COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 61, 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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 36-4-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) This section applies only to second class cities.

(b) The legislative body shall adopt an ordinance to divide the city into:

(1) six (6) districts; **or**

(2) eight (8) districts.

(c) The legislative body shall create districts that:

(1) are composed of contiguous territory, except for territory that is not contiguous to any other part of the city;

(2) are reasonably compact;

(3) do not cross precinct boundary lines, except as provided in subsection ~~(c)~~ **(d)** or ~~(d);~~ **(e);** and

(4) contain, as nearly as is possible, equal population.

~~(c)~~ **(d)** The boundary of a city legislative body district may cross a precinct boundary line if:

(1) more than one (1) member of the legislative body elected from the districts established under subsection (b) resides in one (1) precinct established under IC 3-11-1.5 after the most recent municipal election; and

(2) following the establishment of a legislative body district

whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from districts resides within the same city legislative body district.

~~(d)~~ **(e)** The boundary of a city legislative body district may cross a precinct line if the districts would not otherwise contain, as nearly as is possible, equal population.

~~(e)~~ **(f)** A city legislative body district with a boundary described by subsection ~~(c)~~ **(d)** or ~~(d)~~ **(e)** may not cross a census block boundary line except:

(1) when following a precinct boundary line; or

(2) the city legislative body certifies in the ordinance that the census block has no population, and is not likely to ever have population.

~~(f)~~ **(g)** The legislative body may not adopt an ordinance dividing the city into districts with boundaries described by subsection ~~(c)~~ **(d)** or ~~(d)~~ **(e)** unless the clerk of the city mails a written notice to the circuit court clerk. The notice must:

(1) state that the legislative body is considering the adoption of an ordinance described by this subsection; and

(2) be mailed not later than ten (10) days before the legislative body adopts the ordinance.

~~(g)~~ **(h)** The division under subsection (b) shall be made in 2002, every ten (10) years after that, and when required to assign annexed territory to a district. This division may be made at any other time, subject to IC 3-11-1.5-32.

~~(h)~~ **(i) If the city is divided into six (6) districts,** the legislative body is composed of six (6) members elected from the districts established under subsection (b)**(1)** and three (3) at-large members. ~~(i)~~ Each voter of the city may vote for three (3) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The three (3) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(j) If the city is divided into eight (8) districts, the legislative body is composed of eight (8) members elected from the districts established under subsection (b)(2) and three (3) at-large members. Each voter of the city may vote for three (3) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The three (3) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

~~(j)~~ **(k)** If any territory in the city is not included in one (1) of the districts established under this section, the territory is included in the district that:

(1) is contiguous to that territory; and

(2) contains the least population of all districts contiguous to that territory.

~~(k)~~ **(l)** If any territory in the city is included in more than one (1) of the districts established under this section, the territory is included

in the district that:

(1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;

(2) is contiguous to that territory; and

(3) contains the least population of all districts contiguous to that territory.

~~(l)~~ **(m)** A copy of the ordinance establishing districts under this section must be filed with the circuit court clerk of the county that contains the greatest population of the city not later than thirty (30) days after the ordinance is adopted.

(Reference is to SB 61 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Rules and Legislative Procedure.

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GARTON Chairperson