

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 386 be amended to read as follows:

- 1 Page 8, between lines 6 and 7, begin a new paragraph and insert:
2 "SECTION 4. IC 36-1.5-4-32, AS ADDED BY P.L.186-2006,
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 32. (a) This subsection does not apply to a
5 reorganization described in section 1(a)(9) of this chapter. A
6 reorganization as specified in the plan of reorganization is approved if
7 a majority of the voters in each reorganizing political subdivision
8 voting on the public question approve the public question on the
9 reorganization. **If a reorganizing political subdivision includes the**
10 **territory of another reorganizing political subdivision, the**
11 **following apply:**
12 **(1) Except as provided in subdivision (2),** the vote of voters of
13 a reorganizing political subdivision (~~for example, a city~~) who also
14 are voters in a second reorganizing political subdivision (~~for~~
15 ~~example, a township~~) that is geographically larger than the first
16 political subdivision and that includes the territory of the first
17 political subdivision shall be included only in the tally of votes for
18 the first reorganizing political subdivision in which the voters
19 reside.
20 **(2) In the case of a proposed reorganization between a**
21 **municipality and a township:**
22 **(A) the voters who reside within the municipality and do**
23 **not also reside within the township:**
24 **(i) shall be included only in the tally of votes for the**
25 **municipality; and**
26 **(ii) shall not be included in the tally of votes for the**
27 **township; and**
28 **(B) the voters who reside within the township and also**
29 **reside within the municipality:**
30 **(i) shall be included only in the tally of votes for the**

1 **township; and**
 2 **(ii) shall not be included in the tally of votes for the**
 3 **municipality.**

4 (b) This subsection applies only to a reorganization described in
 5 section 1(a)(9) of this chapter. The reorganization is approved only if:

- 6 (1) the percentage of voters voting on the public question who
 7 vote, on a countywide basis, in favor of the proposed
 8 reorganization is at least equal to the countywide vote approval
 9 percentage specified in the final reorganization plan;
 10 (2) if the legislative bodies of the reorganizing political
 11 subdivisions have agreed that the vote on the public question shall
 12 be conducted with a rejection threshold, the percentage of voters
 13 of the county (excluding the voters of the reorganizing
 14 municipalities) voting on the public question who vote against the
 15 reorganization is less than the rejection threshold included in the
 16 final reorganization plan; and
 17 (3) if the legislative bodies of the reorganizing political
 18 subdivisions have agreed that the vote on the public question shall
 19 be conducted with a rejection threshold, the percentage of voters
 20 of each reorganizing municipality voting on the public question
 21 who vote against the reorganization is less than the rejection
 22 threshold included in the final reorganization plan.

23 If the reorganization is not approved, the reorganization is terminated.
 24 If the legislative bodies of the reorganizing political subdivisions have
 25 agreed that the vote in the public question shall be conducted with a
 26 rejection threshold, then in tabulating the votes under subdivisions (2)
 27 and (3), the vote of voters of a reorganizing municipality who also are
 28 voters in the county shall be included only in the tally of votes for the
 29 municipality in which the voters reside."

30 Renumber all SECTIONS consecutively.
 (Reference is to SB 386 as printed February 18, 2011.)

Senator WALTZ