

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WITHDRAWN	Noes _____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 1, delete lines 1 through 9, begin a new paragraph and insert:
- 2 "SECTION 1. IC 3-8-1-24 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 24. A candidate for the
- 4 office of mayor of a first class city must have resided in the city:
- 5 **(1) after December 31, 2016, for at least one (1) year, if at least**
- 6 **a majority of the voters vote "yes" on a public question under**
- 7 **IC 36-3-8-3(1); or**
- 8 **(2) for at least five (5) years;**
- 9 before the date of taking office.
- 10 SECTION 2. IC 3-8-1-25 IS AMENDED TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2013]: Sec. 25. A candidate for membership on
- 12 **the** city-county council of a first class city must have resided in the
- 13 district in which seeking election, if applicable:
- 14 **(1) after December 31, 2016, for at least one (1) year, if at least**
- 15 **a majority of the voters of the county having a consolidated**
- 16 **city vote "yes" on a public question under IC 36-3-8-3(2); or**
- 17 **(2) for at least two (2) years;**
- 18 before the date of taking office."
- 19 Page 1, line 13, delete "subject to IC 3-11.5-4-0.5;" and insert "**in**
- 20 **which at least a majority of voters vote "yes" on a public question**
- 21 **under IC 3-11.5-4-0.5;"**.
- 22 Page 2, delete lines 2 through 18, begin a new paragraph and insert:
- 23 "SECTION 4. IC 3-11.5-4-0.5 IS ADDED TO THE INDIANA
- 24 CODE AS A NEW SECTION TO READ AS FOLLOWS

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

4 **(b) The voters of the county may initiate a referendum on the**
5 **question of requiring the counting of absentee ballots at a central**
6 **location unless a resolution is adopted by a unanimous vote of the**
7 **entire membership of the county election board requiring ballots**
8 **to be counted at individual precincts. The referendum is initiated**
9 **by filing a written petition with the county clerk that is signed by**
10 **at least five percent (5%) of the voters of the county, as determined**
11 **by the vote cast in the county for secretary of state at the most**
12 **recent general election.**

13 **(c) The clerk of the political subdivision shall certify the petition**
14 **to the county legislative body.**

15 **(d) A petition under this section must be filed with the circuit**
16 **court clerk not later than January 1, 2015.**

17 **(e) If a petition is filed under subsection (b), the following**
18 **question shall be submitted to the registered voters of the county**
19 **at the general election in November 2016:**

20 **"Shall the county count absentee ballots at a central location**
21 **unless the county election board adopts a resolution, by a**
22 **unanimous vote of the entire membership of the board, that**
23 **requires ballots to be counted at individual precincts? (A**
24 **"yes" vote on the public question results in the counting of**
25 **absentee ballots at a central location unless the county**
26 **election board adopts a resolution requiring absentee ballots**
27 **to be counted at individual precincts. A "no" vote on the**
28 **public question retains the requirement that absentee ballots**
29 **are counted at individual precincts unless the county election**
30 **board adopts a resolution for absentee ballots to be counted**
31 **at a central location.)"**

32 **(f) The county auditor shall certify a public question described**
33 **in subsection (e) under IC 3-10-9-3 to the county election board of**
34 **the county. After the public question is certified, the public**
35 **question shall be placed on the ballot at the general election in**
36 **November 2016.**

37 **(g) Only the registered voters who are residents of the county**
38 **may vote on the public question.**

39 **(h) The circuit court clerk shall certify the results of a public**
40 **question under this section to the following:**

- 41 **(1) The county auditor.**
- 42 **(2) The state board of accounts.**
- 43 **(3) The election division.**

44 **(i) If a majority of the voters voting on a public question under**
45 **this section vote "yes" to the public question, after December 31,**
46 **2016, the county shall count absentee ballots at a central location**
47 **unless the county election board adopts a resolution under**

- 1 subsection (j).
 2 (j) If the county election board adopts a resolution, by the
 3 unanimous vote of the entire membership of the board, that:
 4 (1) requires absentee ballots to be counted at individual
 5 precincts instead of at a central location; and
 6 (2) states the board's basis for adopting the requirement
 7 described in subdivision (1);
 8 all absentee ballots shall be counted at individual precincts instead
 9 of at a central location as of the effective date of the resolution.
 10 (k) A copy of a resolution adopted under subsection (j) shall be
 11 filed with the election division."
 12 Page 2, line 22, delete "that is subject to IC 3-11.5-4-0.5;" and insert
 13 "in which at least a majority of voters vote "yes" on a public
 14 question under IC 3-11.5-4-0.5;"
 15 Page 2, line 37, delete "that is subject to IC 3-11.5-4-0.5;" and insert
 16 "in which at least a majority of voters vote "yes" on a public
 17 question under IC 3-11.5-4-0.5;"
 18 Page 5, delete lines 41 through 42, begin a new paragraph and
 19 insert:
 20 "SECTION 8. IC 36-3-2-10, AS AMENDED BY P.L.146-2008,
 21 SECTION 701, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) The general assembly finds
 23 the following:
 24 (1) That the tax base of the consolidated city and the county have
 25 been significantly eroded through the ownership of tangible
 26 property by separate municipal corporations and other public
 27 entities that operate as private enterprises yet are exempt or whose
 28 property is exempt from property taxation.
 29 (2) That to restore this tax base and provide a proper allocation of
 30 the cost of providing governmental services the legislative body
 31 of the consolidated city and county should be authorized to collect
 32 payments in lieu of taxes from these public entities.
 33 (3) That the appropriate maximum payments in lieu of taxes
 34 would be the amount of the property taxes that would be paid if
 35 the tangible property were not subject to an exemption.
 36 (b) As used in this section, the following terms have the meanings
 37 set forth in IC 6-1.1-1:
 38 (1) Assessed value.
 39 (2) Exemption.
 40 (3) Owner.
 41 (4) Person.
 42 (5) Personal property.
 43 (6) Property taxation.
 44 (7) Tangible property.
 45 (8) Township assessor.
 46 (c) As used in this section, "PILOTS" means payments in lieu of

- 1 taxes.
- 2 (d) As used in this section, "public entity" means **the following:**
- 3 **(1) Except as provided in subdivision (2), any of the following**
- 4 **government entities in the county:**
- 5 ~~(1)~~ **(A)** An airport authority operating under IC 8-22-3.
- 6 ~~(2)~~ **(B)** A capital improvement board of managers under
- 7 IC 36-10-9.
- 8 ~~(3)~~ **(C)** A building authority operating under IC 36-9-13.
- 9 ~~(4)~~ **(D)** A wastewater treatment facility.
- 10 **(2) If at least a majority of the voters vote "yes" on a public**
- 11 **question under IC 36-3-8-3(8), any of the following**
- 12 **government entities in the county:**
- 13 **(A) An airport authority operating under IC 8-22-3.**
- 14 **(B) A building authority operating under IC 36-9-13.**
- 15 **(C) A wastewater treatment facility.**
- 16 (e) The legislative body of the consolidated city may adopt a
- 17 ordinance to require a public entity to pay PILOTS at times set forth in
- 18 the ordinance with respect to:
- 19 (1) tangible property of which the public entity is the owner or the
- 20 lessee and that is subject to an exemption;
- 21 (2) tangible property of which the owner is a person other than a
- 22 public entity and that is subject to an exemption under IC 8-22-3;
- 23 or
- 24 (3) both.
- 25 The ordinance remains in full force and effect until repealed or
- 26 modified by the legislative body.
- 27 (f) The PILOTS must be calculated so that the PILOTS may be in
- 28 any amount that does not exceed the amount of property taxes that
- 29 would have been levied by the legislative body for the consolidated city
- 30 and county upon the tangible property described in subsection (e) if the
- 31 property were not subject to an exemption from property taxation.
- 32 (g) PILOTS shall be imposed as are property taxes and shall be
- 33 based on the assessed value of the tangible property described in
- 34 subsection (e). Except as provided in subsection (l), the township
- 35 assessor, or the county assessor if there is no township assessor for the
- 36 township, shall assess the tangible property described in subsection (e)
- 37 as though the property were not subject to an exemption. The public
- 38 entity shall report the value of personal property in a manner consistent
- 39 with IC 6-1.1-3.
- 40 (h) Notwithstanding any law to the contrary, a public entity is
- 41 authorized to pay PILOTS imposed under this section from any legally
- 42 available source of revenues. The public entity may consider these
- 43 payments to be operating expenses for all purposes.
- 44 (i) PILOTS shall be deposited in the consolidated county fund and
- 45 used for any purpose for which the consolidated county fund may be
- 46 used.

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

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

- 8 (1) operating and maintenance expenses;
- 9 (2) payment of principal and interest on any bonded indebtedness;
- 10 (3) depreciation or replacement fund expenses;
- 11 (4) bond and interest sinking fund expenses; and
- 12 (5) any other priority fund requirements required by law or by any
 13 bond ordinance, resolution, indenture, contract, or similar
 14 instrument binding on the facility.

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

19 SECTION 9. IC 36-3-4-3, AS AMENDED BY P.L.141-2007,
 20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2013]: Sec. 3. (a) The city-county legislative body shall, by
 22 ordinance, divide the whole county into twenty-five (25) districts that:

- 23 (1) are compact, subject only to natural boundary lines (such as
 24 railroads, major highways, rivers, creeks, parks, and major
 25 industrial complexes);
- 26 (2) contain, as nearly as is possible, equal population; and
- 27 (3) do not cross precinct boundary lines.

28 This division shall be made **during before the end of the** second year
 29 after a year in which a federal decennial census is conducted and may
 30 also be made at any other time, subject to IC 3-11-1.5-32.

31 (b) The legislative body is composed of:

- 32 (1) twenty-five (25) members elected from the districts
 33 established under subsection (a) and four (4) members elected
 34 from an at-large district containing the whole county; **or**
- 35 (2) **after December 31, 2019, twenty-five (25) members elected**
 36 **from the districts established under subsection (a), if at least**
 37 **a majority of the voters vote "yes" on a public question under**
 38 **IC 36-3-8-3(3).**

39 (c) **This subsection does not apply after December 31, 2019, if a**
 40 **majority of the voters vote "yes" on a public question under**
 41 **IC 36-3-8-3(3).** Each voter of the county may vote for four (4)
 42 candidates for at-large membership and one (1) candidate from the
 43 district in which the voter resides. The four (4) at-large candidates
 44 receiving the most votes from the whole county and the district
 45 candidates receiving the most votes from their respective districts are
 46 elected to the legislative body.

1 (d) If the legislative body fails to make the division before the date
 2 prescribed by subsection (a) or the division is alleged to violate
 3 subsection (a) or other law, a taxpayer or registered voter of the county
 4 may petition the superior court of the county to hear and determine the
 5 matter. The court shall hear and determine the matter as a five (5)
 6 member panel of judges from the superior court. The clerk of the court
 7 shall select the judges electronically and randomly. **The clerk shall**
 8 **maintain a record of the method and process used to select the**
 9 **judges and shall make the record available for public inspection**
 10 **and copying.** Not more than three (3) members of the five (5) member
 11 panel of judges may be of the same political party. The first judge
 12 selected shall maintain the case file and preside over the proceedings.
 13 There may not be a change of venue from the court or from the county.
 14 The court may appoint a master to assist in its determination and may
 15 draw proper district boundaries if necessary. An appeal from the court's
 16 judgment must be taken within thirty (30) days, directly to the supreme
 17 court, in the same manner as appeals from other actions.

18 (e) An election of the legislative body held under the ordinance or
 19 court judgment determining districts that is in effect on the date of the
 20 election is valid, regardless of whether the ordinance or judgment is
 21 later determined to be invalid.

22 SECTION 10. IC 36-3-5-2, AS AMENDED BY P.L.227-2005,
 23 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2013]: Sec. 2. (a) **This subsection does not apply after**
 25 **December 31, 2016, if at least a majority of voters vote "yes" on a**
 26 **public question under IC 36-3-8-3(6).** The executive shall, subject to
 27 the approval of the city-county legislative body, appoint each of the
 28 executive's deputies and the director of each department of the
 29 consolidated city. A deputy or director is appointed for a term of one
 30 (1) year and until a successor is appointed and qualified, but serves at
 31 the pleasure of the executive.

32 (b) **This subsection does not apply after December 31, 2016, if at**
 33 **least a majority of voters vote "yes" on a public question under**
 34 **IC 36-3-8-3(6).** When making an appointment under subsection (a),
 35 the executive shall submit the name of an appointee to an office to the
 36 legislative body for its approval as follows:

37 (1) When the office has an incumbent, not more than forty-five
 38 (45) days before the expiration of the incumbent's one (1) year
 39 term.

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

42 (c) **This subsection applies after December 31, 2016, only if a**
 43 **majority of voters vote "yes" on a public question under**
 44 **IC 36-3-8-3(6).** **The executive shall appoint each of the executive's**
 45 **deputies and the director of each department of the consolidated**
 46 **city. A deputy or director is appointed for a term of one (1) year**

1 **and until a successor is appointed and qualified, but serves at the**
 2 **pleasure of the executive.**

3 ~~(c)~~ **(d)** The executive may appoint an acting deputy or acting
 4 director whenever the incumbent is incapacitated or the office has been
 5 vacated. An acting deputy or acting director has all the powers of the
 6 office.

7 ~~(d)~~ **(e)** The executive shall appoint:

8 (1) a controller;

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

11 (3) a corporation counsel;

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

13 ~~(e)~~ **(f)** The corporation counsel and every attorney who is a city
 14 employee working for the corporation counsel must be a resident of the
 15 county and admitted to the practice of law in Indiana."

16 Delete pages 6 through 7

17 Page 8, delete lines 1 through 26.

18 Page 8, line 29, delete "As used in this section, "office, department,
 19 or" and insert **"This section applies after December 31, 2016, only if**
 20 **a majority of voters in the county vote "yes" on a public question**
 21 **under IC 36-3-8-3(4).**

22 **(b) As used in this section, "office, department, or agency"**
 23 **means any office, department, or agency of the consolidated city or**
 24 **the county having a consolidated city."**

25 Page 8, delete lines 30 through 31.

26 Page 8, line 32, delete "(b)" and insert **"(c)"**.

27 Page 8, line 38, delete "(c)" and insert **"(d)"**.

28 Page 8, line 38, delete "(d)," and insert **"(e),"**.

29 Page 8, line 42, delete "(d)" and insert **"(e)"**.

30 Page 9, line 7, delete "(e)" and insert **"(f)"**.

31 Page 9, line 17, delete "(h)." and insert **"(i)."**

32 Page 9, line 19, delete "(f)" and insert **"(g)"**.

33 Page 9, line 23, delete "(g)" and insert **"(h)"**.

34 Page 9, line 25, delete "(e)(1)(A)" and insert **"(f)(1)(A)"**.

35 Page 9, line 32, delete "(h)" and insert **"(i)"**.

36 Page 10, line 1, delete "(i)" and insert **"(j)"**.

37 Page 10, line 3, delete "(j)" and insert **"(k)"**.

38 Page 10, line 13, delete "(k)" and insert **"(l)"**.

39 Page 10, delete lines 15 through 42, begin a new paragraph and
 40 insert:

41 "SECTION 12. IC 36-3-8 IS ADDED TO THE INDIANA CODE
 42 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 43 JULY 1, 2013]:

44 **Chapter 8. Local Public Question on Marion County Issues**

45 **Sec. 1. This chapter applies only to Marion County.**

46 **Sec. 2. (a) The voters of the county may petition to place a public**

1 question on the ballot at the November 2016 general election by
 2 filing a written petition with the circuit court clerk that meets the
 3 following requirements:

4 (1) States a public question from the list in section 3 of this
 5 chapter. A separate petition is required for each public
 6 question. Each petition must meet the requirements of this
 7 section.

8 (2) Each petition must be signed by at least five percent (5%)
 9 of the voters of the county, as determined by the vote cast in
 10 the county for secretary of state at the most recent general
 11 election.

12 (b) A petition under this section must be filed with the circuit
 13 court clerk not later than January 1, 2015.

14 (c) If a petition meets the requirements of this section, the
 15 circuit court clerk shall certify the petition to the city-county
 16 council.

17 **Sec. 3.** A petition may be filed to place any of the following
 18 public questions on the ballot at the general election in November
 19 2016:

20 (1) "Shall a candidate for the office of mayor be required to
 21 reside in Indianapolis for at least one (1) year before the date
 22 of taking office? (A "yes" vote on the public question means
 23 that beginning January 1, 2017, a mayoral candidate must be
 24 a resident of Indianapolis for one (1) year before the date of
 25 taking office. A "no" vote on the public question retains the
 26 requirement that a candidate for mayor reside in Indianapolis
 27 for at least five (5) years before taking office.)".

28 (2) "Shall a candidate for the city-county council be required
 29 to reside in the candidate's district for at least one (1) year
 30 before the date of taking office? (A "yes" vote on the public
 31 question means that beginning January 1, 2017, a candidate
 32 must reside in the candidate's district for at least one (1) year
 33 before the date of taking office. A "no" vote on the public
 34 question retains the requirement that the candidate reside in
 35 the candidate's district for at least two (2) years before taking
 36 office.)".

37 (3) "Shall the membership of the city-county council be
 38 reduced by eliminating the four (4) members of the
 39 city-county council who are elected at-large? (A "yes" vote on
 40 the public question means that beginning January 1, 2020, the
 41 membership of the city-county council will consist of
 42 twenty-five (25) members who are all elected from
 43 single-member districts. A "no" vote on the public question
 44 retains the twenty-nine (29) member city-county council,
 45 including the four (4) members elected at-large by all voters
 46 of the county.)".

47 (4) "Shall the controller of the consolidated city and county

1 have the power to allot amounts that are appropriated by the
 2 city-county council to an office, department, or agency of a
 3 consolidated city or the county? (A "yes" vote on the public
 4 question would result in the controller having this authority
 5 beginning January 1, 2017. A "no" vote on the public question
 6 would result in the controller not having this authority.)".

7 (5) "Shall all township boards in Marion County be reduced
 8 from seven (7) to five (5) members? (A "yes" vote on the
 9 public question would result in a reduction in membership of
 10 each township board in the county to five (5) members
 11 beginning January 1, 2021. A "no" vote on the public question
 12 would result in each township board retaining a membership
 13 of seven (7) members.)".

14 (6) "Shall the mayor have the authority to appoint the
 15 mayor's deputies and directors of departments of the
 16 consolidated city without the approval of the city-county
 17 council? (A "yes" vote on the public question would allow the
 18 mayor to have the appointment authority beginning January
 19 1, 2017. A "no" vote on the public question would result in the
 20 city-county council retaining the authority to approve the
 21 mayor's appointments.)".

22 (7) "Shall the mayor appoint two (2) additional members to
 23 the metropolitan development commission and shall the
 24 appointments of the board of county commissioners (the
 25 county auditor, county assessor, and county treasurer) to the
 26 metropolitan development commission be eliminated? (A
 27 "yes" vote on the public question means that beginning
 28 January 1, 2017, the mayor would appoint two (2) additional
 29 members to the commission and the board of commissioners
 30 would lose its authority to appoint two (2) members to the
 31 commission. A "no" vote on the public question would result
 32 in the board of county commissioners retaining the board's
 33 appointments to the metropolitan development commission
 34 and the mayor retaining the same number of appointments.)".

35 (8) "Shall the city-county council's authority to require the
 36 capital improvement board of managers to make payments in
 37 lieu of taxes (PILOTS) for deposit in the consolidated county
 38 fund be eliminated? (A "yes" vote on the public question
 39 would eliminate the city-county council's authority beginning
 40 January 1, 2017. A "no" vote on the public question would
 41 result in the city-county council retaining this authority.)".

42 Sec. 4. (a) The county auditor shall certify a public question
 43 described in section 3 of this chapter under IC 3-10-9-3 to the
 44 county election board of the county. After the public question is
 45 certified, the public question shall be placed on the ballot at the
 46 general election in November 2016.

47 (b) Only the registered voters who are residents of Marion

- 1 County may vote on the public question.
 2 **Sec. 5.** The circuit court clerk shall certify the results of a public
 3 question under this chapter to the following:
 4 (1) The county auditor.
 5 (2) The state board of accounts.
 6 (3) The election division.
- 7 **Sec. 6. (a)** If a majority of the voters in the county voting on a
 8 public question under section 3(1) of this chapter vote "yes" to the
 9 public question, after December 31, 2016, a candidate for mayor of
 10 the consolidated city must reside in the consolidated city for at
 11 least one (1) year before the date of taking office.
- 12 (b) If a majority of the voters in the county voting on a public
 13 question under section 3(2) of this chapter vote "yes" to the public
 14 question, after December 31, 2016, a candidate for membership on
 15 the legislative body of the city and county must reside in the
 16 district in which the candidate is seeking election for at least one
 17 (1) year before the date of taking office.
- 18 (c) If a majority of the voters in the county voting on a public
 19 question under section 3(3) of this chapter vote "yes" to the public
 20 question, after December 31, 2019, the membership of the
 21 city-county legislative body is reduced to twenty-five (25) members
 22 by eliminating the members who are elected at-large.
- 23 (d) If a majority of the voters in the county voting on a public
 24 question under section 3(4) of this chapter vote "yes" to the public
 25 question, after December 31, 2016, the controller of the
 26 consolidated city and county has the authority under IC 36-3-6-10
 27 to allot amounts appropriated to an office, department, or agency
 28 of a consolidated city.
- 29 (e) If a majority of the voters in the county voting on a public
 30 question under section 3(5) of this chapter vote "yes" to the public
 31 question, after December 31, 2020, each township board in the
 32 county consists of five (5) members instead of seven (7) members.
- 33 (f) If a majority of the voters in the county voting on a public
 34 question under section 3(6) of this chapter vote "yes" to the public
 35 question, after December 31, 2016, the mayor of the consolidated
 36 city may appoint each of the mayor's deputies and the director of
 37 each department of the consolidated city without the city-county
 38 council's approval.
- 39 (g) If a majority of the voters in the county voting on a public
 40 question under section 3(7) of this chapter vote "yes" to the public
 41 question, after December 31, 2016, the board of county
 42 commissioners' appointments to the metropolitan development
 43 commission are eliminated and the mayor's appointments to the
 44 metropolitan development commission are increased by two (2).
- 45 (h) If a majority of the voters in the county voting on a public
 46 question under section 3(8) of this chapter vote "yes" to the public
 47 question, after December 31, 2016, the city-county council may not

1 **require the capital improvement board of managers to make**
2 **payments in lieu of taxes (PILOTS) for deposit in the consolidated**
3 **county fund.**

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

9 (b) The township board in a county containing a consolidated city
10 shall consist of:

11 (1) seven (7) members elected under IC 3-10-2-13 by the voters
12 of each township; **or**

13 (2) **after December 31, 2020, five (5) members elected under**
14 **IC 3-10-2-13 by the voters of each township, only if at least a**
15 **majority of the voters vote "yes" on a public question under**
16 **IC 36-3-8-3(5).**

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

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

21 SECTION 14. IC 36-6-6-4, AS AMENDED BY P.L.240-2005,
22 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2013]: Sec. 4. (a) Except as provided in subsections (b) and
24 (c), two (2) members of the legislative body constitute a quorum.

25 (b) Four (4) members of the legislative body in a county containing
26 a consolidated city constitute a quorum. **However, if at least a**
27 **majority of the voters vote "yes" on a public question under**
28 **IC 36-3-8-3(5), after December 31, 2020, three (3) members of the**
29 **legislative body in a county having a consolidated city constitute a**
30 **quorum.**

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

32 (1) is created by a merger of township governments under
33 IC 36-6-1.5; and

34 (2) elects a township board under section 2.1 of this chapter.

35 A majority of the members of the legislative body constitute a quorum.
36 If a township board has an even number of members, the township
37 executive shall serve as an ex officio member of the township board for
38 the purpose of casting the deciding vote to break a tie.

39 SECTION 15. IC 36-7-4-207, AS AMENDED BY P.L.146-2008,
40 SECTION 718, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 207. (a) ADVISORY. In a city
41 having a park board and a city civil engineer, the city plan commission
42 consists of nine (9) members, as follows:

44 (1) One (1) member appointed by the city legislative body from
45 its membership.

46 (2) One (1) member appointed by the park board from its

- 1 membership.
- 2 (3) One (1) member or designated representative appointed by the
- 3 city works board.
- 4 (4) The city civil engineer or a qualified assistant appointed by the
- 5 city civil engineer.
- 6 (5) Five (5) citizen members, of whom no more than three (3)
- 7 may be of the same political party, appointed by the city
- 8 executive.
- 9 (b) ADVISORY. If a city lacks either a park board or a city civil
- 10 engineer, or both, subsection (a) does not apply. In such a city or in any
- 11 town, the municipal plan commission consists of seven (7) members,
- 12 as follows:
- 13 (1) The municipal legislative body shall appoint three (3) persons,
- 14 who must be elected or appointed municipal officials or
- 15 employees in the municipal government, as members.
- 16 (2) The municipal executive shall appoint four (4) citizen
- 17 members, of whom no more than two (2) may be of the same
- 18 political party.
- 19 (c) AREA. To provide equitable representation of rural and urban
- 20 populations, representation on the area plan commission is determined
- 21 as follows:
- 22 (1) Seven (7) representatives from each city having a population
- 23 of more than one hundred five thousand (105,000).
- 24 (2) Six (6) representatives from each city having a population of
- 25 not less than seventy thousand (70,000) nor more than one
- 26 hundred five thousand (105,000).
- 27 (3) Five (5) representatives from each city having a population of
- 28 not less than thirty-five thousand (35,000) but less than seventy
- 29 thousand (70,000).
- 30 (4) Four (4) representatives from each city having a population of
- 31 not less than twenty thousand (20,000) but less than thirty-five
- 32 thousand (35,000).
- 33 (5) Three (3) representatives from each city having a population
- 34 of not less than ten thousand (10,000) but less than twenty
- 35 thousand (20,000).
- 36 (6) Two (2) representatives from each city having a population of
- 37 less than ten thousand (10,000).
- 38 (7) One (1) representative from each town having a population of
- 39 more than two thousand one hundred (2,100), and one (1)
- 40 representative from each town having a population of two
- 41 thousand one hundred (2,100) or less that had a representative
- 42 before January 1, 1979.
- 43 (8) Such representatives from towns having a population of not
- 44 more than two thousand one hundred (2,100) as are provided for
- 45 in section 210 of this chapter.
- 46 (9) Six (6) county representatives if the total number of municipal

1 representatives in the county is an odd number, or five (5) county
2 representatives if the total number of municipal representatives is
3 an even number.

4 (d) METRO. The metropolitan development commission consists
5 of nine (9) citizen members, as follows:

6 (1) Four (4) members, of whom no more than two (2) may be of
7 the same political party, appointed by the executive of the
8 consolidated city, **or if at least a majority of the voters vote**
9 **"yes" on a public question under IC 36-3-8-3(7), after**
10 **December 31, 2016, six (6) members, no more than three (3)**
11 **of whom may be of the same political party, appointed by the**
12 **executive of the consolidated city.**

13 (2) Three (3) members, of whom no more than two (2) may be of
14 the same political party, appointed by the legislative body of the
15 consolidated city.

16 (3) Two (2) members, who must be of different political parties,
17 appointed by the board of commissioners of the county, **unless**
18 **the voters of the county vote "yes" on a public question under**
19 **IC 36-3-8-3(7), in which case after December 31, 2016, the**
20 **board of commissioners of the county may not make any**
21 **appointments to the metropolitan development commission.**

22 (e) METRO. The legislative body of the consolidated city shall
23 appoint an individual to serve as a nonvoting adviser to the
24 metropolitan development commission when the commission is acting
25 as the redevelopment commission of the consolidated city under
26 IC 36-7-15.1. If the duties of the metropolitan development
27 commission under IC 36-7-15.1 are transferred to another entity under
28 IC 36-3-4-23, the individual appointed under this subsection shall serve
29 as a nonvoting adviser to that entity. A nonvoting adviser appointed
30 under this subsection:

31 (1) must also be a member of the school board of a school
32 corporation that includes all or part of the territory of the
33 consolidated city;

34 (2) is not considered a member of the metropolitan development
35 commission for purposes of IC 36-7-15.1 but is entitled to attend
36 and participate in the proceedings of all meetings of the
37 metropolitan development commission (or any successor entity
38 designated under IC 36-3-4-23) when it is acting as a
39 redevelopment commission under IC 36-7-15.1;

40 (3) is not entitled to a salary, per diem, or reimbursement of
41 expenses;

42 (4) serves for a term of two (2) years and until a successor is
43 appointed; and

44 (5) serves at the pleasure of the legislative body of the
45 consolidated city."

46 Delete pages 11 through 13.

- 1 Renumber all SECTIONS consecutively.
(Reference is to ESB 621 as printed April 2, 2013.)

Representative Bartlett