

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Local Government and Elections, to which was referred Senate Bill No. 312, 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:

- 1 Page 9, between lines 26 and 27, begin a new paragraph and insert:
2 "SECTION 10. IC 36-2-3-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. ~~(a)~~ The ~~seven (7)~~
4 ~~member~~ county council elected under this chapter is the county fiscal
5 body **and the county legislative body as provided in IC 36-2-3.7.**
6 The fiscal body shall act in the name of "The _____ County
7 Council".
8 ~~(b) Notwithstanding subsection (a); in a county having a population~~
9 ~~of more than two hundred thousand (200,000) but less than three~~
10 ~~hundred thousand (300,000); the county council has nine (9) members.~~
11 SECTION 11. IC 36-2-3-3 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The ~~fiscal body~~
13 **county council** shall be elected under IC 3-10-2-13. Except in a county
14 having only single member districts, members elected from districts
15 and at large members, respectively, ~~are to~~ **shall** be elected in alternate,
16 succeeding general elections under ~~section 4~~ of this chapter. In a
17 county having only single member districts, the terms of the members
18 are staggered as was provided by law before September 1, 1980.
19 (b) The term of office of a member of the ~~fiscal body~~ **county**

1 **council** is four (4) years, beginning January 1 after election and
 2 continuing until a successor is elected and qualified.

3 SECTION 12. IC 36-2-3-4, AS AMENDED BY P.L.230-2005,
 4 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2008]: Sec. 4. (a) This subsection does not apply to a county
 6 having a population of:

7 (1) more than four hundred thousand (400,000) but less than
 8 seven hundred thousand (700,000); or

9 (2) more than two hundred thousand (200,000) but less than three
 10 hundred thousand (300,000).

11 The county executive shall, by ordinance, divide the county into four
 12 (4) contiguous, single-member districts that comply with subsection
 13 (d). If necessary, the county auditor shall call a special meeting of the
 14 executive to establish or revise districts. One (1) member of the ~~fiscat~~
 15 ~~body county council~~ **county council** shall be elected by the voters of each of the four
 16 (4) districts. ~~Three (3)~~ **Five (5)** at-large members of the ~~fiscat body~~
 17 ~~county council~~ **county council** shall be elected by the voters of the whole county.

18 (b) This subsection applies to a county having a population of more
 19 than four hundred thousand (400,000) but less than seven hundred
 20 thousand (700,000). The county redistricting commission established
 21 under IC 36-2-2-4 shall divide the county into seven (7) single-member
 22 districts that comply with subsection (d). One (1) member of the ~~fiscat~~
 23 ~~body county council~~ **county council** shall be elected by the voters of each of these
 24 seven (7) single-member districts.

25 (c) This subsection applies to a county having a population of more
 26 than two hundred thousand (200,000) but less than three hundred
 27 thousand (300,000). The ~~fiscat body county council~~ shall divide the
 28 county into nine (9) single-member districts that comply with
 29 subsection (d). Three (3) of these districts must be contained within
 30 each of the three (3) districts established under IC 36-2-2-4(c). One (1)
 31 member of the ~~fiscat body county council~~ **county council** shall be elected by the voters
 32 of each of these nine (9) single-member districts.

33 (d) Single-member districts established under subsection (a), (b), or
 34 (c) must:

35 (1) be compact, subject only to natural boundary lines (such as
 36 railroads, major highways, rivers, creeks, parks, and major
 37 industrial complexes);

38 (2) not cross precinct boundary lines;

1 (3) contain, as nearly as possible, equal population; and
 2 (4) include whole townships, except when a division is clearly
 3 necessary to accomplish redistricting under this section.

4 (e) A division under subsection (a), (b), or (c) shall be made:
 5 (1) during the first year after a year in which a federal decennial
 6 census is conducted; and
 7 (2) when the county executive adopts an order declaring a county
 8 boundary to be changed under IC 36-2-1-2.

9 (f) A division under subsection (a), (b), or (c) may be made in any
 10 odd-numbered year not described in subsection (e).

11 SECTION 13. IC 36-2-3-4.7 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.7. (a) Whenever the
 13 county executive or the county fiscal body divides the county into
 14 districts under section 4 of this chapter, the county executive or the
 15 county ~~fiscal body~~ **county council** shall adopt an ordinance.

16 (b) The county executive or the county ~~fiscal body~~ **county council** shall file
 17 a copy of an ordinance adopted under subsection (a) with the circuit
 18 court clerk.

19 SECTION 14. IC 36-2-3-5 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) To be eligible to
 21 serve as a member of the ~~fiscal body~~, **county council**, a person must
 22 meet the qualifications prescribed by IC 3-8-1-22.

23 (b) A member of the ~~fiscal body~~ **county council** must reside within:
 24 (1) the county as provided in Article 6, Section 6 of the
 25 Constitution of the State of Indiana; and
 26 (2) the district from which the member was elected, if applicable.

27 (c) A member who fails to comply with subsection (b) forfeits the
 28 office.

29 SECTION 15. IC 36-2-3-6 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) At its regular
 31 meeting required by section 7(b)(1) of this chapter, the ~~fiscal body~~
 32 **county council** shall elect a president and president pro tempore from
 33 its members.

34 (b) The county auditor is the clerk of the ~~fiscal body~~ **county council**
 35 and shall:

36 (1) preserve the ~~fiscal body's~~ **county council's** records in ~~his the~~
 37 **county auditor's** office;
 38 (2) keep an accurate record of the ~~fiscal body's~~ **county council's**

- 1 proceedings;
- 2 (3) record the ayes and nays on each vote appropriating money or
- 3 fixing the rate of a tax levy; and
- 4 (4) record the ayes and nays on other votes when requested to do
- 5 so by two (2) or more members.

6 (c) The county sheriff or a county police officer shall attend the

7 meetings of the ~~fiscal body~~; **county council**, if requested by the ~~fiscal~~

8 ~~body~~; **county council**, and shall execute its orders.

9 (d) The ~~fiscal body~~ **county council** may employ legal and

10 administrative personnel necessary to assist and advise it in the

11 performance of its functions and duties.

12 SECTION 16. IC 36-2-3-7 IS AMENDED TO READ AS

13 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The ~~fiscal body~~

14 **county council** shall hold its meetings in the county seat, in the county

15 auditor's office, or in another location provided by the county executive

16 and approved by the ~~fiscal body~~; **county council**.

17 (b) The ~~fiscal body~~; **county council**:

- 18 (1) shall hold a regular meeting in January after its election, for
- 19 the purpose of organization and other business;
- 20 (2) shall hold a regular meeting annually, as prescribed by
- 21 IC 6-1.1-17, to adopt the county's annual budget and tax rate;
- 22 (3) may hold a special meeting under subsection (c) or (d); and
- 23 (4) in the case of a county subject to IC 36-2-3.5 **before January**
- 24 **1, 2011**, shall hold meetings at a regularly scheduled time each
- 25 month that does not conflict with the meetings of the county
- 26 executive.

27 (c) A special meeting of the ~~fiscal body~~ **county council** may be

28 called:

- 29 (1) by the county auditor or the president of the ~~fiscal body~~;
- 30 **county council**; or
- 31 (2) by a majority of the members of the ~~fiscal body~~; **county**
- 32 **council**.

33 At least forty-eight (48) hours before the meeting, the auditor,

34 president, or members calling the meeting shall give written notice of

35 the meeting to each member of the ~~fiscal body~~ **county council** and

36 publish, at least one (1) day before the meeting, the notice in

37 accordance with IC 5-3-1-4. This subsection does not apply to a

38 meeting called to deal with an emergency under IC 5-14-1.5-5.

1 (d) If a court orders the county auditor to make an expenditure of
 2 county money for a purpose for which an appropriation has not been
 3 made, the auditor shall immediately call an emergency meeting of the
 4 ~~fiscal body~~ **county council** to discuss the matter. Notwithstanding
 5 subsection (c), the meeting must be held within three (3) working days
 6 of the receipt of the order by the auditor, and notice of the meeting day,
 7 time, and ~~places~~ **place** is sufficient if:

8 (1) given by telephone to the members of the ~~fiscal body~~; **county**
 9 **council**; and

10 (2) given according to IC 5-14-1.5.

11 SECTION 17. IC 36-2-3-8 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. A member of the
 13 ~~fiscal body~~ **county council** who purchases a bond, order, claim, or
 14 demand against the county for less than its face value shall forfeit it to
 15 the county and may not enforce it by legal action.

16 SECTION 18. IC 36-2-3-9 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. The ~~fiscal body~~
 18 **county council** may:

19 (1) expel any member for violation of an official duty;

20 (2) declare the seat of any member vacant if ~~he~~ **the member** is
 21 unable or fails to perform the duties of ~~his~~ **the** office; and

22 (3) adopt its own rules to govern proceedings under this section,
 23 but a two-thirds (2/3) vote is required to expel a member or vacate
 24 ~~his~~ **the member's** seat.

25 SECTION 19. IC 36-2-3-10 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. (a) The ~~fiscal body~~
 27 **county council** may employ and fix the compensation of an attorney
 28 to represent and advise the ~~fiscal body~~; **county council**.

29 (b) For the purposes of Section 9, Article 2 of the Constitution of the
 30 State of Indiana, employment by a county ~~fiscal body~~ **council** as an
 31 attorney does not constitute a lucrative office."

32 Page 11, delete lines 38 through 42.

33 Delete page 12.

34 Page 13, delete lines 1 through 38.

35 Page 14, after line 28, begin a new paragraph and insert:

36 "SECTION 31. [EFFECTIVE JULY 1, 2008] **(a) Except as**
 37 **provided in subsection (b), this SECTION applies to a county.**

38 **(b) This SECTION does not apply to the following counties:**

- 1 **(1) A county that has a consolidated city.**
- 2 **(2) A county having a population of more than four hundred**
- 3 **thousand (400,000) but less than seven hundred thousand**
- 4 **(700,000).**
- 5 **(3) A county having a population of more than two hundred**
- 6 **thousand (200,000) but less than three hundred thousand**
- 7 **(300,000).**
- 8 **(c) Notwithstanding any other provision, in a county subject to**
- 9 **this SECTION the two (2) at large members of the county council**
- 10 **added under IC 36-2-3-4, as amended by this act, shall be elected**
- 11 **at the November 2010 general election. The term of office of the**
- 12 **members:**
- 13 **(1) is four (4) years; and**
- 14 **(2) begins January 1, 2011.**
- 15 **(d) This SECTION expires July 1, 2012."**
- 16 Renumber all SECTIONS consecutively.
 (Reference is to SB 312 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 4.

Lawson C

Chairperson