HOUSE BILL No. 1172

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, in the case of an interlocal cooperation agreement that must be approved by the attorney general, that the agreement is considered approved if the attorney general does not approve the agreement within 45 days (instead of 60 days).

Effective: July 1, 2013.

Heuer, Neese

January 23, 2013, read first time and referred to Committee on Government and Regulatory Reform.

C o p y

Introduced

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.

C o p y

HOUSE BILL No. 1172

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 36-1-7-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. This chapter may be cited as the interlocal and intergovernmental cooperation and efficiency act.**

SECTION 2. IC 36-1-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A power that may be exercised by an Indiana political subdivision and by one (1) or more other governmental entities may be exercised:

(1) by one (1) or more entities on behalf of others; or

(2) jointly by the entities.

Entities that want to do this must, by ordinance or resolution, enter into a written agreement under section 3 or 9 of this chapter.

(b) Notwithstanding subsection (a), Indiana governmental entities that want only to buy, sell, or exchange services, supplies, or equipment between or among themselves may enter into contracts to do this and follow section 12 of this chapter.

(c) Unless otherwise prohibited by law, agreements under this

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

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

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

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

(1) involves as parties:

(A) only Indiana political subdivisions; or

(B) an Indiana political subdivision and:

(i) a public instrumentality; or

(ii) a public corporate body;

created by state law;

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

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

then the approval of the attorney general is not required.

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

C o p y