

PROPOSED AMENDMENT

SB 270 # 11

DIGEST

Committee amendment for SB 270. Amends the government modernization act to require a political subdivision to respond to a resolution that names the political subdivision as a participant in a proposed reorganization. Requires the department of local government finance (department) to assign a township two points if the township did not provide township assistance in both 2023 and 2024 (instead of 2023 or 2024). Requires the department to assign one point: (1) if: (A) a township did not have a candidate on the election ballot for the office of township trustee in either the 2018 or 2022 general election; or (B) a vacancy on July 1, 2026, in the position of township trustee has been vacant for at least 30 calendar days; or (2) if: (A) a township did not have a candidate on the election ballot for at least one office of the township board in either the 2018 or 2022 general election; or (B) on July 1, 2026, there is at least one vacancy on the township board that have been vacant for at least 30 calendar days. Provides that the department of local government finance (department) may not assign a township a point for not having township trustee or township board candidates on the 2018 or 2022 general election ballot, if the vacancy was timely filled before the first meeting of the township in January. Specifies that township assistance information from the township's annual report must be provided to the department by the state board of accounts. Removes a provision requiring points to be assigned to a township for each year in 2023 or 2024 that a township did not file a budget with the department. Adds a provision requiring points to be assigned for each of the following that apply: (1) If the township's annual appropriations and annual tax levy for 2023 were continued for the 2024 budget year. (2) If the township's annual appropriations and annual tax levy for 2024 were continued for the 2025 budget year. Provides that a designated township that has commenced a consolidation or merger with another unit prior to July 1, 2027, is excluded from the required merger process. Provides that a township may appeal the assignment of a point if the assignment was incorrect or because compliance was not possible due to a disaster that significantly disrupted operations and reporting requirements and the township was assigned a point by the department. Requires the department to post each petition and written determination issued by the department on the department's website. Provides that a merger is effective January 1, 2029 (instead of January 1, 2028), and extends other deadlines in the merger process. Requires the merger resolution and estimated budget and proposed tax rate and tax levy of a new township government for the 2029 budget year to be submitted to the department not later than February 1, 2028. Requires the department to certify the new township government's budget, tax rate, and levy not later than September 1, 2028. Provides that indebtedness that was incurred by each former township government prior to the merger: (1) may not be imposed on taxpayers that were not responsible for payment of the indebtedness before the merger; and (2) must be paid by the taxpayers that were responsible for payment of the indebtedness before the merger. Provides that after all township mergers are complete, a county must have at least two townships. Provides that a designated township in which (1) at least 80% of the township's boundaries coincide with a municipality's boundaries; and (2) at least 51% of the township's population resides within the corporate boundaries of a municipality must reorganize with the municipality. Requires a designated township that is required to reorganize to adopt a resolution not later than October 1, 2027, that designates the municipality (recipient municipality) that will reorganize with the designated township. Requires the appointment of a joint board consisting of representatives of the designated township and the recipient municipality to prepare a plan of reorganization. Requires the county fiscal body to approve the budget, tax rate, and tax levy imposed by the municipality within the boundaries of the rural township services district. Provides that a recipient municipality has all of the powers of the government modernization act in reorganizing the township. Requires townships to

annually provide certain information relating to fire protection to the department as part of a pre-budget survey administered by the department. Requires the department to share the information with the department of homeland security. Requires the department of homeland security to make certain information available on the department of homeland security's website in a machine readable format. Makes conforming amendments. Makes technical corrections.

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- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
- 3 "SECTION 1. IC 36-1.5-4-13, AS AMENDED BY P.L.202-2013,
4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 13. (a) The legislative body of a political
6 subdivision that receives a certified resolution under section 10 or 12
7 of this chapter ~~may~~ **shall** do any of the following:
- 8 (1) Adopt a resolution declining to participate in a proposed
9 reorganization. **The resolution must detail why the political**
10 **subdivision does not wish to participate in the reorganization.**
- 11 (2) Adopt a substantially identical resolution proposing to
12 participate in a proposed reorganization with the political
13 subdivisions named in a resolution certified to the political
14 subdivision.
- 15 (3) Adopt a resolution proposing to participate in a proposed
16 reorganization with political subdivisions that differ in part or in
17 whole from the political subdivisions named in a resolution
18 certified to the political subdivision.
- 19 (b) The clerk of the political subdivision adopting a resolution
20 proposing a reorganization under this section shall certify the
21 resolution to the clerk of each political subdivision named in the
22 resolution.
- 23 SECTION 2. IC 36-1.5-4.1 IS ADDED TO THE INDIANA CODE
24 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
25 UPON PASSAGE]:
- 26 **Chapter 4.1. Reorganization of Certain Designated Townships**
- 27 **Sec. 1. (a) This chapter does not apply to a township:**
- 28 **(1) located in a county having a consolidated city; or**
29 **(2) that, not later than June 30, 2027, has begun to consolidate**
30 **with another:**
- 31 **(A) township under IC 36-6-1.5; or**
32 **(B) unit under IC 36-1.5-4.**
- 33 **(b) This chapter applies only to a designated township that**

- 1 satisfies all of the following criteria:
- 2 (1) At least eighty percent (80%) of the township's boundaries
- 3 coincide with a municipality's boundaries.
- 4 (2) At least fifty-one percent (51%) of the township's
- 5 population resides within the corporate boundaries of a
- 6 municipality described in subdivision (1).
- 7 Sec. 2. To the extent that other provisions in this article conflict
- 8 with this chapter, this chapter controls.
- 9 Sec. 3. As used in this chapter, "department" means the
- 10 department of local government finance.
- 11 Sec. 4. As used in this chapter, "designated township" has the
- 12 meaning set forth in IC 36-6-1.7-3.
- 13 Sec. 5. As used in this chapter, "plan" or "plan of
- 14 reorganization" means a plan of reorganization approved by the
- 15 legislative body of a recipient municipality under this chapter.
- 16 Sec. 6. As used in this chapter, "recipient municipality" means
- 17 a municipality that is named by a designated township in a
- 18 resolution under section 14 of this chapter.
- 19 Sec. 7. As used in this chapter, "reorganization" means the
- 20 dissolution of a designated township and the transfer of township
- 21 property, functions, powers, and services to a municipality that is
- 22 the recipient municipality.
- 23 Sec. 8. As used in this chapter, "township office" refers to any
- 24 of the following:
- 25 (1) The office of township trustee elected as provided in
- 26 IC 36-6-4-2.
- 27 (2) The office of township assessor elected as provided in
- 28 IC 36-6-5-1 (if the office exists).
- 29 (3) The office of a member of the township board elected as
- 30 provided in IC 36-6-6-2.
- 31 Sec. 9. As used in this chapter, "township services" means the
- 32 following:
- 33 (1) Township assistance under IC 12-20 and IC 12-30-4.
- 34 (2) Provision of insulin to the poor under IC 12-20-16.
- 35 (3) Fire protection services under IC 36-8.
- 36 (4) Fence viewing under IC 32-26.
- 37 (5) Provision and maintenance of cemeteries under IC 23-14.
- 38 (6) Provision and maintenance of township parks and
- 39 community centers under IC 36-10.
- 40 (7) Destruction of detrimental plants, noxious weeds, and rank

1 vegetation under IC 15-16-8.

2 **(8) Any other services required by statute to be provided by**
3 **a township.**

4 **Sec. 10. As used in this chapter, "township services district"**
5 **means a service district that is located within the boundaries of the**
6 **reorganized designated township in which the recipient**
7 **municipality imposes a township services district levy.**

8 **Sec. 11. As used in this chapter, "township services district levy"**
9 **means the budget, tax rate, and tax levy imposed by the recipient**
10 **municipality within the boundaries of a township services district.**

11 **Sec. 12. (a) On January 1, 2029, each designated township that**
12 **meets the criteria described in section 1(b) of this chapter is**
13 **dissolved. All of the following occur:**

14 **(1) The term of office of an individual who holds a township**
15 **office ends on December 31, 2028. An election for a township**
16 **office shall not be held in 2029 or thereafter.**

17 **(2) The:**

18 **(A) powers and duties of the office of township trustee are**
19 **transferred to the executive of the recipient municipality;**

20 **(B) legislative powers and duties of the office of township**
21 **board members are transferred to the legislative body of**
22 **the recipient municipality;**

23 **(C) fiscal powers and duties of the office of township board**
24 **members are transferred to the fiscal body of the recipient**
25 **municipality; and**

26 **(D) powers and duties of the township assessor (if the office**
27 **exists) are transferred to the county assessor.**

28 **(3) The boundaries of the dissolved township remain as the**
29 **boundaries of the service area within which the recipient**
30 **municipality provides township services.**

31 **(4) If a designated township participates in a fire protection**
32 **territory or fire protection district, the fire protection**
33 **territory or fire protection district is unaffected by the**
34 **reorganization and the area within the boundaries of the**
35 **dissolved township remain a part of the fire protection**
36 **territory or fire protection district after reorganization. The**
37 **recipient municipality succeeds the designated township in the**
38 **designated township's role as:**

39 **(A) a participating unit that is not a provider unit in the**
40 **fire protection territory; or**

- 1 **(B) a participant in the fire protection district;**
 2 **for the area within the boundaries of the dissolved designated**
 3 **township.**
- 4 **(5) The balance in the general fund of the designated township**
 5 **shall be transferred to the general fund of the recipient**
 6 **municipality.**
- 7 **(6) The balance in the township assistance fund of a**
 8 **designated township shall be transferred to a township**
 9 **assistance fund established by the recipient municipality.**
- 10 **(7) The balance of any other fund of the designated township**
 11 **shall be transferred to the fund of the recipient municipality**
 12 **that most closely corresponds to the fund of the designated**
 13 **township.**
- 14 **(8) Subject to section 30 of this chapter, the property and**
 15 **liabilities of the designated township become the property and**
 16 **liabilities of the recipient municipality.**
- 17 **(b) IC 36-1-8-5 does not apply to a balance referred to in**
 18 **subsection (a).**
- 19 **Sec. 13. A designated township that is adjacent to a municipality**
 20 **may designate the municipality in a resolution under section 14 of**
 21 **this chapter. A township is not adjacent to a municipality if the**
 22 **township and municipality are connected by a strip of land that is**
 23 **less than one hundred fifty (150) feet wide.**
- 24 **Sec. 14. (a) The legislative body of a designated township shall**
 25 **adopt a resolution not later than October 1, 2027, that:**
- 26 **(1) proposes a reorganization; and**
 27 **(2) designates one (1) municipality that satisfies the criteria**
 28 **under section 13 of this chapter for reorganizing with the**
 29 **designated township.**
- 30 **(b) The township trustee of the designated township shall certify**
 31 **the resolution to:**
- 32 **(1) the county clerk; and**
 33 **(2) if the recipient municipality is a municipality, the clerk of**
 34 **the municipality.**
- 35 **If the recipient municipality meets the criteria under section 13 of**
 36 **this chapter, the recipient municipality and the designated**
 37 **township shall appoint a joint board under section 16 of this**
 38 **chapter.**
- 39 **Sec. 15. If a recipient municipality is named by two (2) or more**
 40 **designated townships in resolutions under section 14 of this**

1 chapter, the recipient municipality may:

2 (1) appoint a single joint board under section 16 of this
3 chapter; and

4 (2) prepare and adopt a single plan of reorganization;
5 to govern the reorganization of the townships, instead of
6 appointing separate boards and adopting separate plans for each
7 of the townships.

8 **Sec. 16. (a) A joint board shall consist of the following:**

9 (1) Two (2) members of the township board of each township
10 participating in the reorganization, selected by the members
11 of the township board.

12 (2) Four (4) members of the legislative body of the designated
13 municipality, selected by the members of the body.

14 (3) The township trustee of each township participating in the
15 reorganization.

16 (4) The deputy township trustee or a full-time township
17 employee of each township participating in the
18 reorganization.

19 The fiscal officer of the designated municipality, and other
20 members of the bodies under subdivisions (1) and (2), shall serve
21 as advisory, nonvoting members.

22 (b) A majority of the voting members constitutes a quorum.
23 Official action may only be taken by affirmative vote of at least a
24 majority of members present at the meeting.

25 (c) The members of a joint board serve without compensation.
26 The members are entitled to reimbursement from the reorganizing
27 township and recipient municipality for the necessary expenses
28 incurred in the performance of their duties.

29 (d) A joint board is subject to IC 5-14-1.5 and IC 5-14-3.

30 (e) The joint board shall prepare a reorganization plan not later
31 than March 1, 2028, for transferring the powers, duties, and
32 property of the designated township consistent with this chapter.
33 The joint board shall send the plan to the legislative body of the
34 recipient municipality for adoption.

35 (f) The legislative body of the recipient municipality may adopt
36 the plan as drafted or modify the plan before adoption.

37 **Sec. 17. Elimination of a township office of a designated**
38 **township does not invalidate:**

39 (1) any resolutions, fees, schedules, or other actions adopted
40 or taken by the township trustee or township assessor (if the

- 1 office exists) before January 1, 2029; or
 2 (2) any appointments made by the township trustee or
 3 township assessor (if the office exists) before January 1, 2029.

4 **Sec. 18. (a) In 2028 and each year thereafter, the fiscal body of**
 5 **the recipient municipality shall, in the manner provided by**
 6 **IC 6-1.1-17, adopt a township services district levy for the ensuing**
 7 **year.**

8 (b) If a recipient municipality fails to adopt a township services
 9 district levy, the township service district's most recently approved
 10 township services levy is continued for the ensuing budget year.

11 **Sec. 19. (a) This section applies if a part of the reorganized**
 12 **township is located outside the boundaries of the municipality.**

13 (b) The municipality shall establish:

14 (1) an urban township services district consisting of the area
 15 of the designated township that is located within the
 16 boundaries of the municipality; and

17 (2) a rural township services district consisting of the area of
 18 the designated township located outside the boundaries of the
 19 municipality.

20 (c) Subject to subsection (d), a tax levied under this section may
 21 be levied at:

22 (1) a uniform rate upon all taxable property within the
 23 designated township; or

24 (2) different rates for the township service districts included
 25 within the designated township, so long as a tax rate applies
 26 uniformly to all of a township service district's taxable
 27 property within the designated township.

28 (d) If a uniform tax rate is levied upon all taxable property
 29 within a designated township upon reorganization, different tax
 30 rates may be levied for the township service districts included
 31 within the designated township in subsequent years.

32 (e) Not later than October 1 of a year, the municipality shall
 33 submit the township services district levy for the rural township
 34 service district to the county fiscal body for its approval. Not later
 35 than October 15 of the year, the county fiscal body shall review the
 36 proposed township service district levy for the rural township
 37 service district. The county fiscal body may reduce or modify but
 38 not increase the proposed township service district levy.

39 (f) If:

40 (1) the municipality fails to adopt a township service district

1 levy; or
 2 (2) a county fiscal body does not adopt the township service
 3 district levy for a rural township district within the time
 4 specified under subsection (c);
 5 the township service district's most recent township service district
 6 levy approved by the municipality or county, whichever is
 7 appropriate, is continued for the ensuing budget year.

8 (g) A tax levied by the recipient municipality under this chapter
 9 after December 31, 2028, shall:

- 10 (1) be in an amount sufficient for the recipient municipality to
 11 provide township services within a township service district;
 12 and
- 13 (2) include amounts necessary to continue payment of any
 14 debt service or obligation incurred by the township before
 15 January 1, 2029, in accordance with the terms of the debt
 16 service or obligation incurred.

17 Sec. 20. For purposes of the property tax levy limits under
 18 IC 6-1.1-18.5, a tax levied by a recipient municipality under this
 19 chapter is included in the calculation of the maximum permissible
 20 property tax levy for the recipient municipality. For property taxes
 21 first due and payable in 2029, the recipient municipality's
 22 maximum permissible ad valorem property tax levy under
 23 IC 6-1.1-18.5 shall be increased by:

- 24 (1) the township's maximum permissible ad valorem property
 25 tax levy under IC 6-1.1-18.5 for property taxes first due and
 26 payable in 2028; multiplied by
- 27 (2) the maximum levy growth quotient under IC 6-1.1-18.5-2
 28 for property taxes first due and payable in 2028.

29 The recipient municipality's maximum permissible ad valorem
 30 property tax levy under IC 6-1.1-18.5 for property taxes first due
 31 and payable in 2028 as adjusted under this section shall be used in
 32 the determination of the recipient municipality's maximum
 33 permissible ad valorem property tax levy under IC 6-1.1-18.5 for
 34 property taxes first due and payable in 2029 and thereafter.

35 Sec. 21. (a) The plan of reorganization governs the actions,
 36 duties, and powers of the recipient municipality and the designated
 37 township that are not specified by law.

38 (b) The plan of reorganization must be consistent with this
 39 chapter and include at least the following:

- 40 (1) A description of the township services provided by the

1 recipient municipality and the service areas in which the
2 services will be offered.

3 (2) The disposition of the personnel, the agreements, the
4 assets, and, subject to section 29 of this chapter, the liabilities
5 of the designated township, including the terms and conditions
6 upon which the transfer of property and personnel will be
7 achieved.

8 (3) Any other matter that the joint board determines to be
9 necessary or appropriate or to include in the plan of
10 reorganization.

11 (c) When the plan of reorganization is submitted to the recipient
12 municipality by the joint board, the recipient municipality shall
13 post a copy of the plan of reorganization on the website of the
14 recipient municipality not more than seven (7) days after receiving
15 the plan of reorganization from the joint board. If the plan of
16 reorganization is amended, the recipient municipality shall post the
17 amended plan on the website of the recipient municipality not later
18 than seven (7) days after the amended plan is adopted.

19 **Sec. 22.** The legislative body of the recipient municipality shall
20 certify the legislative body's final action on a plan of
21 reorganization or revised plan of reorganization, as modified by
22 the legislative body, in the manner prescribed by the department
23 of local government finance, to each of the following:

24 (1) The clerk of the circuit court and, if the recipient
25 municipality is a municipality, the clerk of the municipality.

26 (2) The county fiscal officer of each county in which the
27 designated township is located.

28 (3) The county recorder of each county in which the
29 designated township is located.

30 (4) The county voter registration office of each county in
31 which the designated township is located.

32 **Sec. 23.** The legislative body of the recipient municipality shall
33 file a certified copy of the plan with each of the following at the
34 same time certifications are made under section 22 of this chapter:

35 (1) The county recorder of each county in which a
36 reorganizing political subdivision is located.

37 (2) The department of local government finance.

38 (3) The clerk of the circuit court.

39 **Sec. 24.** Each county recorder receiving a certification under
40 sections 22 and 23 of this chapter shall record the certification and

1 the plan of reorganization in the records of the county recorder
 2 without charge. The county recorder shall notify the county
 3 election board of each county in which the designated township is
 4 located.

5 Sec. 25. The designated township is reorganized under the
 6 conditions set forth in the plan of reorganization filed with the
 7 county recorder under this chapter.

8 Sec. 26. The department of local government finance is
 9 expressly directed to complete the duties assigned to it under
 10 IC 6-1.1-17-16 with respect to the submitted property tax levies,
 11 property tax rates, and budget as follows:

12 (1) For each budget year, not later than December 31 of the
 13 year preceding that budget year, unless a taxing unit in a
 14 county is issuing debt after December 1 in the year preceding
 15 the budget year or intends to file a shortfall appeal under
 16 IC 6-1.1-18.5-16.

17 (2) For each budget year, not later than January 15 of the
 18 budget year if a taxing unit in a county is issuing debt after
 19 December 1 in the year preceding the budget year or intends
 20 to file a shortfall appeal under IC 6-1.1-18.5-16.

21 Sec. 27. (a) This section applies to a reorganization under this
 22 chapter that involves:

23 (1) the recipient municipality; and

24 (2) at least one (1) designated township;

25 all of which are participating units in the same fire protection
 26 territory on the date the reorganization plan is finally adopted
 27 under this chapter.

28 (b) The fiscal body of the recipient municipality may:

29 (1) establish an equipment replacement fund under
 30 IC 36-8-19-8.5 and impose a property tax for the fund as
 31 provided in IC 36-8-19-8.5; and

32 (2) take any other action under IC 36-8-19-8.5 that may be
 33 taken under that section by a participating unit in a fire
 34 protection territory.

35 (c) If a recipient municipality establishes an equipment
 36 replacement fund under IC 36-8-19-8.5 as authorized by this
 37 section, the department of local government finance may adjust the
 38 maximum permissible ad valorem property tax levy that would
 39 otherwise apply to the recipient municipality in the same manner
 40 in which the department may adjust the maximum permissible ad

1 valorem property tax levy of a civil taxing unit under
 2 IC 6-1.1-18.5-10.5 to meet the civil taxing unit's obligations to a fire
 3 protection territory established under IC 36-8-19.

4 **Sec. 28. (a)** A recipient municipality has the powers granted by
 5 statute to a designated township, including a power described in
 6 subsection (b).

7 **(b)** Except as provided in the plan of reorganization, a recipient
 8 municipality may do any of the following:

9 **(1)** Establish any fund that the designated township (either
 10 acting on its own or jointly with another political subdivision)
 11 was authorized to establish before January 1, 2029.

12 **(2)** Impose any tax levy or adopt any tax that the designated
 13 township was authorized to impose or adopt before January
 14 1, 2029.

15 **Sec. 29.** A plan of reorganization may establish within the
 16 designated township, territories, or districts:

17 **(1)** in which specified services provided by the recipient
 18 municipality will be provided at different levels, quantities, or
 19 amounts; and

20 **(2)** in which the fees, charges, or taxes imposed by the
 21 recipient municipality will vary depending on the level,
 22 quantity, or amount of the services provided.

23 **Sec. 30.** The following apply:

24 **(1)** Indebtedness that was incurred by the recipient
 25 municipality or designated township before January 1, 2029:

26 **(A)** may not be imposed on taxpayers that were not
 27 responsible for payment of the indebtedness before
 28 January 1, 2029; and

29 **(B)** must be paid by the taxpayers that were responsible for
 30 payment of the indebtedness before January 1, 2029.

31 **(2)** Pension obligations existing as of January 1, 2029:

32 **(A)** may not be imposed on taxpayers that were not
 33 responsible for payment of the pension obligations before
 34 January 1, 2029; and

35 **(B)** must be paid by the taxpayers that were responsible for
 36 payment of the pension obligations before January 1, 2029.

37 **Sec. 31.** The following apply to a reorganization under this
 38 chapter:

39 **(1)** Except as provided in subdivision (2):

40 **(A)** the recipient municipality is responsible after

- 1 **December 31, 2028, for providing township services in all**
2 **areas of the designated township; and**
3 **(B) the recipient municipality retains the powers of the**
4 **designated township after December 31, 2028, in order to**
5 **provide township services as required by clause (A).**
6 **(2) Powers and duties of the recipient municipality may be**
7 **transferred as authorized in an interlocal cooperation**
8 **agreement approved under IC 36-1-7 or as authorized in a**
9 **cooperative agreement approved under IC 36-1.5-5.**
10 **(3) Section 28 of this chapter applies to the debt service levy**
11 **of the recipient municipality and to the department of local**
12 **government finance's determination of the new maximum**
13 **permissible ad valorem property tax levy for the recipient**
14 **municipality.**
15 **(4) The recipient municipality may not borrow money under**
16 **IC 36-6-6-14(b) or IC 36-6-6-14(c).**
17 **(5) The new maximum permissible ad valorem property tax**
18 **levy for the recipient municipality's firefighting and**
19 **emergency services fund under IC 36-8-13-4(a)(1) or the**
20 **combined levies for the firefighting fund and emergency**
21 **services fund described in IC 36-8-13-4(a)(2) is equal to:**
22 **(A) the result of:**
23 **(i) the maximum permissible ad valorem property tax**
24 **levy for the designated township's firefighting and**
25 **emergency services fund under IC 36-8-13-4(a)(1) or the**
26 **combined ad valorem property tax levies for the**
27 **township firefighting fund and township emergency**
28 **services fund described in IC 36-8-13-4(a)(2), as**
29 **applicable, in 2028; multiplied by**
30 **(ii) the maximum levy growth quotient applicable for**
31 **property taxes first due and payable in 2028; plus**
32 **(B) any amounts borrowed by the designated township**
33 **under IC 36-6-6-14(b) or IC 36-6-6-14(c) in 2028.**
34 **Sec. 32. (a) Except as provided in subsections (c) through (d), a**
35 **political subdivision may not take an action described in subsection**
36 **(b) within a designated township after June 30, 2027.**
37 **(b) A political subdivision may not take any of the following**
38 **actions partially or wholly within a designated township after June**
39 **30, 2027, unless the recipient municipality agrees by adopting a**
40 **resolution:**

- 1 (1) Initiate an annexation of territory.
- 2 (2) Establish a fire protection territory or fire protection
- 3 district.
- 4 (3) Extend water, sewer, or any other infrastructure to the
- 5 political subdivision.
- 6 (4) Expand zoning jurisdiction under IC 36-7-4-205.

7 (c) This chapter does not prohibit a recipient municipality from
8 taking an action under subsection (b) for the purpose of
9 implementing the plan of reorganization.

10 (d) A political subdivision may take an action described in
11 subsection (b) after December 31, 2028.

12 Sec. 33. (a) Except as otherwise provided in this section, until
13 the final plan of reorganization is approved by the legislative body
14 of the recipient municipality, the recipient municipality or
15 designated township may not promote a position on the
16 reorganization by doing any of the following:

17 (1) Using facilities or equipment, including mail and
18 messaging systems, owned by the recipient municipality or
19 designated township to promote a position on the
20 reorganization, unless equal access to the facilities or
21 equipment is given to persons with a position opposite to that
22 of the recipient municipality or designated township.

23 (2) Making an expenditure of money from a fund controlled
24 by the recipient municipality or designated township to
25 promote a position on the reorganization.

26 (3) Using an employee to promote a position on the
27 reorganization during the employee's normal working hours
28 or paid overtime, or otherwise compelling an employee to
29 promote a position on the public question at any time.
30 However, if a person described in subsection (c) is advocating
31 for or against a position on the reorganization or discussing
32 the reorganization as authorized under subsection (c), an
33 employee of the recipient municipality or designated township
34 may assist the person in presenting information on the
35 reorganization if requested to do so by the person described
36 in subsection (c).

37 However, this section does not prohibit an official or employee of
38 the recipient municipality or designated township from carrying
39 out duties with respect to a reorganization that are part of the
40 normal and regular conduct of the official's or employee's office or

1 agency, including the furnishing of factual information regarding
2 the reorganization in response to inquiries from any person.

3 (b) This subsection does not apply to:

- 4 (1) a personal expenditure to promote a position on a
5 reorganization by an employee of the recipient municipality
6 or designated township whose employment is governed by a
7 collective bargaining contract or an employment contract; or
8 (2) an expenditure to promote a position on a reorganization
9 by a person or an organization that has a contract or an
10 arrangement (whether formal or informal) with the recipient
11 municipality or designated township solely for the use of the
12 political subdivision's facilities.

13 A person or an organization that has a contract or arrangement
14 (whether formal or informal) with the recipient municipality or
15 designated township to provide goods or services to the recipient
16 municipality or township may not spend any money to promote a
17 position on the reorganization. A person or an organization that
18 violates this subsection commits a Class A infraction.

19 (c) Notwithstanding any other law, an elected or appointed
20 official of a recipient municipality or designated township may:

- 21 (1) personally advocate for or against a position on a
22 reorganization; or
23 (2) discuss the reorganization with any individual, group, or
24 organization or personally advocate for or against a position
25 on a reorganization before any individual, group, or
26 organization;

27 so long as it is not done by using public funds. Advocacy or
28 discussion allowed under this subsection is not considered a use of
29 public funds.

30 Sec. 34. Nothing in this chapter shall be construed:

- 31 (1) to constitute an annexation of a designated township by a
32 municipality under the provisions of this chapter; or
33 (2) as changing the corporate boundaries of a municipality
34 that is the recipient municipality of the dissolved designated
35 township."

36 Page 2, between lines 25 and 26, begin a new paragraph and insert:

37 "SECTION 4. IC 36-6-1.5-8, AS ADDED BY P.L.240-2005,
38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: Sec. 8. (a) On the date a merger takes effect:

- 40 (1) the former township governments are abolished as separate

- 1 entities;
- 2 (2) each township subject to the merger retains its geographical
- 3 boundaries and its name;
- 4 (3) the territory of the new township government includes all the
- 5 territory that comprised the territories of the former township
- 6 governments before the merger;
- 7 (4) the agencies of the former township governments are
- 8 abolished;
- 9 (5) the functions of the abolished agencies are assigned to
- 10 agencies of the new township government;
- 11 (6) the:
 - 12 (A) property;
 - 13 (B) records;
 - 14 (C) personnel;
 - 15 (D) rights; and
 - 16 (E) liabilities;
- 17 related to the functions of the abolished agencies are assigned to
- 18 agencies of the new township government; and
- 19 (7) **Subject to subsection (b)**, any bonds and other indebtedness
- 20 of, or assumed by, the former township governments are
- 21 transferred to the new township government.

22 **(b) This subsection applies to a merger under IC 36-6-1.6.**
 23 **Indebtedness that was incurred by each former township**
 24 **government prior to the merger under IC 36-6-1.6:**

- 25 **(1) may not be imposed on taxpayers that were not**
- 26 **responsible for payment of the indebtedness before the**
- 27 **merger; and**
- 28 **(2) must be paid by the taxpayers that were responsible for**
- 29 **payment of the indebtedness before the merger."**

30 Page 3, line 29, delete "8" and insert "9".

31 Page 3, line 36, delete "8" and insert "9".

32 Page 3, line 41, delete "include:" and insert "**include the**

33 **following:**".

34 Page 4, delete lines 14 through 15, begin a new line block indented

35 and insert:

36 **"(1) Two (2) points if a township government did not provide**

37 **township assistance in calendar years 2023 and 2024 as**

38 **provided in the annual reports submitted under IC 12-20-28-3**

39 **to the state board of accounts. The state board of accounts**

40 **shall provide this information to the department."**

1 Page 4, line 20, delete "operating".

2 Page 4, line 25, delete "from the:" and insert "**from:**".

3 Page 4, line 39, delete "and" and insert "**or**".

4 Page 4, delete lines 40 through 42, begin a new line block indented
5 and insert:

6 **"(5) One (1) point if the township's annual appropriations and**
7 **annual tax levy for 2023 were continued for the 2024 budget**
8 **year under IC 6-1.1-17-3(d) or IC 6-1.1-17-5(f), as applicable.**

9 **(6) One (1) point if the township's annual appropriations and**
10 **annual tax levy for 2024 were continued for the 2025 budget**
11 **year under IC 6-1.1-17-3(d) or IC 6-1.1-17-5(f), as applicable.**

12 **(7) One (1) point if the sum of township assistance**
13 **applications received by the township government in 2023 and**
14 **2024 is less than twenty-four (24) township assistance**
15 **applications as provided in the annual reports submitted**
16 **under IC 12-20-28-3 to the state board of accounts. The state**
17 **board of accounts shall provide this information to the**
18 **department."**

19 Page 5, delete lines 1 through 4.

20 Page 5, line 5, delete "(7)" and insert "**(8)**".

21 Page 5, line 5, delete "an" and insert "**a**".

22 Page 5, line 6, delete "adopted" and insert "**certified**".

23 Page 5, delete lines 8 through 16, begin a new line block indented
24 and insert:

25 **"(9) A maximum of one (1) point if:**

26 **(A) a township did not have a candidate on the election**
27 **ballot for the office of township trustee in either the 2018**
28 **or 2022 general election; or**

29 **(B) a vacancy on July 1, 2026, in the position of township**
30 **trustee has been vacant for at least thirty (30) calendar**
31 **days.**

32 **However, a point may not be assigned to a township under**
33 **clause (A) if the township did not have a candidate on the**
34 **ballot in the 2018 or 2022 general election for the office of**
35 **township trustee and the office was timely filled under**
36 **IC 3-13-10 or IC 3-13-11 (whichever is applicable) before the**
37 **date of the first meeting of the township board that is**
38 **required under IC 36-6-6-7 in the year following the general**
39 **election.**

40 **(10) A maximum of one (1) point if:**

1 (A) a township did not have a candidate on the election
2 ballot for all offices of the township board in either the
3 2018 or 2022 general election; or

4 (B) on July 1, 2026, there is at least one (1) vacancy on the
5 township board that has been vacant for at least thirty (30)
6 calendar days.

7 However, a point may not be assigned to a township under
8 clause (A) if the township did not have a candidate on the
9 ballot in the 2018 or 2022 general election for at least one (1)
10 township board member office and the office was timely filled
11 under IC 3-13-10 or IC 3-13-11 (whichever is applicable)
12 before the date of the first meeting that is required under
13 IC 36-6-6-7 in the year following the general election."

14 Page 5, line 18, delete "8(8)" and insert "8(10)".

15 Page 5, line 21, after "government." insert "A township assigned at
16 least four (4) points is considered a designated township."

17 Page 5, between lines 26 and 27, begin a new paragraph and insert:

18 "(c) The list prepared under subsection (b) shall specify which
19 designated township satisfies all of the following criteria:

20 (1) At least eighty percent (80%) of the township's boundaries
21 coincide with a municipality's boundaries.

22 (2) At least fifty-one percent (51%) of the township's
23 population resides within the corporate boundaries of a
24 municipality described in subdivision (1)."

25 Page 5, line 27, delete "(c)" and insert "(d)".

26 Page 5, line 31, delete "January 30," and insert "March 31,".

27 Page 5, line 31, after "township" insert "that has been assigned
28 four (4) or more points".

29 Page 5, line 34, delete "incorrect." and insert "incorrect or because
30 compliance with a requirement set forth in section 8(1) through
31 8(10) of this chapter was not possible due to a disaster (as defined
32 in IC 10-14-3-1) that significantly disrupted operations and
33 reporting requirements of the township and the township was
34 assigned a point by the department under section 8 of this
35 chapter."

36 Page 5, line 36, delete "February 28," and insert "June 30,".

37 Page 5, line 42, delete "March 1," and insert "July 1,".

38 Page 6, delete lines 4 through 20, begin a new paragraph and insert:

39 "Sec. 12. (a) If none of the township point totals are corrected by
40 the department, the list that was posted under section 9(d) of this

1 chapter is the final list and may not be appealed.

2 (b) The department shall post on the department's website each:

3 (1) petition filed under section 10(a) of this chapter; and

4 (2) written determination issued by the department under
5 section 10(b) of this chapter.

6 Sec. 13. A designated township:

7 (1) that satisfies the criteria specified in section 9(c) of this
8 chapter shall reorganize in accordance with IC 36-1.5-4.1;
9 and

10 (2) that does not satisfy the criteria specified in section 9(c) of
11 this chapter shall, except as otherwise provided, merge with
12 another township in accordance with section 14 of this
13 chapter.

14 Sec. 14. Using the process set forth in IC 36-6-1.5, each
15 designated township, excluding any township that has commenced
16 a merger or consolidation under IC 36-1.5-4 or IC 36-6-1.5 with
17 another unit before July 1, 2027, must merge with at least one (1)
18 other township government in the county. After all township
19 mergers in accordance with this section are complete, a county
20 must have at least two (2) townships. The following requirements
21 apply to each merger:

22 (1) Except as provided in subdivision (2), at least one (1)
23 township government that merges with a designated township
24 must be a recipient township.

25 (2) If all townships in a county are designated townships, the
26 county executive shall select two (2) of the designated
27 townships participating in the merger to form a new township
28 government to perform the functions of a recipient township.

29 (3) The merger must satisfy the contiguity requirements set
30 forth in IC 36-6-1.5-4."

31 Page 6, line 21, delete "14." and insert "15."

32 Page 6, line 21, delete "April 1," and insert "August 1,".

33 Page 6, line 24, delete "15." and insert "16."

34 Page 6, line 29, delete "13" and insert "14".

35 Page 6, line 30, delete "May 1," and insert "October 1,".

36 Page 6, between lines 41 and 42, begin a new paragraph and insert:

37 "Sec. 17. (a) Not later than February 28, 2028, the following
38 must be submitted to the department:

39 (1) The resolutions adopted by the participating townships
40 and submitted by the township trustees under

- 1 **IC 36-6-1.5-5(d).**
- 2 **(2) The estimated budget and proposed tax rate and tax levy**
- 3 **of the new township government for the 2029 budget year,**
- 4 **submitted by the township trustee of the recipient township.**
- 5 **(b) The information under subsection (a) shall be submitted on**
- 6 **any forms prescribed by the department for a merger under**
- 7 **IC 36-6-1.5-12.**
- 8 **Sec. 18. The department shall certify a new township**
- 9 **government's budget, tax rate, and levy as set forth in**
- 10 **IC 6-1.1-17-16."**
- 11 Page 6, line 42, delete "16." and insert "19."
- 12 Page 7, line 1, delete "2028." and insert "2029."
- 13 Page 7, line 2, delete "17." and insert "20."
- 14 Page 7, line 4, delete "18." and insert "21."
- 15 Page 7, line 8, delete "government".
- 16 Page 7, line 33, delete "19." and insert "22."
- 17 Page 7, line 40, delete "20." and insert "23."
- 18 Page 8, line 4, delete "21." and insert "24."
- 19 Page 8, line 7, delete "2026." and insert "2027."
- 20 Page 8, line 11, delete "2026." and insert "2027."
- 21 Page 8, line 18, delete "with" and insert "within".
- 22 Page 8, line 21, delete "July 1," and insert "January 1,".
- 23 Page 8, between lines 25 and 26, begin a new paragraph and insert:
- 24 "SECTION 6. IC 36-6-4-21 IS ADDED TO THE INDIANA CODE
- 25 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
- 26 **UPON PASSAGE]: Sec. 21. (a) As used in this section,**
- 27 **"department" refers to the department of local government**
- 28 **finance.**
- 29 **(b) Beginning in 2026, and each year thereafter, each township**
- 30 **trustee shall submit, using the computer gateway established by the**
- 31 **office of technology, the following information in a pre-budget**
- 32 **survey prescribed by the department, in consultation with the**
- 33 **department of homeland security:**
- 34 **(1) Whether the township operates a fire department,**
- 35 **including a volunteer fire department, and, if so, the name of**
- 36 **the fire department operated by the township.**
- 37 **(2) Whether the township participates in a fire territory under**
- 38 **IC 36-8-19, and, if so, the name of the unit that is the provider**
- 39 **unit.**
- 40 **(3) Whether the township participates in a fire protection**

- 1 district under IC 36-8-11, and, if so, the name of the fire
2 department.
- 3 (4) Whether the township has an agreement with another unit
4 to provide fire protection in a manner other than described in
5 subdivisions (1) through (3), and the name of each unit that
6 participates in the agreement.
- 7 (5) Whether fire protection is provided by a municipality,
8 and, if so, the name of the municipality.
- 9 (6) Contact information for each fire department or provider
10 unit described in subdivisions (1) through (5).
- 11 (7) The types of emergency services provided by each fire
12 department or provider unit described in subdivisions (1)
13 through (5).
- 14 (8) Any information prescribed by the department, in
15 consultation with the department of homeland security
16 necessary for the department of homeland security to comply
17 with subsection (d).
- 18 (c) The department shall compile the information provided to
19 the department under subsection (b) and provide the information
20 to the department of homeland security.
- 21 (d) The department of homeland security shall use the
22 information provided by the department under subsection (c) to
23 ascertain the following information:
- 24 (1) The entity that provides fire protection for each township.
25 (2) Where each fire department and provider unit is located.
26 (3) The service area for each fire department or fire territory.
27 (4) Whether the fire service provided within the township is
28 provided by a professional or volunteer fire department.
- 29 (5) The types of emergency services provided in each
30 township.
- 31 (6) Contact information for each fire department and
32 provider unit that provides fire and emergency services in the
33 township, including the following information:
- 34 (A) The contact name and address.
35 (B) The telephone number.
36 (C) The electronic mail address.
- 37 (7) Any other information the department of homeland
38 security deems necessary.
- 39 (e) The information described in subsection (d) shall be made
40 available on the department of homeland security's website and

- 1 **made available in a machine readable format."**
- 2 Page 10, line 28, delete "at-large" and insert "**at large**".
- 3 Page 11, line 13, delete "at-large" and insert "**at large**".
- 4 Renumber all SECTIONS consecutively.
(Reference is to SB 270 as printed January 21, 2026.)