

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 405 be amended to read as follows:

- 1 Page 1, delete lines 1 through 12, begin a new paragraph and insert:
2 "SECTION 1. IC 3-5-2-25 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 25. "Fiscal body"
4 means:
5 (1) county council, for a county not having a consolidated city;
6 (2) city-county council, for a consolidated city or county having
7 a consolidated city;
8 (3) common council, for a second or third class city;
9 (4) town council, for a town;
10 (5) township board, for a township **in which township boards**
11 **are not abolished under IC 36-6-6-1.**
12 **(6) for a township in which township boards are abolished**
13 **under IC 36-6-1.1:**
14 **(A) the township board, before January 1, 2013; and**
15 **(B) the county fiscal body after December 31, 2012; or**
16 ~~(7)~~ (7) governing body or budget approval body, for any other
17 political subdivision."
18 Page 3, line 16, delete "." and insert "**in a township in which**
19 **township boards are abolished under IC 36-6-6-1.**"
20 Page 4, line 31, delete "." and insert "**in a township in which**
21 **township boards are abolished under IC 36-6-6-1.**"
22 Page 5, line 38, delete "." and insert "**in a township in which**
23 **township boards are abolished under IC 36-6-6-1.**"
24 Page 8, line 31, after "body" insert ", **if the township board is**
25 **abolished under IC 36-6-6-1,**".
26 Page 9, line 6, after "(2012)" insert ", **if the township board is**
27 **abolished under IC 36-6-6-1)**".
28 Page 9, line 32, after "(b)" insert "**This subsection applies only to**
29 **a township in which township boards are abolished under**
30 **IC 36-6-6-1.**".

1 Page 9, line 41, after "(c)" insert **"This subsection applies only to**
 2 **a township in which township boards are abolished under**
 3 **IC 36-6-6-1."**

4 Page 10, line 17, after "(2012)" insert **", in a township in which**
 5 **township boards are abolished under IC 36-6-6-1,"**.

6 Page 10, line 38, after "(g)" insert **"This subsection applies only to**
 7 **a township in which the township board is abolished under**
 8 **IC 36-6-6-1."**

9 Page 11, line 14, after "(h)" insert **"This subsection applies only to**
 10 **a township in which the township board is abolished under**
 11 **IC 36-6-6-1."**

12 Page 12, between lines 8 and 9, begin a new paragraph and insert:
 13 **"(i) This subsection applies only to a township in which the**
 14 **township board is not abolished under IC 36-6-6-1. The following**
 15 **apply to township budgets adopted for 2012 and thereafter:**

16 (1) Except as provided in subdivision (2), the total amount
 17 appropriated by the township board for a particular year
 18 (including any additional appropriations made for that year)
 19 may not exceed the result of:

20 (A) the total amount appropriated for the previous year
 21 (including any additional appropriations made for that
 22 year); multiplied by

23 (B) the assessed value growth quotient determined under
 24 IC 6-1.1-18.5-2 and applicable to the township for the
 25 particular year.

26 (2) If the township board determines after a public hearing
 27 that the township cannot carry out its governmental functions
 28 for a year under the appropriation limitations imposed by
 29 subdivision (1), the township board may appeal before
 30 October 20 of the current year to the department of local
 31 government finance for relief from the appropriation
 32 limitations for the ensuing year. In the appeal, the township
 33 board must state that the township will be unable to carry out
 34 the governmental functions committed to it by law unless the
 35 township is given relief from the appropriation limits. The
 36 township board must support the appeal by reasonably
 37 detailed statements of fact. The department of local
 38 government finance shall review the merits of the appeal. If
 39 the department of local government finance determines after
 40 reviewing the appeal that the township cannot carry out its
 41 governmental functions for a year under the appropriation
 42 limitations imposed by subdivision (1), the department of local
 43 government finance may grant relief from those
 44 appropriation limitations in the manner determined to be
 45 appropriate by the department of local government finance."

46 Page 12, line 17, delete "." and insert **"in which township boards**

1 **are abolished under IC 36-6-6-1."**

2 Page 14, line 9, after "body" insert "**, in townships in which**
3 **township boards are abolished under IC 36-6-6-1,"**

4 Page 24, between lines 37 and 38, begin a new paragraph and insert:
5 "SECTION 26. IC 13-11-2-86 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 86. "Fiscal body"
7 means:

- 8 (1) the county council, for a county not having a consolidated city;
9 (2) the city-county council of a consolidated city and county;
10 (3) the common council of a city;
11 (4) the town council of a town;
12 (5) the township board, ~~of~~ **for a township in which township**
13 **boards are not abolished under IC 36-6-6-1.**
14 **(6) for a township in which township boards are abolished**
15 **under IC 36-6-6-1:**

- 16 **(A) the township board, before January 1, 2013; and**
17 **(B) the county fiscal body after December 31, 2012; or**
18 ~~(6)~~ **(7) the board of directors of a conservancy district.**

19 SECTION 27. IC 36-1-2-6, AS AMENDED BY P.L.186-2006,
20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2011]: Sec. 6. "Fiscal body" means:

- 22 (1) county council, for a county not having a consolidated city;
23 (2) city-county council, for a consolidated city or county having
24 a consolidated city;
25 (3) common council, for a city other than a consolidated city;
26 (4) town council, for a town;
27 (5) township board, for a township **in which township boards**
28 **are not abolished under IC 36-6-6-1;**
29 **(6) for a township in which township boards are abolished**
30 **under IC 36-6-6-1:**

- 31 **(A) the township board, before January 1, 2013; and**
32 **(B) the county fiscal body after December 31, 2012;**
33 ~~(6)~~ **(7) governing body or budget approval body, for any other**
34 **political subdivision that has a governing body or budget approval**
35 **body; or**
36 ~~(7)~~ **(8) chief executive officer of any other political subdivision**
37 **that does not have a governing body or budget approval body.**

38 SECTION 28. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,
39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2011]: Sec. 9. "Legislative body" means: ~~the~~:

- 41 (1) **the** board of county commissioners, for a county not subject
42 to IC 36-2-3.5 or IC 36-3-1;
43 (2) **the** county council, for a county subject to IC 36-2-3.5;
44 (3) **the** city-county council, for a consolidated city or county
45 having a consolidated city;
46 (4) **the** common council, for a city other than a consolidated city;

- 1 (5) **the town council, for a town;**
- 2 (6) **township board, for a township in which township boards**
- 3 **are not abolished under IC 36-6-6-1.**
- 4 (7) **for a township in which township boards are abolished**
- 5 **under IC 36-6-6-1:**
- 6 (A) **the township board, before January 1, 2013; and**
- 7 (B) **the county fiscal body after December 31, 2012;**
- 8 ~~(7)~~ (8) **the governing body of any other political subdivision that**
- 9 **has a governing body; or**
- 10 ~~(8)~~ (9) **the chief executive officer of any other political**
- 11 **subdivision that does not have a governing body."**
- 12 Page 24, delete lines 38 through 42.
- 13 Page 25, delete lines 1 through 39.
- 14 Page 27, line 17, delete "On January 1, 2015, the township boards
- 15 in each county are" and insert "**A county may abolish all township**
- 16 **boards within the county on January 1, 2015 if, not later than July**
- 17 **1, 2012, the following occurs:**
- 18 (1) **The board of county commissioners and the county council**
- 19 **of a county not subject to IC 36-2-3.5 or IC 36-3-1, adopt**
- 20 **identical ordinances abolishing all township boards in the**
- 21 **county.**
- 22 (2) **The county council of a county subject to IC 36-2-3.5**
- 23 **adopts an ordinance abolishing all township boards in the**
- 24 **county.**
- 25 (3) **The city-county council of a county subject to IC 36-3-1**
- 26 **adopts an ordinance, approved by the mayor, abolishing all**
- 27 **township boards in the county."**
- 28 Page 27, delete line 18.
- 29 Page 27, line 19, delete "After" and insert "**If an ordinance is**
- 30 **approved by a county under subsection (b), after"**.
- 31 Page 27, line 26, delete "After" and insert "**If an ordinance is**
- 32 **approved by a county under subsection (b), after"**.
- 33 Page 27, line 31, delete "The" and insert "**If an ordinance is**
- 34 **approved by a county under subsection (b), after December 31,**
- 35 **2012, the"**.
- 36 Page 28, line 7, after "duties" insert "**in the case of a county that**
- 37 **abolishes township boards under subsection (b),"**.
- 38 Page 28, line 13, after "duties" insert "**in the case of a county that**
- 39 **abolishes township boards under subsection (b),"**.
- 40 Page 28, line 19, delete "." and insert "**, in a county that abolishes**
- 41 **township boards under IC 36-6-6-1."**.
- 42 Page 29, line 3, after "body," insert "**or the township board in the**
- 43 **case of a township in which the township board is not abolished**
- 44 **under IC 36-6-6-1,"**.
- 45 Page 29, line 21, after "body" insert "**or the township board in the**
- 46 **case of a township in which the township board is not abolished**

1 **under IC 36-6-6-1,".**

2 Page 29, line 26, after "body" insert "**or the township board in the**
3 **case of a township in which the township board is not abolished**
4 **under IC 36-6-6-1,".**

5 Renumber all SECTIONS consecutively.

(Reference is to SB 405 as printed February 14, 2011.)

Senator ZAKAS