

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 174 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 36-1.5-4-5, AS AMENDED BY P.L.113-2010,
4 SECTION 109, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) Except as provided in
6 subsection (b), a reorganization approved under this chapter takes
7 effect when all of the following have occurred:
8 (1) The later of:
9 (A) the date that a copy of a joint certification from the county
10 election board in each county in which reorganizing political
11 subdivisions are located that indicates that:
12 (i) the reorganization has been approved by the voters of
13 each reorganizing political subdivision; or
14 (ii) in the case of a reorganization described in section
15 **1(a)(7) or 1(a)(9)** of this chapter, the reorganization has
16 been approved as set forth in section 32(b) **or 32(c)** of this
17 chapter;
18 or
19 (B) the date specified in the finally adopted plan of
20 reorganization.
21 (2) The appointed or elected officers of the reorganized political
22 subdivision are elected (as prescribed by section 36 of this
23 chapter) or appointed and qualified, if:
24 (A) the reorganized political subdivision is a new political
25 subdivision and reorganizing political subdivisions are not
26 being consolidated into one (1) of the reorganizing political
27 subdivisions;
28 (B) the reorganized political subdivision will have different
29 boundaries than any of the reorganizing political subdivisions;
30 (C) the reorganized political subdivision will have different

1 appointment or election districts than any of the reorganizing
 2 political subdivisions; or
 3 (D) the finally adopted plan of reorganization requires new
 4 appointed or elected officers before the reorganization
 5 becomes effective.

6 (b) A reorganization approved under this chapter may not take effect
 7 during the year preceding a year in which a federal decennial census is
 8 conducted. A consolidation that would otherwise take effect during the
 9 year preceding a year in which a federal decennial census is conducted
 10 takes effect January 1 of the year in which a federal decennial census
 11 is conducted.

12 (c) Notwithstanding subsection (b) as that subsection existed on
 13 December 31, 2009, a reorganization that took effect January 2, 2010,
 14 because of the application of subsection (b), as that subsection existed
 15 on December 31, 2009, is instead considered to take effect January 1,
 16 2010, without the adoption of an amended reorganization plan.

17 SECTION 2. IC 36-1.5-4-10, AS ADDED BY P.L.186-2006,
 18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JANUARY 1, 2013]: Sec. 10. (a) The legislative body of a political
 20 subdivision may initiate a proposed reorganization under this chapter
 21 by adopting a resolution that:

- 22 (1) proposes a reorganization; **and**
 23 (2) names the political subdivisions that would be reorganized in
 24 the proposed reorganization. **and**
 25 ~~(3) only in the case of a proposed reorganization described in~~
 26 ~~section 1(a)(9) of this chapter, states whether the vote on the~~
 27 ~~public question regarding the reorganization shall be:~~
 28 ~~(A) conducted on a countywide basis under section 30(b) of~~
 29 ~~this chapter, without a rejection threshold; or~~
 30 ~~(B) conducted on a countywide basis under section 30(b) of~~
 31 ~~this chapter, with a rejection threshold.~~

32 (b) The clerk of the political subdivision adopting the resolution
 33 shall certify the resolution to the clerk of each political subdivision
 34 named in the resolution.

35 SECTION 3. IC 36-1.5-4-12, AS ADDED BY P.L.186-2006,
 36 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JANUARY 1, 2013]: Sec. 12. (a) If a petition is certified to the
 38 legislative body of a political subdivision under section 11 of this
 39 chapter, the legislative body shall conduct a public hearing on the
 40 proposed reorganization not sooner than five (5) days after publishing
 41 a notice of the public hearing under IC 5-3-1. Not more than thirty (30)
 42 days after the conclusion of the public hearing the legislative body shall
 43 adopt a resolution, substantially in the form prescribed by the
 44 department of local government finance, to do any of the following:

- 45 (1) Decline to participate in the proposed reorganization.
 46 (2) Propose a reorganization with the political subdivisions named

1 in the petition.
2 (3) Propose a reorganization with political subdivisions that differ
3 in part or in whole from the political subdivisions named in the
4 petition.
5 ~~(b) In the case of a resolution adopted under this section proposing~~
6 ~~a reorganization described in section 1(a)(9) of this chapter, the~~
7 ~~resolution must also state whether the vote on the public question~~
8 ~~regarding the reorganization shall be:~~
9 ~~(1) conducted on a countywide basis under section 30(b) of this~~
10 ~~chapter, without a rejection threshold; or~~
11 ~~(2) conducted on a countywide basis under section 30(b) of this~~
12 ~~chapter, with a rejection threshold.~~
13 ~~(c) (b) The clerk of the political subdivision adopting a resolution~~
14 ~~proposing a reorganization under this section shall certify the~~
15 ~~resolution to the clerk of each political subdivision named in the~~
16 ~~resolution.~~
17 SECTION 4. IC 36-1.5-4-13, AS ADDED BY P.L.186-2006,
18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JANUARY 1, 2013]: Sec. 13. (a) The legislative body of a political
20 subdivision that receives a certified resolution under section 10 or 12
21 of this chapter may do any of the following:
22 (1) Adopt a resolution declining to participate in a proposed
23 reorganization.
24 (2) Adopt a substantially identical resolution proposing to
25 participate in a proposed reorganization with the political
26 subdivisions named in a resolution certified to the political
27 subdivision.
28 (3) Adopt a resolution proposing to participate in a proposed
29 reorganization with political subdivisions that differ in part or in
30 whole from the political subdivisions named in a resolution
31 certified to the political subdivision.
32 ~~(b) In the case of a resolution adopted under this section proposing~~
33 ~~to participate in a proposed reorganization described in section 1(a)(9)~~
34 ~~of this chapter, the resolution must also state whether the vote on the~~
35 ~~public question regarding the reorganization shall be:~~
36 ~~(1) conducted on a countywide basis under section 30(b) of this~~
37 ~~chapter, without a rejection threshold; or~~
38 ~~(2) conducted on a countywide basis under section 30(b) of this~~
39 ~~chapter, with a rejection threshold.~~
40 ~~(c) (b) The clerk of the political subdivision adopting a resolution~~
41 ~~proposing a reorganization under this section shall certify the~~
42 ~~resolution to the clerk of each political subdivision named in the~~
43 ~~resolution."~~
44 Page 1, line 3, delete "[EFFECTIVE JULY 1, 2012]" and insert
45 "[EFFECTIVE JANUARY 1, 2013]".
46 Page 2, between lines 21 and 22, begin a new line block indented

- 1 and insert:
 2 **"(8) This subdivision applies only to a reorganization**
 3 **described in section 1(a)(7) of this chapter that is voted on by**
 4 **voters after December 31, 2012, regardless of when the plan**
 5 **of reorganization is adopted. The reorganization committee**
 6 **shall include in the reorganization plan an approval**
 7 **threshold, specified as a percentage, that applies for purposes**
 8 **of section 32(b) of this chapter. The approval threshold must**
 9 **be the same for each municipality that is a party to the**
 10 **proposed reorganization and to each township that is a party**
 11 **to the proposed reorganization. The approval threshold must**
 12 **be greater than fifty percent (50%), but not more than**
 13 **fifty-five percent (55%).**
 14 **(9) This subdivision applies only to a reorganization described**
 15 **in section 1(a)(7) of this chapter that is voted on by voters**
 16 **after December 31, 2012, regardless of when the plan of**
 17 **reorganization is adopted. The reorganization committee shall**
 18 **determine and include in the reorganization plan the**
 19 **percentage of voters voting on the public question in both the**
 20 **municipality and township regarding the proposed**
 21 **reorganization who must vote in favor of the proposed**
 22 **reorganization for the public question to be approved. This**
 23 **percentage is referred to in this chapter as the**
 24 **"municipality-township vote approval percentage". The**
 25 **municipality-township vote approval percentage must be**
 26 **greater than fifty percent (50%)."**
 27 Page 2, line 22, strike "(8)" and insert "**(10)**".
 28 Page 2, line 23, strike "if the legislative bodies of the reorganizing
 29 political".
 30 Page 2, strike lines 24 through 26.
 31 Page 2, line 27, strike "threshold,".
 32 Page 2, line 28, strike "rejection" and insert "**approval**".
 33 Page 2, line 29, strike "32(b)" and insert "**32(c)**".
 34 Page 2, line 30, strike "rejection" and insert "**approval**".
 35 Page 2, line 32, after "reorganization." insert "**The approval**
 36 **threshold must be greater than fifty percent (50%), but not more**
 37 **than fifty-five percent (55%)."**
 38 Page 2, line 33, before "In" strike "(9)" and insert "**(11)**".
 39 Page 2, line 42, strike "(10)" and insert "**(12)**".
 40 Page 3, line 1, strike "(e)." and insert "**(d)**".
 41 Page 3, strike lines 2 through 7.
 42 Page 3, line 8, strike "(d)" and insert "**(c)**".
 43 Page 3, line 26, strike "(e)" and insert "**(d)**".
 44 Page 3, line 27, strike "June 30,".
 45 Page 3, line 28, delete "2012," and insert "**December 31, 2012,**".
 46 Page 4, line 15, delete "(f)" and insert "**(e)**".

- 1 Page 4, line 16, delete "(e)" and insert "(d)".
- 2 Page 5, between lines 2 and 3, begin a new paragraph and insert:
- 3 "SECTION 6. IC 36-1.5-4-23.5, AS ADDED BY P.L.186-2006,
- 4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JANUARY 1, 2013]: Sec. 23.5. The following apply if the legislative
- 6 bodies of all political subdivisions that have been presented with a plan
- 7 of reorganization under ~~section 18(d)~~ **section 18(c)** of this chapter have
- 8 not adopted a plan of reorganization, either as presented by the
- 9 reorganization committee or as modified by all of the political
- 10 subdivisions, within one (1) year after the initial plan of reorganization
- 11 is presented:
- 12 (1) Not later than one (1) month after the end of the one (1) year
- 13 period in which the legislative bodies must adopt a plan of
- 14 reorganization, the reorganization committee shall submit a final
- 15 plan of reorganization to the legislative bodies of the political
- 16 subdivisions.
- 17 (2) Not later than one (1) month after receiving the final plan of
- 18 reorganization under subdivision (1), each of the legislative
- 19 bodies must:
- 20 (A) hold a hearing on the final plan of reorganization; and
- 21 (B) adopt either a resolution approving the final plan of
- 22 reorganization or a resolution rejecting the final plan of
- 23 reorganization.
- 24 If a legislative body does not adopt a resolution under this
- 25 subdivision within the one (1) month period, the failure to adopt
- 26 a resolution is considered to be an approval of the final plan of
- 27 reorganization.
- 28 (3) If a legislative body adopts a resolution approving the final
- 29 plan of reorganization, the legislative body shall certify its
- 30 approval under section 23 of this chapter.
- 31 (4) If any of the legislative bodies adopts a resolution rejecting the
- 32 final plan of reorganization, the registered voters of a political
- 33 subdivision in which the final plan of reorganization was rejected
- 34 by a legislative body under subdivision (2) may submit a petition
- 35 to the clerk of the circuit court approving the final plan of
- 36 reorganization and requesting that a public question be held on
- 37 the final plan of reorganization. The petition must be submitted
- 38 not later than one hundred eighty (180) days after the legislative
- 39 body voted to reject the final plan of reorganization. If the petition
- 40 is signed by at least ten percent (10%) of the voters of the political
- 41 subdivision, as determined by the vote cast in the political
- 42 subdivision for secretary of state at the most recent general
- 43 election:
- 44 (A) the political subdivision is considered to have approved
- 45 the holding of the public question on the final plan of
- 46 reorganization, notwithstanding the vote by the legislative

- 1 body rejecting the final plan of reorganization; and
 2 (B) the clerk of the circuit court shall certify approval of the
 3 final plan of the reorganization and the holding of the public
 4 question in the manner specified in section 23 of this chapter.".
- 5 Page 5, line 5, delete "A" and insert **"For a public question voted**
 6 **on by voters after June 30, 2012, a"**.
- 7 Page 6, delete lines 5 through 42, begin a new paragraph and insert:
 8 "SECTION 7. IC 36-1.5-4-30, AS ADDED BY P.L.186-2006,
 9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JANUARY 1, 2013]: Sec. 30. (a) Except as provided in ~~subsection~~
 11 **subsections (b) and (c)**, at the same time that election results are
 12 certified under IC 3, the circuit court clerk of each of the counties in
 13 which a public question under this chapter is on the ballot shall jointly
 14 issue, in the form prescribed by the state election board, a certificate
 15 declaring whether the public question is approved or rejected by a
 16 majority of the voters voting on the public question in each of the
 17 reorganizing political subdivisions. In addition to any other
 18 requirements in IC 3 concerning filing of the certification, the
 19 certification shall be sent to each of the following:
 20 (1) The clerk of each of the reorganizing political subdivisions.
 21 (2) The county auditor of each county in which a reorganizing
 22 political subdivision is located.
 23 (3) The county recorder of each county in which a reorganizing
 24 political subdivision is located.
 25 (4) The state board of accounts.
 26 (5) The department of local government finance.
 27 (6) The department of state revenue.
 28 (7) The budget agency.
 29 (8) If any of the reorganizing political subdivisions is a school
 30 corporation, the department of education.
- 31 **(b) In the case of a public question on a reorganization**
 32 **described in section 1(a)(7) of this chapter that is voted on by**
 33 **voters after December 31, 2012:**
 34 **(1) the public question on a plan of reorganization shall be**
 35 **placed on the ballot for consideration by the voters of the**
 36 **reorganizing municipality and township;**
 37 **(2) the vote on the public question by the voters of a**
 38 **reorganizing municipality and township shall be tabulated by**
 39 **determining the sum of the votes of voters who reside in:**
 40 **(A) each reorganizing municipality and not the**
 41 **reorganizing township;**
 42 **(B) the reorganizing township and not the reorganizing**
 43 **municipality; and**
 44 **(C) both the reorganizing municipality and the**
 45 **reorganizing township;**
 46 **(3) the vote on the public question by the voters of:**

- 1 **(A) each reorganizing municipality; and**
 2 **(B) each reorganizing township (excluding the voters of the**
 3 **reorganizing municipalities);**
 4 **shall be tabulated separately; and**
 5 **(4) the circuit court clerk shall issue, in a form prescribed by**
 6 **the state election board, separate certificates regarding**
 7 **whether the public question is approved or rejected by the**
 8 **voters of:**
 9 **(A) each reorganizing municipality and township as set**
 10 **forth in subdivision (2);**
 11 **(B) each reorganizing municipality; and**
 12 **(C) each reorganizing township, excluding the voters of the**
 13 **reorganizing municipalities;**
 14 **voting on the public question.**
 15 ~~(b)~~ **(c)** In the case of a public question on a reorganization described
 16 in section 1(a)(9) of this chapter:
 17 (1) the public question on a plan of reorganization shall be placed
 18 on the ballot for consideration by the voters of the entire county;
 19 (2) the vote on the public question by the voters of the entire
 20 county shall be tabulated;
 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 vote on the public
 24 question by the voters of:
 25 (A) each reorganizing municipality; and
 26 (B) the county (excluding the voters of the reorganizing
 27 municipalities);
 28 shall be tabulated separately; and
 29 (4) the circuit court clerk shall issue, in a form prescribed by the
 30 state election board, separate certificates regarding whether the
 31 public question is approved or rejected by the voters of:
 32 (A) the entire county;
 33 (B) each reorganizing municipality; ~~(if the legislative bodies~~
 34 ~~of the reorganizing political subdivisions have agreed that the~~
 35 ~~vote on the public question shall be conducted with a rejection~~
 36 ~~threshold); and~~
 37 (C) the county, excluding the voters of the reorganizing
 38 municipalities; ~~(if the legislative bodies of the reorganizing~~
 39 ~~political subdivisions have agreed that the vote on the public~~
 40 ~~question shall be conducted with a rejection threshold);~~
 41 voting on the public question.
 42 SECTION 8. IC 36-1.5-4-32, AS ADDED BY P.L.186-2006,
 43 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 44 JANUARY 1, 2013]: Sec. 32. (a) This subsection does not apply to a
 45 reorganization described in section **1(a)(7) or 1(a)(9)** of this chapter.
 46 A reorganization as specified in the plan of reorganization is approved

1 if a majority of the voters in each reorganizing political subdivision
 2 voting on the public question approve the public question on the
 3 reorganization. **If a reorganizing political subdivision includes the**
 4 **territory of another reorganizing political subdivision,** the vote of
 5 voters of a reorganizing political subdivision (~~for example, a city~~) who
 6 also are voters in a second reorganizing political subdivision (~~for~~
 7 ~~example, a township~~) that is geographically larger than the first
 8 political subdivision and that includes the territory of the first political
 9 subdivision shall be included only in the tally of votes for the first
 10 reorganizing political subdivision in which the voters reside.

11 **(b) This subsection applies only to a reorganization described in**
 12 **section 1(a)(7) of this chapter. This subsection applies only to a**
 13 **reorganization voted on by voters after December 31, 2012. In the**
 14 **case of a proposed reorganization between a municipality and a**
 15 **township, the reorganization is approved only if:**

16 **(1) the percentage of all voters voting on the public question**
 17 **who:**

18 **(A) reside in:**

19 **(i) the reorganizing municipality and not the**
 20 **reorganizing township;**

21 **(ii) the reorganizing township and not the reorganizing**
 22 **municipality; and**

23 **(iii) both the reorganizing municipality and the**
 24 **reorganizing township; and**

25 **(B) vote in favor of the proposed reorganization;**

26 **is at least equal to a majority;**

27 **(2) the percentage of voters of the reorganizing municipality**
 28 **voting on the public question in favor of the reorganization**
 29 **equals or exceeds the approval threshold included in the final**
 30 **reorganization plan, which must be greater than fifty percent**
 31 **(50%), but not more than fifty-five percent (55%); and**

32 **(3) the percentage of voters who reside within the**
 33 **reorganizing township but do not reside within the**
 34 **reorganizing municipality and who vote on the public**
 35 **question in favor of the reorganization equals or exceeds the**
 36 **approval threshold included in the final reorganization plan,**
 37 **which must be greater than fifty percent (50%), but not more**
 38 **than fifty-five percent (55%).**

39 **If the reorganization is not approved, the reorganization is**
 40 **terminated. In tabulating the votes under subdivisions (2) and (3),**
 41 **the vote of voters of a reorganizing municipality who are also**
 42 **voters in the reorganizing township shall be included only in the**
 43 **tally of votes for the municipality in which the voters reside.**

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

46 **(1) In the case of a public question voted on by voters before**

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January 1, 2013, the reorganization is approved only if:
(1) ~~(A)~~ **(A)** the percentage of voters voting on the public question who vote, on a countywide basis, in favor of the proposed reorganization is at least equal to the countywide vote approval percentage specified in the final reorganization plan;
~~(2)~~ **(B)** if the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold, **and** the percentage of voters of the county (excluding the voters of the reorganizing municipalities) voting on the public question who vote against the reorganization is less than the rejection threshold included in the final reorganization plan; and
~~(3)~~ **(C)** if the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold, **and** the percentage of voters of each reorganizing municipality voting on the public question who vote against the reorganization is less than the rejection threshold included in the final reorganization plan.

(2) In the case of a public question voted on by voters after December 31, 2012, the reorganization is approved only if all the following requirements are met:

- (A) A majority of the voters in the county voting on the public question vote (on a countywide basis) in favor of the proposed reorganization.**
- (B) The percentage of voters of the reorganizing county (excluding the voters of the reorganizing municipalities) voting on the public question in favor of the reorganization equals or exceeds the approval threshold vote included in the final reorganization plan. The approval threshold must be greater than fifty percent (50%), but not more than fifty-five percent (55%).**
- (C) The percentage of voters of each reorganizing municipality voting on the public question in favor of the reorganization equals or exceeds the approval threshold vote included in the final reorganization plan. The approval threshold must be greater than fifty percent (50%), but not more than fifty-five percent (55%).**

If the reorganization is not approved, the reorganization is terminated. If the legislative bodies of the reorganizing political subdivisions have agreed that the vote in the public question shall be conducted with a rejection threshold, ~~then~~ In tabulating the votes under subdivisions ~~(2) and (3)~~; **subsection (c)(1)(B), (c)(1)(C), (c)(2)(B), and (c)(2)(C)**, the vote of voters of a reorganizing municipality who also are voters in the county shall be included only in the tally of votes for the municipality in which the voters reside.

1 SECTION 9. IC 36-1.5-4-34, AS ADDED BY P.L.186-2006,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2013]: Sec. 34. (a) This section applies if:

4 (1) in the case of a reorganization that is not described in section
5 **1(a)(7) or** 1(a)(9) of this chapter, the majority of the voters of
6 each of the reorganizing political subdivisions voting on the
7 public question approve the public question concerning the
8 reorganization; or

9 (2) in the case of a reorganization described in section **1(a)(7) or**
10 1(a)(9) of this chapter, the reorganization is approved as set forth
11 in section 32(b) **or 32(c)** of this chapter.

12 (b) The political subdivisions are reorganized in the form and under
13 the conditions specified by the legislative bodies of the reorganizing
14 political subdivisions in the plan of reorganization filed with the county
15 recorder under this chapter."

16 Page 7, delete lines 1 through 20.

17 Renumber all SECTIONS consecutively.

(Reference is to SB 174 as printed January 20, 2012.)

Senator LAWSON C