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**For more information, please contact:**

Michael Rouker, City Attorney, City of Bloomington, [roukerm@bloomington.in.gov](mailto:roukerm@bloomington.in.gov), or 812-349-3426

**Indiana Supreme Court Finds For Bloomington in Declaring State Statute Unconstitutional**

**Bloomington, Ind.** -This morning, the Indiana Supreme Court decided in favor of the City of Bloomington, declaring a section of the 2017 budget bill that stopped Bloomington's proposed annexation unconstitutional. The City of Bloomington had challenged the statute, passed by the state legislature in April 2017, in a declaratory judgment action against Governor Holcomb. Special Judge Frank Nardi first heard the City's appeal and on April 18, 2019 also found for the City.

After Judge Nardi ruled in favor of the City, the State appealed his decision to the Indiana Supreme Court, which heard oral arguments on the case on January 9, 2020, before issuing its opinion in favor of the City today.

In today's 3-2 ruling, the state's highest court affirmed the trial court in finding that Bloomington can challenge the statute in this declaratory judgment against the governor, and that "the statute is unconstitutional special legislation in violation of Article 4, Section 23 of the Indiana Constitution because the legislature enacted a special

law--one that targeted only Bloomington--when it could have enacted a law that applied generally throughout Indiana.”

“We are very gratified that the Indiana Supreme Court has affirmed that the legislature unconstitutionally passed this law harmfully targeting Bloomington and upending an orderly public annexation process,” said Mayor John Hamilton. “The basic requirement of fairness embedded in the Indiana Constitution is meant to protect municipalities or other individual entities from being subject to just such punitive, targeted laws. It is frustrating that the process was derailed for so long and at such expense, but we are hopeful that we can now revisit the important public process that cities typically undertake, to review boundaries as urbanization and populations grow. In the coming weeks, we will be discussing many details required to be considered.”

Today’s decision marks a significant milestone in the City’s efforts initiated nearly four years ago to annex several urbanized areas beyond the current corporate limits, which have not changed since 2004. In February 2017, Mayor Hamilton publicly announced plans for the proposed annexation and, upon adoption of the requisite resolutions by the Bloomington Common Council, began the annexation process, which, by statute, included six public outreach meetings. The process was interrupted in April 2017 when the General Assembly preemptively added a special section uniquely voiding Bloomington’s annexation to its annual budget bill (Indiana Code section 36-4-3-11.8), which the Governor signed, stopping Bloomington’s annexation process immediately and for the next five years.

In consideration of today’s ruling, the Mayor and Council President Steve Volan have reached out to county government counterparts and others to identify potential paths forward, in light of the passage of time and various developments since the annexation process was interrupted in 2017.

“The Mayor’s proposal for annexation obligated the Common Council to consider it in a process that by state law is required to take at least five months. Halfway through that process, and well before Council was able to complete a full analysis of the plan, the General Assembly unconstitutionally overrode existing state law,” said Volan. “Council recognizes the strongly felt concerns of all involved, whether they live within the city’s

current boundaries or not. The current Council is committed to the same fair, thorough, and critical vetting of the plan that the previous Council was conducting.”