the following:
 14 (A) Recipients of township assistance and households
 15 provided health care.
 16 (B) Recipients assisted by township staff in receiving health
 17 care assistance from sources other than township funds.
- 18 ~~(12)~~ **(14)** The total value of health care provided, including the
 19 value of health care assistance provided through the efforts of
 20 township staff from sources other than township funds.
- 21 ~~(13)~~ **(15)** The total number of funerals, burials, and cremations.
- 22 ~~(14)~~ **(16)** The total value of funerals, burials, and cremations,
 23 including the difference between the:
 24 (A) actual value of the funerals, burials, and cremations; and
 25 (B) amount paid by the township for the funerals, burials, and
 26 cremations.
- 27 ~~(15)~~ **(17)** The total of each of the following:
 28 (A) Number of nights of emergency shelter provided to the
 29 homeless.
 30 (B) Number of nights of emergency shelter provided to
 31 homeless individuals through the efforts of township staff from
 32 sources other than township funds.
 33 (C) Value of the nights of emergency shelter provided to
 34 homeless individuals by the township and the value of the
 35 nights of emergency shelter provided through the efforts of the
 36 township staff from sources other than township funds.
- 37 ~~(16)~~ **(18)** The total of each of the following:
 38 (A) Number of referrals of township assistance applicants to
 39 other programs.
 40 (B) Value of the services provided by the township in making
 41 referrals to other programs.
- 42 ~~(17)~~ **(19)** The total number of training programs or job placements



- 1 found for recipients of township assistance with the assistance of
 2 the township trustee.
 3 ~~(18)~~ **(20)** The number of hours spent by recipients of township
 4 assistance at workfare.
 5 ~~(19)~~ **(21)** The total value of the services provided by workfare to
 6 the township and other agencies.
 7 ~~(20)~~ **(22)** The total amount of reimbursement for assistance
 8 received from:
 9 (A) recipients;
 10 (B) members of recipients' households; or
 11 (C) recipients' estates;
 12 under IC 12-20-6-10, IC 12-20-27-1, or IC 12-20-27-1.5.
 13 ~~(21)~~ **(23)** The total amount of reimbursement for assistance
 14 received from medical programs under IC 12-20-16-2(e).
 15 ~~(22)~~ **(24)** The total of each of the following:
 16 (A) Number of individuals assisted through a representative
 17 payee program.
 18 (B) Amount of funds processed through the representative
 19 payee program that are not township funds.
 20 ~~(23)~~ **(25)** The total of each of the following:
 21 (A) Number of individuals assisted through special
 22 nontraditional programs provided through the township
 23 without the expenditure of township funds.
 24 (B) Amount of funds used to provide the special nontraditional
 25 programs that are not township funds.
 26 ~~(24)~~ **(26)** The total of each of the following:
 27 (A) Number of hours an investigator of township assistance
 28 spends providing case management services to a recipient of
 29 township assistance or a member of a household receiving
 30 township assistance.
 31 (B) Value of the case management services provided.
 32 ~~(25)~~ **(27)** The total number of housing inspections performed by
 33 the township.
 34 **(28) The township trustee's name and telephone number as**
 35 **provided in IC 12-20-5.5-3.**
 36 If the total number or value of any item required to be reported under
 37 this subsection is zero (0), the township trustee shall include the
 38 notation "0" in the report where the total number or value is required
 39 to be reported.
 40 ~~(g)~~ **(h)** The state board of accounts shall compare and compile all
 41 data reported under subsection ~~(f)~~ **(g)** into a statewide statistical report.
 42 The department shall summarize the data compiled by the state board



1 of accounts that relate to the fixing of township budgets, levies, and tax
 2 rates and shall include the department's summary within the statewide
 3 statistical report prepared under this subsection. Before July 1 of each
 4 year, the state board of accounts shall file the statewide statistical
 5 report prepared under this subsection with the executive director of the
 6 legislative services agency in an electronic format under IC 5-14-6.

7 ~~(h)~~ **(i)** The state board of accounts shall forward a copy of:

8 (1) each annual report forwarded to the board under subsection

9 ~~(f)~~; **(g)**; and

10 (2) the statewide statistical report under subsection ~~(g)~~; **(h)**;
 11 to the department and the division of family resources.

12 ~~(i)~~ **(j)** The division of family resources shall include in the division's
 13 periodic reports made to the United States Department of Health and
 14 Human Services concerning the Temporary Assistance for Needy
 15 Families (TANF) and Supplemental Security Income (SSI) programs
 16 information forwarded to the division under subsection ~~(h)~~ **(i)**
 17 concerning the total number of recipients of township assistance and
 18 the total dollar amount of benefits provided.

19 ~~(j) The department may not approve the budget of a township trustee
 20 who fails to file an annual report under subsection (f) in the preceding
 21 calendar year.~~

22 (k) This section does not prevent the electronic transfer of data
 23 required to be reported under IC 12-2-1-40 (before its repeal) or this
 24 section if the following conditions are met:

25 (1) The method of reporting is acceptable to both the township
 26 trustee reporting the information and the governmental entity to
 27 which the information is reported.

28 (2) A written copy of information reported by electronic transfer
 29 is on file with the township trustee reporting information by
 30 electronic means.

31 (l) The information required to be reported by the township trustee
 32 under this section shall be maintained by the township trustee in
 33 accordance with IC 5-15-6.

34 SECTION 9. IC 36-6-4-13, AS AMENDED BY P.L.127-2017,
 35 SECTION 157, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) When the executive prepares
 37 the annual report required by section 12 of this chapter, the executive
 38 shall also prepare, on forms prescribed by the state board of accounts,
 39 an abstract of receipts and expenditures:

40 (1) showing the sum of money in each fund of the township at the
 41 beginning of the year;

42 (2) showing the sum of money received in each fund of the



- 1 township during the year;
- 2 (3) showing the sum of money paid from each fund of the
- 3 township during the year;
- 4 (4) showing the sum of money remaining in each fund of the
- 5 township at the end of the year;
- 6 (5) containing a statement of receipts, showing their source; and
- 7 (6) containing a statement of expenditures, showing the combined
- 8 gross payment, according to classification of expense, to each
- 9 person.

10 (b) ~~Within four (4) weeks after the third Tuesday following the first~~
 11 ~~Monday in February, the executive shall publish the abstract prescribed~~
 12 ~~by subsection (a) in accordance with IC 5-3-1. The abstract must state~~
 13 ~~that a complete and detailed annual report and the accompanying~~
 14 ~~vouchers showing the names of persons paid money by the township~~
 15 ~~have been filed with the county auditor, and that the chair of the~~
 16 ~~township legislative body has a copy of the report that is available for~~
 17 ~~inspection by any taxpayer of the township.~~

18 (c) ~~(b)~~ An executive who fails to comply with this section commits
 19 a Class C infraction.

20 SECTION 10. IC 36-6-6-4, AS AMENDED BY P.L.266-2013,
 21 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2021]: Sec. 4. (a) Except as provided in subsections (b) and
 23 (c), two (2) members of the legislative body constitute a quorum. **The**
 24 **township executive shall serve by virtue of office as a member of**
 25 **the township legislative body for the purpose of casting the**
 26 **deciding vote to break a tie.**

27 (b) Before January 1, 2017, four (4) members of the legislative body
 28 in a county containing a consolidated city constitute a quorum. After
 29 December 31, 2016, three (3) members of the legislative body in a
 30 county having a consolidated city constitute a quorum. **The township**
 31 **executive shall serve by virtue of office as a member of the**
 32 **township legislative body for the purpose of casting the deciding**
 33 **vote to break a tie.**

34 (c) This subsection applies to a township government that:
 35 (1) is created by a merger of township governments under
 36 IC 36-6-1.5; and
 37 (2) elects ~~a the township board~~ **legislative body** under section 2.1
 38 of this chapter.

39 A majority of the members of the **township** legislative body constitute
 40 a quorum. If a township ~~board~~ **legislative body** has an even number of
 41 members, the township executive shall serve ~~as an ex officio by virtue~~
 42 **of office as a member of the township board legislative body** for the



1 purpose of casting the deciding vote to break a tie.
 2 SECTION 11. IC 36-9-13-11, AS AMENDED BY P.L.127-2017,
 3 SECTION 305, IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) A county building authority
 5 is under the control of a board of directors. This board consists of five
 6 (5) directors, who shall be appointed by a majority vote of the building
 7 authority trustees. Each of the original directors shall serve from the
 8 date of the director's appointment until the first day of February in the
 9 second year after the director's appointment, and until the director's
 10 successor is appointed and has qualified.
 11 (b) A person may be appointed as a director only if the person
 12 **satisfies all of the following:**
 13 (1) **The person** is at least thirty (30) years of age.
 14 (2) **The person** has been a resident of the county five (5) years
 15 immediately preceding the person's appointment. ~~and~~
 16 (3) **The person** is not an officer or employee of an eligible entity.
 17 **However, a township executive may be appointed as a**
 18 **director.**
 19 (c) Before entering upon the director's duties, each director shall
 20 take and subscribe an oath of office (in the usual form), which shall be
 21 endorsed upon the director's certificate of appointment. The certificate
 22 shall be promptly filed with the county clerk.
 23 SECTION 12. IC 36-9-13-17, AS AMENDED BY P.L.127-2017,
 24 SECTION 308, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2021]: Sec. 17. A trustee or director ~~who~~
 26 **vacates the trustee's or director's office if the trustee or director**
 27 **does any of the following:**
 28 (1) **The trustee or director** ceases to be a resident of the county.
 29 ~~or~~
 30 (2) **The trustee or director** becomes an officer or employee of an
 31 eligible entity. **However, a director does not vacate the**
 32 **director's office by becoming a township executive.**
 33 ~~vacates the trustee's or director's office.~~

