



February 15, 2013

# SENATE BILL No. 621

DIGEST OF SB 621 (Updated February 13, 2013 5:54 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. Eliminates the requirement that the city-county council approve the 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 (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. Effective January 1, 2016, reduces the membership of the city-county council from 29 to 25 members by eliminating the members elected at large. 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 if the division of the county into city-county council districts is reviewed by a panel of judges, the clerk of the court  
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**Effective:** July 1, 2013.

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**Young R Michael, Waltz, Delph,  
Crider, Miller Patricia, Schneider**

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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.

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must keep a record of the method and process of selecting the panel and make the record available for public inspection and copying. 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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February 15, 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.

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## 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**

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1 IC 3-11.5-5-1 or IC 3-11.5-6-1.

2 SECTION 4. IC 3-11.5-4-0.5 IS ADDED TO THE INDIANA  
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. (a) This section applies only**  
5 **to a county with a population of more than three hundred**  
6 **twenty-five thousand (325,000).**

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

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

11 **(1) requires absentee ballots to be counted at individual**  
12 **precincts instead of at a central location; and**

13 **(2) states the board's basis for adopting the requirement**  
14 **described in subdivision (1);**

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

17 **(d) A copy of the resolution adopted under subsection (c) shall**  
18 **be filed with the election division.**

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

22 **(1) that is subject to IC 3-11-4-0.5; or**

23 **(2) only if in which** the county election board adopts a resolution  
24 making this chapter applicable in the county.

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

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

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

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

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

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

37 **(1) that is subject to IC 3-11-4-0.5; or**

38 **(2) only if in which** the county election board adopts a resolution  
39 making this chapter applicable in the county.

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

42 (c) A county election board may not adopt a resolution under ~~this~~

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1 ~~section subsection (a)(2)~~ less than:

- 2 (1) sixty (60) days before an election is to be conducted; or  
 3 (2) fourteen (14) days after an election has been conducted.

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

7 SECTION 7. IC 36-3-1-5.1, AS AMENDED BY P.L.182-2009(ss),  
 8 SECTION 400, IS AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2013]: Sec. 5.1. (a) Except for those duties that  
 10 are reserved by law to the county sheriff in this section, the city-county  
 11 legislative body may by majority vote adopt an ordinance, approved by  
 12 the mayor, to consolidate the police department of the consolidated city  
 13 and the county sheriff's department. **The consolidated law**  
 14 **enforcement department must be a division of the department of**  
 15 **public safety under the direction and control of a director of public**  
 16 **safety.**

17 (b) The city-county legislative body may not adopt an ordinance  
 18 under this section unless it first:

- 19 (1) holds a public hearing on the proposed consolidation; and  
 20 (2) determines that:  
 21 (A) reasonable and adequate police protection can be provided  
 22 through the consolidation; and  
 23 (B) the consolidation is in the public interest.

24 (c) If an ordinance is adopted under this section, the consolidation  
 25 shall take effect on the date specified in the ordinance.

26 (d) Notwithstanding any other law, an ordinance adopted under this  
 27 section must provide that the county sheriff's department shall be  
 28 responsible for all the following for the consolidated city and the  
 29 county under the direction and control of the sheriff:

- 30 (1) County jail operations and facilities.  
 31 (2) Emergency communications.  
 32 (3) Security for buildings and property owned by:  
 33 (A) the consolidated city;  
 34 (B) the county; or  
 35 (C) both the consolidated city and county.  
 36 (4) Service of civil process and collection of taxes under tax  
 37 warrants.  
 38 (5) Sex and violent offender registration.

39 (e) The following apply if an ordinance is adopted under this  
 40 section:

- 41 (1) The department of local government finance shall adjust the  
 42 maximum permissible ad valorem property tax levy of the

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

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1 for a warrant or an extension of a warrant under IC 35-33.5-2.  
 2 (8) The consolidated city may levy property taxes within the  
 3 consolidated city's maximum permissible ad valorem property tax  
 4 levy limit to provide for the payment of the expenses for the  
 5 operation of the consolidated law enforcement department. The  
 6 police special service district established under section 6 of this  
 7 chapter may levy property taxes to provide for the payment of  
 8 expenses for the operation of the consolidated law enforcement  
 9 department within the territory of the police special service  
 10 district. Property taxes to fund the pension obligation under  
 11 IC 36-8-7.5 may be levied only by the police special service  
 12 district within the police special service district. The consolidated  
 13 city may not levy property taxes to fund the pension obligation  
 14 under IC 36-8-7.5. Property taxes to fund the pension obligation  
 15 under IC 36-8-8 for members of the 1977 police officers' and  
 16 firefighters' pension and disability fund who were members of the  
 17 police department of the consolidated city on the effective date of  
 18 the consolidation may be levied only by the police special service  
 19 district within the police special service district. Property taxes to  
 20 fund the pension obligation under IC 36-8-10 for members of the  
 21 sheriff's pension trust and under IC 36-8-8 for members of the  
 22 1977 police officers' and firefighters' pension and disability fund  
 23 who were not members of the police department of the  
 24 consolidated city on the effective date of the consolidation may be  
 25 levied by the consolidated city within the consolidated city's  
 26 maximum permissible ad valorem property tax levy. The assets of  
 27 the consolidated city's 1953 fund and the assets of the sheriff's  
 28 pension trust may not be pledged after the effective date of the  
 29 consolidation as collateral for any loan.

30 (9) The executive of the consolidated city shall provide for an  
 31 independent evaluation and performance audit, due before March  
 32 1 of the year following the adoption of the consolidation  
 33 ordinance and for the following two (2) years, to determine:

- 34 (A) the amount of any cost savings, operational efficiencies, or  
 35 improved service levels; and
  - 36 (B) any tax shifts among taxpayers;
- 37 that result from the consolidation. The independent evaluation  
 38 and performance audit must be provided to the legislative council  
 39 in an electronic format under IC 5-14-6 and to the budget  
 40 committee.

41 SECTION 8. IC 36-3-2-10, AS AMENDED BY P.L.146-2008,  
 42 SECTION 701, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) The general assembly finds  
2 the following:

3 (1) That the tax base of the consolidated city and the county have  
4 been significantly eroded through the ownership of tangible  
5 property by separate municipal corporations and other public  
6 entities that operate as private enterprises yet are exempt or whose  
7 property is exempt from property taxation.

8 (2) That to restore this tax base and provide a proper allocation of  
9 the cost of providing governmental services the legislative body  
10 of the consolidated city and county should be authorized to collect  
11 payments in lieu of taxes from these public entities.

12 (3) That the appropriate maximum payments in lieu of taxes  
13 would be the amount of the property taxes that would be paid if  
14 the tangible property were not subject to an exemption.

15 (b) As used in this section, the following terms have the meanings  
16 set forth in IC 6-1.1-1:

17 (1) Assessed value.

18 (2) Exemption.

19 (3) Owner.

20 (4) Person.

21 (5) Personal property.

22 (6) Property taxation.

23 (7) Tangible property.

24 (8) Township assessor.

25 (c) As used in this section, "PILOTS" means payments in lieu of  
26 taxes.

27 (d) As used in this section, "public entity" means any of the  
28 following government entities in the county:

29 (1) An airport authority operating under IC 8-22-3.

30 ~~(2) A capital improvement board of managers under IC 36-10-9.~~

31 ~~(3) (2) A building authority operating under IC 36-9-13.~~

32 ~~(4) (3) A wastewater treatment facility.~~

33 (e) The legislative body of the consolidated city may adopt an  
34 ordinance to require a public entity to pay PILOTS at times set forth in  
35 the ordinance with respect to:

36 (1) tangible property of which the public entity is the owner or the  
37 lessee and that is subject to an exemption;

38 (2) tangible property of which the owner is a person other than a  
39 public entity and that is subject to an exemption under IC 8-22-3;

40 or

41 (3) both.

42 The ordinance remains in full force and effect until repealed or

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1 modified by the legislative body.

2 (f) The PILOTS must be calculated so that the PILOTS may be in  
3 any amount that does not exceed the amount of property taxes that  
4 would have been levied by the legislative body for the consolidated city  
5 and county upon the tangible property described in subsection (e) if the  
6 property were not subject to an exemption from property taxation.

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

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

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

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

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

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

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

40 SECTION 9. IC 36-3-4-2 IS AMENDED TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A ~~twenty-nine (29) member~~  
42 city-county council, which is the legislative body of both the

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1 consolidated city and the county, shall be elected under IC 3-10-6 by  
 2 the voters of the county. **The city-county council consists of the**  
 3 **following members:**

4 **(1) Before January 1, 2016, twenty-nine (29) members.**

5 **(2) After December 31, 2015, twenty-five (25) members.**

6 (b) To be eligible to serve as a member of the legislative body, a  
 7 person must meet the qualifications prescribed by IC 3-8-1-25.

8 (c) A member of the legislative body must reside within:

9 (1) the county as provided in Article 6, Section 6 of the  
 10 Constitution of the State of Indiana; and

11 (2) the district from which the member was elected. ~~if applicable.~~

12 (d) A vacancy in the legislative body occurs whenever a member:

13 (1) dies, resigns, or is removed from office;

14 (2) ceases to be a resident of the ~~county~~ or district from which the  
 15 member was elected; or

16 (3) is incapacitated to the extent that the member is unable to  
 17 perform the member's duties for more than six (6) months.

18 (e) The vacancy shall be filled under IC 3-13-8.

19 (f) The term of office of a member of the legislative body is four (4)  
 20 years, beginning at noon on January 1 after election and continuing  
 21 until a successor is elected and qualified.

22 SECTION 10. IC 36-3-4-3, AS AMENDED BY P.L.141-2007,  
 23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2013]: Sec. 3. (a) The city-county legislative body shall, by  
 25 ordinance, divide the whole county into twenty-five (25) districts that:

26 (1) are compact, subject only to natural boundary lines (such as  
 27 railroads, major highways, rivers, creeks, parks, and major  
 28 industrial complexes);

29 (2) contain, as nearly as is possible, equal population; and

30 (3) do not cross precinct boundary lines.

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

34 (b) The legislative body is composed of **the following:**

35 **(1) Before January 1, 2016, twenty-five (25) members** elected  
 36 from the districts established under subsection (a) and four (4)  
 37 members elected from an at-large district containing the whole  
 38 county.

39 **(2) After December 31, 2015, twenty-five (25) members**  
 40 **elected from the districts established under subsection (a).**

41 (c) Each voter of the county may vote for ~~four (4) candidates for~~  
 42 ~~at-large membership~~ and one (1) candidate from the district in which

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1 the voter resides. ~~The four (4) at-large candidates receiving the most~~  
 2 ~~votes from the whole county and the district candidates receiving the~~  
 3 ~~most votes from their respective districts are elected to the legislative~~  
 4 ~~body.~~

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

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

26 SECTION 11. IC 36-3-5-2, AS AMENDED BY P.L.227-2005,  
 27 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2013]: Sec. 2. (a) The executive shall ~~subject to the approval~~  
 29 ~~of the city-county legislative body,~~ appoint each of the executive's  
 30 deputies and the director of each department of the consolidated city.  
 31 A deputy or director is appointed for a term of one (1) year and until a  
 32 successor is appointed and qualified, but serves at the pleasure of the  
 33 executive.

34 (b) ~~When making an appointment under subsection (a), the~~  
 35 ~~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 (e) (b) The executive may appoint an acting deputy or acting

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1 director whenever the incumbent is incapacitated or the office has been  
2 vacated. An acting deputy or acting director has all the powers of the  
3 office.

4 (d) (c) The executive shall appoint:

- 5 (1) a controller;
- 6 (2) two (2) deputy controllers, only one (1) of whom may be from
- 7 the same political party as the executive; and
- 8 (3) a corporation counsel;

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

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

13 SECTION 12. IC 36-3-6-10 IS ADDED TO THE INDIANA CODE  
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
15 1, 2013]: **Sec. 10. (a) As used in this section, "office, department, or  
16 agency" means any office, department, or agency of the  
17 consolidated city or the county having a consolidated city.**

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

24 **(c) Except as provided in subsection (d), the allotment system  
25 and the encumbering of funds apply to appropriations and funds  
26 of all kinds, including dedicated funds from which expenditures are  
27 made under the authority of any office, department, or agency.**

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

- 29 (1) Money made available for the purpose of conducting a  
30 post-audit of financial transactions of any office, department,  
31 or agency.
- 32 (2) Appropriations for construction or for the acquisition of  
33 real estate for public purposes that are exempted from the  
34 allotment system by the executive of the consolidated city.

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

- 37 (1) The office, department, or agency submits to the controller  
38 a request for allotment that consists of:
  - 39 (A) an estimate of the amount required for each activity;
  - 40 and
  - 41 (B) each purpose for which money is to be expended during  
42 the applicable allotment period.

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- 1           **(2) The estimate described in subdivision (1)(A) has been**
- 2           **approved, increased, or reduced by the controller as provided**
- 3           **in subsection (h).**
- 4           **(3) The funds are allotted.**
- 5           **(f) The controller shall prescribe the form of a request for**
- 6           **allotment. The request must be submitted to the controller before**
- 7           **the beginning of the allotment period, within a time determined by**
- 8           **the controller.**
- 9           **(g) Each request for allotment shall be reviewed by the**
- 10          **controller. The controller shall allot amounts for expenditure if:**
- 11           **(1) the estimate described in subsection (e)(1)(A) is within the**
- 12           **terms of the appropriation as to amount and purpose, having**
- 13           **due regard for the probable future needs of the office,**
- 14           **department, or agency for the remainder of the calendar year**
- 15           **or other term for which the appropriation was made; and**
- 16           **(2) the office, department, or agency contemplates**
- 17           **expenditure of the allotment during the allotment period.**
- 18          **(h) The controller shall:**
- 19           **(1) modify the estimate so as to conform with the terms of the**
- 20           **appropriation and the prospective needs of the office,**
- 21           **department, or agency; and**
- 22           **(2) reduce or increase the amount to be allotted accordingly.**
- 23          **The controller shall notify every office, department, or agency of**
- 24          **its allotments at least five (5) days before the beginning of each**
- 25          **allotment period. The total amount allotted to any office,**
- 26          **department, or agency for the fiscal year or other term for which**
- 27          **the appropriation was made may not exceed the amount**
- 28          **appropriated for the year or term.**
- 29          **(i) The controller may at any time modify or amend any**
- 30          **allotment made by the controller.**
- 31          **(j) If the controller discovers at any time that:**
- 32           **(1) the probable receipts from taxes or other sources for any**
- 33           **fund will be less than were anticipated; and**
- 34           **(2) the amount available for the remainder of the term of the**
- 35           **appropriation or for any allotment period will be less than the**
- 36           **amount estimated or allotted;**
- 37          **the controller shall, with the approval of the executive of the**
- 38          **consolidated city, and after notice to the office, department, or**
- 39          **agency concerned, reduce the amount or amounts allotted or to be**
- 40          **allotted.**
- 41          **(k) The controller shall promptly transmit records of all**
- 42          **allotments and modifications to the county auditor.**

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

6 (b) The township board in a county containing a consolidated city  
7 shall consist of **the following:**

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

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

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

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

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

20 (b) **Before January 1, 2017**, four (4) members of the legislative  
21 body in a county containing a consolidated city constitute a quorum.  
22 **After December 31, 2016, three (3) members of the legislative body**  
23 **in a county having a consolidated city constitute a quorum.**

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

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

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

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

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

37 (1) One (1) member appointed by the city legislative body from  
38 its membership.

39 (2) One (1) member appointed by the park board from its  
40 membership.

41 (3) One (1) member or designated representative appointed by the  
42 city works board.

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

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1 (9) Six (6) county representatives if the total number of municipal  
2 representatives in the county is an odd number, or five (5) county  
3 representatives if the total number of municipal representatives is  
4 an even number.

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

7 (1) ~~Four (4)~~ **Six (6)** members, of whom no more than ~~two (2)~~  
8 **three (3)** may be of the same political party, appointed by the  
9 executive of the consolidated city.

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

13 ~~(3) Two (2) members, who must be of different political parties;~~  
14 ~~appointed by the board of commissioners of the county.~~

15 (e) METRO. The legislative body of the consolidated city shall  
16 appoint an individual to serve as a nonvoting adviser to the  
17 metropolitan development commission when the commission is acting  
18 as the redevelopment commission of the consolidated city under  
19 IC 36-7-15.1. If the duties of the metropolitan development  
20 commission under IC 36-7-15.1 are transferred to another entity under  
21 IC 36-3-4-23, the individual appointed under this subsection shall serve  
22 as a nonvoting adviser to that entity. A nonvoting adviser appointed  
23 under this subsection:

24 (1) must also be a member of the school board of a school  
25 corporation that includes all or part of the territory of the  
26 consolidated city;

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

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

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

37 (5) serves at the pleasure of the legislative body of the  
38 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.

Renumber 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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