

# SENATE MOTION

**MADAM PRESIDENT:**

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

1           Page 5, line 20, after "committee." insert "**If the plan of**  
2           **reorganization is amended, the political subdivision shall post the**  
3           **amended plan on the Internet web site maintained or authorized by**  
4           **the political subdivision within seven (7) days after the amended**  
5           **plan is adopted.**".

6           Page 8, between lines 6 and 7, begin a new paragraph and insert:  
7           "SECTION 5. IC 36-1.5-4-32, AS ADDED BY P.L.186-2006,  
8           SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9           UPON PASSAGE]: Sec. 32. (a) This subsection does not apply to a  
10          reorganization described in section 1(a)(9) of this chapter. A  
11          reorganization as specified in the plan of reorganization is approved if  
12          a majority of the voters in each reorganizing political subdivision  
13          voting on the public question approve the public question on the  
14          reorganization. **If a reorganizing political subdivision includes the**  
15          **territory of another reorganizing political subdivision, the**  
16          **following apply:**

17               **(1) Except as provided in subdivision (2),** the vote of voters of  
18               a reorganizing political subdivision (~~for example, a city~~) who also  
19               are voters in a second reorganizing political subdivision (~~for~~  
20               ~~example, a township~~) that is geographically larger than the first  
21               political subdivision and that includes the territory of the first  
22               political subdivision shall be included only in the tally of votes for  
23               the first reorganizing political subdivision in which the voters  
24               reside.

25               **(2) In the case of a proposed reorganization between a**  
26               **municipality and a township:**

27                       **(A) the voters residing within the municipality:**  
28                               **(i) shall be included only in the tally of votes for the**  
29                               **municipality; and**  
30                               **(ii) shall not be included in the tally of votes for the**

1                    **township; and**  
 2                    **(B) the voters who reside within the township but do not**  
 3                    **reside within the municipality:**  
 4                    **(i) shall be included only in the tally of votes for the**  
 5                    **township; and**  
 6                    **(ii) shall not be included in the tally of votes for the**  
 7                    **municipality.**

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

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

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

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

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Senator GARD