



Reprinted
January 27, 2023

SENATE BILL No. 182

DIGEST OF SB 182 (Updated January 26, 2023 2:02 pm - DI 87)

Citations Affected: IC 36-6.

Synopsis: Township mergers. Allows a township that does not have a township trustee or township board to merge with another township, if identical resolutions approving the merger are adopted by the following: (1) The township trustee and legislative body of the other township. (2) The county executive.

Effective: Upon passage.

Koch, Buck

January 9, 2023, read first time and referred to Committee on Local Government.
January 23, 2023, reported favorably — Do Pass.
January 26, 2023, read second time, amended, ordered engrossed.

SB 182—LS 6955/DI 87



Reprinted
January 27, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 182

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 36-6-1.5-5, AS AMENDED BY P.L.255-2013,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 5. **(a) This section does not apply to a
4 merger of township governments under section 5.1 of this chapter.**
5 **(a) (b)** The township trustees, with the approval of a majority of the
6 members of the township legislative body of each township that wants
7 to merge township governments under this chapter, must comply with
8 this section.
9 **(b) (c)** The township trustees must present identical resolutions
10 approving the township government merger to the trustees' respective
11 township legislative bodies. A township legislative body may adopt a
12 resolution under this chapter only after the legislative body has held a
13 public hearing concerning the proposed merger. The township
14 legislative body shall hold the hearing not earlier than thirty (30) days
15 after the date the resolution is introduced. The hearing shall be
16 conducted in accordance with IC 5-14-1.5 and notice of the hearing
17 shall be published in accordance with IC 5-3-1.

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1 ~~(c)~~ **(d)** The township legislative bodies may adopt the identical
 2 resolutions approving the township government merger under this
 3 chapter not later than ninety (90) days after the legislative body has
 4 held the public hearing under subsection ~~(b)~~: **(c)**.

5 ~~(d)~~ **(e)** The trustees of the participating townships shall jointly file
 6 a copy of the identical resolutions with:

- 7 (1) the department of local government finance;
- 8 (2) the circuit court clerk; and
- 9 (3) the office of the secretary of state.

10 ~~(e)~~ **(f)** A township legislative body may not adopt a resolution
 11 ordering a merger after January 1 of a year in which:

- 12 (1) a general election is held; and
- 13 (2) a township trustee is elected.

14 ~~(f)~~ **(g)** A merger under this chapter may reduce the term of a
 15 township trustee of a former township government.

16 SECTION 2. IC 36-6-1.5-5.1 IS ADDED TO THE INDIANA
 17 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 18 **[EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) As used in this section,**
 19 **"initiating township" means a township that may merge with a**
 20 **vacant township government under this section.**

21 **(b) As used in this section, "vacant township government"**
 22 **means a township in which, on January 1 in the year following a**
 23 **general election in which township offices are elected, no**
 24 **individual:**

- 25 **(1) legally holds the office of township trustee or township**
 26 **legislative body member;**
- 27 **(2) holds over in the office of township trustee or township**
 28 **legislative body member as an incumbent under Article 15,**
 29 **Section 3 of the Constitution of the State of Indiana; or**
- 30 **(3) was a candidate for the office of township trustee or**
 31 **township legislative body member at the most recent general**
 32 **election in which the offices of township trustee and township**
 33 **legislative body member were elected.**

34 **(c) If the:**

- 35 **(1) initiating township government; and**
- 36 **(2) vacant township government;**

37 **meet the requirements of section 4 of this chapter, the townships**
 38 **may merge by complying with this section.**

39 **(d) The township trustee of the initiating township must:**

- 40 **(1) adopt a resolution approving the merger of the township**
 41 **governments; and**
- 42 **(2) present the resolution to the township legislative body of**



1 the initiating township and the county executive.

2 (e) The township legislative body of the initiating township and
3 county executive must each adopt resolutions that are identical to
4 the resolution presented to the body by the township trustee of the
5 initiating township under subsection (d) as follows:

6 (1) Each must hold a public hearing concerning the merger
7 not earlier than thirty (30) days after introducing the
8 resolution. The hearing must be conducted in accordance with
9 IC 5-14-1.5, with notice of the hearing published in
10 accordance with IC 5-3-1.

11 (2) Each must adopt a resolution not later than ninety (90)
12 days after the date of the public hearing.

13 (f) If the resolution is adopted by the initiating township and the
14 county executive, the trustee of the initiating township and the
15 county executive shall jointly file a copy of the identical resolutions
16 with:

17 (1) the department of local government finance;

18 (2) the circuit court clerk; and

19 (3) the office of the secretary of state.

20 SECTION 3. IC 36-6-6-2.1, AS ADDED BY P.L.240-2005,
21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]: Sec. 2.1. (a) This section applies if township
23 governments merge under IC 36-6-1.5.

24 (b) If two (2) township governments merge, the resulting merged
25 township government shall elect a three (3) member township board.
26 The voters of the resulting merged township government shall elect all
27 the members of the township board. **If the township governments**
28 **merge under IC 36-6-1.5-5**, one (1) member must reside within the
29 boundaries of each of the township governments that merged. **If**
30 **township governments merge under IC 36-6-1.5-5.1**, the members
31 **must reside within the territory of the new township government**
32 **described in IC 36-6-1.5-8(3).**

33 (c) If at least three (3) township governments merge, the resulting
34 merged township government shall elect a township board that has the
35 same number of members as the number of township governments that
36 merged. The voters of the resulting merged township shall elect all the
37 members of the township board. One (1) township board member must
38 reside within the boundaries of each of the townships that merged.

39 SECTION 4. IC 36-6-6-3, AS AMENDED BY P.L.240-2005,
40 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 UPON PASSAGE]: Sec. 3. (a) This subsection applies to townships in
42 a county containing a consolidated city. One (1) member of the



1 legislative body must reside within each legislative body district. If a
2 member of the legislative body ceases to be a resident of the district
3 from which the member was elected, the office becomes vacant.

4 (b) This subsection applies to townships not included in subsection
5 (a) or (c). A member of the legislative body must reside within the
6 township, as provided in Article 6, Section 6 of the Constitution of the
7 State of Indiana. **If the township governments merge under**
8 **IC 36-6-1.5-5.1, the legislative body members must reside within**
9 **the territory of the new township government described in**
10 **IC 36-6-1.5-8(3).** If a member of the legislative body ceases to be a
11 resident of the township, the office becomes vacant.

12 (c) This subsection applies to a township government that:

13 (1) is created by a merger of township governments under
14 ~~IC 36-6-1.5~~; **IC 36-6-1.5-5**; and

15 (2) elects a township board under section 2.1 of this chapter.

16 One (1) member of the legislative body must reside within the
17 boundaries of each of the former townships that merged. If a member
18 of the legislative body ceases to be a resident of that former township,
19 the office becomes vacant.

20 **SECTION 5. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 182, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 182 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 8, Nays 0

SENATE MOTION

Madam President: I move that Senate Bill 182 be amended to read as follows:

Page 2, line 25, delete "holds by election" and insert "**legally holds**".

(Reference is to SB 182 as printed January 24, 2023.)

POL JR.

