
HOUSE BILL No. 1577

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-4-9.

Synopsis: City attorneys. Provides that the corporation counsel in a second class city or the city attorney in a third class city must be an Indiana resident who is admitted to the practice of law in Indiana. Deletes eligibility requirements that apply to the head of the department of law in a second or third class city if such a department is established. (Current law permits but does not require the establishment of a department of law in a second or third class city).

Effective: July 1, 2011.

Austin

January 20, 2011, read first time and referred to Committee on Local Government.

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Introduced

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1577

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 36-4-9-6, AS AMENDED BY P.L.141-2009,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 6. (a) This section applies only to second class
4 cities.
5 (b) The city executive shall appoint:
6 (1) a city controller;
7 (2) a city civil engineer;
8 (3) a corporation counsel, **who must be an Indiana resident who**
9 **is admitted to the practice of law in Indiana;**
10 (4) a chief of the fire department;
11 (5) a chief of the police department; and
12 (6) other officers, employees, boards, and commissions required
13 by statute.
14 (c) The board of public works and safety may be composed of three
15 (3) members or five (5) members appointed by the executive. A
16 member may hold other appointive positions in city government during
17 the member's tenure. IC 36-4-11-2 applies to board member



1 appointments under this section. The executive shall appoint a clerk for
2 the board.

3 (d) If the board of public works and board of public safety are
4 established as separate boards, each board may be composed of three
5 (3) members or five (5) members who are appointed by the executive.
6 A member may hold other appointive positions in city government
7 during the member's tenure. The executive shall appoint a clerk for
8 each board.

9 (e) If the executive:

10 (1) increases the number of members of a board of public works
11 and safety, a board of public works, or a board of public safety
12 from three (3) to five (5) members; or

13 (2) decreases the number of members of a board of public works
14 and safety, a board of public works, or a board of public safety
15 from five (5) to three (3) members;

16 the city shall publish notice under IC 5-3-1 of the increase or decrease
17 in members and state the total number of members appointed to the
18 board.

19 SECTION 2. IC 36-4-9-8, AS AMENDED BY P.L.33-2010,
20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2011]: Sec. 8. (a) This section applies only to third class
22 cities.

23 (b) The city executive shall appoint:

- 24 (1) a city civil engineer;
- 25 (2) a city attorney, **who must be an Indiana resident who is**
26 **admitted to the practice of law in Indiana;**
- 27 (3) a chief of the fire department;
- 28 (4) a chief of the police department; and
- 29 (5) other officers, employees, boards, and commissions required
30 by statute.

31 (c) The board of public works and safety consists of three (3) or five
32 (5) members (as determined by the city executive). The members of the
33 board of public works and safety are:

- 34 (1) the city executive; and
- 35 (2) two (2) or four (4) persons appointed by the executive.

36 If the executive increases the number of board members from three (3)
37 to five (5) members or decreases the number of board members from
38 five (5) to three (3) members, the city shall publish notice under
39 IC 5-3-1 of the increase or decrease in members and state the total
40 number of members appointed to the board. IC 36-4-4-2
41 notwithstanding, a member may hold other appointive or elective
42 positions in city government during the member's tenure. IC 36-4-11-2

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1 applies to board member appointments under this section. The city
2 clerk is the clerk of the board.

3 (d) If the city legislative body adopts an ordinance under IC 36-4-12
4 to employ a city manager, the executive may appoint the city manager
5 to a position on the board of public works and safety in place of the
6 executive.

7 (e) The city executive may appoint a public safety director to:
8 (1) serve as the chief administrative officer of; and
9 (2) oversee the operations of;
10 the police department and fire department. The city executive shall
11 determine the qualifications of the public safety director.

12 SECTION 3. IC 36-4-9-11 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) In a second
14 class city, the corporation counsel is the head of the department of law.
15 His first deputy is the city attorney, and his second deputy is the
16 assistant city attorney.

17 (b) In a third class city, the city attorney is the head of the
18 department of law.

19 (c) To be eligible to be appointed as the head of the department of
20 law, a person must meet the following requirements:

- 21 (1) Be admitted to the practice of law in Indiana;
- 22 (2) Except as provided in subdivision (3), be a resident of the
23 county in which the city is located;
- 24 (3) For a third class city located in a county having a population
25 of less than six thousand (6,000); be a resident of Indiana;

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