

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 ENROLLED ACT No. 409

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AN ACT to amend the Indiana Code concerning local government.

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

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

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

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

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

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

- (1) compile data regarding 211 services, including:
  - (A) community needs, including utility, housing, and food

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assistance;

- (B) the number of referrals to community resources;
- (C) the number of individuals seeking assistance in each county; and
- (D) all community resource providers, **including township trustees;** and

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

(e) **This subsection applies to a report filed after December 31, 2022. As used in this section, "total number of recipients" means the number of individuals who are members of a household that receives assistance on at least one (1) occasion during the calendar year. An individual may be counted for each time assistance is separately provided regardless of the:**

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

(f) As used in this section, "total number of requests for



"assistance" means the number of times an individual or a household separately requests any type of township assistance.

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

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

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

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

- (A) Recipients of township assistance.**
- (B) Households containing recipients of township assistance.**
- (C) Individuals denied township assistance.**
- ~~(3)~~ (4) The total value of benefits provided to recipients of township assistance.
- (5) This subdivision applies to a report filed after December 31, 2022. The total value of benefits denied to individuals applying for township assistance.**
- ~~(4)~~ (6) The total value of benefits provided through the efforts of township staff from sources other than township funds.
- ~~(5)~~ (7) The total number of each of the following:
  - (A) Recipients of township assistance and households receiving utility assistance.
  - (B) Recipients assisted by township staff in receiving utility assistance from sources other than township funds.
- ~~(6)~~ (8) The total value of benefits provided for the payment of utilities, including the value of benefits of utility assistance provided through the efforts of township staff from sources other



than township funds.

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

(A) Recipients of township assistance and households receiving housing assistance.

(B) Recipients assisted by township staff in receiving housing assistance from sources other than township funds.

(8) (10) The total value of benefits provided for housing assistance, including the value of benefits of housing assistance provided through the efforts of township staff from sources other than township funds.

(9) (11) The total number of each of the following:

(A) Recipients of township assistance and households receiving food assistance.

(B) Recipients assisted by township staff in receiving food assistance from sources other than township funds.

(10) (12) The total value of food assistance provided, including the value of food assistance provided through the efforts of township staff from sources other than township funds.

(11) (13) The total number of each of the following:

(A) Recipients of township assistance and households provided health care.

(B) Recipients assisted by township staff in receiving health care assistance from sources other than township funds.

(12) (14) The total value of health care provided, including the value of health care assistance provided through the efforts of township staff from sources other than township funds.

(13) (15) The total number of funerals, burials, and cremations.

(14) (16) The total value of funerals, burials, and cremations, including the difference between the:

(A) actual value of the funerals, burials, and cremations; and

(B) amount paid by the township for the funerals, burials, and

cremations.

(15) (17) The total of each of the following:

(A) Number of nights of emergency shelter provided to the homeless.

(B) Number of nights of emergency shelter provided to homeless individuals through the efforts of township staff from sources other than township funds.

(C) Value of the nights of emergency shelter provided to homeless individuals by the township and the value of the nights of emergency shelter provided through the efforts of the township staff from sources other than township funds.



(16) (18) The total of each of the following:

- (A) Number of referrals of township assistance applicants to other programs.
- (B) Value of the services provided by the township in making referrals to other programs.

(17) (19) The total number of training programs or job placements found for recipients of township assistance with the assistance of the township trustee.

(18) (20) The number of hours spent by recipients of township assistance at workfare.

(19) (21) The total value of the services provided by workfare to the township and other agencies.

(20) (22) The total amount of reimbursement for assistance received from:

- (A) recipients;
- (B) members of recipients' households; or
- (C) recipients' estates;

under IC 12-20-6-10, IC 12-20-27-1, or IC 12-20-27-1.5.

(21) (23) The total amount of reimbursement for assistance received from medical programs under IC 12-20-16-2(e).

(22) (24) The total of each of the following:

- (A) Number of individuals assisted through a representative payee program.
- (B) Amount of funds processed through the representative payee program that are not township funds.

(23) (25) The total of each of the following:

- (A) Number of individuals assisted through special nontraditional programs provided through the township without the expenditure of township funds.
- (B) Amount of funds used to provide the special nontraditional programs that are not township funds.

(24) (26) The total of each of the following:

- (A) Number of hours an investigator of township assistance spends providing case management services to a recipient of township assistance or a member of a household receiving township assistance.
- (B) Value of the case management services provided.

(25) (27) The total number of housing inspections performed by the township.

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

If the total number or value of any item required to be reported under



this subsection is zero (0), the township trustee shall include the notation "0" in the report where the total number or value is required to be reported.

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

**(f) (i)** The state board of accounts shall forward a copy of:

- (1) each annual report forwarded to the board under subsection **(f); (g);** and
- (2) the statewide statistical report under subsection **(g); (h);** to the department and the division of family resources.

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

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

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

- (1) The method of reporting is acceptable to both the township trustee reporting the information and the governmental entity to which the information is reported.
- (2) A written copy of information reported by electronic transfer is on file with the township trustee reporting information by electronic means.

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

SECTION 8. IC 23-14-68-3, AS AMENDED BY P.L.14-2018, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. For the purposes of this chapter, the



maintenance of a cemetery includes the following:

- (1) Resetting and straightening all monuments.
- (2) Leveling and seeding the ground.
- (3) Constructing fences where there are none and repairing existing fences.
- (4) Destroying and cleaning up detrimental plants (as defined in IC 15-16-8-1), **noxious rampant** weeds, and rank vegetation.
- (5) Mowing the lawn.

SECTION 9. IC 23-14-69-3, AS AMENDED BY P.L.2-2008, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. A township trustee shall care for and maintain each cemetery to which this chapter applies that is located in the township. ~~keeping the cemeteries in a respectable condition by: The duties of a township trustee under this chapter include the following:~~

- (1) Destroying detrimental plants (as defined in IC 15-16-8-1), **noxious rampant** weeds, and rank vegetation. ~~and;~~
- (2) Removing all unsightly accumulations and debris.
- (3) **Resetting and straightening all monuments.**
- (4) **Leveling and seeding the ground.**
- (5) **Mowing the lawn.**

SECTION 10. 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.

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

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

- (1) **The person** is at least thirty (30) years of age.
- (2) **The person** has been a resident of the county five (5) years immediately preceding the person's appointment. **and**
- (3) **The person** is not an officer or employee of an eligible entity. **However, a township executive may be appointed as a director.**

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

SECTION 12. IC 36-9-13-17, AS AMENDED BY P.L.127-2017, SECTION 308, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. A trustee or director **who vacates the trustee's or director's office if the trustee or director does any of the following:**

- (1) **The trustee or director** ceases to be a resident of the county. **or**
- (2) **The trustee or director** becomes an officer or employee of an



eligible entity. However, a director does not vacate the director's office by becoming a township executive. vacates the trustee's or director's office.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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