



Reprinted  
February 26, 2019

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## SENATE BILL No. 221

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DIGEST OF SB 221 (Updated February 25, 2019 3:50 pm - DI 87)

**Citations Affected:** IC 36-6.

**Synopsis:** Township mergers. Eliminates the requirement that one member of the township board of a merged township must reside within each of the townships that merged. Requires the voters of each merging township to vote in favor of the merger in a public question.

**Effective:** July 1, 2019.

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### Koch, Buck, Zay

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January 3, 2019, read first time and referred to Committee on Local Government.  
February 21, 2019, reported favorably — Do Pass.  
February 25, 2019, read second time, amended, ordered engrossed.

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SB 221—LS 6631/DI 87





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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. 221

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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 36-6-1.5-6, AS AMENDED BY P.L.255-2013,  
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 6. The merger becomes effective on January 1 of  
4 the year following the ~~adoption of the resolution approving~~ **public**  
5 **question in which voters approve** the merger of the townships. An  
6 officer elected to represent the merged township government shall be  
7 considered to be a resident of the territory comprising the new  
8 township government unless the township merger is dissolved under  
9 IC 36-6-1.6.  
10          SECTION 2. IC 36-6-1.5-13 IS ADDED TO THE INDIANA CODE  
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
12 1, 2019]: **Sec. 13. (a) A public question shall be held in each of the**  
13 **townships that adopted identical resolutions under section 5 of this**  
14 **chapter approving the township government merger. The county**  
15 **election board shall place the following public question on the**  
16 **ballot at the next general election held after the last of the identical**  
17 **resolutions is adopted:**

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- 1           **"Shall (insert name of township) merge with (insert name or**  
 2           **names of townships)?"**.
- 3           **(b) IC 3, except where inconsistent with this chapter, applies to**  
 4           **a public question placed on the ballot under this chapter. A public**  
 5           **question under this chapter must be certified in accordance with**  
 6           **IC 3-10-9-3 and shall be placed on the ballot in accordance with**  
 7           **IC 3-10-9.**
- 8           **(c) If a majority of the voters of each township who vote on a**  
 9           **public question placed on the ballot under this chapter vote in**  
 10           **favor of the public question, the townships shall merge under this**  
 11           **chapter in accordance with the adopted resolutions.**
- 12           SECTION 3. IC 36-6-6-2.1, AS ADDED BY P.L.240-2005,  
 13           SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14           JULY 1, 2019]: Sec. 2.1. (a) This section applies if township  
 15           governments merge under IC 36-6-1.5.
- 16           (b) If two (2) township governments merge, the resulting merged  
 17           township government shall elect a three (3) member township board.  
 18           The voters of the resulting merged township government shall elect all  
 19           the members of the township board. ~~One (1) member must reside~~  
 20           ~~within the boundaries of each of the township governments that~~  
 21           ~~merged.~~
- 22           (c) If at least three (3) township governments merge, the resulting  
 23           merged township government shall elect a township board that has the  
 24           same number of members as the number of township governments that  
 25           merged. The voters of the resulting merged township shall elect all the  
 26           members of the township board. ~~One (1) township board member must~~  
 27           ~~reside within the boundaries of each of the townships that merged.~~
- 28           SECTION 4. IC 36-6-6-3, AS AMENDED BY P.L.240-2005,  
 29           SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30           JULY 1, 2019]: Sec. 3. (a) This subsection applies to townships in a  
 31           county containing a consolidated city. One (1) member of the  
 32           legislative body must reside within each legislative body district. If a  
 33           member of the legislative body ceases to be a resident of the district  
 34           from which the member was elected, the office becomes vacant.
- 35           (b) This subsection applies to townships not included in subsection  
 36           (a). ~~or (c):~~ A member of the legislative body must reside within the  
 37           township as provided in Article 6, Section 6 of the Constitution of the  
 38           State of Indiana. If a member of the legislative body ceases to be a  
 39           resident of the township, the office becomes vacant.
- 40           ~~(c) This subsection applies to a township government that:~~  
 41           ~~(1) is created by a merger of township governments under~~  
 42           ~~IC 36-6-1.5; and~~



1           (2) elects a township board under section 2.1 of this chapter.  
2           One (1) member of the legislative body must reside within the  
3           boundaries of each of the former townships that merged. If a member  
4           of the legislative body ceases to be a resident of that former township,  
5           the office becomes vacant.



## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 221, 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 221 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 8, Nays 0

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 SENATE MOTION

Madam President: I move that Senate Bill 221 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-6-1.5-6, AS AMENDED BY P.L.255-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. The merger becomes effective on January 1 of the year following the ~~adoption of the resolution approving~~ **public question in which voters approve** the merger of the townships. An officer elected to represent the merged township government shall be considered to be a resident of the territory comprising the new township government unless the township merger is dissolved under IC 36-6-1.6.

SECTION 2. IC 36-6-1.5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 13. (a) A public question shall be held in each of the townships that adopted identical resolutions under section 5 of this chapter approving the township government merger. The county election board shall place the following public question on the ballot at the next general election held after the last of the identical resolutions is adopted:**

**"Shall (insert name of township) merge with (insert name or names of townships)?"**.

**(b) IC 3, except where inconsistent with this chapter, applies to a public question placed on the ballot under this chapter. A public question under this chapter must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with**

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**IC 3-10-9.**

**(c) If a majority of the voters of each township who vote on a public question placed on the ballot under this chapter vote in favor of the public question, the townships shall merge under this chapter in accordance with the adopted resolutions."**

Renumber all SECTIONS consecutively.

(Reference is to SB 221 as printed February 22, 2019.)

BUCK

