

SENATE BILL No. 315

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-20-15.

Synopsis: Township assistance appeal. Allows a township assistance applicant to appeal to the county commissioners if a township trustee refuses or fails to respond to a request for township assistance services.

Effective: July 1, 2019.

Niemeyer

January 7, 2019, read first time and referred to Committee on Local Government.



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.

SENATE BILL No. 315

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 12-20-15-1, AS AMENDED BY P.L.73-2005,
2 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 1. **(a)** If an applicant for or recipient of township
4 assistance is not satisfied with the decision of the township trustee, as
5 administrator of township assistance, the applicant or recipient may
6 appeal to the board of commissioners.

7 **(b) If an applicant:**
8 **(1) requests a township assistance application and the**
9 **township trustee refuses to provide the application; or**
10 **(2) makes a telephone inquiry for township assistance services**
11 **and at least twenty-four (24) hours elapse after the inquiry is**
12 **made, excluding Saturdays, Sundays, and legal holidays, and**
13 **the township trustee has not responded;**
14 **a denial of township assistance by the township trustee occurs. The**
15 **applicant may appeal the denial to the board of commissioners**
16 **under this chapter.**

17 SECTION 2. IC 12-20-15-2, AS AMENDED BY P.L.73-2005,



1 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2019]: Sec. 2. An applicant for township assistance must file
3 the applicant's appeal not more than fifteen (15) days from:

4 (1) the date of issuance by the township trustee of adequate
5 written notice of the denial of township assistance as provided by
6 IC 12-20-6-8;

7 (2) **the date on which the township trustee refuses to provide**
8 **an application, in the case of a denial under section 1(b)(1) of**
9 **this chapter; or**

10 (3) **the date on which the denial occurs under section 1(b)(2)**
11 **of this chapter.**

12 An appeal must be made in writing or orally as required by the board
13 of commissioners.

14 SECTION 3. IC 12-20-15-4, AS AMENDED BY P.L.73-2005,
15 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2019]: Sec. 4. (a) In hearing an appeal, the board of
17 commissioners and a hearing officer shall:

18 (1) review and consider any report or investigative documents the
19 trustee prepared before making the appealed decision; and

20 (2) be governed by the township's township assistance standards
21 for determining eligibility to the extent that the standards comply
22 with existing law for the granting of township assistance. If no
23 legally sufficient standards have been established, the board of
24 commissioners and the hearing officer shall be guided by the
25 circumstances in each case.

26 (b) The board of commissioners shall remand a case to a trustee for
27 further proceedings if:

28 (1) new evidence was presented by the applicant to the board of
29 commissioners; and

30 (2) the board of commissioners determines that the new evidence
31 presented would have made the individual eligible for assistance.

32 (c) **The board of commissioners shall remand a case to a trustee**
33 **for further proceedings if the board of commissioners determines**
34 **that a denial occurred under section 1(b) of this chapter.**

35 ~~(c)~~ (d) If a case is remanded to a trustee, the trustee shall issue a
36 new determination of eligibility not later than seventy-two (72) hours
37 after receiving the written decision remanding the case, excluding
38 weekends and legal holidays listed in IC 1-1-9.

