

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 621 be amended to read as follows:

- 1 Page 3, between lines 6 and 7, begin a new paragraph and insert:
- 2 "SECTION 7. IC 36-1.5-2-5, AS ADDED BY P.L.186-2006,
- 3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JANUARY 1, 2014]: Sec. 5. "Reorganization" means a change in the
- 5 structure or administration of a political subdivision described in **any**
- 6 **of the following:**
- 7 (1) IC 36-1.5-4-3 and IC 36-1.5-4-4.
- 8 (2) **IC 36-1.5-6.**
- 9 SECTION 8. IC 36-1.5-2-7, AS ADDED BY P.L.186-2006,
- 10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 11 JANUARY 1, 2014]: Sec. 7. "Reorganized political subdivision" means
- 12 ~~the a~~ a political subdivision that is ~~the a~~ a successor to the reorganizing
- 13 political subdivisions participating in a reorganization.
- 14 SECTION 9. IC 36-1.5-2-8, AS ADDED BY P.L.186-2006,
- 15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JANUARY 1, 2014]: Sec. 8. "Reorganizing political subdivision"
- 17 refers to a political subdivision in which **any of the following apply:**
- 18 (1) A resolution has been adopted under IC 36-1.5-4-10 ~~or by the~~
- 19 **legislative body of the political subdivision.**
- 20 (2) A petition has been filed under IC 36-1.5-4-11 **by the voters**
- 21 **of the political subdivision.**
- 22 (3) **The political subdivision is a consolidated city, the county**
- 23 **containing the consolidated city, or a political subdivision**
- 24 **within the county containing the consolidated city to which**

- 1 **IC 36-1.5-6 applies.**
 2 SECTION 10. IC 36-1.5-6 IS ADDED TO THE INDIANA CODE
 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 4 JANUARY 1, 2014]:
 5 **Chapter 6. Deconsolidation of a Consolidated City and the**
 6 **Consolidated City's County**
 7 **Sec. 1. This chapter applies if the population of a consolidated**
 8 **city becomes less than the population parameter that defines a first**
 9 **class city under IC 36-4-1-1.**
 10 **Sec. 2. As used in this chapter, "effective date of**
 11 **deconsolidation" refers to January 1 of the year immediately**
 12 **following the year that municipal elections are held after a public**
 13 **question described in section 12 of this chapter is submitted to the**
 14 **voters of the county.**
 15 **Sec. 3. Beginning on the date that this chapter applies to a**
 16 **consolidated city, the consolidated city, the county having the**
 17 **consolidated city, and each political subdivision within that county**
 18 **become a reorganizing political subdivision under this chapter.**
 19 **Sec. 4. (a) Not later than thirty (30) days after this chapter**
 20 **applies, the members of a reorganization committee shall be**
 21 **appointed as follows:**
 22 (1) The executive of the consolidated city shall appoint three
 23 (3) members, not more than two (2) of whom may be members
 24 of the same political party.
 25 (2) The city-county council shall appoint two (2) members,
 26 who may not be members of the same political party.
 27 (3) The executives of each excluded city shall jointly appoint
 28 one (1) member.
 29 (4) The governing bodies of each school corporation shall
 30 jointly appoint one (1) member.
 31 (5) The executives of each township in the county shall jointly
 32 appoint one (1) member.
 33 (6) The county treasurer, the county auditor, and the county
 34 assessor shall jointly appoint (1) member.
 35 (b) Each member of the reorganization committee serves at the
 36 pleasure of the member's appointing authority. The reorganization
 37 committee shall select a chair and any other officers that the
 38 reorganization committee determines necessary from the members
 39 of the reorganization committee.
 40 (c) The members of the reorganization committee serve without
 41 compensation. The members are, however, entitled to
 42 reimbursement from the reorganizing political subdivisions for the
 43 necessary expenses incurred in the performance of the members'
 44 duties.
 45 (d) The reorganizing political subdivisions shall provide
 46 necessary office space, supplies, and staff to the reorganization
 47 committee. The reorganizing political subdivisions may employ

1 attorneys, accountants, consultants, and other professionals for the
2 reorganization committee.

3 (e) Except as otherwise provided in an agreement adopted by
4 the reorganizing political subdivisions, claims for expenditures for
5 the reorganization committee shall be made to the fiscal officer of
6 the consolidated city and county. The fiscal officer shall pay the
7 necessary expenditures and obtain reimbursement from the
8 reorganizing political subdivisions in accordance with an
9 agreement adopted by the reorganizing political subdivisions. If the
10 reorganizing political subdivisions are unable to agree on the
11 allocation of expenses of the reorganization committee, expenses
12 shall be paid as follows:

13 (1) Six-ninths (6/9) of the expenses shall be paid by the
14 consolidated city.

15 (2) One-ninth (1/9) of the expenses shall be paid by the
16 excluded cities within the county. Each excluded city shall pay
17 an equal proportion of the expenses allocated to the excluded
18 cities under this subdivision.

19 (3) One-ninth (1/9) of the expenses shall be paid by the school
20 corporations within the county. Each school corporation shall
21 pay an equal proportion of the expenses allocated to the
22 school corporations under this subdivision.

23 (4) One-ninth (1/9) of the expenses shall be paid by the
24 townships within the county. Each township shall pay an
25 equal proportion of the expenses allocated to the townships
26 under this subdivision.

27 **Sec. 5.** A reorganization committee appointed under section 4 of
28 this chapter may do the following:

29 (1) Adopt procedures governing the internal management of
30 the reorganization committee.

31 (2) Conduct public hearings on the plan of reorganization as
32 the reorganization committee determines necessary or
33 appropriate.

34 (3) Review the books and records of any reorganizing political
35 subdivision.

36 (4) Administer oaths.

37 (5) Issue and enforce subpoenas and discovery orders under
38 IC 4-21.5.

39 **Sec. 6. (a)** A reorganization committee appointed under section
40 4 of this chapter shall prepare a comprehensive plan of
41 reorganization for restructuring the government of the county and
42 the political subdivisions within the county.

43 (b) If the plan of reorganization is adopted as provided in this
44 chapter, the plan governs the actions, duties, and powers of the
45 county and the reorganized political subdivisions within the
46 county, beginning on the effective date of deconsolidation.

47 (c) The plan of reorganization must include at least the

- 1 following:
- 2 (1) The name and a description of each reorganized political
- 3 subdivision and the reorganizing political subdivisions that
- 4 the reorganized political subdivision will succeed.
- 5 (2) A description of the boundaries of each reorganized
- 6 political subdivision.
- 7 (3) Subject to IC 36-1.5-4-40, a description of the taxing areas
- 8 in which taxes to retire obligations of the reorganizing
- 9 political subdivisions will be imposed.
- 10 (4) The following information for each reorganized political
- 11 subdivision:
- 12 (A) A description of the membership of the legislative
- 13 body, the fiscal body, and the executive of the reorganized
- 14 political subdivision.
- 15 (B) A description of the election districts or appointment
- 16 districts from which officers will be elected or appointed.
- 17 (C) The manner in which the membership of each elected
- 18 or appointed office will be elected or appointed.
- 19 (5) A description of the services to be offered by each
- 20 reorganized political subdivision and the service areas in
- 21 which services will be offered.
- 22 (6) The disposition of the personnel, the agreements, the
- 23 assets, and, subject to IC 36-1.5-4-40, the liabilities of the
- 24 reorganizing political subdivisions, including the terms and
- 25 conditions upon which the transfer of property and personnel
- 26 will be achieved.
- 27 (7) A statement of:
- 28 (A) whether a fiscal impact analysis concerning the
- 29 proposed reorganization has been prepared or has not
- 30 been prepared by or on behalf of the reorganization
- 31 committee; and
- 32 (B) whether a fiscal impact analysis concerning the
- 33 proposed reorganization has been made available or has
- 34 not been made available to the public by or on behalf of the
- 35 reorganization committee.
- 36 (8) Tax levies, tax rates, and a budget for each of the
- 37 reorganized political subdivisions.
- 38 (9) For any reorganized political subdivision that will have
- 39 election districts for any of the reorganized political
- 40 subdivision's elected offices, the election districts for those
- 41 elected offices.
- 42 (10) Any other matter that the reorganization committee
- 43 determines to be necessary or appropriate.
- 44 Sec. 7. (a) Upon completion of a plan of reorganization under
- 45 section 6 of this chapter, a copy of the plan of reorganization shall
- 46 be posted on the Internet web site maintained or authorized by the
- 47 consolidated city and the consolidated city's county.

1 (b) The reorganization committee shall present the plan of
2 reorganization to the legislative body of each of the reorganizing
3 political subdivisions at the public hearing described in subsection
4 (c).

5 (c) The legislative body of each of the reorganizing political
6 subdivisions shall conduct a public hearing on the plan of
7 reorganization not earlier than five (5) days after notice of the
8 public hearing is published under IC 5-3-1.

9 Sec. 8. (a) At a public hearing on a plan of reorganization
10 conducted under section 7 of this chapter, or in a public meeting
11 held not more than thirty (30) days after the public hearing
12 concludes, the legislative body of a reorganizing political
13 subdivision shall do one (1) of the following:

14 (1) Adopt a resolution endorsing the plan of reorganization as
15 presented to the legislative body.

16 (2) Adopt a resolution requesting that changes to the plan of
17 reorganization be made as described in the resolution.

18 (b) The legislative body of a reorganizing political subdivision
19 shall send a copy of the resolution adopted under subsection (a) to
20 each of the following:

21 (1) The chair of the reorganization committee.

22 (2) The legislative body of every other reorganizing political
23 subdivision in the county.

24 Sec. 9. (a) Not sooner than the earlier of:

25 (1) one (1) year after completion of the plan of reorganization
26 under section 6 of this chapter; and

27 (2) thirty (30) days after receiving the most recent of all the
28 resolutions of the legislative bodies of the reorganizing
29 political subdivisions under section 8 of this chapter;

30 the reorganization committee shall hold a hearing.

31 (b) At the hearing held under this section, the reorganization
32 committee shall do the following:

33 (1) Consider changes suggested to the plan of reorganization
34 received from the reorganizing political subdivisions.

35 (2) Hear public testimony on the plan of reorganization and
36 the suggested changes.

37 Sec. 10. (a) Not sooner than thirty (30) days after a hearing held
38 under section 9 of this chapter, the reorganizing committee shall
39 hold a hearing to adopt any amendments to the plan of
40 reorganization and adopt a final plan of reorganization.

41 (b) The affirmative vote of at least six (6) members of the
42 reorganization committee is necessary for adoption of the final
43 plan of reorganization.

44 Sec. 11. The reorganizing committee shall file with each of the
45 following a certified copy of the final plan of reorganization
46 adopted under section 10 of this chapter:

47 (1) The circuit court clerk of the county.

1 (2) The department of local government finance.

2 (3) The department of education.

3 **Sec. 12. (a) After the circuit court clerk of the county receives**
 4 **the certified copy of a final plan of reorganization under section 11**
 5 **of this chapter, the county election board shall place the following**
 6 **public question on the ballot in accordance with IC 3-10-9 at the**
 7 **next general election held in the county. The public question must**
 8 **be in substantially the following form:**

9 **"Shall the government of (insert name of the county) County**
 10 **and all the political subdivisions within (insert name of the**
 11 **county) County be reorganized as provided in the final plan**
 12 **of reorganization adopted by the (insert name of the county)**
 13 **County Reorganization Committee?"**

14 **(b) IC 3 applies to the election at which the public question is**
 15 **submitted to the voters of the county under this section.**

16 **Sec. 13. The circuit court clerk shall certify to each of the**
 17 **following, as provided in IC 3, the results of the vote on a public**
 18 **question submitted to the voters of the county under section 12 of**
 19 **this chapter:**

20 (1) The legislative body of each of the reorganizing political
 21 subdivisions.

22 (2) The state board of accounts.

23 (3) The department of local government finance.

24 (4) The department of state revenue.

25 (5) The budget agency.

26 (6) The department of education.

27 **Sec. 14. (a) This section applies if a majority of the voters who**
 28 **vote on a public question submitted to the voters of a county under**
 29 **section 12 of this chapter vote in favor of the public question.**

30 **(b) The reorganization of the county, the consolidated city, and**
 31 **each of the political subdivisions in the county takes effect as**
 32 **provided in the final plan of reorganization.**

33 **(c) The appointed or elected officers of each of the reorganized**
 34 **political subdivisions shall be elected and take office as provided in**
 35 **the final plan of reorganization.**

36 **(d) When a reorganization under this chapter is effective, all of**
 37 **the following apply:**

38 (1) All of the reorganizing political subdivisions, except the
 39 reorganized political subdivisions, cease to exist.

40 (2) Unless the plan of reorganization provides for the
 41 continuation of the term of office, the term of each of the
 42 elected offices of each of the reorganizing political
 43 subdivisions is terminated.

44 (3) If the plan of reorganization transfers the responsibilities
 45 of any office to another office, the office from which the
 46 responsibilities are transferred is abolished.

47 (4) The executives, legislative bodies, and fiscal bodies of the

1 reorganizing political subdivisions (other than any
2 reorganizing political subdivision that is treated under the
3 plan of reorganization as the successor reorganized political
4 subdivision) are abolished, and the responsibilities of the
5 executives, legislative bodies, and fiscal bodies are transferred
6 to the executive, legislative body, and fiscal body of the
7 reorganized political subdivision.

8 (5) The property and liabilities of the reorganizing political
9 subdivisions become the property and liabilities of the
10 reorganized political subdivision, subject to IC 36-1.5-4-40.

11 **Sec. 15.** The following apply if a majority of the voters who vote
12 on a public question submitted to the voters of a county under
13 section 12 of this chapter do not vote in favor of the public
14 question:

15 (1) Beginning on the effective date of deconsolidation, the
16 consolidated city becomes a second class city under
17 IC 36-4-1-1. The boundaries of the second class city are the
18 boundaries of the city that became the consolidated city on the
19 date the city became a consolidated city.

20 (2) The executive and members of the legislative body of the
21 city established as provided in subdivision (1) shall be elected
22 at the first municipal election held after the public question is
23 submitted to the voters under section 12 of this chapter. The
24 executive and members of the legislative body elected at this
25 municipal election take office on the effective date of
26 deconsolidation.

27 (3) The city-county council (not later than one (1) year before
28 the effective date of deconsolidation) may divide the territory
29 of the second class city into districts required by IC 36-4-6-3.
30 After the districts become effective, IC 36-4-6-3 applies to the
31 election of the members of the city legislative body, and the
32 city legislative body may establish city legislative body
33 districts as provided in IC 36-4-6-3. Until the territory of the
34 city is divided into districts as provided in IC 36-4-6-3, the
35 following apply to election of the members of the city
36 legislative body:

37 (A) The city legislative body consists of nine (9) members.

38 (B) Each member of the city legislative body shall be
39 elected at large by all the voters who reside within the
40 territory of the second class city.

41 (C) Each voter may vote for only one (1) candidate for
42 election to the legislative body.

43 (D) The nine (9) candidates who receive the greatest
44 number of votes in the election are elected to the legislative
45 body.

46 (E) Except as provided in this section, IC 3 and IC 36-4-6
47 apply to the election of the members of the legislative body.

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(4) The county executive shall be elected at the first general election held after the effective date of deconsolidation as provided in IC 36-2-2 and take office the following January 1. The county treasurer, county auditor, and county assessor serve as the county executive until the county executive elected under this subdivision takes office.

(5) The county fiscal body shall be elected at the first general election held after the effective date of deconsolidation as provided in IC 36-2-3 and take office the following January 1. The county treasurer, county auditor, and county assessor serve as the county fiscal body until the county fiscal body elected under this subdivision takes office. Before the effective date of deconsolidation, the city-county council may divide the county into four (4) contiguous single member districts that comply with IC 36-2-3-4(d) from which four (4) members of the county fiscal body shall be elected under this subdivision. Three (3) of the members of the county fiscal body shall be elected at large as provided in IC 36-2-3-4. After the county executive takes office under this subdivision, the county executive may divide the county into single member districts for the county fiscal body as provided in IC 36-2-3-4. Until the territory of the county is divided into districts as provided in IC 36-4-6-3, the following apply to election of the members of the county fiscal body:

(A) The county fiscal body consists of seven (7) members.

(B) Each member of the county fiscal body shall be elected at large by all the voters who reside within the county.

(C) Each voter may vote for only one (1) candidate for election to the fiscal body.

(D) The seven (7) candidates who receive the greatest number of votes in the election are elected to the fiscal body.

(E) Except as provided in this section, IC 3 and IC 36-2-3 apply to the election of the members of the fiscal body.

(6) All county elected officers other than the county executive and the county fiscal body shall be elected in the manner and at the times that they would be elected had the deconsolidation not occurred.

(7) The county and each political subdivision within the county shall be governed by the law applicable to counties or a similar political subdivision.

Sec. 16. The following apply in the case of a reorganization under this chapter:

(1) IC 36-1.5-4-40.

(2) IC 36-1.5-4-41.

(3) IC 36-1.5-4-42."

Page 10, between lines 14 and 15, begin a new paragraph and insert:

1 "SECTION 15. IC 36-4-1-1, AS AMENDED BY P.L.119-2012,
2 SECTION 184, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Municipalities are classified
4 according to their status and population as follows:

5 STATUS AND POPULATION	CLASS
6 Cities of 600,000 1,500,000 or more	First class cities
7 Cities of 35,000 to 599,999 1,499,999	Second class cities
8 Cities of less than 35,000	Third class cities
9 Other municipalities of any 10 population	Towns

11 (b) Except as provided in subsection (c), a city that attains a
12 population of thirty-five thousand (35,000) remains a second class city
13 even though its population decreases to less than thirty-five thousand
14 (35,000) at the next federal decennial census.

15 (c) The legislative body of a city to which subsection (b) applies
16 may, by ordinance, adopt third class city status."

17 Page 13, after line 10, begin a new paragraph and insert:

18 "**SECTION 19. [EFFECTIVE JULY 1, 2013] (a) The legislative**
19 **services agency shall prepare, as directed by the legislative council,**
20 **legislation for introduction in the 2014 regular session of the**
21 **general assembly to organize and correct statutes affected by this**
22 **act, if necessary.**

23 **(b) This SECTION expires July 1, 2014."**

24 Renumber all SECTIONS consecutively.

(Reference is to ESB 621 as printed April 2, 2013.)

Representative Bartlett