
SENATE BILL No. 55

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1.5-4.

Synopsis: Local government reorganization. Provides that in the case of a proposed governmental reorganization that is on the ballot after June 30, 2012, and that involves a county and a municipality, the proposed reorganization is approved if: (1) a majority of the voters in the county voting on the public question (on a countywide basis) vote in favor of the proposed reorganization; and (2) in the case of a vote being conducted with a "rejection threshold", a majority of the voters of the county (excluding the voters of the reorganizing municipalities) voting on the public question vote in favor of the proposed reorganization and a majority of the voters of each reorganizing municipality voting on the public question also vote in favor of the proposed reorganization. (Under current law governing reorganizations involving a county and a municipality: (1) the percentage of the countywide vote that must approve the proposed reorganization may be set at a higher percentage than a majority vote; and (2) if the vote is being conducted with a rejection threshold, the thresholds for approval by county voters (excluding voters in the reorganizing municipalities) and for approval by voters of the reorganizing municipalities may also be set at a higher percentage than a majority vote.)

Effective: July 1, 2012.

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January 4, 2012, read first time and referred to Committee on Local Government.

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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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 55



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 36-1.5-4-18, AS AMENDED BY P.L.113-2010,
- 2 SECTION 110, IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) A reorganization committee
- 4 shall prepare a comprehensive plan of reorganization for the
- 5 reorganizing political subdivisions. The plan of reorganization governs
- 6 the actions, duties, and powers of the reorganized political subdivision
- 7 that are not specified by law.
- 8 (b) The plan of reorganization must include at least the following:
- 9 (1) The name and a description of the reorganized political
- 10 subdivision that will succeed the reorganizing political
- 11 subdivisions.
- 12 (2) A description of the boundaries of the reorganized political
- 13 subdivision.
- 14 (3) Subject to section 40 of this chapter, a description of the
- 15 taxing areas in which taxes to retire obligations of the
- 16 reorganizing political subdivisions will be imposed.
- 17 (4) A description of the membership of the legislative body, fiscal



1 body, and executive of the reorganized political subdivision, a
 2 description of the election districts or appointment districts from
 3 which officers will be elected or appointed, and the manner in
 4 which the membership of each elected or appointed office will be
 5 elected or appointed.

6 (5) A description of the services to be offered by the reorganized
 7 political subdivision and the service areas in which the services
 8 will be offered.

9 (6) The disposition of the personnel, the agreements, the assets,
 10 and, subject to section 40 of this chapter, the liabilities of the
 11 reorganizing political subdivisions, including the terms and
 12 conditions upon which the transfer of property and personnel will
 13 be achieved.

14 (7) Any other matter that the:

15 (A) reorganization committee determines to be necessary or
 16 appropriate; or

17 (B) legislative bodies of the reorganizing political subdivisions
 18 require the reorganization committee;

19 to include in the plan of reorganization.

20 (8) ~~In the case of a reorganization described in section 1(a)(9) of
 21 this chapter, if the legislative bodies of the reorganizing political
 22 subdivisions have specified that the vote on the public question
 23 regarding the reorganization shall be conducted on a countywide
 24 basis under section 30(b) of this chapter with a rejection
 25 threshold, the reorganization committee shall include in the
 26 reorganization plan a rejection threshold, specified as a
 27 percentage, that applies for purposes of section 32(b) of this
 28 chapter. The rejection threshold must be the same for each
 29 municipality that is a party to the proposed reorganization and to
 30 the county that is a party to the proposed reorganization.~~

31 (9) ~~In the case of a reorganization described in section 1(a)(9) of
 32 this chapter, the reorganization committee shall determine and
 33 include in the reorganization plan the percentage of voters voting
 34 on the public question regarding the proposed reorganization who
 35 must vote, on a countywide basis, in favor of the proposed
 36 reorganization for the public question to be approved. This
 37 percentage is referred to in this chapter as the "countywide vote
 38 approval percentage". The countywide vote approval percentage
 39 must be greater than fifty percent (50%).~~

40 ~~(10) (8) The statement required by subsection (e).~~

41 (c) In the case of a reorganization described in section 1(a)(9) of this
 42 chapter, the reorganization committee may not change the decision of

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1 the legislative bodies of the reorganizing political subdivisions
 2 regarding whether the vote on the public question regarding the
 3 reorganization shall be conducted on a countywide basis without a
 4 rejection threshold or with a rejection threshold.

5 (d) Upon completion of the plan of reorganization, the
 6 reorganization committee shall present the plan of reorganization to the
 7 legislative body of each of the reorganizing political subdivisions for
 8 adoption. The initial plan of reorganization must be submitted to the
 9 legislative body of each of the reorganizing political subdivisions not
 10 later than one (1) year after the clerk of the last political subdivision
 11 that adopts a reorganization resolution under this chapter has certified
 12 the resolution to all of the political subdivisions named in the
 13 resolution. In the case of a plan of reorganization submitted to a
 14 political subdivision by a reorganization committee after June 30, 2010,
 15 the political subdivision shall post a copy of the plan of reorganization
 16 on an Internet web site maintained or authorized by the political
 17 subdivision not more than thirty (30) days after receiving the plan of
 18 reorganization from the reorganization committee.

19 (e) A reorganization committee must include in the plan of
 20 reorganization submitted to a political subdivision after June 30, 2010,
 21 a statement of:

22 (1) whether a fiscal impact analysis concerning the proposed
 23 reorganization has been prepared or has not been prepared by or
 24 on behalf of the reorganization committee; and

25 (2) whether a fiscal impact analysis concerning the proposed
 26 reorganization has been made available or has not been made
 27 available to the public by or on behalf of the reorganization
 28 committee.

29 SECTION 2. IC 36-1.5-4-32, AS ADDED BY P.L.186-2006,
 30 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2012]: Sec. 32. (a) This subsection does not apply to a
 32 reorganization described in section 1(a)(9) of this chapter. A
 33 reorganization as specified in the plan of reorganization is approved if
 34 a majority of the voters in each reorganizing political subdivision
 35 voting on the public question approve the public question on the
 36 reorganization. The vote of voters of a reorganizing political
 37 subdivision (for example, a city) who also are voters in a second
 38 reorganizing political subdivision (for example, a township) that is
 39 geographically larger than the first political subdivision and that
 40 includes the territory of the first political subdivision shall be included
 41 only in the tally of votes for the first reorganizing political subdivision
 42 in which the voters reside.



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1 (b) ~~This subsection applies~~ **The following apply** only to a
 2 reorganization described in section 1(a)(9) of this chapter.

3 **(1) In the case of a public question on the ballot before July 1,**
 4 **2012, the reorganization is approved only if:**

5 ~~(1)~~ **(A)** the percentage of voters voting on the public question
 6 who vote, on a countywide basis, in favor of the proposed
 7 reorganization is at least equal to the countywide vote approval
 8 percentage specified in the final reorganization plan;

9 ~~(2)~~ **(B)** if the legislative bodies of the reorganizing political
 10 subdivisions have agreed that the vote on the public question
 11 shall be conducted with a rejection threshold, the percentage
 12 of voters of the county (excluding the voters of the
 13 reorganizing municipalities) voting on the public question who
 14 vote against the reorganization is less than the rejection
 15 threshold included in the final reorganization plan; and

16 ~~(3)~~ **(C)** if the legislative bodies of the reorganizing political
 17 subdivisions have agreed that the vote on the public question
 18 shall be conducted with a rejection threshold, the percentage
 19 of voters of each reorganizing municipality voting on the
 20 public question who vote against the reorganization is less
 21 than the rejection threshold included in the final
 22 reorganization plan.

23 **(2) In the case of a public question on the ballot after June 30,**
 24 **2012, the reorganization is approved only if:**

25 **(A) a majority of the voters in the county voting on the**
 26 **public question vote (on a countywide basis) in favor of the**
 27 **proposed reorganization;**

28 **(B) the legislative bodies of the reorganizing political**
 29 **subdivisions have agreed that the vote on the public**
 30 **question shall be conducted with a rejection threshold, a**
 31 **majority of the voters of the county (excluding the voters**
 32 **of the reorganizing municipalities) voting on the public**
 33 **question vote in favor of the proposed reorganization; and**
 34 **(C) the legislative bodies of the reorganizing political**
 35 **subdivisions have agreed that the vote on the public**
 36 **question shall be conducted with a rejection threshold, a**
 37 **majority of the voters of each reorganizing municipality**
 38 **voting on the public question vote in favor of the proposed**
 39 **reorganization.**

40 **(c)** If the reorganization is not approved, the reorganization is
 41 terminated. If the legislative bodies of the reorganizing political
 42 subdivisions have agreed that the vote in the public question shall be

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1 conducted with a rejection threshold, then in tabulating the votes under
2 ~~subdivisions (2) and (3)~~, **subsections (b)(1)(B), (b)(1)(C), (b)(2)(B),**
3 **and (b)(2)(C)**, the vote of voters of a reorganizing municipality who
4 also are voters in the county shall be included only in the tally of votes
5 for the municipality in which the voters reside.

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