



February 12, 2021

SENATE BILL No. 409

DIGEST OF SB 409 (Updated February 11, 2021 12:14 pm - DI 87)

Citations Affected: IC 12-7; IC 12-13; IC 12-20; IC 36-6; IC 36-9.

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. 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. Provides that a township is not required to publish the portion of its annual abstract of receipts and expenditures that provides statements of: (1) receipts, showing their source; and (2) expenditures, showing the combined gross payment, according to classification of expense, to each person. Provides that the abstract must state that a complete abstract containing the statements described in (1) and (2) is filed with and available for public inspection in the county auditor's office.

Effective: July 1, 2021.

Niemeyer

January 25, 2021, read first time and referred to Committee on Local Government.
February 11, 2021, amended, reported favorably — Do Pass.

SB 409—LS 7234/DI 87



February 12, 2021

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 12-7-2-24.9, AS ADDED BY P.L.180-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 24.9. "Case contact", for purposes of
4 IC 12-20-28-3, has the meaning set forth in IC 12-20-28-3(b). **This**
5 **section expires January 1, 2023.**
- 6 SECTION 2. IC 12-7-2-192.4, AS AMENDED BY P.L.180-2005,
7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2021]: Sec. 192.4. "Total number of recipients", for purposes
9 of IC 12-20-28-3, has the meaning set forth in **the following:**
- 10 (1) IC 12-20-28-3(d). **This subdivision expires January 1, 2023.**
11 (2) **IC 12-20-28-3(e). This subdivision applies after December**
12 **31, 2022.**
- 13 SECTION 3. IC 12-7-2-192.5, AS AMENDED BY P.L.180-2005,
14 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2021]: Sec. 192.5. "Total number of requests for assistance",
16 for purposes of IC 12-20-28-3, has the meaning set forth in
17 ~~IC 12-20-28-3(e).~~ **IC 12-20-28-3(f).**

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1 SECTION 4. IC 12-13-16-10, AS ADDED BY P.L.73-2020,
 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2021]: Sec. 10. Beginning July 1, 2021, the office of the
 4 secretary shall:

- 5 (1) compile data regarding 211 services, including:
 6 (A) community needs, including utility, housing, and food
 7 assistance;
 8 (B) the number of referrals to community resources;
 9 (C) the number of individuals seeking assistance in each
 10 county; and
 11 (D) all community resource providers, **including township**
 12 **trustees;** and
 13 (2) enter into data sharing agreements with entities approved by
 14 the office of the secretary that allow the approved entities to
 15 access data compiled under this section in a manner that is
 16 consistent with state and federal privacy laws.

17 SECTION 5. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005,
 18 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2021]: Sec. 1. (a) The township trustee shall process all
 20 applications for township assistance according to uniform written
 21 standards and without consideration of the race, creed, nationality, or
 22 gender of the applicant or any member of the applicant's household.

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

- 25 (1) governed by the requirements of this article;
 26 (2) proposed by the township trustee, adopted by the township
 27 board, and filed with the board of county commissioners;
 28 (3) reviewed and updated annually to reflect changes in the cost
 29 of basic necessities in the township and changes in the law;
 30 (4) published in a single written document, including addenda
 31 attached to the document; and
 32 (5) posted in a place prominently visible to the public in all
 33 offices of the township trustee where township assistance
 34 applications are taken or processed.

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

41 SECTION 6. IC 12-20-5.5-3, AS AMENDED BY P.L.73-2005,
 42 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 3. (a) The township trustee shall ensure adequate
 2 access to township assistance services, including a ~~published~~ telephone
 3 number in the name of the township **published in the annual report**
 4 **as provided in IC 12-20-28-3 and the township's budget submitted**
 5 **to the department of local government finance's computer gateway**
 6 **under IC 6-1.1-17-3.**

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

- 10 (1) township trustee's name;
 11 (2) availability of township assistance; and
 12 (3) township assistance office's telephone number.

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

14 SECTION 7. IC 12-20-28-3, AS AMENDED BY P.L.1-2009,
 15 SECTION 106, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The definitions in this section
 17 apply to a report that is required to be filed under this section.

18 (b) As used in this section, "case contact" means any act of service
 19 in which a township employee has reason to enter a comment or
 20 narrative into the record of an application for township assistance
 21 under this article regardless of whether the applicant receives or does
 22 not receive township assistance funds. **This subsection expires**
 23 **January 1, 2023.**

24 (c) As used in this section, "total number of households containing
 25 township assistance recipients" means the sum to be determined by
 26 counting the total number of individuals who file an application for
 27 which assistance is granted. A household may be counted only once
 28 during a calendar year regardless of the number of times assistance is
 29 provided if the same individual makes the application for assistance.

30 (d) As used in this section, "total number of recipients" means the
 31 number of individuals who are members of a household that receives
 32 assistance on at least one (1) occasion during the calendar year. An
 33 individual may be counted only one (1) time during a calendar year
 34 regardless of the:

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

38 **This subsection expires January 1, 2023.**

39 (e) **This subsection applies to a report filed after December 31,**
 40 **2022. As used in this section, "total number of recipients" means**
 41 **the number of individuals who are members of a household that**
 42 **receives assistance on at least one (1) occasion during the calendar**



1 year. An individual may be counted for each time assistance is
 2 separately provided regardless of the:

3 (1) number of times assistance is provided; or

4 (2) number of households in which the individual resides
 5 during a particular year.

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

9 ~~(f)~~ (g) The township trustee shall file an annual statistical report on
 10 township housing, medical care, utility assistance, food assistance,
 11 burial assistance, food pantry assistance, services related to
 12 representative payee programs, services related to special
 13 nontraditional programs, and case management services with the state
 14 board of accounts. The township trustee shall provide a copy of the
 15 annual statistical report to the county auditor. The county auditor shall
 16 keep the copy of the report in the county auditor's office. Except as
 17 provided in subsection ~~(k)~~; (l), the report must be made on a form
 18 provided by the state board of accounts. The report must contain the
 19 following information:

20 (1) The total number of requests for assistance.

21 (2) The total number of each of the following:

22 (A) Recipients of township assistance.

23 (B) Households containing recipients of township assistance.

24 (C) Case contacts made with or on behalf of:

25 (i) recipients of township assistance; or

26 (ii) members of a household receiving township assistance.

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

28 (3) **This subdivision applies to a report filed after December**
 29 **31, 2022. The total number of each of the following:**

30 (A) Recipients of township assistance.

31 (B) Households containing recipients of township
 32 assistance.

33 (C) Individuals denied township assistance.

34 ~~(3)~~ (4) The total value of benefits provided to recipients of
 35 township assistance.

36 (5) **This subdivision applies to a report filed after December**
 37 **31, 2022. The total value of benefits denied to individuals**
 38 **applying for township assistance.**

39 ~~(4)~~ (6) The total value of benefits provided through the efforts of
 40 township staff from sources other than township funds.

41 ~~(5)~~ (7) The total number of each of the following:

42 (A) Recipients of township assistance and households



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



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



1 (B) Value of the case management services provided.
 2 ~~(25)~~ (27) The total number of housing inspections performed by
 3 the township.

4 **(28) The township trustee's name and telephone number as**
 5 **provided in IC 12-20-5.5-3.**

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

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

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

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

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

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

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

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



1 ⊕ (m) The information required to be reported by the township
2 trustee under this section shall be maintained by the township trustee
3 in accordance with IC 5-15-6.

4 SECTION 8. IC 36-6-4-13, AS AMENDED BY P.L.127-2017,
5 SECTION 157, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) When the executive prepares
7 the annual report required by section 12 of this chapter, the executive
8 shall also prepare, on forms prescribed by the state board of accounts,
9 an abstract of receipts and expenditures:

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

12 (2) showing the sum of money received in each fund of the
13 township during the year;

14 (3) showing the sum of money paid from each fund of the
15 township during the year;

16 (4) showing the sum of money remaining in each fund of the
17 township at the end of the year;

18 (5) containing a statement of receipts, showing their source; and

19 (6) containing a statement of expenditures, showing the combined
20 gross payment, according to classification of expense, to each
21 person.

22 (b) Within four (4) weeks after the third Tuesday following the first
23 Monday in February, the executive shall publish the **portion of the**
24 **abstract described in subsection (a)(1) through (a)(4) abstract**
25 **prescribed by subsection (a) in accordance with IC 5-3-1 with a**
26 **statement that a complete abstract that contains the statements**
27 **required under subsection (a)(5) and (a)(6) is available for**
28 **inspection in the county auditor's office.** The abstract must state that:

29 (1) a complete and detailed annual report, **a complete abstract,**
30 and the accompanying vouchers showing the names of persons
31 paid money by the township have been filed with the county
32 auditor; and

33 (2) ~~that~~ the chair of the township legislative body has a copy of
34 the report that is available for inspection by any taxpayer of the
35 township.

36 (c) An executive who fails to comply with this section commits a
37 Class C infraction.

38 SECTION 9. IC 36-6-6-4, AS AMENDED BY P.L.266-2013,
39 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2021]: Sec. 4. (a) Except as provided in subsections (b) and
41 (c), two (2) members of the legislative body constitute a quorum. **The**
42 **township executive shall serve by virtue of office as a member of**



1 **the township legislative body for the purpose of casting the**
 2 **deciding vote to break a tie.**

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

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

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

13 (2) elects ~~a~~ **the township board legislative body** under section 2.1
 14 of this chapter.

15 A majority of the members of the **township** legislative body constitute
 16 a quorum. If a township ~~board legislative body~~ has an even number of
 17 members, the township executive shall serve ~~as an ex officio by virtue~~
 18 **of office as a member of the township board legislative body** for the
 19 purpose of casting the deciding vote to break a tie.

20 SECTION 10. IC 36-9-13-11, AS AMENDED BY P.L.127-2017,
 21 SECTION 305, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) A county building authority
 23 is under the control of a board of directors. This board consists of five
 24 (5) directors, who shall be appointed by a majority vote of the building
 25 authority trustees. Each of the original directors shall serve from the
 26 date of the director's appointment until the first day of February in the
 27 second year after the director's appointment, and until the director's
 28 successor is appointed and has qualified.

29 (b) A person may be appointed as a director only if the person
 30 **satisfies all of the following:**

31 (1) **The person** is at least thirty (30) years of age.

32 (2) **The person** has been a resident of the county five (5) years
 33 immediately preceding the person's appointment. ~~and~~

34 (3) **The person** is not an officer or employee of an eligible entity.
 35 **However, a township executive may be appointed as a**
 36 **director.**

37 (c) Before entering upon the director's duties, each director shall
 38 take and subscribe an oath of office (in the usual form), which shall be
 39 endorsed upon the director's certificate of appointment. The certificate
 40 shall be promptly filed with the county clerk.

41 SECTION 11. IC 36-9-13-17, AS AMENDED BY P.L.127-2017,
 42 SECTION 308, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2021]: Sec. 17. A trustee or director ~~who~~
2 **vacates the trustee's or director's office if the trustee or director**
3 **does any of the following:**
4 (1) **The trustee or director** ceases to be a resident of the county.
5 or
6 (2) **The trustee or director** becomes an officer or employee of an
7 eligible entity. **However, a director does not vacate the**
8 **director's office by becoming a township executive.**
9 ~~vacates the trustee's or director's office.~~



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 409, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 13.

Page 7, line 5, strike "(k)," and insert "(l),".

Page 10, line 19, after "(j)" insert "(k)".

Page 10, line 19, reset in roman "The department may not approve the budget of a township trustee".

Page 10, reset in roman lines 20 through 21.

Page 10, line 22, strike "(k)" and insert "(l)".

Page 10, line 31, strike "(l)" and insert "(m)".

Page 10, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 8. IC 36-6-4-13, AS AMENDED BY P.L.127-2017, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) When the executive prepares the annual report required by section 12 of this chapter, the executive shall also prepare, on forms prescribed by the state board of accounts, an abstract of receipts and expenditures:

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

(b) Within four (4) weeks after the third Tuesday following the first Monday in February, the executive shall publish the **portion of the abstract described in subsection (a)(1) through (a)(4) abstract prescribed by subsection (a) in accordance with IC 5-3-1 with a statement that a complete abstract that contains the statements required under subsection (a)(5) and (a)(6) is available for**



inspection in the county auditor's office. The abstract must state that:

(1) a complete and detailed annual report, **a complete abstract**, and the accompanying vouchers showing the names of persons paid money by the township have been filed with the county auditor; and

(2) ~~that~~ the chair of the township legislative body has a copy of the report that is available for inspection by any taxpayer of the township.

(c) An executive who fails to comply with this section commits a Class C infraction."

Page 11, delete lines 1 through 19.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 409 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 8, Nays 0.

