



Reprinted  
April 5, 2013

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# ENGROSSED SENATE BILL No. 621

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DIGEST OF SB 621 (Updated April 4, 2013 4:56 pm - DI 87)

**Citations Affected:** IC 3-8; IC 3-11.5; IC 36-3; IC 36-6; IC 36-7.

**Synopsis:** Local government issues. Provides that the consolidated law enforcement department of a county having a consolidated city is a division of the department of public safety under the direction and control of the director of public safety. Allows the city-county council to approve the initial director and deputy appointments of the mayor of the consolidated city. Eliminates provisions that allow the city-county council to require the capital improvement board of managers to make payments in lieu of taxes (PILOTS) for deposit in the consolidated county fund. Allows the mayor of a consolidated city to appoint two additional members to the metropolitan development commission, and eliminates the appointments of the county board of commissioners  
(Continued next page)

**Effective:** July 1, 2013.

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**Young R Michael, Waltz, Delph,  
Crider, Miller Patricia, Schneider**  
(HOUSE SPONSORS — FRIZZELL, BEHNING, SPEEDY)

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January 17, 2013, read first time and referred to Committee on Local Government.  
February 14, 2013, amended, reported favorably — Do Pass.  
February 18, 2013, read second time, ordered engrossed.  
February 19, 2013, engrossed.  
February 21, 2013, read third time, passed. Yeas 33, nays 14.  
HOUSE ACTION  
February 26, 2013, read first time and referred to Committee on Government and Regulatory Reform.  
April 2, 2013, amended, reported — Do Pass.  
April 4, 2013, read second time, amended, ordered engrossed.

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ES 621—LS 7128/DI 87+



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(consisting of the county treasurer, county auditor, and county assessor). Allows the controller of the consolidated city and county to allot amounts appropriated to an office, department, or agency of the consolidated city or county. Requires a candidate for mayor of the consolidated city to reside in the city for at least one year (instead of five years) before taking office. Requires a candidate for member of the city-county council to reside within the council district for at least one year (instead of two years) before taking office. Provides that in Marion County, a township board consists of five (instead of seven) members. Provides that members of the initial five member township board are elected at the November 2016 general election. Requires absentee ballots in Marion, Lake, and Allen counties to be counted at a central location unless the county election board unanimously adopts a resolution that: (1) requires absentee ballots to be counted at individual precincts; and (2) states the county election board's basis for adopting the requirement.

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Reprinted  
April 5, 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.

## ENGROSSED SENATE BILL No. 621

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 3-8-1-24 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2013]: Sec. 24. A candidate for the office of  
3 mayor of a first class city must have resided in the city for at least ~~five~~  
4 ~~(5) years~~ **one (1) year** before the date of taking office.
- 5 SECTION 2. IC 3-8-1-25 IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2013]: Sec. 25. A candidate for membership on  
7 city-county council of a first class city must have resided in the district  
8 in which seeking election, if applicable, for at least ~~two (2) years~~ **one**  
9 **(1) year** before the date of taking office.
- 10 SECTION 3. IC 3-11.5-1-1.1 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1.1. This article applies  
12 to:  
13 **(1) a county subject to IC 3-11.5-4-0.5; or**  
14 **(2) a county whose county election board, by unanimous vote of**  
15 **the board's entire membership, has adopted a resolution under**  
16 **IC 3-11.5-5-1 or IC 3-11.5-6-1.**
- 17 SECTION 4. IC 3-11.5-4-0.5 IS ADDED TO THE INDIANA

ES 621—LS 7128/DI 87+



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1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. (a) This section applies only**  
 3 **to a county with a population of more than three hundred**  
 4 **twenty-five thousand (325,000).**

5 (b) Except as provided in subsection (c), a county shall count  
 6 absentee ballots at a central location.

7 (c) If the county election board adopts a resolution, by the  
 8 unanimous vote of the entire membership of the board, that:

9 (1) requires absentee ballots to be counted at individual  
 10 precincts instead of at a central location; and

11 (2) states the board's basis for adopting the requirement  
 12 described in subdivision (1);

13 **all absentee ballots shall be counted at individual precincts instead**  
 14 **of at a central location.**

15 (d) A copy of the resolution adopted under subsection (c) shall  
 16 be filed with the election division.

17 SECTION 5. IC 3-11.5-5-1 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) This chapter  
 19 applies in a county:

20 (1) that is subject to IC 3-11.5-4-0.5; or

21 (2) only if in which the county election board adopts a resolution  
 22 making this chapter applicable in the county.

23 (b) A copy of a resolution adopted under ~~this section~~ **subsection**  
 24 **(a)(2)** shall be filed with the election division.

25 (c) A county election board may not adopt a resolution under ~~this~~  
 26 **section subsection (a)(2)** less than:

27 (1) sixty (60) days before an election is to be conducted; or

28 (2) fourteen (14) days after an election has been conducted.

29 (d) A resolution adopted under ~~this section~~ **subsection (a)(2)** takes  
 30 effect immediately and may only be rescinded by the unanimous vote  
 31 of the entire membership of the county election board.

32 SECTION 6. IC 3-11.5-6-1 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) This chapter  
 34 applies in a county:

35 (1) that is subject to IC 3-11.5-4-0.5; or

36 (2) only if in which the county election board adopts a resolution  
 37 making this chapter applicable in the county.

38 (b) A copy of a resolution adopted under ~~this section~~ **subsection**  
 39 **(a)(2)** shall be sent to the election division.

40 (c) A county election board may not adopt a resolution under ~~this~~  
 41 **section subsection (a)(2)** less than:

42 (1) sixty (60) days before an election is to be conducted; or

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1 (2) fourteen (14) days after an election has been conducted.  
 2 (d) A resolution adopted under ~~this section~~ **subsection (a)(2)** takes  
 3 effect immediately and may only be rescinded by the unanimous vote  
 4 of the entire membership of the county election board.  
 5 SECTION 7. IC 36-3-1-5.1, AS AMENDED BY P.L.182-2009(ss),  
 6 SECTION 400, IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2013]: Sec. 5.1. (a) Except for those duties that  
 8 are reserved by law to the county sheriff in this section, the city-county  
 9 legislative body may by majority vote adopt an ordinance, approved by  
 10 the mayor, to consolidate the police department of the consolidated city  
 11 and the county sheriff's department. **The consolidated law**  
 12 **enforcement department must be a division of the department of**  
 13 **public safety under the direction and control of a director of public**  
 14 **safety.**  
 15 (b) The city-county legislative body may not adopt an ordinance  
 16 under this section unless it first:  
 17 (1) holds a public hearing on the proposed consolidation; and  
 18 (2) determines that:  
 19 (A) reasonable and adequate police protection can be provided  
 20 through the consolidation; and  
 21 (B) the consolidation is in the public interest.  
 22 (c) If an ordinance is adopted under this section, the consolidation  
 23 shall take effect on the date specified in the ordinance.  
 24 (d) Notwithstanding any other law, an ordinance adopted under this  
 25 section must provide that the county sheriff's department shall be  
 26 responsible for all the following for the consolidated city and the  
 27 county under the direction and control of the sheriff:  
 28 (1) County jail operations and facilities.  
 29 (2) Emergency communications.  
 30 (3) Security for buildings and property owned by:  
 31 (A) the consolidated city;  
 32 (B) the county; or  
 33 (C) both the consolidated city and county.  
 34 (4) Service of civil process and collection of taxes under tax  
 35 warrants.  
 36 (5) Sex and violent offender registration.  
 37 (e) The following apply if an ordinance is adopted under this  
 38 section:  
 39 (1) The department of local government finance shall adjust the  
 40 maximum permissible ad valorem property tax levy of the  
 41 consolidated city and the county for property taxes first due and  
 42 payable in the year a consolidation takes effect under this section.

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- 1 When added together, the adjustments under this subdivision  
 2 must total zero (0).
- 3 (2) The ordinance must specify which law enforcement officers  
 4 of the police department and which law enforcement officers of  
 5 the county sheriff's department shall be law enforcement officers  
 6 of the consolidated law enforcement department.
- 7 (3) The ordinance may not prohibit the providing of law  
 8 enforcement services for an excluded city under an interlocal  
 9 agreement under IC 36-1-7.
- 10 (4) A member of the county police force who:  
 11 (A) was an employee beneficiary of the sheriff's pension trust  
 12 before the consolidation of the law enforcement departments;  
 13 and  
 14 (B) after the consolidation becomes a law enforcement officer  
 15 of the consolidated law enforcement department;  
 16 remains an employee beneficiary of the sheriff's pension trust.  
 17 The member retains, after the consolidation, credit in the sheriff's  
 18 pension trust for service earned while a member of the county  
 19 police force and continues to earn service credit in the sheriff's  
 20 pension trust as a member of the consolidated law enforcement  
 21 department for purposes of determining the member's benefits  
 22 from the sheriff's pension trust.
- 23 (5) A member of the police department of the consolidated city  
 24 who:  
 25 (A) was a member of the 1953 fund or the 1977 fund before  
 26 the consolidation of the law enforcement departments; and  
 27 (B) after the consolidation becomes a law enforcement officer  
 28 of the consolidated law enforcement department;  
 29 remains a member of the 1953 fund or the 1977 fund. The  
 30 member retains, after the consolidation, credit in the 1953 fund or  
 31 the 1977 fund for service earned while a member of the police  
 32 department of the consolidated city and continues to earn service  
 33 credit in the 1953 fund or the 1977 fund as a member of the  
 34 consolidated law enforcement department for purposes of  
 35 determining the member's benefits from the 1953 fund or the  
 36 1977 fund.
- 37 (6) The ordinance must designate the merit system that shall  
 38 apply to the law enforcement officers of the consolidated law  
 39 enforcement department.
- 40 (7) The ordinance must designate who shall serve as a coapplicant  
 41 for a warrant or an extension of a warrant under IC 35-33.5-2.
- 42 (8) The consolidated city may levy property taxes within the

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1 consolidated city's maximum permissible ad valorem property tax  
 2 levy limit to provide for the payment of the expenses for the  
 3 operation of the consolidated law enforcement department. The  
 4 police special service district established under section 6 of this  
 5 chapter may levy property taxes to provide for the payment of  
 6 expenses for the operation of the consolidated law enforcement  
 7 department within the territory of the police special service  
 8 district. Property taxes to fund the pension obligation under  
 9 IC 36-8-7.5 may be levied only by the police special service  
 10 district within the police special service district. The consolidated  
 11 city may not levy property taxes to fund the pension obligation  
 12 under IC 36-8-7.5. Property taxes to fund the pension obligation  
 13 under IC 36-8-8 for members of the 1977 police officers' and  
 14 firefighters' pension and disability fund who were members of the  
 15 police department of the consolidated city on the effective date of  
 16 the consolidation may be levied only by the police special service  
 17 district within the police special service district. Property taxes to  
 18 fund the pension obligation under IC 36-8-10 for members of the  
 19 sheriff's pension trust and under IC 36-8-8 for members of the  
 20 1977 police officers' and firefighters' pension and disability fund  
 21 who were not members of the police department of the  
 22 consolidated city on the effective date of the consolidation may be  
 23 levied by the consolidated city within the consolidated city's  
 24 maximum permissible ad valorem property tax levy. The assets of  
 25 the consolidated city's 1953 fund and the assets of the sheriff's  
 26 pension trust may not be pledged after the effective date of the  
 27 consolidation as collateral for any loan.

28 (9) The executive of the consolidated city shall provide for an  
 29 independent evaluation and performance audit, due before March  
 30 1 of the year following the adoption of the consolidation  
 31 ordinance and for the following two (2) years, to determine:

32 (A) the amount of any cost savings, operational efficiencies, or  
 33 improved service levels; and

34 (B) any tax shifts among taxpayers;  
 35 that result from the consolidation. The independent evaluation  
 36 and performance audit must be provided to the legislative council  
 37 in an electronic format under IC 5-14-6 and to the budget  
 38 committee.

39 SECTION 8. IC 36-3-2-10, AS AMENDED BY P.L.146-2008,  
 40 SECTION 701, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) The general assembly finds  
 42 the following:

**ES 621—LS 7128/DI 87+**



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- 1 (1) That the tax base of the consolidated city and the county have
- 2 been significantly eroded through the ownership of tangible
- 3 property by separate municipal corporations and other public
- 4 entities that operate as private enterprises yet are exempt or whose
- 5 property is exempt from property taxation.
- 6 (2) That to restore this tax base and provide a proper allocation of
- 7 the cost of providing governmental services the legislative body
- 8 of the consolidated city and county should be authorized to collect
- 9 payments in lieu of taxes from these public entities.
- 10 (3) That the appropriate maximum payments in lieu of taxes
- 11 would be the amount of the property taxes that would be paid if
- 12 the tangible property were not subject to an exemption.
- 13 (b) As used in this section, the following terms have the meanings
- 14 set forth in IC 6-1.1-1:
- 15 (1) Assessed value.
- 16 (2) Exemption.
- 17 (3) Owner.
- 18 (4) Person.
- 19 (5) Personal property.
- 20 (6) Property taxation.
- 21 (7) Tangible property.
- 22 (8) Township assessor.
- 23 (c) As used in this section, "PILOTS" means payments in lieu of
- 24 taxes.
- 25 (d) As used in this section, "public entity" means any of the
- 26 following government entities in the county:
- 27 (1) An airport authority operating under IC 8-22-3.
- 28 ~~(2) A capital improvement board of managers under IC 36-10-9;~~
- 29 ~~(3) (2) A building authority operating under IC 36-9-13.~~
- 30 ~~(4) (3) A wastewater treatment facility.~~
- 31 (e) The legislative body of the consolidated city may adopt an
- 32 ordinance to require a public entity to pay PILOTS at times set forth in
- 33 the ordinance with respect to:
- 34 (1) tangible property of which the public entity is the owner or the
- 35 lessee and that is subject to an exemption;
- 36 (2) tangible property of which the owner is a person other than a
- 37 public entity and that is subject to an exemption under IC 8-22-3;
- 38 or
- 39 (3) both.
- 40 The ordinance remains in full force and effect until repealed or
- 41 modified by the legislative body.
- 42 (f) The PILOTS must be calculated so that the PILOTS may be in

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1 any amount that does not exceed the amount of property taxes that  
 2 would have been levied by the legislative body for the consolidated city  
 3 and county upon the tangible property described in subsection (e) if the  
 4 property were not subject to an exemption from property taxation.

5 (g) PILOTS shall be imposed as are property taxes and shall be  
 6 based on the assessed value of the tangible property described in  
 7 subsection (e). Except as provided in subsection (l), the township  
 8 assessor, or the county assessor if there is no township assessor for the  
 9 township, shall assess the tangible property described in subsection (e)  
 10 as though the property were not subject to an exemption. The public  
 11 entity shall report the value of personal property in a manner consistent  
 12 with IC 6-1.1-3.

13 (h) Notwithstanding any law to the contrary, a public entity is  
 14 authorized to pay PILOTS imposed under this section from any legally  
 15 available source of revenues. The public entity may consider these  
 16 payments to be operating expenses for all purposes.

17 (i) PILOTS shall be deposited in the consolidated county fund and  
 18 used for any purpose for which the consolidated county fund may be  
 19 used.

20 (j) PILOTS shall be due as set forth in the ordinance and bear  
 21 interest, if unpaid, as in the case of other taxes on property. PILOTS  
 22 shall be treated in the same manner as taxes for purposes of all  
 23 procedural and substantive provisions of law.

24 (k) PILOTS imposed on a wastewater treatment facility may be paid  
 25 only from the cash earnings of the facility remaining after provisions  
 26 have been made to pay for current obligations, including:

- 27 (1) operating and maintenance expenses;
- 28 (2) payment of principal and interest on any bonded indebtedness;
- 29 (3) depreciation or replacement fund expenses;
- 30 (4) bond and interest sinking fund expenses; and
- 31 (5) any other priority fund requirements required by law or by any  
 32 bond ordinance, resolution, indenture, contract, or similar  
 33 instrument binding on the facility.

34 (l) If the duties of the township assessor have been transferred to the  
 35 county assessor as described in IC 6-1.1-1-24, a reference to the  
 36 township assessor in this section is considered to be a reference to the  
 37 county assessor.

38 SECTION 9. IC 36-3-5-2, AS AMENDED BY P.L.227-2005,  
 39 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2013]: Sec. 2. (a) The executive shall ~~subject to the approval~~  
 41 ~~of the city-county legislative body,~~ appoint each of the executive's  
 42 deputies and the director of each department of the consolidated city.

ES 621—LS 7128/DI 87+



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1 **The executive's initial appointment of a deputy or director is**  
 2 **subject to the approval of the city-county legislative body.** A deputy  
 3 or director is appointed for a term of one (1) year and until a successor  
 4 is appointed and qualified, but serves at the pleasure of the executive.

5 (b) ~~When making an appointment under subsection (a), the~~  
 6 ~~executive shall submit the name of an appointee to an office to the~~  
 7 ~~legislative body for its approval as follows:~~

8 ~~(1) When the office has an incumbent, not more than forty-five~~  
 9 ~~(45) days before the expiration of the incumbent's one (1) year~~  
 10 ~~term.~~

11 ~~(2) When the office has been vacated, not more than forty-five~~  
 12 ~~(45) days after the vacancy occurs.~~

13 **(b) When making an appointment under subsection (a) to fill an**  
 14 **office that has been vacated, the executive shall submit the name of**  
 15 **an appointee to an office to the legislative body for its approval not**  
 16 **more than forty-five (45) days after the vacancy occurs.**

17 (c) The executive may appoint an acting deputy or acting director  
 18 whenever the incumbent is incapacitated or the office has been vacated.  
 19 An acting deputy or acting director has all the powers of the office.

20 (d) The executive shall appoint:

21 (1) a controller;

22 (2) two (2) deputy controllers, only one (1) of whom may be from  
 23 the same political party as the executive; and

24 (3) a corporation counsel;

25 each of whom serves at the pleasure of the executive.

26 (e) The corporation counsel and every attorney who is a city  
 27 employee working for the corporation counsel must be a resident of the  
 28 county and admitted to the practice of law in Indiana.

29 SECTION 10. IC 36-3-6-10 IS ADDED TO THE INDIANA CODE  
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 31 1, 2013]: **Sec. 10. (a) As used in this section, "office, department, or**  
 32 **agency" means any office, department, or agency of the**  
 33 **consolidated city or the county having a consolidated city.**

34 **(b) Each year shall be divided into four (4) quarterly allotment**  
 35 **periods, beginning respectively on the first day of January, April,**  
 36 **July, and October. However, in any case where the quarterly**  
 37 **allotment period is impracticable, the controller may prescribe a**  
 38 **different period suited to the circumstances but not extending**  
 39 **beyond the end of any calendar year.**

40 (c) Except as provided in subsection (d), the allotment system  
 41 and the encumbering of funds apply to appropriations and funds  
 42 of all kinds, including dedicated funds from which expenditures are

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1 made under the authority of any office, department, or agency.

2 (d) The allotment system does not apply to the following:

3 (1) Money made available for the purpose of conducting a  
4 post-audit of financial transactions of any office, department,  
5 or agency.

6 (2) Appropriations for construction or for the acquisition of  
7 real estate for public purposes that are exempted from the  
8 allotment system by the executive of the consolidated city.

9 (e) An appropriation to any office, department, or agency is not  
10 available for expenditure until all the following occur:

11 (1) The office, department, or agency submits to the controller  
12 a request for allotment that consists of:

13 (A) an estimate of the amount required for each activity;  
14 and

15 (B) each purpose for which money is to be expended during  
16 the applicable allotment period.

17 (2) The estimate described in subdivision (1)(A) has been  
18 approved, increased, or reduced by the controller as provided  
19 in subsection (h).

20 (3) The funds are allotted.

21 (f) The controller shall prescribe the form of a request for  
22 allotment. The request must be submitted to the controller before  
23 the beginning of the allotment period, within a time determined by  
24 the controller.

25 (g) Each request for allotment shall be reviewed by the  
26 controller. The controller shall allot amounts for expenditure if:

27 (1) the estimate described in subsection (e)(1)(A) is within the  
28 terms of the appropriation as to amount and purpose, having  
29 due regard for the probable future needs of the office,  
30 department, or agency for the remainder of the calendar year  
31 or other term for which the appropriation was made; and

32 (2) the office, department, or agency contemplates  
33 expenditure of the allotment during the allotment period.

34 (h) The controller shall:

35 (1) modify the estimate so as to conform with the terms of the  
36 appropriation and the prospective needs of the office,  
37 department, or agency; and

38 (2) reduce or increase the amount to be allotted accordingly.

39 The controller shall notify every office, department, or agency of  
40 its allotments at least five (5) days before the beginning of each  
41 allotment period. The total amount allotted to any office,  
42 department, or agency for the fiscal year or other term for which

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1 the appropriation was made may not exceed the amount  
2 appropriated for the year or term.

3 (i) The controller may at any time modify or amend any  
4 allotment made by the controller.

5 (j) If the controller discovers at any time that:  
6 (1) the probable receipts from taxes or other sources for any  
7 fund will be less than were anticipated; and  
8 (2) the amount available for the remainder of the term of the  
9 appropriation or for any allotment period will be less than the  
10 amount estimated or allotted;

11 the controller shall, with the approval of the executive of the  
12 consolidated city, and after notice to the office, department, or  
13 agency concerned, reduce the amount or amounts allotted or to be  
14 allotted.

15 (k) The controller shall promptly transmit records of all  
16 allotments and modifications to the county auditor and the  
17 city-county council.

18 SECTION 11. IC 36-6-6-2, AS AMENDED BY P.L.240-2005,  
19 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2013]: Sec. 2. (a) Except as provided in subsection (b) and  
21 section 2.1 of this chapter, a three (3) member township board shall be  
22 elected under IC 3-10-2-13 by the voters of each township.

23 (b) The township board in a county containing a consolidated city  
24 shall consist of the following:

25 (1) Before January 1, 2017, seven (7) members elected under  
26 IC 3-10-2-13 by the voters of each township.

27 (2) After December 31, 2016, five (5) members elected under  
28 IC 3-10-2-13 by the voters of each township.

29 (c) The township board is the township legislative body.

30 (d) The term of office of a township board member is four (4) years,  
31 beginning January 1 after election and continuing until a successor is  
32 elected and qualified.

33 SECTION 12. IC 36-6-6-4, AS AMENDED BY P.L.240-2005,  
34 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2013]: Sec. 4. (a) Except as provided in subsections (b) and  
36 (c), two (2) members of the legislative body constitute a quorum.

37 (b) Before January 1, 2017, four (4) members of the legislative  
38 body in a county containing a consolidated city constitute a quorum.  
39 After December 31, 2016, three (3) members of the legislative body  
40 in a county having a consolidated city constitute a quorum.

41 (c) This subsection applies to a township government that:

42 (1) is created by a merger of township governments under

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1 IC 36-6-1.5; and  
 2 (2) elects a township board under section 2.1 of this chapter.  
 3 A majority of the members of the legislative body constitute a quorum.  
 4 If a township board has an even number of members, the township  
 5 executive shall serve as an ex officio member of the township board for  
 6 the purpose of casting the deciding vote to break a tie.  
 7 SECTION 13. IC 36-7-4-207, AS AMENDED BY P.L.146-2008,  
 8 SECTION 718, IS AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2013]: Sec. 207. (a) ADVISORY. In a city  
 10 having a park board and a city civil engineer, the city plan commission  
 11 consists of nine (9) members, as follows:  
 12 (1) One (1) member appointed by the city legislative body from  
 13 its membership.  
 14 (2) One (1) member appointed by the park board from its  
 15 membership.  
 16 (3) One (1) member or designated representative appointed by the  
 17 city works board.  
 18 (4) The city civil engineer or a qualified assistant appointed by the  
 19 city civil engineer.  
 20 (5) Five (5) citizen members, of whom no more than three (3)  
 21 may be of the same political party, appointed by the city  
 22 executive.  
 23 (b) ADVISORY. If a city lacks either a park board or a city civil  
 24 engineer, or both, subsection (a) does not apply. In such a city or in any  
 25 town, the municipal plan commission consists of seven (7) members,  
 26 as follows:  
 27 (1) The municipal legislative body shall appoint three (3) persons,  
 28 who must be elected or appointed municipal officials or  
 29 employees in the municipal government, as members.  
 30 (2) The municipal executive shall appoint four (4) citizen  
 31 members, of whom no more than two (2) may be of the same  
 32 political party.  
 33 (c) AREA. To provide equitable representation of rural and urban  
 34 populations, representation on the area plan commission is determined  
 35 as follows:  
 36 (1) Seven (7) representatives from each city having a population  
 37 of more than one hundred five thousand (105,000).  
 38 (2) Six (6) representatives from each city having a population of  
 39 not less than seventy thousand (70,000) nor more than one  
 40 hundred five thousand (105,000).  
 41 (3) Five (5) representatives from each city having a population of  
 42 not less than thirty-five thousand (35,000) but less than seventy

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- 1 thousand (70,000).
- 2 (4) Four (4) representatives from each city having a population of
- 3 not less than twenty thousand (20,000) but less than thirty-five
- 4 thousand (35,000).
- 5 (5) Three (3) representatives from each city having a population
- 6 of not less than ten thousand (10,000) but less than twenty
- 7 thousand (20,000).
- 8 (6) Two (2) representatives from each city having a population of
- 9 less than ten thousand (10,000).
- 10 (7) One (1) representative from each town having a population of
- 11 more than two thousand one hundred (2,100), and one (1)
- 12 representative from each town having a population of two
- 13 thousand one hundred (2,100) or less that had a representative
- 14 before January 1, 1979.
- 15 (8) Such representatives from towns having a population of not
- 16 more than two thousand one hundred (2,100) as are provided for
- 17 in section 210 of this chapter.
- 18 (9) Six (6) county representatives if the total number of municipal
- 19 representatives in the county is an odd number, or five (5) county
- 20 representatives if the total number of municipal representatives is
- 21 an even number.
- 22 (d) METRO. The metropolitan development commission consists
- 23 of nine (9) citizen members, as follows:
- 24 (1) ~~Four (4)~~ **Six (6)** members, of whom no more than ~~two (2)~~
- 25 **three (3)** may be of the same political party, appointed by the
- 26 executive of the consolidated city.
- 27 (2) Three (3) members, of whom no more than two (2) may be of
- 28 the same political party, appointed by the legislative body of the
- 29 consolidated city.
- 30 ~~(3) Two (2) members, who must be of different political parties;~~
- 31 ~~appointed by the board of commissioners of the county.~~
- 32 (e) METRO. The legislative body of the consolidated city shall
- 33 appoint an individual to serve as a nonvoting adviser to the
- 34 metropolitan development commission when the commission is acting
- 35 as the redevelopment commission of the consolidated city under
- 36 IC 36-7-15.1. If the duties of the metropolitan development
- 37 commission under IC 36-7-15.1 are transferred to another entity under
- 38 IC 36-3-4-23, the individual appointed under this subsection shall serve
- 39 as a nonvoting adviser to that entity. A nonvoting adviser appointed
- 40 under this subsection:
- 41 (1) must also be a member of the school board of a school
- 42 corporation that includes all or part of the territory of the

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1 consolidated city;  
2 (2) is not considered a member of the metropolitan development  
3 commission for purposes of IC 36-7-15.1 but is entitled to attend  
4 and participate in the proceedings of all meetings of the  
5 metropolitan development commission (or any successor entity  
6 designated under IC 36-3-4-23) when it is acting as a  
7 redevelopment commission under IC 36-7-15.1;  
8 (3) is not entitled to a salary, per diem, or reimbursement of  
9 expenses;  
10 (4) serves for a term of two (2) years and until a successor is  
11 appointed; and  
12 (5) serves at the pleasure of the legislative body of the  
13 consolidated city.

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 621, 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 1, line 4, delete "two (2)".

Page 1, line 4, strike "years" and insert "**one (1) year**".

Page 9, delete lines 26 through 42.

Page 10, delete lines 1 through 4.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 621 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 5, Nays 3.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 621, 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 2, line 22, delete "IC 3-11-4-0.5;" and insert "**IC 3-11.5-4-0.5;**".

Page 2, line 37, delete "IC 3-11-4-0.5;" and insert "**IC 3-11.5-4-0.5;**".

Page 7, delete lines 40 through 42.

Delete page 8.

Page 9, delete lines 1 through 25.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 621 as printed February 15, 2013.)

MAHAN, Chair

Committee Vote: yeas 8, nays 5.

ES 621—LS 7128/DI 87+



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HOUSE MOTION

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

Page 10, line 14, delete "auditor." and insert "**auditor and the city-county council.**".

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

FRIZZELL

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HOUSE MOTION

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

Page 8, line 2, after "city." insert "**The executive's initial appointment of a deputy or director is subject to the approval of the city-county legislative body.**".

Page 8, between lines 13 and 14, begin a new paragraph and insert:

**"(b) When making an appointment under subsection (a) to fill an office that has been vacated, the executive shall submit the name of an appointee to an office to the legislative body for its approval not more than forty-five (45) days after the vacancy occurs."**

Page 8, line 14, reset in roman "(c)".

Page 8, line 14, delete "(b)".

Page 8, line 18, reset in roman "(d)".

Page 8, line 18, delete "(c)".

Page 8, line 24, reset in roman "(e)".

Page 8, line 24, delete "(d)".

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

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