

SENATE BILL No. 348

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1-7.

Synopsis: Interlocal cooperation agreements. Provides that the law regarding interlocal cooperation may be cited as the interlocal and intergovernmental cooperation and efficiency act. Provides that unless otherwise prohibited by law, interlocal cooperation agreements may be entered into for any lawful purpose, including: (1) to implement the modernization, reform, consolidation, reorganization, and efficiency recommendations included in the 2007 report of the Indiana commission on local government reform; and (2) to share or coordinate responsibilities, costs, and resources to more efficiently carry out governmental functions. Provides that if the attorney general does not disapprove an interlocal agreement within 45 days (rather than 60 days under current law) after it is submitted to the attorney general, the agreement is considered approved.

Effective: July 1, 2013.

Head

January 8, 2013, read first time and referred to Committee on Local Government.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 348



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 36-1-7-0.5 IS ADDED TO THE INDIANA CODE
 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2013]: **Sec. 0.5. This chapter may be cited as the interlocal and**
 4 **intergovernmental cooperation and efficiency act.**
 5 SECTION 2. IC 36-1-7-2 IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A power that may be
 7 exercised by an Indiana political subdivision and by one (1) or more
 8 other governmental entities may be exercised:
 9 (1) by one (1) or more entities on behalf of others; or
 10 (2) jointly by the entities.
 11 Entities that want to do this must, by ordinance or resolution, enter into
 12 a written agreement under section 3 or 9 of this chapter.
 13 (b) Notwithstanding subsection (a), Indiana governmental entities
 14 that want only to buy, sell, or exchange services, supplies, or
 15 equipment between or among themselves may enter into contracts to
 16 do this and follow section 12 of this chapter.
 17 (c) **Unless otherwise prohibited by law, agreements under this**



1 **chapter may be voluntarily entered into for any lawful purpose or**
 2 **function that may be carried out by one (1) or more parties to the**
 3 **agreement, including:**

4 **(1) implementing modernization, reform, consolidation,**
 5 **reorganization, and efficiency recommendations included in**
 6 **the December 11, 2007, report "Streamlining Local**
 7 **Government" prepared by the Indiana commission on local**
 8 **government reform; and**

9 **(2) sharing or coordinating responsibilities, costs, and**
 10 **resources to more efficiently carry out governmental**
 11 **functions.**

12 SECTION 3. IC 36-1-7-4, AS AMENDED BY P.L.221-2007,
 13 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2013]: Sec. 4. (a) If an agreement under section 3 of this
 15 chapter:

16 (1) involves as parties:

17 (A) only Indiana political subdivisions; or

18 (B) an Indiana political subdivision and:

19 (i) a public instrumentality; or

20 (ii) a public corporate body;

21 created by state law;

22 (2) is approved by the fiscal body of each party that is an Indiana
 23 political subdivision either before or after the agreement is
 24 entered into by the executive of the party; and

25 (3) delegates to the treasurer or disbursing officer of one (1) of the
 26 parties that is an Indiana political subdivision the duty to receive,
 27 disburse, and account for all monies of the joint undertaking;

28 then the approval of the attorney general is not required.

29 (b) If subsection (a) does not apply, an agreement under section 3
 30 of this chapter must be submitted to the attorney general for the
 31 attorney general's approval. The attorney general shall approve the
 32 agreement unless the attorney general finds that it does not comply
 33 with ~~the statutes; this chapter or any other applicable law~~, in which
 34 case the attorney general shall detail in writing for the parties the
 35 specific respects in which the agreement does not comply. If the
 36 attorney general fails to disapprove the agreement within ~~sixty (60)~~
 37 **forty-five (45)** days after it is submitted to the attorney general, it is
 38 considered approved.

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