



March 29, 2013

# ENGROSSED SENATE BILL No. 343

DIGEST OF SB 343 (Updated March 26, 2013 12:27 pm - DI 87)

**Citations Affected:** IC 36-1.5; IC 36-4; IC 36-7.

**Synopsis:** Local government reorganization. Eliminates the requirement that a reorganization committee must be appointed to prepare the reorganization plan as part of a proposed local government reorganization, effective January 1, 2014. Provides that the legislative bodies of the reorganizing political subdivisions (rather than a reorganization committee) shall prepare the reorganization plan that must be adopted by the legislative bodies before the proposed reorganization is placed on the ballot. Requires that a reorganization plan must include a fiscal impact analysis. Specifies the required contents of the fiscal impact analysis. Provides that the fiscal impact analysis must specify any estimated effects on political subdivisions in the county that are not participating in the reorganization and on taxpayers located in those political subdivisions. Requires that the fiscal impact analysis must be submitted to the department of local government finance (DLGF) at least six months before the election in  
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**Effective:** July 1, 2013; January 1, 2014.

## Head, Young R, Stoops, Holdman

(HOUSE SPONSORS — RICHARDSON, CHERRY, RIECKEN)

January 8, 2013, read first time and referred to Committee on Local Government.  
January 31, 2013, amended, reported favorably — Do Pass.  
February 5, 2013, read second time, amended, ordered engrossed.  
February 6, 2013, engrossed.  
February 7, 2013, read third time, passed. Yeas 46, nays 3.

### HOUSE ACTION

February 26, 2013, read first time and referred to Committee on Government and Regulatory Reform.  
March 28, 2013, amended, reported — Do Pass.

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which the public question will be on the ballot. Requires the DLGF to do the following within a reasonable time, but not later than 30 days before the election on the public question: (1) Review the fiscal impact analysis. (2) Make any comments concerning the fiscal impact analysis that the DLGF considers appropriate. (3) Provide comments to the legislative body of the reorganizing political subdivisions and post the comments on the DLGF's Internet web site. Requires the reorganizing political subdivisions to pay the expenses incurred by the DLGF in carrying out the review and preparing the comments. Requires that a brief description of the reorganized political subdivision that will succeed the reorganizing political subdivisions must be placed on the ballot containing the public question. Provides that for a public question voted on by voters after June 30, 2013, the county election board shall submit the language to the DLGF for review. Requires the DLGF to review the language of the public question to: (1) evaluate whether the description of the reorganized political subdivision is accurate and not biased; and (2) approve or make binding recommendations to the county election board regarding the ballot language. Requires the county election board to take final action to approve the ballot language. Provides that certification of a public question on a proposed local government reorganization must occur as required for other public questions under the election law. Provides that in the case of a proposed reorganization between a municipality and a township that is voted on by voters after December 31, 2013: (1) the voters residing within the municipality shall be included only in the tally of votes for the municipality and shall not be included in the tally of votes for the township; and (2) the voters who reside within the township but do not reside within the municipality shall be included only in the tally of votes for the township and shall not be included in the tally of votes for the municipality. Requires (rather than allows) the use of an "approval threshold" in the case of a proposed local government reorganization involving: (1) a county and a municipality; or (2) a municipality and a township; for reorganizations voted on after December 31, 2013. (Under current law, "rejection thresholds" are optional and may be used only in a reorganization between a county and a municipality.) Provides that for a reorganization that is voted on after December 31, 2013, between a county and a municipality to be approved, the number of voters voting to approve the reorganization must equal or exceed the approval thresholds set in the reorganization plan: (1) for the municipality; (2) for the area of the county outside the municipality; and (3) countywide. Provides that the approval threshold for the municipality and area of the county outside the municipality must be greater than 50% but not more than 55%. (Under current law the approval percentage for the countywide vote must be greater than 50%.) Specifies that in order for a reorganization that is voted on after December 31, 2013, between a municipality and a township to be approved, the number of voters voting to approve the reorganization must equal or exceed the approval thresholds set in the reorganization plan: (1) for the municipality; (2) for the area of the township outside the municipality; and (3) for the combined area of the township and the municipality. Provides that the approval threshold for the municipality and the area of the township outside the municipality must be greater than 50% but not more than 55%. Provides that the approval percentage for the combined area of the municipality and the township must be greater than 50%. Allows the legislative body of a reorganizing political subdivision to adopt a resolution rescinding the plan of reorganization previously adopted and certified by the legislative body. Requires the resolution to be certified not later than July 15 to the clerk of each reorganizing political subdivision, and to the county fiscal officer and county recorder of each county in which a reorganizing political subdivision is located. Provides that a petition filed by voters after December 31, 2013 to: (1) initiate a reorganization; or (2) conduct a public question on a plan of reorganization that was not adopted by

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the political subdivisions; must contain each petitioner's signature, printed name, and residence mailing address. Provides that if a political subdivision is located in whole or in part within one or more other political subdivisions that reorganize and the first political subdivision does not participate in or does not approve the reorganization: (1) the reorganization does not affect the rights, powers, and duties of the first political subdivision; and (2) the reorganized political subdivision may not exercise within the first political subdivision any right, power, or duty unless that right, power, or duty was exercised within the first political subdivision before the reorganization by at least one of the reorganizing political subdivisions. Provides that a plan of reorganization may establish within a reorganized political subdivision territories or districts: (1) in which specified services provided by the reorganized political subdivision will be provided at different levels, quantities, or amounts; and (2) in which the fees, charges, or taxes imposed by the reorganized political subdivision will vary depending on the level, quantity, or amount of the services. Requires a reorganized political subdivision to continue to carry out the duties imposed by Indiana law on the reorganizing political subdivisions that combined to form the reorganized political subdivision. Specifies that a reorganized political subdivision created from two or more townships and at least one municipality that have reorganized: (1) may exercise park and recreation powers and establish a park and recreation board if the reorganized political subdivision's plan of reorganization authorizes the reorganized political subdivision to exercise those powers; and (2) may exercise planning and zoning power if the reorganized political subdivision's plan of reorganization authorizes the reorganized political subdivision to exercise those powers. Provides that such a reorganized political subdivision shall, by resolution or in the plan of reorganization, determine the number of members to be appointed to the reorganized political subdivision's park and recreation board, advisory plan commission, and board of zoning appeals. Provides that a political subdivision may not take certain actions within a reorganizing political subdivision after the date on which a plan of reorganization is finally adopted by all reorganizing political subdivisions unless one of the following occurs: (1) All reorganizing political subdivisions agree to allow the action by adopting identical resolutions. (2) The plan is rejected by voters in a referendum. (3) The plan is approved by voters and one of the following occurs: (A) The plan is implemented. (B) One year elapses from the date on which the plan was approved. Requires a town legislative body to adopt a resolution not later than 30 days after a petition is filed for a referendum on changing the town into a city. Provides that the date of the referendum must not be later than the date of the next general election or the date of the next municipal election, whichever is earlier, at which the question can be placed on the ballot. If the referendum passes, requires the first election of city officers to be held on the date of the next general election or municipal election, whichever is earlier, following the date of the referendum. Provides that notwithstanding the statute setting out the classification of municipalities, for purposes of local government administration a municipality reorganized under the local government reorganization statutes may, subject to the approval of the department of local government finance: (1) be classified and described as set forth in the reorganization plan; and (2) maintain characteristics of any of the reorganizing political subdivisions. Provides that during the period beginning with the date the final plan of reorganization is approved or considered to be approved and continuing through the day on which the public question on the reorganization is submitted to the voters, the political subdivision may not promote a position on the public question by taking certain actions. Provides that a person or an organization that has a contract or arrangement (whether formal or informal) with a political subdivision to provide goods or services to the political subdivision: (1) may not spend any money to promote a position on the public question

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regarding reorganization; and (2) commits a Class A infraction for a violation of (1).

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March 29, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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## ENGROSSED SENATE BILL No. 343

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 36-1.5-2-6 IS REPEALED [EFFECTIVE  
2 JANUARY 1, 2014]. ~~Sec. 6. "Reorganization committee" refers to a~~  
3 ~~committee established under this article to assist reorganizing political~~  
4 ~~subdivisions with developing a plan of reorganization.~~  
5 SECTION 2. IC 36-1.5-4-5, AS AMENDED BY P.L.113-2010,  
6 SECTION 109, IS AMENDED TO READ AS FOLLOWS  
7 [EFFECTIVE JANUARY 1, 2014]: Sec. 5. (a) Except as provided in  
8 subsection (b), a reorganization approved under this chapter takes  
9 effect when all of the following have occurred:  
10 (1) The later of:  
11 (A) the date that a copy of a joint certification from the county  
12 election board in each county in which reorganizing political  
13 subdivisions are located that indicates that:  
14 (i) the reorganization has been approved by the voters of  
15 each reorganizing political subdivision; or

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- 1 (ii) in the case of a reorganization described in section  
 2 **1(a)(7) or** 1(a)(9) of this chapter, the reorganization has  
 3 been approved as set forth in section 32(b) **or 32(c)** of this  
 4 chapter;  
 5 is recorded as required by section 31 of this chapter; or  
 6 (B) the date specified in the finally adopted plan of  
 7 reorganization.
- 8 (2) The appointed or elected officers of the reorganized political  
 9 subdivision are elected (as prescribed by section 36 of this  
 10 chapter) or appointed and qualified, if:
- 11 (A) the reorganized political subdivision is a new political  
 12 subdivision and reorganizing political subdivisions are not  
 13 being consolidated into one (1) of the reorganizing political  
 14 subdivisions;  
 15 (B) the reorganized political subdivision will have different  
 16 boundaries than any of the reorganizing political subdivisions;  
 17 (C) the reorganized political subdivision will have different  
 18 appointment or election districts than any of the reorganizing  
 19 political subdivisions; or  
 20 (D) the finally adopted plan of reorganization requires new  
 21 appointed or elected officers before the reorganization  
 22 becomes effective.
- 23 (b) A reorganization approved under this chapter may not take effect  
 24 during the year preceding a year in which a federal decennial census is  
 25 conducted. A consolidation that would otherwise take effect during the  
 26 year preceding a year in which a federal decennial census is conducted  
 27 takes effect January 1 of the year in which a federal decennial census  
 28 is conducted.
- 29 (c) Notwithstanding subsection (b) as that subsection existed on  
 30 December 31, 2009, a reorganization that took effect January 2, 2010,  
 31 because of the application of subsection (b), as that subsection existed  
 32 on December 31, 2009, is instead considered to take effect January 1,  
 33 2010, without the adoption of an amended reorganization plan.
- 34 SECTION 3. IC 36-1.5-4-10, AS ADDED BY P.L.186-2006,  
 35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JANUARY 1, 2014]: Sec. 10. (a) The legislative body of a political  
 37 subdivision may initiate a proposed reorganization under this chapter  
 38 by adopting a resolution that:
- 39 (1) proposes a reorganization; **and**  
 40 (2) names the political subdivisions that would be reorganized in  
 41 the proposed reorganization. **and**  
 42 (3) ~~only in the case of a proposed reorganization described in~~

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1 section 1(a)(9) of this chapter, states whether the vote on the  
2 public question regarding the reorganization shall be:

3 (A) conducted on a countywide basis under section 30(b) of  
4 this chapter, without a rejection threshold; or

5 (B) conducted on a countywide basis under section 30(b) of  
6 this chapter, with a rejection threshold.

7 (b) The clerk of the political subdivision adopting the resolution  
8 shall certify the resolution to the clerk of each political subdivision  
9 named in the resolution.

10 SECTION 4. IC 36-1.5-4-11, AS ADDED BY P.L.186-2006,  
11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JANUARY 1, 2014]: Sec. 11. (a) The voters of a political subdivision  
13 may initiate a proposed reorganization by filing a written petition,  
14 substantially in the form prescribed by the department, with the clerk  
15 of the political subdivision that:

16 (1) proposes a reorganization; and

17 (2) names the political subdivisions that would be reorganized in  
18 the proposed reorganization; and

19 **(3) for a petition filed after December 31, 2013, contains all of  
20 the following:**

21 **(A) The signature of each petitioner.**

22 **(B) The name of each petitioner legibly printed.**

23 **(C) The residence mailing address of each petitioner.**

24 **(D) The date on which each petitioner signed the petition.**

25 (b) If the written petition is signed by at least five percent (5%) of  
26 the voters of the political subdivision, as determined by the vote cast  
27 in the political subdivision for secretary of state at the most recent  
28 general election, the clerk of the political subdivision shall certify the  
29 petition to the legislative body of the political subdivision. **In  
30 certifying the number of voters, the clerk shall disregard any  
31 signature on the petition that is dated under subsection (a)(3)(D)  
32 more than ninety (90) days before the date the petition was filed  
33 with the clerk.**

34 SECTION 5. IC 36-1.5-4-12, AS ADDED BY P.L.186-2006,  
35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JANUARY 1, 2014]: Sec. 12. (a) If a petition is certified to the  
37 legislative body of a political subdivision under section 11 of this  
38 chapter, the legislative body shall conduct a public hearing on the  
39 proposed reorganization not sooner than five (5) days after publishing  
40 a notice of the public hearing under IC 5-3-1. Not more than thirty (30)  
41 days after the conclusion of the public hearing the legislative body shall  
42 adopt a resolution, substantially in the form prescribed by the



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1 department of local government finance, to do any of the following:

- 2 (1) Decline to participate in the proposed reorganization.  
 3 (2) Propose a reorganization with the political subdivisions named  
 4 in the petition.  
 5 (3) Propose a reorganization with political subdivisions that differ  
 6 in part or in whole from the political subdivisions named in the  
 7 petition.

8 ~~(b) In the case of a resolution adopted under this section proposing~~  
 9 ~~a reorganization described in section 1(a)(9) of this chapter, the~~  
 10 ~~resolution must also state whether the vote on the public question~~  
 11 ~~regarding the reorganization shall be:~~

- 12 ~~(1) conducted on a countywide basis under section 30(b) of this~~  
 13 ~~chapter, without a rejection threshold; or~~  
 14 ~~(2) conducted on a countywide basis under section 30(b) of this~~  
 15 ~~chapter, with a rejection threshold.~~

16 ~~(c)~~ **(b)** The clerk of the political subdivision adopting a resolution  
 17 proposing a reorganization under this section shall certify the  
 18 resolution to the clerk of each political subdivision named in the  
 19 resolution.

20 SECTION 6. IC 36-1.5-4-13, AS ADDED BY P.L.186-2006,  
 21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JANUARY 1, 2014]: Sec. 13. (a) The legislative body of a political  
 23 subdivision that receives a certified resolution under section 10 or 12  
 24 of this chapter may do any of the following:

- 25 (1) Adopt a resolution declining to participate in a proposed  
 26 reorganization.  
 27 (2) Adopt a substantially identical resolution proposing to  
 28 participate in a proposed reorganization with the political  
 29 subdivisions named in a resolution certified to the political  
 30 subdivision.  
 31 (3) Adopt a resolution proposing to participate in a proposed  
 32 reorganization with political subdivisions that differ in part or in  
 33 whole from the political subdivisions named in a resolution  
 34 certified to the political subdivision.

35 ~~(b) In the case of a resolution adopted under this section proposing~~  
 36 ~~to participate in a proposed reorganization described in section 1(a)(9)~~  
 37 ~~of this chapter, the resolution must also state whether the vote on the~~  
 38 ~~public question regarding the reorganization shall be:~~

- 39 ~~(1) conducted on a countywide basis under section 30(b) of this~~  
 40 ~~chapter, without a rejection threshold; or~~  
 41 ~~(2) conducted on a countywide basis under section 30(b) of this~~  
 42 ~~chapter, with a rejection threshold.~~

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1 (e) (b) The clerk of the political subdivision adopting a resolution  
 2 proposing a reorganization under this section shall certify the  
 3 resolution to the clerk of each political subdivision named in the  
 4 resolution.

5 SECTION 7. IC 36-1.5-4-15 IS REPEALED [EFFECTIVE  
 6 JANUARY 1, 2014]. Sec. 15: Not later than thirty (30) days after the  
 7 clerk of the last political subdivision to adopt a reorganization  
 8 resolution under this chapter has certified the substantially identical  
 9 resolution to all of the political subdivisions named in the resolution;  
 10 the reorganizing political subdivisions shall appoint the number of  
 11 individuals specified in section 16 of this chapter to serve on a  
 12 reorganization committee to develop a plan of reorganization for the  
 13 reorganizing political subdivisions:

14 SECTION 8. IC 36-1.5-4-16 IS REPEALED [EFFECTIVE  
 15 JANUARY 1, 2014]. Sec. 16: (a) Members shall be appointed to a  
 16 reorganization committee as follows:

17 (1) In accordance with an agreement adopted by the reorganizing  
 18 political subdivisions: An agreement under this subdivision must  
 19 provide that not more than a simple majority of the members  
 20 appointed by each political subdivision may be members of the  
 21 same political party:

22 (2) If an agreement does not provide for the membership of a  
 23 reorganization committee under this chapter, three (3) members  
 24 shall be appointed by the executive of each political subdivision  
 25 participating in the reorganization: Not more than two (2) of the  
 26 members appointed by an executive of a political subdivision may  
 27 be members of the same political party:

28 (b) The members of a reorganization committee serve at the  
 29 pleasure of the appointing authority. The reorganization committee  
 30 shall select a chairperson and any other officers that the reorganization  
 31 committee determines necessary from the members of the  
 32 reorganization committee:

33 (c) The members of a reorganization committee serve without  
 34 compensation: The members, however, are entitled to reimbursement  
 35 from the reorganizing political subdivisions for the necessary expenses  
 36 incurred in the performance of their duties:

37 (d) The reorganizing political subdivisions shall provide necessary  
 38 office space, supplies, and staff to the reorganization committee: The  
 39 reorganizing political subdivisions may employ attorneys, accountants,  
 40 consultants, and other professionals for the reorganization committee:

41 (e) Except as otherwise provided in an agreement adopted by the  
 42 reorganizing political subdivisions, claims for expenditures for the

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1 reorganization committee shall be made to the fiscal officer for the  
 2 reorganizing political subdivision with the largest population. The  
 3 fiscal officer shall pay the necessary expenditures and obtain  
 4 reimbursement from the reorganizing political subdivisions:

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

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

9 SECTION 9. IC 36-1.5-4-17 IS REPEALED [EFFECTIVE  
 10 JANUARY 1, 2014]. Sec. 17. A reorganization committee may do the  
 11 following:

12 (1) Adopt procedures governing the internal management of the  
 13 reorganization committee.

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

16 (3) Review the books and records of any reorganizing political  
 17 subdivision.

18 (4) Administer oaths.

19 (5) Issue and enforce subpoenas and discovery orders under  
 20 IC 4-21-5.

21 SECTION 10. IC 36-1.5-4-18, AS AMENDED BY P.L.113-2010,  
 22 SECTION 110, IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JANUARY 1, 2014]: Sec. 18. (a) A reorganization  
 24 committee **(before January 1, 2014) or the legislative bodies of the**  
 25 **reorganizing political subdivisions (after December 31, 2013)** shall  
 26 prepare a comprehensive plan of reorganization for the reorganizing  
 27 political subdivisions. The plan of reorganization governs the actions,  
 28 duties, and powers of the reorganized political subdivision that are not  
 29 specified by law.

30 (b) The plan of reorganization must include at least the following:

31 (1) The name and a description of the reorganized political  
 32 subdivision that will succeed the reorganizing political  
 33 subdivisions.

34 (2) A description of the boundaries of the reorganized political  
 35 subdivision.

36 (3) Subject to section 40 of this chapter, a description of the  
 37 taxing areas in which taxes to retire obligations of the  
 38 reorganizing political subdivisions will be imposed.

39 (4) A description of the membership of the legislative body, fiscal  
 40 body, and executive of the reorganized political subdivision, a  
 41 description of the election districts or appointment districts from  
 42 which officers will be elected or appointed, and the manner in

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- 1 which the membership of each elected or appointed office will be  
 2 elected or appointed.
- 3 (5) A description of the services to be offered by the reorganized  
 4 political subdivision and the service areas in which the services  
 5 will be offered.
- 6 (6) The disposition of the personnel, the agreements, the assets,  
 7 and, subject to section 40 of this chapter, the liabilities of the  
 8 reorganizing political subdivisions, including the terms and  
 9 conditions upon which the transfer of property and personnel will  
 10 be achieved.
- 11 (7) Any other matter that the:
- 12 (A) reorganization committee **(before January 1, 2014)**  
 13 **determines or the legislative bodies of the reorganizing**  
 14 **political subdivisions (after December 31, 2013) determine**  
 15 **to be necessary or appropriate; or**
- 16 (B) legislative bodies of the reorganizing political subdivisions  
 17 require the reorganization committee **(before January 1,**  
 18 **2014);**
- 19 to include in the plan of reorganization.
- 20 **(8) This subdivision applies only to a reorganization described**  
 21 **in section 1(a)(7) of this chapter that is voted on by voters**  
 22 **after December 31, 2013, regardless of when the plan of**  
 23 **reorganization is adopted. The reorganization committee**  
 24 **(before January 1, 2014) or the legislative bodies of the**  
 25 **reorganizing political subdivisions (after December 31, 2013)**  
 26 **shall include in the reorganization plan an approval**  
 27 **threshold, specified as a percentage, that applies for purposes**  
 28 **of section 32(b) of this chapter. The approval threshold must**  
 29 **be the same for each municipality that is a party to the**  
 30 **proposed reorganization and to each township that is a party**  
 31 **to the proposed reorganization. The approval threshold must**  
 32 **be greater than fifty percent (50%), but not more than**  
 33 **fifty-five percent (55%).**
- 34 **(9) This subdivision applies only to a reorganization described**  
 35 **in section 1(a)(7) of this chapter that is voted on by voters**  
 36 **after December 31, 2013, regardless of when the plan of**  
 37 **reorganization is adopted. The reorganization committee**  
 38 **(before January 1, 2014) or the legislative bodies of the**  
 39 **reorganizing political subdivisions (after December 31, 2013)**  
 40 **shall determine and include in the reorganization plan the**  
 41 **percentage of voters in both the municipality and the**  
 42 **township voting on the public question regarding the**

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1 proposed reorganization who must vote in favor of the  
 2 proposed reorganization for the public question to be  
 3 approved. This percentage is referred to in this chapter as the  
 4 "municipality-township vote approval percentage". The  
 5 municipality-township vote approval percentage must be  
 6 greater than fifty percent (50%).

7 ~~(8)~~ (10) In the case of a reorganization described in section  
 8 1(a)(9) of this chapter, if the legislative bodies of the reorganizing  
 9 political subdivisions have specified that the vote on the public  
 10 question regarding the reorganization shall be conducted on a  
 11 countywide basis under section 30(b) of this chapter with a  
 12 rejection threshold, the reorganization committee (before  
 13 January 1, 2014) or the legislative bodies of the reorganizing  
 14 political subdivisions (after December 31, 2013) shall include  
 15 in the reorganization plan a rejection ~~an approval~~ threshold,  
 16 specified as a percentage, that applies for purposes of section  
 17 ~~32(b)~~ 32(c) of this chapter. The ~~rejection approval~~ threshold  
 18 must be the same for each municipality that is a party to the  
 19 proposed reorganization and to the county that is a party to the  
 20 proposed reorganization. **The approval threshold must be  
 21 greater than fifty percent (50%), but not more than fifty-five  
 22 percent (55%).**

23 ~~(9)~~ (11) In the case of a reorganization described in section  
 24 1(a)(9) of this chapter, the reorganization committee (before  
 25 January 1, 2014) or the legislative bodies of the reorganizing  
 26 political subdivisions (after December 31, 2013) shall  
 27 determine and include in the reorganization plan the percentage  
 28 of voters voting on the public question regarding the proposed  
 29 reorganization who must vote, on a countywide basis, in favor of  
 30 the proposed reorganization for the public question to be  
 31 approved. This percentage is referred to in this chapter as the  
 32 "countywide vote approval percentage". The countywide vote  
 33 approval percentage must be greater than fifty percent (50%).

34 ~~(10)~~ (12) The ~~statement~~ **fiscal impact analysis** required by  
 35 subsection ~~(e)~~ (d).

36 (c) In the case of a reorganization described in section 1(a)(9) of this  
 37 chapter, the reorganization committee may not change the decision of  
 38 the legislative bodies of the reorganizing political subdivisions  
 39 regarding whether the vote on the public question regarding the  
 40 reorganization shall be conducted on a countywide basis without a  
 41 rejection threshold or with a rejection threshold.

42 (d) Upon completion of the plan of reorganization, the

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1 reorganization committee shall present the plan of reorganization to the  
 2 legislative body of each of the reorganizing political subdivisions for  
 3 adoption. The initial plan of reorganization must be submitted to the  
 4 legislative body of each of the reorganizing political subdivisions not  
 5 later than one (1) year after the clerk of the last political subdivision  
 6 that adopts a reorganization resolution under this chapter has certified  
 7 the resolution to all of the political subdivisions named in the  
 8 resolution.

9 (c) In the case of a plan of reorganization submitted to a political  
 10 subdivision by a reorganization committee after June 30, 2010, **and**  
 11 **before January 1, 2014, or prepared by the legislative bodies of the**  
 12 **reorganizing political subdivisions after December 31, 2013,** the  
 13 political subdivision shall post a copy of the plan of reorganization on  
 14 an Internet web site maintained or authorized by the political  
 15 subdivision not more than thirty (30) days after receiving the plan of  
 16 reorganization from the reorganization committee **(before January 1,**  
 17 **2014) or (after December 31, 2013) not more than thirty (30) days**  
 18 **after the plan of reorganization is prepared by the legislative**  
 19 **bodies of the reorganizing political subdivisions. If the plan of**  
 20 **reorganization is amended, the political subdivision shall post the**  
 21 **amended plan on the Internet web site maintained or authorized by**  
 22 **the political subdivision within seven (7) days after the amended**  
 23 **plan is adopted.**

24 (e) (d) A reorganization committee must include in the plan of  
 25 reorganization submitted to a political subdivision after June 30, 2010;  
 26 a statement of: **The legislative bodies of the reorganizing political**  
 27 **subdivisions preparing a reorganization plan after December 31,**  
 28 **2013, must include in the plan of reorganization a fiscal impact**  
 29 **analysis of the proposed reorganization. The fiscal impact analysis**  
 30 **must include at least the following:**

- 31 (1) whether a fiscal impact analysis concerning the proposed  
 32 reorganization has been prepared or has not been prepared by or  
 33 on behalf of the reorganization committee; and  
 34 (2) whether a fiscal impact analysis concerning the proposed  
 35 reorganization has been made available or has not been made  
 36 available to the public by or on behalf of the reorganization  
 37 committee.

38 (1) **The estimated effect of the proposed reorganization on**  
 39 **taxpayers in each of the political subdivisions to which the**  
 40 **proposed reorganization applies, including the expected tax**  
 41 **rates, tax levies, expenditure levels, service levels, and annual**  
 42 **debt service payments in those political subdivisions.**



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**(2) A description of the planned services to be provided in the reorganized political subdivision and the method or methods of financing the planned services. The fiscal impact analysis must:**

- (A) present itemized estimated costs for each department or agency of the reorganized political subdivision; and**
- (B) explain how specific and detailed expenses will be funded from taxes, fees, grants, and other funding.**

**(3) A description of the capital improvements to be provided in the reorganized political subdivision and the method or methods of financing those capital improvements.**

**(4) Any estimated effects on political subdivisions in the county that are not participating in the reorganization and on taxpayers located in those political subdivisions.**

**(e) The legislative bodies of the reorganizing political subdivisions preparing a plan of reorganization after December 31, 2013, must submit the fiscal impact analysis described in subsection (d) to the department of local government finance at least six (6) months before the election in which the public question will be on the ballot. A legislative body of a reorganizing political subdivision may not adopt a plan of reorganization unless the legislative bodies of the reorganizing political subdivisions have submitted the fiscal impact analysis to the department of local government finance as required by this subsection. The department of local government finance must do the following within a reasonable time, but not later than thirty (30) days before the date of the election in which the public question will be on the ballot:**

- (1) Review the fiscal impact analysis.**
- (2) Make any comments concerning the fiscal impact analysis that the department considers appropriate.**
- (3) Provide the department's comments under subdivision (2) to the legislative body of the reorganizing political subdivisions.**
- (4) Post the department's comments under subdivision (2) on the department's Internet web site.**

**The department of local government finance shall certify to the legislative bodies of the reorganizing political subdivisions the total amount of expense incurred by the department in carrying out the department's review and preparing the department's comments. Upon receipt of the department's certification of the expenses, the reorganizing political subdivisions shall immediately pay to the**

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1 **treasurer of state the amount charged. The share of the cost to be**  
 2 **paid by each reorganizing political subdivision shall be determined**  
 3 **by the legislative bodies of the reorganizing political subdivisions.**  
 4 **Money paid by a reorganizing political subdivision under this**  
 5 **subsection shall be deposited in the state general fund.**

6 SECTION 11. IC 36-1.5-4-19, AS ADDED BY P.L.186-2006,  
 7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JANUARY 1, 2014]: Sec. 19. The legislative body of each of the  
 9 reorganizing political subdivisions shall provide for the following:

- 10 (1) Consideration of a plan of reorganization ~~presented by a~~  
 11 ~~reorganization committee~~ in the form of a resolution incorporating  
 12 the plan of reorganization in full or by reference.
- 13 (2) Reading of the resolution incorporating the plan of  
 14 reorganization in at least two (2) separate meetings of the  
 15 legislative body of the political subdivision.
- 16 (3) Conducting a public hearing on the plan of reorganization:  
 17 (A) not sooner than five (5) days after notice of the public  
 18 hearing is published under IC 5-3-1; and  
 19 (B) before the legislative body takes final action on the  
 20 resolution to adopt the plan of reorganization.

21 SECTION 12. IC 36-1.5-4-20, AS ADDED BY P.L.186-2006,  
 22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JANUARY 1, 2014]: Sec. 20. At a public hearing on a plan of  
 24 reorganization conducted under section 19 of this chapter, or in a  
 25 public meeting held not more than thirty (30) days after the public  
 26 hearing concludes, a legislative body of a reorganizing political  
 27 subdivision shall do one (1) of the following:

- 28 (1) Adopt the plan of reorganization. ~~as presented to the~~  
 29 ~~legislative body.~~
- 30 (2) Adopt the plan of reorganization with modifications.
- 31 (3) Reject the plan of reorganization. ~~and order a reorganization~~  
 32 ~~committee to submit a new plan of reorganization within thirty~~  
 33 ~~(30) days after the legislative body rejects the plan of~~  
 34 ~~reorganization.~~

35 SECTION 13. IC 36-1.5-4-22, AS ADDED BY P.L.186-2006,  
 36 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JANUARY 1, 2014]: Sec. 22. The legislative body of each  
 38 reorganizing political subdivision shall take any of the actions  
 39 described in section 20 of this chapter on a revised plan of  
 40 reorganization ~~submitted by a reorganization committee~~ and each  
 41 resolution modifying a plan of reorganization or revised plan of  
 42 reorganization in the same manner as the legislative body may take

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1 action on the initially submitted plan of reorganization.

2 SECTION 14. IC 36-1.5-4-23, AS ADDED BY P.L.186-2006,  
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JANUARY 1, 2014]: Sec. 23. The legislative body of a reorganizing  
5 political subdivision shall certify the legislative body's final action on  
6 a plan of reorganization or revised plan of reorganization, as modified  
7 by the legislative body, in the manner prescribed by the department of  
8 local government finance, to the following:

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

10 ~~(2) (1) The clerk of each reorganizing political subdivision.~~

11 ~~(3) (2) The county fiscal officer of each county in which a~~  
12 ~~reorganizing political subdivision is located.~~

13 ~~(4) (3) The county recorder of each county in which a~~  
14 ~~reorganizing political subdivision is located.~~

15 SECTION 15. IC 36-1.5-4-23.5, AS ADDED BY P.L.186-2006,  
16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JANUARY 1, 2014]: Sec. 23.5. ~~The following apply~~ **This section does**  
18 **not apply to a final plan of reorganization that is adopted and**  
19 **rescinded by the legislative body of a political subdivision under**  
20 **section 27.5 of this chapter.** If the legislative bodies of all political  
21 subdivisions that have been presented with **(before January 1, 2014)**  
22 **a an initial plan of reorganization prepared** under section ~~18(d) 18~~  
23 **this chapter or that have prepared (after December 31, 2013) an**  
24 **initial plan of reorganization under section 18 of this chapter, have**  
25 **not adopted a final plan of reorganization either as presented by the**  
26 **reorganization committee or as modified by all of the political**  
27 **subdivisions, within one (1) year after the initial plan of reorganization**  
28 **is presented,**

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

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

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

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

41 ~~If a legislative body does not adopt a resolution under this~~  
42 ~~subdivision within the one (1) month period, the failure to adopt~~

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1 a resolution is considered to be an approval of the final plan of  
 2 reorganization.  
 3 (3) If a legislative body adopts a resolution approving the final  
 4 plan of reorganization, the legislative body shall certify its  
 5 approval under section 23 of this chapter.  
 6 (4) If any of the legislative bodies adopts a resolution rejecting the  
 7 final plan of reorganization, the registered voters of a political  
 8 subdivision in which the final initial plan of reorganization was  
 9 rejected by presented to a legislative body (before January 1,  
 10 2014) under subdivision (2) or prepared by a legislative body  
 11 (after December 31, 2013) but not adopted may submit a  
 12 petition to the clerk of the circuit court approving the a final plan  
 13 of reorganization and requesting that a public question be held on  
 14 the final plan of reorganization. The petition must be submitted  
 15 not later than one hundred eighty (180) days after the date that  
 16 is one (1) year after the initial plan of reorganization was  
 17 presented to the legislative body (before January 1, 2014) or  
 18 prepared by the legislative body (after December 31, 2013).  
 19 voted to reject the final plan of reorganization. A petition  
 20 submitted after December 31, 2013, must meet the  
 21 requirements of section 11(a)(3) of this chapter. In certifying  
 22 the number of voters, the clerk shall disregard any signature  
 23 on the petition that is dated under section 11(a)(3)(D) of this  
 24 chapter more than one hundred eighty (180) days before the  
 25 date the petition was filed with the clerk. If the petition is  
 26 signed by at least ten percent (10%) of the voters of the political  
 27 subdivision, as determined by the vote cast in the political  
 28 subdivision for secretary of state at the most recent general  
 29 election:  
 30 (A) (1) the political subdivision is considered to have approved  
 31 the holding of the public question on the final plan of  
 32 reorganization, notwithstanding the vote by the legislative body  
 33 rejecting the final plan of reorganization; and  
 34 (B) (2) the clerk of the circuit court shall certify approval of the  
 35 final plan of the reorganization and the holding of the public  
 36 question in the manner specified in section 23 of this chapter.  
 37 SECTION 16. IC 36-1.5-4-27.5 IS ADDED TO THE INDIANA  
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 39 [EFFECTIVE JANUARY 1, 2014]: **Sec. 27.5. (a) Before the public**  
 40 **question on a reorganization under this chapter is placed on the**  
 41 **ballot, the legislative body of a political subdivision may adopt a**  
 42 **resolution to rescind the plan of reorganization previously adopted**

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1 and certified by the legislative body. The resolution to rescind the  
2 plan of reorganization must be certified by the legislative body to  
3 the:

- 4 (1) clerk of each reorganizing political subdivision;
- 5 (2) county fiscal officer of each county in which a reorganizing  
6 political subdivision is located; and
- 7 (3) county recorder of each county in which a reorganizing  
8 political subdivision is located;

9 not later than July 15.

10 (b) Each county recorder receiving a certification under  
11 subsection (a) shall do the following:

- 12 (1) Record the certification in the records of the county  
13 recorder without charge.
- 14 (2) Notify the county election board of each county in which  
15 a reorganizing political subdivision is located that the public  
16 question on the plan of reorganization is not eligible to be  
17 placed on the ballot for consideration by:

- 18 (A) the voters of each reorganizing political subdivision;
- 19 and
- 20 (B) in the case of a reorganization described in section  
21 1(a)(9) of this chapter, the voters of the entire county.

22 (c) After the county recorder of each county in which the  
23 reorganizing political subdivisions are located has notified the  
24 county election board under subsection (b) that a public question  
25 on a plan of reorganization is not eligible to be placed on the ballot,  
26 the county election board shall not place the public question on the  
27 ballot.

28 SECTION 17. IC 36-1.5-4-28, AS ADDED BY P.L.186-2006,  
29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2013]: Sec. 28. (a) For a public question voted on by voters  
31 after June 30, 2013, a public question under this chapter shall be  
32 placed on the ballot in all of the precincts that are located in the  
33 reorganizing political subdivisions in substantially the following form:

34 (Insert a brief description of the structure of the proposed  
35 reorganized political subdivision that will succeed the  
36 reorganizing political subdivisions.)

37 "Shall \_\_\_\_\_ (insert name of political subdivision) and  
38 \_\_\_\_\_ (insert name of political subdivision) reorganize as a  
39 single political subdivision?"

40 (b) The public question must appear on the ballot in the form  
41 approved by the county election board. A brief description of the  
42 reorganized political subdivision that will succeed the reorganizing

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1 political subdivisions, and the public question described in  
2 subsection (a), shall be placed on the ballot in the form prescribed  
3 by IC 3-10-9-4. For a public question voted on by voters after June  
4 30, 2013, the county election board shall submit the language to the  
5 department of local government finance for review.

6 (c) The department of local government finance shall review the  
7 language of the public question to evaluate whether the description  
8 of the reorganized political subdivision that will succeed the  
9 reorganizing political subdivisions is accurate and is not biased  
10 against either a vote in favor of the reorganization or a vote against  
11 the reorganization. The department of local government finance  
12 may:

- 13 (1) approve the ballot language as submitted; or
- 14 (2) modify the ballot language as necessary to ensure that the  
15 description of the reorganized political subdivision that will  
16 succeed the reorganizing political subdivisions is accurate and  
17 is not biased.

18 The department of local government finance shall certify its  
19 approval or recommendations to the county election board not  
20 more than ten (10) days after the language of the public question  
21 is submitted to the department for review. If the department of  
22 local government finance recommends a modification to the ballot  
23 language, the county election board shall, after reviewing the  
24 recommendations of the department of local government finance,  
25 submit modified ballot language to the department for the  
26 department's approval or recommendation of any additional  
27 modifications. The public question may not be certified under  
28 IC 3-10-9-3 unless the department of local government finance has  
29 first certified the department's final approval of the ballot  
30 language for the public question.

31 SECTION 18. IC 36-1.5-4-30, AS ADDED BY P.L.186-2006,  
32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JANUARY 1, 2014]: Sec. 30. (a) Except as provided in ~~subsection~~  
34 **subsections (b) and (c)**, at the same time that election results are  
35 certified under IC 3, the circuit court clerk of each of the counties in  
36 which a public question under this chapter is on the ballot shall jointly  
37 issue, in the form prescribed by the state election board, a certificate  
38 declaring whether the public question is approved or rejected by a  
39 majority of the voters voting on the public question in each of the  
40 reorganizing political subdivisions. In addition to any other  
41 requirements in IC 3 concerning filing of the certification, the  
42 certification shall be sent to each of the following:

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- 1 (1) The clerk of each of the reorganizing political subdivisions.
- 2 (2) The county auditor of each county in which a reorganizing
- 3 political subdivision is located.
- 4 (3) The county recorder of each county in which a reorganizing
- 5 political subdivision is located.
- 6 (4) The state board of accounts.
- 7 (5) The department of local government finance.
- 8 (6) The department of state revenue.
- 9 (7) The budget agency.
- 10 (8) If any of the reorganizing political subdivisions is a school
- 11 corporation, the department of education.

12 **(b) In the case of a public question on a reorganization**  
 13 **described in section 1(a)(7) of this chapter that is voted on by**  
 14 **voters after December 31, 2013:**

- 15 (1) **the public question on a plan of reorganization shall be**
- 16 **placed on the ballot for consideration by the voters of the**
- 17 **reorganizing municipality and township;**
- 18 (2) **the vote on the public question by the voters of a**
- 19 **reorganizing municipality and township shall be tabulated by**
- 20 **determining the sum of the votes of voters who reside in:**
- 21 (A) **each reorganizing municipality;**
- 22 (B) **the reorganizing township and not the reorganizing**
- 23 **municipality; and**
- 24 (C) **each reorganizing municipality and the reorganizing**
- 25 **township;**
- 26 (3) **the vote on the public question by the voters of:**
- 27 (A) **each reorganizing municipality; and**
- 28 (B) **each reorganizing township (excluding the voters of the**
- 29 **reorganizing municipalities);**
- 30 **shall be tabulated separately; and**
- 31 (4) **the circuit court clerk shall issue, in a form prescribed by**
- 32 **the state election board, separate certificates regarding**
- 33 **whether the public question is approved or rejected by the**
- 34 **voters of:**
- 35 (A) **each reorganizing municipality and township as set**
- 36 **forth in subdivision (2)(C);**
- 37 (B) **each reorganizing municipality; and**
- 38 (C) **each reorganizing township, excluding the voters of the**
- 39 **reorganizing municipalities;**
- 40 **voting on the public question.**

41 ~~(b)~~ (c) **In the case of a public question on a reorganization described**  
 42 **in section 1(a)(9) of this chapter:**

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1 (1) the public question on a plan of reorganization shall be placed  
2 on the ballot for consideration by the voters of the entire county;  
3 (2) the vote on the public question by the voters of the entire  
4 county shall be tabulated;  
5 (3) if the legislative bodies of the reorganizing political  
6 subdivisions have agreed that the vote on the public question shall  
7 be conducted with a rejection threshold, the vote on the public  
8 question by the voters of:  
9 (A) each reorganizing municipality; and  
10 (B) the county (excluding the voters of the reorganizing  
11 municipalities);  
12 shall be tabulated separately; and  
13 (4) the circuit court clerk shall issue, in a form prescribed by the  
14 state election board, separate certificates regarding whether the  
15 public question is approved or rejected by the voters of:  
16 (A) the entire county;  
17 (B) each reorganizing municipality; (if the legislative bodies  
18 of the reorganizing political subdivisions have agreed that the  
19 vote on the public question shall be conducted with a rejection  
20 threshold); and  
21 (C) the county, excluding the voters of the reorganizing  
22 municipalities; (if the legislative bodies of the reorganizing  
23 political subdivisions have agreed that the vote on the public  
24 question shall be conducted with a rejection threshold);  
25 voting on the public question.  
26 SECTION 19. IC 36-1.5-4-32, AS ADDED BY P.L.186-2006,  
27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JANUARY 1, 2014]: Sec. 32. (a) This subsection does not apply to a  
29 reorganization described in section 1(a)(7) or 1(a)(9) of this chapter.  
30 A reorganization as specified in the plan of reorganization is approved  
31 if a majority of the voters in each reorganizing political subdivision  
32 voting on the public question approve the public question on the  
33 reorganization. **If a reorganizing political subdivision includes the**  
34 **territory of another reorganizing political subdivision,** the vote of  
35 voters of a reorganizing political subdivision (for example, a city) who  
36 also are voters in a second reorganizing political subdivision (for  
37 example, a township) that is geographically larger than the first  
38 political subdivision and that includes the territory of the first political  
39 subdivision shall be included only in the tally of votes for the first  
40 reorganizing political subdivision in which the voters reside.  
41 (b) **This subsection applies only to a reorganization described in**  
42 **section 1(a)(7) of this chapter. This subsection applies only to a**

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1 reorganization voted on by voters after December 31, 2013. In the  
 2 case of a proposed reorganization between a municipality and a  
 3 township, the reorganization is approved only if:

4 (1) the percentage of all voters voting on the public question  
 5 who:

6 (A) reside in:

7 (i) the reorganizing municipality;

8 (ii) the reorganizing township and not the reorganizing  
 9 municipality; and

10 (iii) both the reorganizing municipality and the  
 11 reorganizing township; and

12 (B) vote in favor of the proposed reorganization;

13 is greater than fifty percent (50%);

14 (2) the percentage of voters of the reorganizing municipality  
 15 voting on the public question in favor of the reorganization  
 16 equals or exceeds the approval threshold included in the final  
 17 reorganization plan, which must be greater than fifty percent  
 18 (50%) but not more than fifty-five percent (55%); and

19 (3) the percentage of voters who reside within the  
 20 reorganizing township but do not reside within the  
 21 reorganizing municipality and who vote on the public  
 22 question in favor of the reorganization equals or exceeds the  
 23 approval threshold included in the final reorganization plan,  
 24 which must be greater than fifty percent (50%) but not more  
 25 than fifty-five percent (55%).

26 If the reorganization is not approved, the reorganization is  
 27 terminated. In tabulating the votes under subdivisions (2) and (3),  
 28 the vote of voters of a reorganizing municipality who are also  
 29 voters in the reorganizing township shall be included only in the  
 30 tally of votes for the municipality in which the voters reside.

31 ~~(b)~~ (c) This subsection applies **The following apply** only to a  
 32 reorganization described in section 1(a)(9) of this chapter:

33 (1) **In the case of a public question voted on by voters before**  
 34 **January 1, 2014**, the reorganization is approved only if:

35 ~~(1)~~ (A) the percentage of voters voting on the public question  
 36 who vote, on a countywide basis, in favor of the proposed  
 37 reorganization is at least equal to the countywide vote approval  
 38 percentage specified in the final reorganization plan;

39 ~~(2)~~ (B) if the legislative bodies of the reorganizing political  
 40 subdivisions have agreed that the vote on the public question  
 41 shall be conducted with a ~~rejection~~ **an approval** threshold,  
 42 **and** the percentage of voters of the county (excluding the

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1 voters of the reorganizing municipalities) voting on the public  
 2 question who vote against the reorganization is less than the  
 3 ~~rejection~~ **approval** threshold included in the final  
 4 reorganization plan; and  
 5 ~~(3)~~ (C) if the legislative bodies of the reorganizing political  
 6 subdivisions have agreed that the vote on the public question  
 7 shall be conducted with a ~~rejection~~ **an approval** threshold,  
 8 **and** the percentage of voters of each reorganizing municipality  
 9 voting on the public question who vote against the  
 10 reorganization is less than the ~~rejection~~ **approval** threshold  
 11 included in the final reorganization plan.

12 **(2) In the case of a public question voted on by voters after**  
 13 **December 31, 2013, the reorganization is approved only if all**  
 14 **of the following requirements are met:**

15 (A) **More than fifty percent (50%) of the voters in the**  
 16 **county voting on the public question vote (on a countywide**  
 17 **basis) in favor of the proposed reorganization.**

18 (B) **The percentage of voters of the reorganizing county**  
 19 **(excluding the voters of the reorganizing municipalities)**  
 20 **voting on the public question in favor of the reorganization**  
 21 **equals or exceeds the approval threshold included in the**  
 22 **final reorganization plan. The approval threshold must be**  
 23 **greater than fifty percent (50%) but not more than**  
 24 **fifty-five percent (55%).**

25 (C) **The percentage of voters of each reorganizing**  
 26 **municipality voting on the public question in favor of the**  
 27 **reorganization equals or exceeds the approval threshold**  
 28 **included in the final reorganization plan. The approval**  
 29 **threshold must be greater than fifty percent (50%) but not**  
 30 **more than fifty-five percent (55%).**

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

39 SECTION 20. IC 36-1.5-4-33, AS ADDED BY P.L.186-2006,  
 40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JANUARY 1, 2014]: Sec. 33. Except in the case of a reorganization  
 42 described in section **1(a)(7) or 1(a)(9)** of this chapter, if a

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1 reorganization is not approved by the majority of the voters in each  
 2 reorganizing political subdivision voting on the public question, the  
 3 reorganization is terminated. A political subdivision in which voters of  
 4 the political subdivision approved the reorganization may continue  
 5 with a reorganization with another political subdivision in which the  
 6 reorganization was approved only if a new plan of reorganization is  
 7 approved by the voters of each political subdivision in the manner  
 8 provided by this chapter. ~~The reorganization committee shall adopt a~~  
 9 ~~plan to specify how matters related to the termination of the~~  
 10 ~~reorganization shall be handled.~~

11 SECTION 21. IC 36-1.5-4-34, AS ADDED BY P.L.186-2006,  
 12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JANUARY 1, 2014]: Sec. 34. (a) This section applies if:

14 (1) in the case of a reorganization that is not described in section  
 15 **1(a)(7) or 1(a)(9)** of this chapter, the majority of the voters of  
 16 each of the reorganizing political subdivisions voting on the  
 17 public question approve the public question concerning the  
 18 reorganization; or

19 (2) in the case of a reorganization described in section **1(a)(7) or**  
 20 **1(a)(9)** of this chapter, the reorganization is approved as set forth  
 21 in section **32(b) or 32(c)** of this chapter.

22 (b) The political subdivisions are reorganized in the form and under  
 23 the conditions specified by the legislative bodies of the reorganizing  
 24 political subdivisions in the plan of reorganization filed with the county  
 25 recorder under this chapter.

26 SECTION 22. IC 36-1.5-4-38, AS ADDED BY P.L.186-2006,  
 27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2013]: Sec. 38. (a) A reorganized political subdivision has the  
 29 powers granted by statute to a political subdivision of the same type as  
 30 the reorganized political subdivision. However, if authorized by the  
 31 plan of reorganization approved by the voters in a public question  
 32 under this chapter, the reorganized political subdivision will exercise  
 33 a power or have the officers or number of offices that a statute would  
 34 have permitted any of the reorganizing political subdivisions to have.

35 (b) **This subsection applies to reorganizations approved by**  
 36 **voters after June 30, 2013. Notwithstanding subsection (a), if:**

37 (1) **a first political subdivision is located in whole or in part**  
 38 **within one (1) or more other political subdivisions that**  
 39 **reorganize under this article; and**

40 (2) **the first political subdivision does not participate in or**  
 41 **does not approve the reorganization;**

42 **the reorganization does not affect the rights, powers, and duties of**

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1 the first political subdivision, and the reorganized political  
 2 subdivision may not exercise within the first political subdivision  
 3 any right, power, or duty unless that right, power, or duty was  
 4 exercised within the first political subdivision before the  
 5 reorganization by at least one (1) of the reorganizing political  
 6 subdivisions.

7 SECTION 23. IC 36-1.5-4-39, AS ADDED BY P.L.186-2006,  
 8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2013]: Sec. 39. (a) If a law does not permit the reorganized  
 10 political subdivision to exercise generally throughout the territory of  
 11 the reorganized political subdivision a power that any of the  
 12 reorganizing political subdivisions had before the reorganization, the  
 13 reorganized political subdivision may exercise the power outside the  
 14 original territory of the reorganizing political subdivision only by  
 15 following the laws applicable to the expansion of the service area of the  
 16 reorganizing political subdivision.

17 (b) Subject to subsection (a), a reorganized political subdivision  
 18 that results from a reorganization under this chapter must  
 19 continue to carry out the duties imposed by Indiana law on the  
 20 reorganizing political subdivisions that combined to form the  
 21 reorganized political subdivision.

22 SECTION 24. IC 36-1.5-4-39.5 IS ADDED TO THE INDIANA  
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2013]: Sec. 39.5. A plan of reorganization  
 25 may establish within a reorganized political subdivision territories  
 26 or districts:

27 (1) in which specified services provided by the reorganized  
 28 political subdivision will be provided at different levels,  
 29 quantities, or amounts; and

30 (2) in which the fees, charges, or taxes imposed by the  
 31 reorganized political subdivision will vary depending on the  
 32 level, quantity, or amount of the services provided.

33 SECTION 25. IC 36-1.5-4-44 IS ADDED TO THE INDIANA  
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2013]: Sec. 44. (a) A reorganized political  
 36 subdivision consisting of:

37 (1) two (2) or more townships; and

38 (2) at least one (1) municipality;

39 that has reorganized under this article may exercise park and  
 40 recreation powers under IC 36-10 if the reorganized political  
 41 subdivision's plan of reorganization authorizes the reorganized  
 42 political subdivision to exercise those powers.



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1           **(b) If a reorganized political subdivision's plan of reorganization**  
 2 **authorizes the reorganized political subdivision to exercise park**  
 3 **and recreation powers under IC 36-10, the reorganized political**  
 4 **subdivision may establish a park and recreation board.**

5           **(c) A park and recreation board established by a reorganized**  
 6 **political subdivision under this section:**

7           **(1) shall exercise park and recreation functions within the**  
 8 **reorganized political subdivision; and**

9           **(2) has the powers and duties of both a municipal park and**  
 10 **recreation board and a township park and recreation board**  
 11 **under IC 36-10.**

12           **(d) A reorganized political subdivision may by resolution or in**  
 13 **the reorganized political subdivision's plan of reorganization**  
 14 **determine:**

15           **(1) the number of members to be appointed to the reorganized**  
 16 **political subdivision's park and recreation board;**

17           **(2) the person or entity that shall appoint or remove those**  
 18 **members;**

19           **(3) any required qualifications for those members; and**

20           **(4) the terms of those members.**

21           SECTION 26. IC 36-1.5-4-45 IS ADDED TO THE INDIANA  
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2013]: **Sec. 45. (a) Except as provided in**  
 24 **subsections (c) through (e), a political subdivision may not take an**  
 25 **action described in subsection (b) within a reorganizing political**  
 26 **subdivision after the date on which a plan of reorganization is**  
 27 **finally adopted by all reorganizing political subdivisions.**

28           **(b) A political subdivision may not take any of the following**  
 29 **actions partially or wholly within a reorganizing political**  
 30 **subdivision after the date on which a plan of reorganization is**  
 31 **finally adopted by all reorganizing political subdivisions unless all**  
 32 **reorganizing political subdivisions agree by adopting identical**  
 33 **resolutions:**

34           **(1) Initiate an annexation of territory.**

35           **(2) Establish a fire protection territory or fire protection**  
 36 **district.**

37           **(3) Extend water, sewer, or any other infrastructure to the**  
 38 **political subdivision.**

39           **(4) Expand zoning jurisdiction under IC 36-7-4-205.**

40           **(c) This chapter does not prohibit:**

41           **(1) a political subdivision subject to the reorganization from**  
 42 **taking an action under subsection (b) within the political**

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1 subdivision's own boundaries; and  
 2 (2) any of the reorganizing political subdivisions from taking  
 3 an action under subsection (b) for the purpose of  
 4 implementing the plan of reorganization.

5 (d) A political subdivision may take an action described in  
 6 subsection (b) after the date on which the reorganization is rejected  
 7 by the voters under section 33 of this chapter.

8 (e) If a reorganization is approved by the voters under section  
 9 34 of this chapter, a political subdivision may not take an action  
 10 under subsection (b) until the earlier of the following:

- 11 (1) The plan of reorganization has been implemented.
- 12 (2) One (1) year after the date on which the reorganization is  
 13 approved under section 34 of this chapter.

14 SECTION 27. IC 36-1.5-4-46 IS ADDED TO THE INDIANA  
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2013]: Sec. 46. (a) Except as otherwise  
 17 provided in this section, during the period beginning with the date  
 18 the final plan of reorganization is approved by the legislative body  
 19 or considered to be approved under section 23.5 of this chapter,  
 20 and continuing through the day on which the public question is  
 21 submitted to the voters, a political subdivision may not promote a  
 22 position on the public question by doing any of the following:

- 23 (1) Using facilities or equipment, including mail and  
 24 messaging systems, owned by the political subdivision to  
 25 promote a position on the public question, unless equal access  
 26 to the facilities or equipment is given to persons with a  
 27 position opposite to that of the political subdivision.
- 28 (2) Making an expenditure of money from a fund controlled  
 29 by the political subdivision to promote a position on the public  
 30 question.
- 31 (3) Using an employee to promote a position on the public  
 32 question during the employee's normal working hours or paid  
 33 overtime, or otherwise compelling an employee to promote a  
 34 position on the public question at any time. However, if a  
 35 person described in subsection (c) is advocating for or against  
 36 a position on the public question or discussing the public  
 37 question as authorized under subsection (c), an employee of  
 38 the political subdivision may assist the person in presenting  
 39 information on the public question if requested to do so by the  
 40 person described in subsection (c).

41 However, this section does not prohibit an official or employee of  
 42 the political subdivision from carrying out duties with respect to a

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1 public question that are part of the normal and regular conduct of  
2 the official's or employee's office or agency, including the  
3 furnishing of factual information regarding the public question in  
4 response to inquiries from any person.

5 (b) This subsection does not apply to:

6 (1) a personal expenditure to promote a position on a local  
7 public question by an employee of the political subdivision  
8 whose employment is governed by a collective bargaining  
9 contract or an employment contract; or

10 (2) an expenditure to promote a position on a local public  
11 question by a person or an organization that has a contract or  
12 an arrangement (whether formal or informal) with the  
13 political subdivision solely for the use of the political  
14 subdivision's facilities.

15 A person or an organization that has a contract or arrangement  
16 (whether formal or informal) with a political subdivision to  
17 provide goods or services to the political subdivision may not spend  
18 any money to promote a position on the public question. A person  
19 or an organization that violates this subsection commits a Class A  
20 infraction.

21 (c) Notwithstanding any other law, an elected or appointed  
22 official of a political subdivision may:

23 (1) personally advocate for or against a position on a public  
24 question; or

25 (2) discuss the public question with any individual, group, or  
26 organization or personally advocate for or against a position  
27 on a public question before any individual, group, or  
28 organization;

29 so long as it is not done by using public funds. Advocacy or  
30 discussion allowed under this subsection is not considered a use of  
31 public funds.

32 SECTION 28. IC 36-4-1-1.5 IS ADDED TO THE INDIANA CODE  
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
34 1, 2013]: **Sec. 1.5. Notwithstanding section 1 of this chapter, for**  
35 **purposes of local government administration under this title, a**  
36 **municipality reorganized under IC 36-1.5 may, subject to the**  
37 **approval of the department of local government finance:**

38 (1) be classified and described as set forth in the  
39 reorganization plan adopted under IC 36-1.5-4; and

40 (2) maintain characteristics of any of the reorganizing  
41 political subdivisions.

42 SECTION 29. IC 36-4-1.5-2, AS ADDED BY P.L.111-2005,

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1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2013]: Sec. 2. A town may be changed into a city through the  
3 following:

4 (1) The town legislative body must adopt a resolution submitting  
5 to the town's voters the question of whether the town should be  
6 changed into a city. The town legislative body shall adopt a  
7 resolution described in this subdivision if at least the number of  
8 registered voters of the town equal to ten percent (10%) of the  
9 total votes cast in the town at the last election for secretary of  
10 state sign a petition requesting the town legislative body to adopt  
11 such a resolution. In determining the number of signatures  
12 required under this subdivision, any fraction that exceeds a whole  
13 number shall be disregarded.

14 **(2) The town legislative body must adopt the resolution under**  
15 **subdivision (1) not later than thirty (30) days after the date on**  
16 **which a petition having a sufficient number of signatures is**  
17 **filed.** A resolution adopted under subdivision (1) must fix the date  
18 for an election on the question of whether the town should be  
19 changed into a city **as follows:**

20 **(A) If the election is to be on the same date as a general**  
21 **election or municipal election:**

22 **(i) the resolution must state that fact and be certified in**  
23 **accordance with IC 3-10-9-3; and**

24 **(ii) the election must be held on the date of the next**  
25 **general election or municipal election, whichever is**  
26 **earlier, at which the question can be placed on the ballot**  
27 **under IC 3-10-9-3.**

28 **(B) If the election is to be a special election, the date must be:**

29 ~~(A)~~ **(i) not less than thirty (30) and (B) not more than sixty**  
30 **(60) days after the notice of the election; and**

31 **(ii) not later than the next general election or municipal**  
32 **election, whichever is earlier, at which the question can**  
33 **be placed on the ballot under IC 3-10-9-3.**

34 **If the election is to be on the same date as a general election the**  
35 **resolution must state that fact and be certified in accordance with**  
36 **~~IC 3-10-9-3.~~**

37 (3) The town legislative body shall file a copy of the resolution  
38 adopted under subdivision (1) with the circuit court clerk of each  
39 county in which the town is located. The circuit court clerk shall  
40 immediately certify the resolution to the county election board.

41 (4) The county election board shall give notice of the election in  
42 the manner prescribed by IC 3-8-2-19. IC 3-10-6 applies to the

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1 election.

2 (5) The question described in subdivision (1) shall be placed on

3 the ballot in the form prescribed by IC 3-10-9-4. The text of the

4 question shall be: "Shall the town of \_\_\_\_\_ change into a

5 city?".

6 (6) If a majority of the voters voting on the question described in

7 subdivision (1) vote "yes", the town is changed into a city as

8 provided in this chapter. If a majority of the voters voting on the

9 question vote "no", the town remains a town.

10 SECTION 30. IC 36-4-1.5-3, AS ADDED BY P.L.111-2005,

11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

12 JULY 1, 2013]: Sec. 3. (a) A town legislative body may satisfy the

13 requirements of this section in an ordinance adopted either before or

14 after the town's voters vote on the question described in section 2 of

15 this chapter.

16 (b) If a resolution is adopted under section 2 of this chapter, the

17 town legislative body shall adopt an ordinance providing for the

18 transition from governance as a town to governance as a city. The

19 ordinance adopted under this section must include the following

20 details:

21 (1) A division of the town into city legislative body districts as

22 provided in the applicable provisions of IC 36-4-6.

23 (2) Provisions for the election of the following officers:

24 (A) The city executive.

25 (B) The members of the city legislative body.

26 (C) The city clerk or city clerk-treasurer as appropriate under

27 IC 36-4-10.

28 (3) The date of the first election of the city officers. The first

29 election may be held only on the date of ~~a~~ **the next** general

30 election or ~~a~~ municipal election, **whichever is earlier, following**

31 **the date fixed for an election under section 2 of this chapter on**

32 **the question of whether the town should be changed into a**

33 **city.** Candidates for election to the city offices shall be

34 nominated:

35 (A) at the corresponding primary election during a general

36 election year or a municipal election year; or

37 (B) as otherwise provided in IC 3.

38 (4) Subject to section 4 of this chapter, the term of office of each

39 city officer elected at the first election of city officers.

40 (5) Any other details the town legislative body considers useful in

41 providing for the transition of the town into a city.

42 (c) An ordinance adopted under this section is effective only if the

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1 voters of the town approve the conversion of the town into a city under  
2 section 2(6) of this chapter.

3 (d) The provisions of an ordinance adopted under this section are  
4 subject to all other laws governing the structure of city government.

5 (e) Subject to this chapter, the town legislative body or the city  
6 legislative body (after the town is changed into a city) may amend an  
7 ordinance adopted under this section.

8 SECTION 31. IC 36-4-3-1.4 IS ADDED TO THE INDIANA CODE  
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
10 1, 2013]: **Sec. 1.4. If a township is a participant in a proposed**  
11 **reorganization under IC 36-1.5-4-1(a)(2), IC 36-1.5-4-1(a)(7), or**  
12 **IC 36-1.5-4-1(a)(8), a municipality may not adopt an annexation**  
13 **ordinance annexing territory within the township within the period**  
14 **set forth in IC 36-1.5-4-45.**

15 SECTION 32. IC 36-7-2-1 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec.1. (a) Except as**  
17 **provided in subsection (b), this chapter applies to all units except**  
18 **townships.**

19 (b) **A unit consisting of:**

20 (1) **two (2) or more townships; and**

21 (2) **at least one (1) municipality;**

22 **that has reorganized under IC 36-1.5 may exercise planning and**  
23 **zoning power under IC 36-7-4 if the unit's plan of reorganization**  
24 **under IC 36-1.5 authorizes the unit to exercise planning and zoning**  
25 **powers.**

26 SECTION 33. IC 36-7-4-107 IS ADDED TO THE INDIANA  
27 CODE AS A NEW SECTION TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2013]: **Sec. 107. If a provision of this chapter**  
29 **requires a power to be exercised by adoption of an ordinance, a**  
30 **unit described in IC 36-7-2-1(b) shall exercise the power by**  
31 **adoption of a resolution.**

32 SECTION 34. IC 36-7-4-202.5 IS ADDED TO THE INDIANA  
33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2013]: **Sec. 202.5. (a) ADVISORY.**  
35 **Notwithstanding any other law, the legislative body of a unit**  
36 **described in IC 36-7-2-1(b) may establish by resolution an advisory**  
37 **plan commission.**

38 (b) **ADVISORY. If an advisory plan commission is established**  
39 **under this section by a unit described in IC 36-7-2-1(b) and the unit**  
40 **adopts a comprehensive plan under this chapter:**

41 (1) **the advisory plan commission of the unit shall exercise the**  
42 **planning and zoning functions within the unit;**



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- 1           **(2) the advisory plan commission of the unit may not exercise**
- 2           **planning and zoning functions within a municipality that has**
- 3           **established a plan commission under this chapter (other than**
- 4           **a municipality that participated in the reorganization of the**
- 5           **unit under IC 36-1.5);**
- 6           **(3) the county plan commission may not exercise planning and**
- 7           **zoning functions within the unit; and**
- 8           **(4) except as provided in subdivision (2), a municipal plan**
- 9           **commission of a municipality (other than a municipality that**
- 10          **participated in the reorganization of the unit under IC 36-1.5)**
- 11          **may not exercise planning and zoning functions within the**
- 12          **unit.**

13          **Notwithstanding any other law, if a municipality (other than a**  
 14          **municipality that participated in the reorganization of the unit**  
 15          **under IC 36-1.5) annexes territory within a unit described in**  
 16          **IC 36-7-2-1(b) after the unit has established an advisory plan**  
 17          **commission under this section, the municipal plan commission of**  
 18          **that municipality may not exercise planning and zoning functions**  
 19          **within that annexed territory.**

20          **(c) ADVISORY. Except as specifically provided in this chapter,**  
 21          **an advisory plan commission established under this section by a**  
 22          **unit described in IC 36-7-2-1(b) shall exercise the planning and**  
 23          **zoning functions within the unit in the same manner that a**  
 24          **municipal plan commission established under this chapter**  
 25          **exercises planning and zoning functions for a municipality.**

26          **(d) ADVISORY. Notwithstanding any other provision, if an**  
 27          **advisory plan commission is established under this section by a unit**  
 28          **described in IC 36-7-2-1(b), the legislative body of the unit shall, by**  
 29          **resolution or in the unit's plan of reorganization under IC 36-1.5,**  
 30          **determine:**

- 31               **(1) the number of members to be appointed to the unit's**
- 32               **advisory plan commission;**
- 33               **(2) the person or entity that shall appoint or remove those**
- 34               **members;**
- 35               **(3) any required qualifications for those members;**
- 36               **(4) the terms of those members; and**
- 37               **(5) whether any members or advisory members shall be**
- 38               **appointed by the county in which the unit is located or by a**
- 39               **municipality located within the unit.**

40          **SECTION 35. IC 36-7-4-901.5 IS ADDED TO THE INDIANA**  
 41          **CODE AS A NEW SECTION TO READ AS FOLLOWS**  
 42          **[EFFECTIVE JULY 1, 2013]: Sec. 901.5. (a) If an advisory plan**

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1 commission is established under section 202.5 of this chapter by a  
2 unit described in IC 36-7-2-1(b) and the unit adopts a  
3 comprehensive plan under this chapter, the legislative body of the  
4 unit shall establish a board of zoning appeals.

5 (b) A board of zoning appeals established under this section:

6 (1) shall exercise the board's powers and duties under this  
7 chapter within the unit in the same manner that a municipal  
8 board of zoning appeals established under this chapter  
9 exercises powers and duties under this chapter for a  
10 municipality; and

11 (2) may not exercise the board's powers and duties under this  
12 chapter within a municipality that has established a plan  
13 commission under this chapter (other than a municipality that  
14 participated in the reorganization of the unit under  
15 IC 36-1.5).

16 (c) Notwithstanding any other law, if the legislative body of a  
17 unit described in IC 36-7-2-1(b) establishes a board of zoning  
18 appeals under this section, the legislative body of the unit shall, by  
19 resolution or in the unit's plan of reorganization under IC 36-1.5,  
20 determine:

21 (1) the number of members to be appointed to the unit's board  
22 of zoning appeals;

23 (2) the person or entity that shall appoint or remove those  
24 members;

25 (3) any required qualifications for those members; and

26 (4) the terms of those members.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 343, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 11, line 35, after "apply" insert "**This section does not apply to a final plan of reorganization that is adopted and rescinded by the legislative body of a political subdivision under section 27.5 of this chapter.**".

Page 12, between lines 40 and 41, begin a new paragraph and insert:  
 "SECTION 15. IC 36-1.5-4-27.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014]: **Sec. 27.5. (a) Before the public question on a reorganization under this chapter is placed on the ballot, the legislative body of a political subdivision may adopt a resolution to rescind the plan of reorganization previously adopted and certified by the legislative body. The resolution to rescind the plan of reorganization must be certified by the legislative body to the:**

- (1) clerk of each reorganizing political subdivision;
- (2) county fiscal officer of each county in which a reorganizing political subdivision is located; and
- (3) county recorder of each county in which a reorganizing political subdivision is located;

not later than July 15.

(b) Each county recorder receiving a certification under subsection (a) shall do the following:

- (1) Record the certification in the records of the county recorder without charge.
- (2) Notify the county election board of each county in which a reorganizing political subdivision is located that the public question on the plan of reorganization is not eligible to be placed on the ballot for consideration by:

(A) the voters of each reorganizing political subdivision; and

(B) in the case of a reorganization described in section 1(a)(9) of this chapter, the voters of the entire county.

(c) After the county recorder of each county in which the reorganizing political subdivisions are located has notified the county election board under subsection (b) that a public question on a plan of reorganization is not eligible to be placed on the ballot,

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**the county election board shall not place the public question on the ballot."**

Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to SB 343 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 7, Nays 1.

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SENATE MOTION

Madam President: I move that Senate Bill 343 be amended to read as follows:

Page 3, between lines 9 and 10, begin a new paragraph and insert:  
"SECTION 4. IC 36-1.5-4-11, AS ADDED BY P.L.186-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014]: Sec. 11. (a) The voters of a political subdivision may initiate a proposed reorganization by filing a written petition, substantially in the form prescribed by the department, with the clerk of the political subdivision that:

- (1) proposes a reorganization; ~~and~~
- (2) names the political subdivisions that would be reorganized in the proposed reorganization; ~~and~~
- (3) for a petition filed after December 31, 2013, contains all of the following:**
  - (A) The signature of each petitioner.**
  - (B) The name of each petitioner legibly printed.**
  - (C) The residence mailing address of each petitioner.**

(b) If the written petition is signed by at least five percent (5%) 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, the clerk of the political subdivision shall certify the petition to the legislative body of the political subdivision."

Page 12, line 32, after "reorganization." insert "**A petition submitted after December 31, 2013, must meet the requirements of section 11(a)(3) of this chapter.**"

Renumber all SECTIONS consecutively.

(Reference is to SB 343 as printed February 1, 2013.)

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 343, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 23 and 24, begin a new line double block indented and insert:

**"(D) The date on which each petitioner signed the petition."**

Page 3, line 28, after "subdivision." insert **"In certifying the number of voters, the clerk shall disregard any signature on the petition that is dated under subsection (a)(3)(D) more than ninety (90) days before the date the petition was filed with the clerk."**

Page 12, line 16, after "with" insert **"(before January 1, 2014)"**.

Page 12, line 17, after "chapter" insert **"or that"**.

Page 12, line 17, after "have" insert **"prepared (after December 31, 2013) an initial plan of reorganization under section 18 of this chapter, have"**.

Page 13, line 2, after "body" insert **"(before January 1, 2014)"**.

Page 13, line 2, after "(2)" insert **"or prepared by a legislative body (after December 31, 2013)"**.

Page 13, line 8, after "body" delete "." and insert **"(before January 1, 2014) or prepared by the legislative body (after December 31, 2013)."**

Page 13, line 11, after "chapter." insert **"In certifying the number of voters, the clerk shall disregard any signature on the petition that is dated under section 11(a)(3)(D) of this chapter more than one hundred eighty (180) days before the date the petition was filed with the clerk."**

Page 16, line 7, delete "and not the" and insert ";"

Page 16, delete line 8.

Page 17, line 36, delete "and not the" and insert ";"

Page 17, delete line 37.

Page 18, line 20, delete "chapter." and insert "chapter:"

Page 19, line 30, after "section" insert **"1(a)(7) or"**.

Page 23, between lines 1 and 2, begin a new paragraph and insert:

**"SECTION 27. IC 36-1.5-4-46 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 46. (a) Except as otherwise provided in this section, during the period beginning with the date the final plan of reorganization is approved by the legislative body or considered to be approved under section 23.5 of this chapter,**

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and continuing through the day on which the public question is submitted to the voters, a political subdivision may not promote a position on the public question by doing any of the following:

- (1) Using facilities or equipment, including mail and messaging systems, owned by the political subdivision to promote a position on the public question, unless equal access to the facilities or equipment is given to persons with a position opposite to that of the political subdivision.
- (2) Making an expenditure of money from a fund controlled by the political subdivision to promote a position on the public question.
- (3) Using an employee to promote a position on the public question during the employee's normal working hours or paid overtime, or otherwise compelling an employee to promote a position on the public question at any time. However, if a person described in subsection (c) is advocating for or against a position on the public question or discussing the public question as authorized under subsection (c), an employee of the political subdivision may assist the person in presenting information on the public question if requested to do so by the person described in subsection (c).

However, this section does not prohibit an official or employee of the political subdivision from carrying out duties with respect to a public question that are part of the normal and regular conduct of the official's or employee's office or agency, including the furnishing of factual information regarding the public question in response to inquiries from any person.

(b) This subsection does not apply to:

- (1) a personal expenditure to promote a position on a local public question by an employee of the political subdivision whose employment is governed by a collective bargaining contract or an employment contract; or
- (2) an expenditure to promote a position on a local public question by a person or an organization that has a contract or an arrangement (whether formal or informal) with the political subdivision solely for the use of the political subdivision's facilities.

A person or an organization that has a contract or arrangement (whether formal or informal) with a political subdivision to provide goods or services to the political subdivision may not spend any money to promote a position on the public question. A person or an organization that violates this subsection commits a Class A



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**infraction.**

**(c) Notwithstanding any other law, an elected or appointed official of a political subdivision may:**

**(1) personally advocate for or against a position on a public question; or**

**(2) discuss the public question with any individual, group, or organization or personally advocate for or against a position on a public question before any individual, group, or organization;**

**so long as it is not done by using public funds. Advocacy or discussion allowed under this subsection is not considered a use of public funds."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 343 as reprinted February 6, 2013.)

MAHAN, Chair

Committee Vote: yeas 12, nays 0.

C  
O  
P  
Y

