

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 621**

Citations Affected: IC 3-8-1; IC 3-11.5; IC 36-3; IC 36-6-6; IC 36-7-4-207.

Synopsis: Marion County government. Conference committee report for ESB 621. 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 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 County 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. Provides that Marion County is subject to the provisions for counting absentee ballots cast on ballot cards, unless the county election board adopts a resolution adopting the provisions for counting absentee ballots cast on paper ballots. Effective January 1, 2016, reduces the membership of the city-county council from 29 to 25 members by eliminating the members elected at large. 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 must keep a record of the method and process of selecting the panel and make the record available for public inspection and copying. Allows the mayor of a consolidated city and the city-county council to each appoint one additional member to the metropolitan development commission, and eliminates the two appointments of the county board of commissioners (the county board of commissioners consists of the county auditor, the county treasurer, and the county assessor). **(This conference committee report does the following: (1) Reduces the membership of the city-county council by eliminating the four members**

elected at large. (2) Allows the mayor and the city-county council to each appoint one additional member to the metropolitan development commission and eliminates the two appointments of the county board of commissioners. (3) Requires the clerk of the court to keep a record of the selection of judges that review a division of the county into city-county council districts. (4) Makes the provisions requiring absentee ballots to be counted at a central location apply only to Marion County (removing Lake and Allen Counties). (5) Requires Marion County to follow the procedures for counting absentee ballots cast on ballot cards unless the county election board adopts a resolution to follow the procedures for counting absentee ballots cast on paper ballots. (6) Provides the following regarding the allotment system: (A) Provides for two semiannual allotment periods (instead of four quarterly allotment periods). (B) Requires each department or agency to submit a proposed allotment schedule to the controller not later than December 1 and requires the controller to determine not later than December 15 whether anticipated revenues will support the appropriations. (C) Requires the controller to approve a proposed allotment schedule if the controller determines that revenues are adequate to support the appropriations. (D) Requires the controller to revise a proposed allotment schedule if the controller determines that revenues are not adequate to support the appropriations. (E) Allows the controller to approve a proposed allotment schedule that was previously revised, if the controller later determines during the calendar year that revenues are adequate to support the appropriations. (F) Allows the controller to revise a proposed allotment schedule that was previously approved, if the controller later determines during the calendar year that revenues are not adequate to support the appropriations. (G) Requires the controller to submit a fiscal justification to the county fiscal body before the beginning of the revised allotment period if the controller proposes to reduce an allotment schedule by more than 5% of the total amount appropriated by the county fiscal body.)

Effective: July 1, 2013.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 621 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 3-8-1-24 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2013]: Sec. 24. A candidate for the office of
- 4 mayor of a first class city must have resided in the city for at least ~~five~~
- 5 **(5) years one (1) year** before the date of taking office.
- 6 SECTION 2. IC 3-8-1-25 IS AMENDED TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2013]: Sec. 25. A candidate for membership on
- 8 city-county council of a first class city must have resided in the district
- 9 in which seeking election, if applicable, for at least ~~two (2) years~~ **one**
- 10 **(1) year** before the date of taking office.
- 11 SECTION 3. IC 3-11.5-1-1.1 IS AMENDED TO READ AS
- 12 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1.1. This article applies
- 13 to:
- 14 **(1) a county subject to IC 3-11.5-4-0.5; or**
- 15 **(2) a county whose county election board, by unanimous vote of**
- 16 **the board's entire membership, has adopted a resolution under**
- 17 **IC 3-11.5-5-1 or IC 3-11.5-6-1.**
- 18 SECTION 4. IC 3-11.5-4-0.5 IS ADDED TO THE INDIANA
- 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 20 [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. (a) This section applies only**
- 21 **to a county having a consolidated city.**
- 22 **(b) Except as provided in subsection (c), a county shall count**

1 absentee ballots at a central location. Notwithstanding
 2 IC 3-11.5-6-1(a), the provisions of IC 3-11.5-6 apply in the county
 3 unless the county election board adopts a resolution under
 4 IC 3-11.5-5-1 making IC 3-11.5-5 applicable in the county.

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

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

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

11 all absentee ballots shall be counted at individual precincts instead
 12 of at a central location.

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

15 SECTION 5. IC 36-3-1-5.1, AS AMENDED BY P.L.182-2009(ss),
 16 SECTION 400, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2013]: Sec. 5.1. (a) Except for those duties that
 18 are reserved by law to the county sheriff in this section, the city-county
 19 legislative body may by majority vote adopt an ordinance, approved by
 20 the mayor, to consolidate the police department of the consolidated city
 21 and the county sheriff's department. **The consolidated law**
 22 **enforcement department must be a division of the department of**
 23 **public safety under the direction and control of a director of public**
 24 **safety.**

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

27 (1) holds a public hearing on the proposed consolidation; and

28 (2) determines that:

29 (A) reasonable and adequate police protection can be provided
 30 through the consolidation; and

31 (B) the consolidation is in the public interest.

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

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

38 (1) County jail operations and facilities.

39 (2) Emergency communications.

40 (3) Security for buildings and property owned by:

41 (A) the consolidated city;

42 (B) the county; or

43 (C) both the consolidated city and county.

44 (4) Service of civil process and collection of taxes under tax
 45 warrants.

46 (5) Sex and violent offender registration.

47 (e) The following apply if an ordinance is adopted under this
 48 section:

49 (1) The department of local government finance shall adjust the
 50 maximum permissible ad valorem property tax levy of the
 51 consolidated city and the county for property taxes first due and

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

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

21 (9) The executive of the consolidated city shall provide for an
 22 independent evaluation and performance audit, due before March
 23 1 of the year following the adoption of the consolidation
 24 ordinance and for the following two (2) years, to determine:

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

27 (B) any tax shifts among taxpayers;

28 that result from the consolidation. The independent evaluation
 29 and performance audit must be provided to the legislative council
 30 in an electronic format under IC 5-14-6 and to the budget
 31 committee.

32 SECTION 6. IC 36-3-2-10, AS AMENDED BY P.L.146-2008,
 33 SECTION 701, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) The general assembly finds
 35 the following:

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

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

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

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

50 (1) Assessed value.

- 1 (2) Exemption.
 2 (3) Owner.
 3 (4) Person.
 4 (5) Personal property.
 5 (6) Property taxation.
 6 (7) Tangible property.
 7 (8) Township assessor.
- 8 (c) As used in this section, "PILOTS" means payments in lieu of
 9 taxes.
- 10 (d) As used in this section, "public entity" means any of the
 11 following government entities in the county:
- 12 (1) An airport authority operating under IC 8-22-3.
 13 ~~(2) A capital improvement board of managers under IC 36-10-9.~~
 14 ~~(3) (2) A building authority operating under IC 36-9-13.~~
 15 ~~(4) (3) A wastewater treatment facility.~~
- 16 (e) The legislative body of the consolidated city may adopt an
 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.
- 47 (j) PILOTS shall be due as set forth in the ordinance and bear
 48 interest, if unpaid, as in the case of other taxes on property. PILOTS
 49 shall be treated in the same manner as taxes for purposes of all
 50 procedural and substantive provisions of law.

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

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

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

15 SECTION 7. IC 36-3-4-2 IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A ~~twenty-nine (29)~~ member
 17 city-county council, which is the legislative body of both the
 18 consolidated city and the county, shall be elected under IC 3-10-6 by
 19 the voters of the county. **The city-county council consists of the**
 20 **following members:**

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

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

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

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

- 26 (1) the county as provided in Article 6, Section 6 of the
 27 Constitution of the State of Indiana; and
- 28 (2) the district from which the member was elected. ~~if applicable.~~

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

- 30 (1) dies, resigns, or is removed from office;
- 31 (2) ceases to be a resident of the ~~county~~ or district from which the
 32 member was elected; or
- 33 (3) is incapacitated to the extent that the member is unable to
 34 perform the member's duties for more than six (6) months.

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

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

39 SECTION 8. IC 36-3-4-3, AS AMENDED BY P.L.141-2007,
 40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2013]: Sec. 3. (a) The city-county legislative body shall, by
 42 ordinance, divide the whole county into twenty-five (25) districts that:

- 43 (1) are compact, subject only to natural boundary lines (such as
 44 railroads, major highways, rivers, creeks, parks, and major
 45 industrial complexes);
- 46 (2) contain, as nearly as is possible, equal population; and
- 47 (3) do not cross precinct boundary lines.

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

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

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

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

8 (c) Each voter of the county may vote for ~~four (4)~~ candidates for
9 ~~at-large membership~~ and one (1) candidate from the district in which
10 the voter resides. ~~The four (4) at-large candidates receiving the most~~
11 ~~votes from the whole county and the district candidates receiving the~~
12 ~~most votes from their respective districts are elected to the legislative~~
13 ~~body.~~

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

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

35 SECTION 9. IC 36-3-5-2, AS AMENDED BY P.L.227-2005,
36 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2013]: Sec. 2. (a) The executive shall ~~subject to the approval~~
38 ~~of the city-county legislative body~~; appoint each of the executive's
39 deputies and the director of each department of the consolidated city.
40 **The executive's initial appointment of a deputy or director is**
41 **subject to the approval of the city-county legislative body.** A deputy
42 or director is appointed for a term of one (1) year and until a successor
43 is appointed and qualified, but serves at the pleasure of the executive.

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

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

50 (2) ~~When the office has been vacated, not more than forty-five~~

1 (45) days after the vacancy occurs.

2 **(b) When making an appointment under subsection (a) to fill an**

3 **office that has been vacated, the executive shall submit the name of**

4 **an appointee to an office to the legislative body for its approval not**

5 **more than forty-five (45) days after the vacancy occurs.**

6 (c) The executive may appoint an acting deputy or acting director

7 whenever the incumbent is incapacitated or the office has been vacated.

8 An acting deputy or acting director has all the powers of the office.

9 (d) The executive shall appoint:

10 (1) a controller;

11 (2) two (2) deputy controllers, only one (1) of whom may be from

12 the same political party as the executive; and

13 (3) a corporation counsel;

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

15 (e) The corporation counsel and every attorney who is a city

16 employee working for the corporation counsel must be a resident of the

17 county and admitted to the practice of law in Indiana.

18 SECTION 10. IC 36-3-6-10 IS ADDED TO THE INDIANA CODE

19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

20 1, 2013]: **Sec. 10. (a) As used in this section, "appropriation**

21 **adopted by the county fiscal body" means all appropriations,**

22 **including any additional or supplemental appropriations, made by**

23 **the county fiscal body for the calendar year covered by the**

24 **allotment schedule.**

25 **(b) As used in this section, "office, department, or agency"**

26 **means any office, department, or agency of the consolidated city or**

27 **the county having a consolidated city.**

28 (c) Each year shall be divided into two (2) semiannual allotment

29 periods, beginning respectively on the first day of January and

30 July. However, in any case where the semiannual allotment period

31 is impracticable, the controller may prescribe a different period

32 suited to the circumstances but not extending beyond the end of

33 any calendar year.

34 (d) Except as provided in subsection (e), the allotment system

35 and the encumbering of funds apply to appropriations and funds

36 of all kinds, including dedicated funds from which expenditures are

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

38 (e) The allotment system does not apply to the following:

39 (1) Money made available for the purpose of conducting a

40 post-audit of financial transactions of any office, department,

41 or agency.

42 (2) Appropriations for construction or for the acquisition of

43 real estate for public purposes that are exempted from the

44 allotment system by the executive of the consolidated city.

45 (f) An appropriation to any office, department, or agency is not

46 available for expenditure until allotted by the controller.

47 (g) The controller shall prescribe the form of a request for

48 allotment.

49 (h) Not later than December 1, each office, department, or

50 agency shall submit to the controller a proposed semiannual

51 allotment schedule for the succeeding calendar year. The proposed

1 allotment schedule must reflect the amounts appropriated, by fund
2 and character, by the county fiscal body for the calendar year.

3 (i) Not later than December 15, the controller shall make a
4 determination as to whether the anticipated revenues for the
5 succeeding calendar year will be adequate to support the
6 appropriations adopted by the county fiscal body for the
7 succeeding calendar year. The controller's determination must
8 take into consideration the need to maintain adequate reserves for
9 the city and county.

10 (j) If, in the controller's judgment, the anticipated revenues are
11 adequate to support the appropriation adopted by the county fiscal
12 body, the controller shall approve the proposed allotment schedule
13 as submitted by an office, department, or agency.

14 (k) If, in the controller's judgment, the anticipated revenues are
15 not adequate to support the appropriation adopted by the county
16 fiscal body, the controller shall revise the proposed allotment
17 schedule as submitted by an office, department, or agency to reflect
18 anticipated revenues.

19 (l) If, after the controller approves the allotment schedule under
20 subsection (j), the controller determines during the calendar year
21 that the anticipated revenues are not adequate to support the
22 appropriation adopted by the county fiscal body, the controller
23 may revise the proposed allotment schedules as submitted by an
24 office, department, or agency to reflect anticipated revenues.

25 (m) If, after the controller revises the proposed allotment
26 schedule under subsection (k), the controller determines during the
27 calendar year that the anticipated revenues are adequate to
28 support the appropriation adopted by the county fiscal body, the
29 controller shall revise the proposed allotment schedules up to one
30 hundred percent (100%) of the amount of the appropriation
31 adopted by the county fiscal body for an office, department, or
32 agency.

33 (n) The controller shall notify every office, department, or
34 agency of the allotments:

35 (1) at least five (5) days before the beginning of each allotment
36 period; and

37 (2) not more than five (5) days after the beginning of a revised
38 allotment period under subsection (k) or (l).

39 The controller shall promptly transmit records of all allotments
40 and modifications to the county auditor and the county fiscal body.
41 If the controller proposes to reduce the allotment schedule in
42 excess of five percent (5%) of the total amount of the appropriation
43 adopted by the county fiscal body, the controller shall submit a
44 fiscal justification to the county fiscal body before the beginning of
45 the revised allotment period.

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

51 (b) The township board in a county containing a consolidated city

1 shall consist of **the following:**

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

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

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

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

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

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

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

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

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

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

26 SECTION 13. IC 36-7-4-207, AS AMENDED BY P.L.146-2008,
27 SECTION 718, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2013]: Sec. 207. (a) ADVISORY. In a city
29 having a park board and a city civil engineer, the city plan commission
30 consists of nine (9) members, as follows:

31 (1) One (1) member appointed by the city legislative body from
32 its membership.

33 (2) One (1) member appointed by the park board from its
34 membership.

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

37 (4) The city civil engineer or a qualified assistant appointed by the
38 city civil engineer.

39 (5) Five (5) citizen members, of whom no more than three (3)
40 may be of the same political party, appointed by the city
41 executive.

42 (b) ADVISORY. If a city lacks either a park board or a city civil
43 engineer, or both, subsection (a) does not apply. In such a city or in any
44 town, the municipal plan commission consists of seven (7) members,
45 as follows:

46 (1) The municipal legislative body shall appoint three (3) persons,
47 who must be elected or appointed municipal officials or
48 employees in the municipal government, as members.

49 (2) The municipal executive shall appoint four (4) citizen
50 members, of whom no more than two (2) may be of the same

- 1 political party.
- 2 (c) AREA. To provide equitable representation of rural and urban
3 populations, representation on the area plan commission is determined
4 as follows:
- 5 (1) Seven (7) representatives from each city having a population
6 of more than one hundred five thousand (105,000).
- 7 (2) Six (6) representatives from each city having a population of
8 not less than seventy thousand (70,000) nor more than one
9 hundred five thousand (105,000).
- 10 (3) Five (5) representatives from each city having a population of
11 not less than thirty-five thousand (35,000) but less than seventy
12 thousand (70,000).
- 13 (4) Four (4) representatives from each city having a population of
14 not less than twenty thousand (20,000) but less than thirty-five
15 thousand (35,000).
- 16 (5) Three (3) representatives from each city having a population
17 of not less than ten thousand (10,000) but less than twenty
18 thousand (20,000).
- 19 (6) Two (2) representatives from each city having a population of
20 less than ten thousand (10,000).
- 21 (7) One (1) representative from each town having a population of
22 more than two thousand one hundred (2,100), and one (1)
23 representative from each town having a population of two
24 thousand one hundred (2,100) or less that had a representative
25 before January 1, 1979.
- 26 (8) Such representatives from towns having a population of not
27 more than two thousand one hundred (2,100) as are provided for
28 in section 210 of this chapter.
- 29 (9) Six (6) county representatives if the total number of municipal
30 representatives in the county is an odd number, or five (5) county
31 representatives if the total number of municipal representatives is
32 an even number.
- 33 (d) METRO. The metropolitan development commission consists
34 of nine (9) citizen members, as follows:
- 35 (1) ~~Four (4)~~ **Five (5)** members, of whom no more than ~~two (2)~~
36 **three (3)** may be of the same political party, appointed by the
37 executive of the consolidated city.
- 38 (2) ~~Three (3)~~ **Four (4)** members, of whom no more than two (2)
39 may be of the same political party, appointed by the legislative
40 body of the consolidated city.
- 41 (3) ~~Two (2) members, who must be of different political parties,~~
42 ~~appointed by the board of commissioners of the county.~~
- 43 (e) METRO. The legislative body of the consolidated city shall
44 appoint an individual to serve as a nonvoting adviser to the
45 metropolitan development commission when the commission is acting
46 as the redevelopment commission of the consolidated city under
47 IC 36-7-15.1. If the duties of the metropolitan development
48 commission under IC 36-7-15.1 are transferred to another entity under
49 IC 36-3-4-23, the individual appointed under this subsection shall serve
50 as a nonvoting adviser to that entity. A nonvoting adviser appointed

- 1 under this subsection:
2 (1) must also be a member of the school board of a school
3 corporation that includes all or part of the territory of the
4 consolidated city;
5 (2) is not considered a member of the metropolitan development
6 commission for purposes of IC 36-7-15.1 but is entitled to attend
7 and participate in the proceedings of all meetings of the
8 metropolitan development commission (or any successor entity
9 designated under IC 36-3-4-23) when it is acting as a
10 redevelopment commission under IC 36-7-15.1;
11 (3) is not entitled to a salary, per diem, or reimbursement of
12 expenses;
13 (4) serves for a term of two (2) years and until a successor is
14 appointed; and
15 (5) serves at the pleasure of the legislative body of the
16 consolidated city.
(Reference is to ESB 621 as reprinted April 5, 2013.)

Conference Committee Report
on
Engrossed Senate Bill 621

Signed by:

Senator Young R Michael
Chairperson

Representative Frizzell

Senator Waltz

Representative Speedy

Senate Conferees

House Conferees