SENATE BILL No. 385

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1.5-4-32.5.

Synopsis: Reorganization of a township and a municipality. Specifies that a proposed reorganization between a township and a municipality under the government modernization statutes may proceed (notwithstanding any statute enacted by the general assembly after December 31, 2010, to eliminate or reorganize township government) if: (1) the legislative bodies of the township and the municipality initiate the proposed reorganization before the date on which the elimination or reorganization of township government will occur; and (2) at least 70% of the residents of the township also reside within the municipality. Provides that if such a proposed reorganization is approved by at least 2/3 of the township legislative body and 2/3 of the municipal legislative body, the reorganization is approved (without a referendum on the proposed reorganization). Provides that if such a proposed reorganization is approved by the legislative bodies, but without both legislative bodies meeting the 2/3 vote threshold, the proposed reorganization shall be submitted to the voters as otherwise provided in the government modernization law. Provides that if such a proposed reorganization is approved (either by the legislative bodies meeting the 2/3 vote threshold or by the voters in a referendum), the township and the municipality are reorganized in the form and under the conditions specified in the plan of reorganization, notwithstanding the reorganization or elimination of township government.

Effective: Upon passage.

Charbonneau

January 11, 2011, read first time and referred to Committee on Local Government.

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Introduced

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

C o p y

SENATE BILL No. 385

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:

SECTION 1. IC 36-1.5-4-32.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 32.5. (a) Subsection (b) applies to a proposed reorganization between a township and a municipality under section 1(a)(7) of this chapter if all the following conditions are satisfied:**

(1) A statute is enacted by the general assembly after December 31, 2010, to:

(A) eliminate township government; or

(B) reorganize township government by:

(i) eliminating the township trustee or the township board; or

(ii) transferring powers and duties of the township trustee or the township board to one (1) or more county officials, county boards, or other governmental units or entities.

(2) Before the date on which the elimination or reorganization

of township government will occur under the statute described in subdivision (1), the township's legislative body and the municipality's legislative body must each adopt a resolution under section 10 of this chapter to initiate the proposed reorganization.

(3) At least seventy percent (70%) of the residents of the township also reside within the municipality.

(b) Notwithstanding the statute described in subsection (a)(1) to eliminate or reorganize township government, the following apply if all the conditions of subsection (a) are satisfied:

(1) A reorganization committee:

(A) may be appointed as provided in this chapter; and

(B) may prepare and submit a plan of reorganization to the township's legislative body and the municipality's legislative body as provided in this chapter.

(2) The township's legislative body and the municipality's legislative body that are proposing to reorganize may adopt a plan of reorganization that is submitted by a reorganization committee under section 18(d) of this chapter.

(3) The following apply if a plan of reorganization is approved by at least two-thirds (2/3) of the voting members of the township's legislative body and is approved by at least two-thirds (2/3) of the voting members of the municipality's legislative body under section 20 of this chapter within the time required by subdivision (5):

(A) The plan of reorganization is approved. Notwithstanding section 32 of this chapter or any law, a public question on the plan of reorganization is not required for the plan of reorganization to be approved.

(B) The township and the municipality are reorganized in the form and under the conditions specified in the plan of reorganization approved under this subsection, notwithstanding the reorganization or elimination of township government.

(4) If the plan of reorganization does not receive approval by at least two-thirds (2/3) of the voting members of the township's legislative body and by at least two-thirds (2/3) of the voting members of the municipality's legislative body as described in subdivision (3), but the plan of reorganization is approved by those legislative bodies, a public question on the plan of reorganization shall be placed on the ballot as provided in this chapter. If the public question is approved as

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provided in this chapter, the township and the municipality are reorganized in the form and under the conditions specified by the legislative bodies in the plan of reorganization, notwithstanding the reorganization or elimination of township government.

(5) Notwithstanding any other law, if a proposed reorganization subject to this section is not approved by the township's legislative body and the municipality's legislative body as described in subdivision (3) or (4) within one (1) year after the township's legislative body and the municipality's legislative body have both adopted a resolution under section 10 of this chapter to initiate the proposed reorganization:

(A) the proposed reorganization is terminated; and

(B) the statute described in subsection (a)(1) to eliminate or reorganize township government applies.

(6) Notwithstanding any other law, if a public question on a proposed reorganization subject to this section is disapproved by the majority of the voters in each reorganizing political subdivision voting on the public question as specified in this chapter:

(A) the proposed reorganization is terminated; and

(B) the statute described in subsection (a)(1) to eliminate or reorganize township government applies.

(7) The provisions of any township government elimination or reorganization statute described in subsection (a)(1) do not apply to the township or the municipality during the period ending when the proposed reorganization is terminated under subdivision (5) or (6), as applicable.

SECTION 2. **An emergency is declared for this act.**

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