



January 26, 2018

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## HOUSE BILL No. 1122

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DIGEST OF HB 1122 (Updated January 25, 2018 10:41 am - DI 75)

**Citations Affected:** IC 23-14.

**Synopsis:** Township assistance for cemetery maintenance. Authorizes the trustee of a township to provide financial assistance for maintenance purposes to a cemetery that is operated by a nonprofit organization and located in the township if the trustee reasonably believes that: (1) the funds available to the cemetery from its perpetual care fund and other sources are not sufficient to provide for the necessary maintenance of the cemetery; and (2) providing financial assistance to the cemetery will help to prevent the full responsibility for maintenance of the cemetery from falling on the township. Requires a township trustee of a township that assists a cemetery with maintenance expenses to enter into an agreement with the cemetery that provides: (1) a description and schedule of maintenance expenses that are covered by the agreement; (2) that the trustee may not pay money directly to the cemetery for maintenance but shall only reimburse the cemetery for documented maintenance expenses actually incurred from claims submitted to the trustee under procedures stated in the agreement; and (3) the duration of the agreement. Provides, for purposes of the law concerning township care of cemeteries, that the maintenance of a cemetery includes mowing the lawn.

**Effective:** July 1, 2018.

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### May, Stemler

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January 4, 2018, read first time and referred to Committee on Local Government.  
January 25, 2018, amended, reported — Do Pass.

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HB 1122—LS 6723/DI 55





January 26, 2018

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

## HOUSE BILL No. 1122

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A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

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

- 1 SECTION 1. IC 23-14-68-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) **Except as**  
3 **provided in subsection (b)**, this chapter applies to each cemetery that:  
4 (1) is without funds for maintenance;  
5 (2) was in existence on February 28, 1939; and  
6 (3) is operated by a nonprofit organization or is not managed by  
7 any viable organization.  
8 **(b) Section 4.5 of this chapter applies to a cemetery that is**  
9 **operated by a nonprofit organization.**  
10 ~~(b)~~ (c) This chapter does not apply to a cemetery located on land on  
11 which property taxes are assessed and paid under IC 6-1.1-4.  
12 SECTION 2. IC 23-14-68-3, AS AMENDED BY P.L.2-2008,  
13 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2018]: Sec. 3. For the purposes of this chapter, the  
15 maintenance of a cemetery includes the following:  
16 (1) Resetting and straightening all monuments.  
17 (2) Leveling and seeding the ground.

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- 1 (3) Constructing fences where there are none and repairing  
 2 existing fences.
- 3 (4) Destroying and cleaning up detrimental plants (as defined in  
 4 IC 15-16-8-1), noxious weeds, and rank vegetation.
- 5 **(5) Mowing the lawn.**
- 6 SECTION 3. IC 23-14-68-4 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) The township:  
 8 **(1) shall appropriate enough money to provide for the care, repair,  
 9 and maintenance of each cemetery described in section 1(a) of  
 10 this chapter that is located within the township; and**  
 11 **(2) may appropriate enough money to provide for  
 12 maintenance of a cemetery described in section 1(b) of this  
 13 chapter to which the trustee of the township provides  
 14 assistance under section 4.5 of this chapter.**
- 15 Funds shall be appropriated under this subsection in the same manner  
 16 as other township appropriations.
- 17 (b) The township may levy a township cemetery tax to create a fund  
 18 for maintenance of cemeteries under this chapter. If a fund has not been  
 19 provided for maintenance of cemeteries under this chapter, part of the  
 20 township fund may be used.
- 21 SECTION 4. IC 23-14-68-4.5 IS ADDED TO THE INDIANA  
 22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2018]: **Sec. 4.5. (a) The trustee of a township  
 24 may provide to a cemetery that is described in section 1(b) of this  
 25 chapter and is located in the township financial assistance for the  
 26 maintenance of the cemetery, if the trustee of the township  
 27 reasonably believes that both of the following apply:**
- 28 **(1) The funds available to the cemetery from:**  
 29 **(A) the perpetual care fund maintained by the owner of the  
 30 cemetery under IC 23-14-48; and**  
 31 **(B) any other source;**  
 32 **are not sufficient to provide for the necessary maintenance of  
 33 the cemetery.**
- 34 **(2) Providing financial assistance to the cemetery will help to  
 35 prevent the full responsibility for maintenance of the  
 36 cemetery from falling on the township under:**  
 37 **(A) sections 1(a) and 4(a)(1) of this chapter;**  
 38 **(B) IC 23-14-64; or**  
 39 **(C) another provision of this article.**
- 40 **(b) Subject to subsection (c), the trustee may provide financial  
 41 assistance to a cemetery under this section from:**  
 42 **(1) the fund for maintenance of cemeteries created under**



1           section 4(b) of this chapter; or  
2           (2) money appropriated under section 4(a)(2) of this chapter.  
3           (c) To provide financial assistance under this section, the trustee  
4 must enter into an agreement with the cemetery that includes the  
5 following provisions:  
6           (1) A description and schedule of maintenance expenses that  
7           are covered by the agreement.  
8           (2) That the trustee may not pay money directly to the  
9           cemetery for maintenance but may only reimburse the  
10          cemetery for documented maintenance expenses actually  
11          incurred from claims submitted to the trustee under  
12          procedures stated in the agreement.  
13          (3) The duration of the agreement.  
14          The trustee and the cemetery may include other provisions in the  
15          agreement that the trustee and the cemetery consider useful for  
16          implementation of the agreement.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1122, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 21 through 42, begin a new paragraph and insert:

"SECTION 4. IC 23-14-68-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 4.5. (a) The trustee of a township may provide to a cemetery that is described in section 1(b) of this chapter and is located in the township financial assistance for the maintenance of the cemetery, if the trustee of the township reasonably believes that both of the following apply:**

**(1) The funds available to the cemetery from:**

**(A) the perpetual care fund maintained by the owner of the cemetery under IC 23-14-48; and**

**(B) any other source;**

**are not sufficient to provide for the necessary maintenance of the cemetery.**

**(2) Providing financial assistance to the cemetery will help to prevent the full responsibility for maintenance of the cemetery from falling on the township under:**

**(A) sections 1(a) and 4(a)(1) of this chapter;**

**(B) IC 23-14-64; or**

**(C) another provision of this article.**

**(b) Subject to subsection (c), the trustee may provide financial assistance to a cemetery under this section from:**

**(1) the fund for maintenance of cemeteries created under section 4(b) of this chapter; or**

**(2) money appropriated under section 4(a)(2) of this chapter.**

**(c) To provide financial assistance under this section, the trustee must enter into an agreement with the cemetery that includes the following provisions:**

**(1) A description and schedule of maintenance expenses that are covered by the agreement.**

**(2) That the trustee may not pay money directly to the cemetery for maintenance but may only reimburse the cemetery for documented maintenance expenses actually incurred from claims submitted to the trustee under procedures stated in the agreement.**

**(3) The duration of the agreement.**

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**The trustee and the cemetery may include other provisions in the agreement that the trustee and the cemetery consider useful for implementation of the agreement."**

Page 3, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1122 as introduced.)

ZENT

Committee Vote: yeas 9, nays 2.

