

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 110 be amended to read as follows:

- 1           Page 7, between lines 25 and 26, begin a new paragraph and insert:  
2           "SECTION 7. IC 16-22-2-11, AS AMENDED BY P.L.80-2011,  
3           SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           UPON PASSAGE]: Sec. 11. (a) Except as provided in section 12 **or 14**  
5           of this chapter, whenever a vacancy occurs on the governing board, the  
6           existing governing board shall submit a list of the following:  
7                 (1) At least one (1) but not more than three (3) candidates for  
8                 each vacancy to be filled to the appointing authority.  
9                 (2) Qualifications for assessment of a candidate for each vacancy.  
10           (b) For each vacancy, the appointing authority may do one (1) of the  
11           following:  
12                 (1) Appoint one (1) of the candidates submitted by the governing  
13                 board.  
14                 (2) Request and receive from the governing board a second list of  
15                 at least one (1) but not more than three (3) candidates.  
16                 (3) Appoint an individual who meets the requirements concerning  
17                 board members and who was not named in the initial list  
18                 submitted by the governing board.  
19           The appointing authority shall consider the list of qualifications  
20           submitted by the governing board under subsection (a)(2) when making  
21           an appointment.  
22           (c) If the appointing authority requests and receives a second list of  
23           candidates under subsection (b)(2), the appointing authority may do  
24           one (1) of the following:  
25                 (1) Appoint one (1) candidate named in the second list.  
26                 (2) Appoint an individual who meets the requirements concerning  
27                 board members and who was not named in the second list of  
28                 candidates submitted by the governing board.  
29           (d) The appointment for a vacancy shall be made not more than  
30           sixty (60) days after submission of the initial list of candidates under

1 subsection (a).

2 (e) If the vacancy occurred due to the expiration of a member's term  
3 and the vacancy is not filled within sixty (60) days of the expiration  
4 date, the member whose term expired is automatically reappointed for  
5 another term.

6 (f) Each candidate submitted by the governing board must meet the  
7 requirements concerning governing board members.

8 SECTION 8. IC 16-22-2-12 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section  
10 applies to governing boards of a county hospital in a county having a  
11 population of more than:

12 (1) ~~eighteen thousand~~ ~~(18,000)~~ **three hundred fifty**  
13 **(17,350)** but less than eighteen thousand ~~three hundred~~ ~~(18,300);~~  
14 **(18,000);**

15 (2) ~~twenty-seven thousand~~ ~~(27,400)~~ **twenty-six thousand four hundred**  
16 **(26,000)** but less than ~~twenty-seven thousand~~ ~~(27,500);~~ **twenty-six thousand five**  
17 **hundred (26,500); and**

18 (3) ~~forty-one thousand~~ ~~(41,000)~~ **forty-two thousand**  
19 **(42,300)** but less than forty-three thousand (43,000).

20 (b) The appointing authority shall appoint a member to fill a  
21 vacancy on the governing board within sixty (60) days after the  
22 vacancy occurs.

23 (c) **Notwithstanding subsections (a) and (b), the county**  
24 **executive's appointments to the governing body of a county**  
25 **hospital located in a county described in subsection (a)(1) shall be**  
26 **made under section 14 of this chapter if a single county**  
27 **commissioner holds office as the executive of the county under**  
28 **IC 36-2-2.5.**

29 SECTION 9. IC 16-22-2-14 IS ADDED TO THE INDIANA CODE  
30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
31 UPON PASSAGE]: **Sec. 14. (a) This section applies to the governing**  
32 **board of a county hospital established and operated under this**  
33 **chapter in a county in which a single county commissioner holds**  
34 **office under IC 36-2-2.5 as the county executive.**

35 (b) **This section governs only appointments to the governing**  
36 **board of a county hospital that are made by the county executive**  
37 **as appointing authority under this chapter. This section does not**  
38 **affect appointments to the governing board of a county hospital**  
39 **that are to be made by:**

40 (1) **an appointing authority under this chapter other than the**  
41 **county executive; or**

42 (2) **an appointing board under section 8 of this chapter.**

43 (c) **This section does not apply to appointments made to increase**  
44 **the size of a governing board under section 7 of this chapter.**

45 (d) **Except as provided in subsection (g), whenever a vacancy to**  
46 **be filled by the county executive occurs on the governing board, the**

1 existing governing board shall submit to the county executive the  
2 following:

3 (1) A list of three (3) candidates to fill the vacancy.

4 (2) A list of qualifications for assessment of the three (3)  
5 candidates for the vacancy.

6 (e) The county executive shall appoint one (1) of the candidates  
7 submitted by the governing board. The county executive shall  
8 consider the list of qualifications submitted by the governing board  
9 under subsection (d)(2) when making the appointment.

10 (f) The appointment for a vacancy shall be made not more than  
11 sixty (60) days after submission of the list of candidates under  
12 subsection (d).

13 (g) If the vacancy is due to the expiration of a member's term  
14 and the existing governing board determines to seek the  
15 reappointment of the member to the governing board, the existing  
16 governing board shall submit the member's name to the county  
17 executive for reappointment. Upon receiving the governing board's  
18 submission, the county executive shall reappoint the member for  
19 another term. If the county executive does not reappoint the  
20 member within sixty (60) days after the executive's receipt of the  
21 governing board's submission, the member whose term expired is  
22 automatically reappointed for another term.

23 SECTION 10. IC 16-22-2-15 IS ADDED TO THE INDIANA  
24 CODE AS A NEW SECTION TO READ AS FOLLOWS  
25 [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) This section applies to  
26 the governing board of a county hospital established and operated  
27 under this chapter in a county:

28 (1) in which a single county commissioner holds office under  
29 IC 36-2-2.5 as the county executive; and

30 (2) the county executive has membership on the governing  
31 board under section 3, 3.1, 4, or 5 of this chapter.

32 (b) Following the decrease in the number of county  
33 commissioners from three (3) to one (1) upon the assumption of  
34 office by the initial single county commissioner under IC 36-2-2.5,  
35 the three (3) memberships on the hospital's governing board  
36 previously held by the three (3) county commissioners in their  
37 capacity as county executive shall be filled as follows:

38 (1) The initial single county commissioner, and each  
39 subsequent single county commissioner under IC 36-2-2.5,  
40 shall serve as a member of the county hospital's governing  
41 board in the commissioner's capacity as county executive.

42 (2) The two (2) remaining memberships shall be filled using  
43 the procedure for filling governing board vacancies set forth  
44 in section 14(d) of this chapter. After the initial appointment  
45 of these two (2) members, any vacancy in these memberships  
46 will be filled under section 14(d) of this chapter or section  
47 14(g) of this chapter, as appropriate."

1 Page 11, delete lines 29 through 41, begin a new paragraph and  
2 insert:

3 **"(c) If an ordinance is adopted under this section:**

4 **(1) the county auditor shall certify the adoption of the**  
5 **ordinance to the county election board under IC 3-10-9; and**

6 **(2) a public question shall be held in the county on whether**  
7 **the executive and legislative structure and functions of the**  
8 **county should be reorganized under IC 36-2-2.5.**

9 **The public question shall be placed on the ballot in accordance**  
10 **with IC 3-10-9."**

11 Page 11, line 42, delete "2(e)" and insert "2(c)".

12 Page 12, line 21, after "which" delete ":" and insert "**a local public**  
13 **question under IC 36-2-2.4 making the county executive a single**  
14 **county commissioner has been approved by the voters of the**  
15 **county."**

16 Page 12, delete lines 22 through 28.

17 Page 12, line 34, delete "ordinance or".

18 Page 12, line 35, delete "or IC 36-2-2.6".

19 Page 12, line 38, delete "ordinance or".

20 Page 12, line 38, after "IC 36-2-2.4" delete "or".

21 Page 12, line 39, delete "IC 36-2-2.6".

22 Page 14, between lines 29 and 30, begin a new paragraph and insert:

23 **"(e) Appointments to and the membership of a governing board**  
24 **of a county hospital established and operated under IC 16-22-2 in**  
25 **a county in which a single county commissioner holds office as the**  
26 **executive of the county are governed by IC 16-22-2-14 and**  
27 **IC 16-22-2-15."**

28 Page 19, delete lines 32 through 42.

29 Page 20, delete lines 1 through 29.

30 Page 21, delete lines 21 through 42, begin a new paragraph and  
31 insert:

32 **"(c) If an ordinance is adopted under this section:**

33 **(1) the county auditor shall certify the adoption of the**  
34 **ordinance to the county election board under IC 3-10-9; and**

35 **(2) a public question shall be held in the county under section**  
36 **5 of this chapter on whether the executive and legislative**  
37 **structure and functions of the county should be reorganized**  
38 **under section 6 of this chapter."**

39 Page 22, delete lines 1 through 15.

40 Page 22, line 16, delete "6." and insert "5."

41 Page 22, line 16, delete "4(d)" and insert "4".

42 Page 22, line 17, delete "or a sufficient petition is certified under  
43 section 5(b) of this" and insert ",".

44 Page 22, line 18, delete "chapter,".

45 Page 22, line 32, delete "7" and insert "6".

46 Page 22, line 34, delete "7." and insert "6".

- 1 Page 22, line 34, delete "an ordinance is adopted by a".  
 2 Page 22, delete line 35.  
 3 Page 22, line 36, delete "described in section 4(c) of this chapter or  
 4 if".  
 5 Page 22, line 38, delete "6" and insert "5".  
 6 Page 23, line 20, delete "ordinance or".  
 7 Page 23, line 24, delete "ordinance or".  
 8 Page 23, line 27, delete "ordinance or".  
 9 Page 23, line 31, delete "ordinance or".  
 10 Page 24, line 34, delete "ordinance or".  
 11 Page 24, line 41, delete "ordinance or".  
 12 Page 26, line 21, after "which" delete ":".  
 13 Page 26, delete lines 22 through 25.  
 14 Page 26, line 26, delete "(B)".  
 15 Page 26, run in lines 21 through 26.  
 16 Page 26, line 26, delete "or IC 36-2-2.6".  
 17 Page 26, line 35, delete "ordinance".  
 18 Page 26, line 36, before "local" delete "or".  
 19 Page 26, line 36, delete "or IC 36-2-2.6".  
 20 Page 27, line 15, delete "ordinance or".  
 21 Page 27, line 15, after "IC 36-2-2.4" delete "or".  
 22 Page 27, line 16, delete "IC 36-2-2.6".  
 23 Page 28, line 22, after "which" delete ":".  
 24 Page 28, delete lines 23 through 26.  
 25 Page 28, line 27, delete "(B)".  
 26 Page 28, run in lines 22 through 27.  
 27 Page 28, line 27, delete "or IC 36-2-2.6".  
 28 Page 29, line 13, delete "ordinance or".  
 29 Page 29, line 14, delete "or IC 36-2-2.6".  
 30 Page 29, line 16, delete "ordinance or".  
 31 Page 29, line 17, delete "or IC 36-2-2.6".  
 32 Page 33, delete lines 14 through 42, begin a new paragraph and  
 33 insert:  
 34 "SECTION 28. IC 36-9-27-5 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except in a  
 36 county having a consolidated city **or as provided in subsection (d)**,  
 37 the drainage board consists of either:  
 38 (1) the county executive; or  
 39 (2) three (3) or five (5) persons, at least one (1) of whom must be  
 40 a member of the executive, appointed by the executive;  
 41 at the option of the executive. Appointees under subdivision (2) must  
 42 be resident freeholders of the county who are knowledgeable in  
 43 drainage matters. Freeholders appointed to the board serve for terms of  
 44 three (3) years, with their initial appointments made so as to provide for  
 45 staggering of terms on an annual basis. In addition, the county surveyor  
 46 serves on the board as an ex officio, nonvoting member.

1 (b) In a county having a consolidated city, the board of public works  
 2 of the consolidated city comprises the drainage board, subject to  
 3 IC 36-3-4-23.

4 (c) In a county having a consolidated city, the department of public  
 5 works of the consolidated city has all the powers, duties, and  
 6 responsibilities of the county surveyor under this chapter, subject to  
 7 IC 36-3-4-23.

8 **(d) The following apply in a county that is subject to**  
 9 **IC 36-2-2.5:**

10 **(1) The drainage board consists of:**

11 **(A) the single county commissioner; and**

12 **(B) two (2) or four (4) persons (as determined by the**  
 13 **county council) who are appointed by the county council.**

14 **A member appointed under this clause may be a member**  
 15 **of the county council.**

16 **(2) Appointees under subdivision (1)(B) must be resident**  
 17 **freeholders of the county who are knowledgeable in drainage**  
 18 **matters.**

19 **(3) The freeholders appointed to the drainage board serve for**  
 20 **terms of three (3) years, with the freeholders' initial**  
 21 **appointments made so as to provide for staggering of terms**  
 22 **on an annual basis.**

23 **(4) The county surveyor serves on the drainage board as an ex**  
 24 **officio, nonvoting member.**

25 **(5) The terms of members serving on the drainage board at**  
 26 **the time the first single county commissioner is elected under**  
 27 **IC 36-2-2.5 expire on January 1 of the year following that**  
 28 **election, and the county council shall make the appointments**  
 29 **to the board as provided in this subsection."**

30 Page 34, delete lines 1 through 8.

31 Renumber all SECTIONS consecutively.

(Reference is to SB 110 as reprinted January 20, 2012.)

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Senator HOLDMAN