

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 IC 36-1.5-2-6 IS REPEALED [EFFECTIVE
4 JANUARY 1, 2013]. Sec. 6: "Reorganization committee" refers to a
5 committee established under this article to assist reorganizing political
6 subdivisions with developing a plan of reorganization.
7 SECTION 2. IC 36-1.5-4-15 IS REPEALED [EFFECTIVE
8 JANUARY 1, 2013]. Sec. 15: Not later than thirty (30) days after the
9 clerk of the last political subdivision to adopt a reorganization
10 resolution under this chapter has certified the substantially identical
11 resolution to all of the political subdivisions named in the resolution,
12 the reorganizing political subdivisions shall appoint the number of
13 individuals specified in section 16 of this chapter to serve on a
14 reorganization committee to develop a plan of reorganization for the
15 reorganizing political subdivisions.
16 SECTION 3. IC 36-1.5-4-16 IS REPEALED [EFFECTIVE
17 JANUARY 1, 2013]. Sec. 16: (a) Members shall be appointed to a
18 reorganization committee as follows:
19 (1) In accordance with an agreement adopted by the reorganizing
20 political subdivisions: An agreement under this subdivision must
21 provide that not more than a simple majority of the members
22 appointed by each political subdivision may be members of the
23 same political party.
24 (2) If an agreement does not provide for the membership of a
25 reorganization committee under this chapter, three (3) members
26 shall be appointed by the executive of each political subdivision
27 participating in the reorganization. Not more than two (2) of the
28 members appointed by an executive of a political subdivision may
29 be members of the same political party.
30 (b) The members of a reorganization committee serve at the

1 pleasure of the appointing authority. The reorganization committee
 2 shall select a chairperson and any other officers that the reorganization
 3 committee determines necessary from the members of the
 4 reorganization committee.

5 (c) The members of a reorganization committee serve without
 6 compensation. The members, however, are entitled to reimbursement
 7 from the reorganizing political subdivisions for the necessary expenses
 8 incurred in the performance of their duties.

9 (d) The reorganizing political subdivisions shall provide necessary
 10 office space, supplies, and staff to the reorganization committee. The
 11 reorganizing political subdivisions may employ attorneys, accountants,
 12 consultants, and other professionals for the reorganization committee.

13 (e) Except as otherwise provided in an agreement adopted by the
 14 reorganizing political subdivisions, claims for expenditures for the
 15 reorganization committee shall be made to the fiscal officer for the
 16 reorganizing political subdivision with the largest population. The
 17 fiscal officer shall pay the necessary expenditures and obtain
 18 reimbursement from the reorganizing political subdivisions:

19 (1) in accordance with an agreement adopted by the reorganizing
 20 political subdivisions; or

21 (2) in the absence of an agreement, in proportion to the population
 22 of each reorganizing political subdivision.

23 SECTION 4. IC 36-1.5-4-17 IS REPEALED [EFFECTIVE
 24 JANUARY 1, 2013]. Sec. 17. A reorganization committee may do the
 25 following:

26 (1) Adopt procedures governing the internal management of the
 27 reorganization committee.

28 (2) Conduct public hearings on the plan of reorganization as the
 29 reorganization committee determines necessary or appropriate.

30 (3) Review the books and records of any reorganizing political
 31 subdivision.

32 (4) Administer oaths.

33 (5) Issue and enforce subpoenas and discovery orders under
 34 IC 4-21.5."

35 Page 1, line 3, after "committee" insert "**(before January 1, 2013)**
 36 **or the legislative bodies of the reorganizing political subdivisions**
 37 **(after December 31, 2012)**".

38 Page 2, line 17, after "committee" insert "**(before January 1,**
 39 **2013)**".

40 Page 2, line 17, after "determines" insert "**or the legislative bodies**
 41 **of the reorganizing political subdivisions (after December 31, 2012)**
 42 **determine**".

43 Page 2, line 20, after "committee" delete ";" and insert "**(before**
 44 **January 1, 2013)**";".

45 Page 2, line 27, after "committee" insert "**(before January 1, 2013)**
 46 **or the legislative bodies of the reorganizing political subdivisions**

- 1 (after December 31, 2012)".
- 2 Page 2, line 34, after "committee" insert "**(before January 1, 2013)**
- 3 **or the legislative bodies of the reorganizing political subdivisions**
- 4 **(after December 31, 2012)".**
- 5 Page 3, line 1, strike "(e)." and insert "(f)".
- 6 Page 3, line 7, after "threshold." insert "**This subsection expires**
- 7 **January 1, 2013."**
- 8 Page 3, line 16, after "resolution." insert "**This subsection expires**
- 9 **January 1, 2013.**
- 10 (e)".
- 11 Page 3, line 17, after "2010," insert "**and before January 1, 2013,**
- 12 **or prepared by the legislative bodies of the reorganizing political**
- 13 **subdivisions after December 31, 2012,".**
- 14 Page 3, line 21, after "committee" delete "." and insert "**(before**
- 15 **January 1, 2013) or (after December 31, 2012) not more than thirty**
- 16 **(30) days after the plan of reorganization is prepared by the**
- 17 **legislative bodies of the reorganizing political subdivisions."**
- 18 Page 3, line 26, strike "(e)" and insert "(f)".
- 19 Page 3, line 28, after "2012," insert "**and before January 1, 2013,".**
- 20 Page 3, line 29, after "reorganization." insert "**The legislative**
- 21 **bodies of the reorganizing political subdivisions preparing a**
- 22 **reorganization plan after December 31, 2012, must include in the**
- 23 **plan of reorganization a fiscal impact analysis of the proposed**
- 24 **reorganization."**
- 25 Page 4, line 15, delete "(f)" and insert "(g)".
- 26 Page 4, line 15, after "committee" insert "**(before January 1, 2013)**
- 27 **or the legislative bodies of the reorganizing political subdivisions**
- 28 **(after December 31, 2012)".**
- 29 Page 4, line 16, delete "(e)" and insert "(f)".
- 30 Page 4, line 20, after "committee" insert "**(before January 1, 2013)**
- 31 **or the legislative bodies of the reorganizing political subdivisions**
- 32 **(after December 31, 2012)".**
- 33 Page 4, line 35, after "committee" insert "**(before January 1, 2013)**
- 34 **or to the legislative bodies of the reorganizing political subdivisions**
- 35 **(after December 31, 2012)".**
- 36 Page 4, line 42, after "committee" delete "." and insert "**(before**
- 37 **January 1, 2013) or by the legislative bodies of the reorganizing**
- 38 **political subdivisions (after December 31, 2012)".**
- 39 Page 5, between lines 2 and 3, begin a new paragraph and insert:
- 40 "SECTION 6. IC 36-1.5-4-19, AS ADDED BY P.L.186-2006,
- 41 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 42 JANUARY 1, 2013]: Sec. 19. The legislative body of each of the
- 43 reorganizing political subdivisions shall provide for the following:
- 44 (1) Consideration of a plan of reorganization ~~presented by a~~
- 45 ~~reorganization committee~~ in the form of a resolution incorporating
- 46 the plan of reorganization in full or by reference.

1 (2) Reading of the resolution incorporating the plan of
 2 reorganization in at least two (2) separate meetings of the
 3 legislative body of the political subdivision.

4 (3) Conducting a public hearing on the plan of reorganization:

5 (A) not sooner than five (5) days after notice of the public
 6 hearing is published under IC 5-3-1; and

7 (B) before the legislative body takes final action on the
 8 resolution to adopt the plan of reorganization.

9 SECTION 7. IC 36-1.5-4-20, AS ADDED BY P.L.186-2006,
 10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JANUARY 1, 2013]: Sec. 20. At a public hearing on a plan of
 12 reorganization conducted under section 19 of this chapter, or in a
 13 public meeting held not more than thirty (30) days after the public
 14 hearing concludes, a legislative body of a reorganizing political
 15 subdivision shall do one (1) of the following:

16 (1) Adopt the plan of reorganization. ~~as presented to the~~
 17 ~~legislative body.~~

18 (2) Adopt the plan of reorganization with modifications.

19 (3) Reject the plan of reorganization. ~~and order a reorganization~~
 20 ~~committee to submit a new plan of reorganization within thirty~~
 21 ~~(30) days after the legislative body rejects the plan of~~
 22 ~~reorganization.~~

23 SECTION 8. IC 36-1.5-4-22, AS ADDED BY P.L.186-2006,
 24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JANUARY 1, 2013]: Sec. 22. The legislative body of each
 26 reorganizing political subdivision shall take any of the actions
 27 described in section 20 of this chapter on a revised plan of
 28 reorganization ~~submitted by a reorganization committee~~ and each
 29 resolution modifying a plan of reorganization or revised plan of
 30 reorganization in the same manner as the legislative body may take
 31 action on the initially submitted plan of reorganization.

32 SECTION 9. IC 36-1.5-4-23, AS ADDED BY P.L.186-2006,
 33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JANUARY 1, 2013]: Sec. 23. The legislative body of a reorganizing
 35 political subdivision shall certify the legislative body's final action on
 36 a plan of reorganization or revised plan of reorganization, as modified
 37 by the legislative body, in the manner prescribed by the department of
 38 local government finance, to the following:

39 ~~(1) The chair of the reorganization committee.~~

40 ~~(2) (1) The clerk of each reorganizing political subdivision.~~

41 ~~(3) (2) The county fiscal officer of each county in which a~~
 42 ~~reorganizing political subdivision is located.~~

43 ~~(4) (3) The county recorder of each county in which a~~
 44 ~~reorganizing political subdivision is located.~~

45 SECTION 10. IC 36-1.5-4-23.5, AS ADDED BY P.L.186-2006,
 46 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2012]; Sec. 23.5. ~~The following apply~~ If the legislative bodies of all political subdivisions that have been presented with a **an initial** plan of reorganization under section ~~18(d)~~ **18** of this chapter have not adopted a **final** plan of reorganization ~~either as presented by the reorganization committee or as modified by all of the political subdivisions~~; within one (1) year after the initial plan of reorganization is presented,

(1) ~~Not later than one (1) month after the end of the one (1) year period in which the legislative bodies must adopt a plan of reorganization~~; the reorganization committee shall submit a **final** plan of reorganization to the legislative bodies of the political subdivisions:

(2) ~~Not later than one (1) month after receiving the final plan of reorganization under subdivision (1)~~; each of the legislative bodies must:

(A) ~~hold a hearing on the final plan of reorganization~~; and

(B) ~~adopt either a resolution approving the final plan of reorganization or a resolution rejecting the final plan of reorganization~~.

~~If a legislative body does not adopt a resolution under this subdivision within the one (1) month period~~; the failure to adopt a resolution is considered to be an approval of the **final** plan of reorganization:

(3) ~~If a legislative body adopts a resolution approving the final plan of reorganization~~; the legislative body shall certify its approval under section 23 of this chapter:

(4) ~~If any of the legislative bodies adopts a resolution rejecting the final plan of reorganization~~; the registered voters of a political subdivision in which the ~~final~~ **initial** plan of reorganization was ~~rejected by~~ **presented to** a legislative body under subdivision (2) **but not adopted** may submit a petition to the clerk of the circuit court approving ~~the a~~ final plan of reorganization and requesting that a public question be held on the final plan of reorganization. The petition must be submitted not later than one hundred eighty (180) days after ~~the date that is one (1) year after the initial plan of reorganization was presented to the~~ legislative body. ~~voted to reject the final plan of reorganization~~. If the petition is signed by at least ten percent (10%) of the voters of the political subdivision, as determined by the vote cast in the political subdivision for secretary of state at the most recent general election:

(A) the political subdivision is considered to have approved the holding of the public question on the final plan of reorganization, notwithstanding the vote by the legislative body rejecting the final plan of reorganization; and

(B) the clerk of the circuit court shall certify approval of the

1 final plan of the reorganization and the holding of the public
2 question in the manner specified in section 23 of this chapter."
3 Page 7, between lines 20 and 21, begin a new paragraph and insert:
4 "SECTION 13. IC 36-1.5-4-33, AS ADDED BY P.L.186-2006,
5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JANUARY 1, 2013]: Sec. 33. Except in the case of a reorganization
7 described in section 1(a)(9) of this chapter, if a reorganization is not
8 approved by the majority of the voters in each reorganizing political
9 subdivision voting on the public question, the reorganization is
10 terminated. A political subdivision in which voters of the political
11 subdivision approved the reorganization may continue with a
12 reorganization with another political subdivision in which the
13 reorganization was approved only if a new plan of reorganization is
14 approved by the voters of each political subdivision in the manner
15 provided by this chapter. ~~The reorganization committee shall adopt a~~
16 ~~plan to specify how matters related to the termination of the~~
17 ~~reorganization shall be handled."~~
18 Renumber all SECTIONS consecutively.
(Reference is to SB 174 as printed January 20, 2012.)

Senator HEAD