

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	2

MR. SPEAKER:

Your Committee on Government and Regulatory Reform, to which was referred House Bill 1362, 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:

- 1 Page 3, line 40, delete "for which the voters have adopted a public
- 2 question" and insert "**in which:**
- 3 **(1) a resolution has been adopted under IC 36-1.5-4-10; or**
- 4 **(2) a petition has been filed under IC 36-1.5-4-11."**
- 5 Page 3, delete line 41.
- 6 Page 4, line 18, delete "an agreement or".
- 7 Page 4, line 28, delete "an agreement or".
- 8 Page 4, line 32, delete "an agreement or".
- 9 Page 5, line 2, delete "an agreement or".
- 10 Page 5, line 6, delete "agreement or".
- 11 Page 6, line 14, delete "participating" and insert "reorganizing".
- 12 Page 6, delete lines 27 through 42.
- 13 Delete page 7.
- 14 Page 8, delete lines 1 through 36.
- 15 Page 8, line 37, delete "15." and insert "5".
- 16 Page 8, line 41, delete "finally adopted plan of" and insert "**joint**

1 **certification from the county election board in each county in**
 2 **which reorganizing political subdivisions are located that indicates**
 3 **that the reorganization has been approved by the voters of each**
 4 **reorganizing political subdivision".**

5 Page 8, line 42, delete "reorganization".

6 Page 8, line 42, delete "28" and insert "31".

7 Page 9, line 5, delete "30" and insert "36".

8 Page 9, line 26, delete "16." and insert "6".

9 Page 10, delete lines 5 through 20.

10 Page 10, line 21, delete "18." and insert "7".

11 Page 10, line 27, after "or" insert ", **if authorized in the plan of**
 12 **reorganization,".**

13 Page 10, line 36, after "or" insert ", **if authorized in the plan of**
 14 **reorganization,".**

15 Page 10, delete lines 40 through 41, begin a new paragraph and
 16 insert:

17 **"Sec. 8. The department of local government finance may**
 18 **prescribe forms for petitions, resolutions, certifications, and other**
 19 **writings required under this chapter. A petition, resolution,**
 20 **certification, or other writing related to a reorganization must be**
 21 **substantially in the form prescribed by the department of local**
 22 **government finance.**

23 **Sec. 9. A reorganization may be initiated by:**

24 **(1) adopting a resolution under section 10 of this chapter; or**

25 **(2) filing a petition under section 11 of this chapter.**

26 **Sec. 10. (a) The legislative body of a political subdivision may**
 27 **initiate a proposed reorganization under this chapter by adopting**
 28 **a resolution that:**

29 **(1) proposes a reorganization; and**

30 **(2) names the political subdivisions that would be reorganized**
 31 **in the proposed reorganization.**

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

35 **Sec. 11. (a) The voters of a political subdivision may initiate a**
 36 **proposed reorganization by filing a written petition, substantially**
 37 **in the form prescribed by the department, with the clerk of the**
 38 **political subdivisions that:**

- 1 **(1) proposes a reorganization; and**
 2 **(2) names the political subdivisions that would be reorganized**
 3 **in the proposed reorganization.**

4 **(b) If the written petition is signed by at least ten percent (10%)**
 5 **of the voters of the political subdivision, as determined by the vote**
 6 **cast in the political subdivision for secretary of state at the most**
 7 **recent general election, the clerk of the political subdivision shall**
 8 **certify the petition to the legislative body of the political**
 9 **subdivision.**

10 **Sec. 12. (a) If a petition is certified to the legislative body of a**
 11 **political subdivision under section 11 of this chapter, the legislative**
 12 **body shall conduct a public hearing on the proposed reorganization**
 13 **not sooner than five (5) days after publishing a notice of the public**
 14 **hearing under IC 5-3-1. Not more than thirty (30) days after the**
 15 **conclusion of the public hearing the legislative body shall adopt a**
 16 **resolution, substantially in the form prescribed by the department**
 17 **of local government finance, to do any of the following:**

- 18 **(1) Deny the petition.**
 19 **(2) Propose a reorganization with the political subdivisions**
 20 **named in the petition.**
 21 **(3) Propose a reorganization with political subdivisions that**
 22 **differ in part or in whole from the political subdivisions**
 23 **named in the petition.**

24 **(b) The clerk of the political subdivision adopting a resolution**
 25 **proposing a reorganization under this section shall certify the**
 26 **resolution to the clerk of each political subdivision named in the**
 27 **resolution.**

28 **Sec. 13. (a) The legislative body of a political subdivision that**
 29 **receives a certified resolution under section 10 or 12 of this chapter**
 30 **may do any of the following:**

- 31 **(1) Take no action.**
 32 **(2) Adopt a resolution declining to participate in a proposed**
 33 **reorganization**
 34 **(3) Adopt a substantially identical resolution proposing to**
 35 **participate in a proposed reorganization with the political**
 36 **subdivisions named in a resolution certified to the political**
 37 **subdivision.**
 38 **(4) Adopt a resolution proposing to participate in a proposed**

1 **reorganization with political subdivisions that differ in part or**
 2 **in whole from the political subdivisions named in a resolution**
 3 **certified to the political subdivision.**

4 **(b) The clerk of the political subdivision adopting a resolution**
 5 **proposing a reorganization under this section shall certify the**
 6 **resolution to the clerk of each political subdivision named in the**
 7 **resolution.**

8 **Sec. 14. The legislative body of a political subdivision may revise**
 9 **a resolution certified under section 10, 12, or 13 of this chapter by**
 10 **adding or deleting proposed parties to the reorganization until all**
 11 **of the political subdivisions named in the resolution have adopted**
 12 **substantially identical reorganization resolutions."**

13 Page 10, line 42, delete "reorganization under this chapter," begin
 14 a new paragraph and insert:

15 **"Sec. 15. Not later than thirty (30) days after the clerk of the last**
 16 **political subdivision to adopt a reorganization resolution under this**
 17 **chapter has certified the resolution to all of the political**
 18 **subdivisions named in the resolution,"**

19 Page 11, line 2, delete "20" and insert "16".

20 Page 11, delete lines 5 through 10.

21 Page 11, line 11, delete "20." and insert "16".

22 Page 11, line 13, delete "under section 17" and insert "**by the**
 23 **reorganizing political subdivisions."**

24 Page 11, line 14, delete "of this chapter."

25 Page 11, line 39, delete "under" and insert "**by the reorganizing**
 26 **political subdivisions,"**

27 Page 11, line 40, delete "section 17 of this chapter,"

28 Page 12, line 3, delete "under section 17" and insert "**by the**
 29 **reorganizing political subdivisions;"**

30 Page 12, line 4, delete "of this chapter;"

31 Page 12, line 7, delete "21." and insert "17".

32 Page 12, line 18, delete "22." and insert "18".

33 Page 13, line 1, delete "34" and insert "40".

34 Page 13, line 9, delete ", in an agreement under section 17 of this".

35 Page 13, line 10, delete "chapter,"

36 Page 13, line 17, delete "voters" and insert "**clerk of the last**
 37 **political subdivision to adopt a reorganization resolution under this**
 38 **chapter has certified the resolution to all of the political**

1 **subdivisions named in the resolution."**

2 Page 13, delete line 18.

3 Page 13, line 19, delete "23." and insert "19."

4 Page 13, line 33, delete "24." and insert "20."

5 Page 13, line 34, delete "23" and insert "19".

6 Page 14, line 3, delete "25." and insert "21."

7 Page 14, line 7, delete "26." and insert "22."

8 Page 14, line 8, delete "action" and insert "**any of the actions**
9 **described in section 20 of this chapter"**.

10 Page 14, line 13, delete "27." and insert "23."

11 Page 14, delete lines 24 through 30, begin a new paragraph and
12 insert:

13 "**Sec. 24. The legislative body of the reorganizing political**
14 **subdivision with the largest population shall provide for a certified**
15 **copy of the plan of reorganization to be filed with each of the**
16 **following at the same time certifications are made under section 23**
17 **of this chapter:**

18 (1) **The county recorder of each county in which a**
19 **reorganizing political subdivision is located.**

20 (2) **The department of local government finance.**

21 (3) **If any of the reorganizing political subdivisions is a school**
22 **corporation, the department of education.**

23 (4) **If the plan of reorganization changes any election district**
24 **or abolishes an elected office, the clerk of the circuit court in**
25 **each county affected by the election district or elected office."**

26 Page 14, line 31, delete "28." and insert "25."

27 Page 14, line 32, delete "27" and insert "23".

28 Page 14, between lines 34 and 35, begin a new paragraph and insert:

29 "**Sec. 26. When a county recorder has received certifications**
30 **under this chapter from all of the reorganizing political**
31 **subdivisions, the county recorder shall notify the county election**
32 **board of each county in which a reorganizing political subdivision**
33 **is located that a public question on a plan of reorganization is**
34 **eligible to be placed on the ballot for consideration of the voters of**
35 **each of the reorganizing political subdivisions.**

36 **Sec. 27. After the county recorder of each county in which a**
37 **reorganizing political subdivision is located has notified the county**
38 **election board that a public question on a plan of reorganization is**

1 eligible to be placed on the ballot, the county election board shall
 2 place the public question on the ballot in accordance with IC 3-10-9
 3 on the first regularly scheduled election that will occur in all of the
 4 precincts of the reorganizing political subdivisions at least sixty (60)
 5 days after the required notices are received.

6 **Sec. 28.** A public question under this chapter shall be placed on
 7 the ballot in all of the precincts that are located in the reorganizing
 8 political subdivisions in substantially the following form:

9 "Shall _____ (insert name of political subdivision) and
 10 _____ (insert name of political subdivision) reorganize as
 11 a single political subdivision?".

12 **Sec. 29.** IC 3 applies to the election at which a public question
 13 under this chapter is considered.

14 **Sec. 30.** At the same time that election results are certified under
 15 IC 3, the circuit court clerk of each of the counties in which a
 16 public question under this chapter is on the ballot shall jointly
 17 issue, in the form prescribed by the state election board, a
 18 certificate declaring whether the public question is approved or
 19 rejected by a majority of the voters voting on the public question
 20 in each of the reorganizing political subdivisions. In addition to any
 21 other requirements in IC 3 concerning filing of the certification, the
 22 certification shall be sent to each of the following:

- 23 (1) The clerk of each of the reorganizing political subdivisions.
- 24 (2) The county auditor of each county in which a reorganizing
 25 political subdivision is located.
- 26 (3) The county recorder of each county in which a
 27 reorganizing political subdivision is located.
- 28 (4) The state board of accounts.
- 29 (5) The department of local government finance.
- 30 (6) The department of state revenue.
- 31 (7) The budget agency.
- 32 (8) If any of the reorganizing political subdivisions is a school
 33 corporation, the department of education.

34 **Sec. 31.** Each county recorder receiving a certification from a
 35 county election board under section 30 of this chapter shall file the
 36 certification without charge with the plan of reorganization
 37 recorded under section 25 of this chapter.

38 **Sec. 32.** A reorganization as specified in the plan of

1 reorganization is approved if a majority of the voters in each
 2 reorganizing political subdivision approve the public question on
 3 the reorganization. The vote of voters of a reorganizing political
 4 subdivision, (for example, a township) who also are voters in
 5 another political subdivision (for example, a county) shall be
 6 included in the tally of votes for each reorganizing political
 7 subdivision in which the voters reside.

8 **Sec. 33. If a reorganization is not approved by the majority of**
 9 **the voters in each reorganizing political subdivision, the**
 10 **reorganization is terminated. A political subdivision in which**
 11 **voters of the political subdivision approved the reorganization may**
 12 **continue with a reorganization with another political subdivision**
 13 **in which the reorganization was approved only if a new plan of**
 14 **reorganization is approved by the voters of each political**
 15 **subdivision in the manner provided by this chapter. The**
 16 **reorganization committee shall adopt a plan to specify how matters**
 17 **related to the termination of the reorganization shall be handled.**

18 **Sec. 34. (a) This section applies if the majority of the voters of**
 19 **each of the reorganizing political subdivisions approves the public**
 20 **question concerning the reorganization.**

21 **(b) Except as provided in subsection (c), the political**
 22 **subdivisions are reorganized in the form and under the conditions**
 23 **specified by the legislative bodies of the reorganizing political**
 24 **subdivisions in the plan of reorganization filed with the county**
 25 **recorder under this chapter."**

26 Page 14, line 35, delete "29." and insert "35."

27 Page 15, line 6, delete "30." and insert "36."

28 Page 15, line 6, delete "15" and insert "5".

29 Page 15, line 37, delete "31." and insert "37."

30 Page 16, line 7, delete "32." and insert "38."

31 Page 16, line 9, delete "the reorganizing" and insert "**if authorized**
 32 **by the plan of reorganization approved by the voters in a public**
 33 **question under this chapter, the"**.

34 Page 16, delete line 10.

35 Page 16, line 14, delete "33." and insert "39."

36 Page 16, line 22, delete "34." and insert "40."

37 Page 16, line 22, delete "subsection (b)" and insert "**subsections (b)**
 38 **and (c)"**.

- 1 Page 16, between lines 37 and 38, begin a new paragraph and insert:
 2 **"(b) Except as provided in subsection (c), if any indebtedness of**
 3 **a reorganizing political subdivision exists after the reorganization**
 4 **and before the reorganization revenue from a local income tax,**
 5 **excise tax, or sales tax revenue was pledged by the political**
 6 **subdivision to pay any part of the indebtedness, the fiscal body of**
 7 **the reorganized political subdivision shall annually impose the local**
 8 **income tax, excise tax, sales tax, or, if permitted by the original**
 9 **obligation, another tax until the indebtedness is fully paid. The tax**
 10 **rate may not exceed the tax rate necessary to repay the**
 11 **indebtedness and interest on the indebtedness. The tax shall be**
 12 **imposed in:**
- 13 (1) the area served by the reorganizing political subdivision
 - 14 before the reorganization; or
 - 15 (2) if permitted in the plan of reorganization, the entire area
 - 16 of the reorganized political subdivision.
- 17 **In addition, the reorganized political subdivision may provide for**
 18 **the sharing of the revenue of the reorganized political subdivision**
 19 **from any area of the reorganized political subdivision to retire the**
 20 **indebtedness."**
- 21 Page 16, line 38, delete "(b)" and insert "(c)".
- 22 Page 17, line 8, delete "subsection (a)" and insert "**subsections (a)**
 23 **and (b)**".
- 24 Page 17, line 11, delete "35." and insert "**41**".
- 25 Page 18, between lines 29 and 30, begin a new paragraph and insert:
 26 **"Sec. 42. If the functions of an elected office are transferred to**
 27 **another elected office by a reorganization under this article, any**
 28 **law, rule, or agreement that requires or permits an action by an**
 29 **elected officer shall be treated after the functions of the elected**

1 **officer are transferred as referring to the elected officer to which**
2 **the functions have been transferred by the reorganization."**

3 Page 18, line 30, delete "36." and insert "43."
(Reference is to HB 1362 as introduced.)

and when so amended that said bill do pass.

Representative Buck