



Reprinted
March 29, 2013

ENGROSSED

SENATE BILL No. 475

DIGEST OF SB 475 (Updated March 28, 2013 10:55 am - DI 87)

Citations Affected: Noncode.

Synopsis: Interim study committee. Urges the legislative council to assign to a study committee during the 2013 interim, the topic of allowing counties to change the executive and legislative structure of county government by placing: (1) all executive powers in a single county executive, instead of a board of commissioners; and (2) all legislative and fiscal powers in a county council. Provides that if the topic is assigned to a study committee, the study committee shall issue a final report to the legislative council containing the committee's findings and recommendations not later than November 1, 2013.

Effective: Upon passage.

Holdman, Smith J

(HOUSE SPONSORS — CARBAUGH, GIAQUINTA)

January 14, 2013, read first time and referred to Committee on Local Government.
February 14, 2013, amended, reported favorably — Do Pass.
February 18, 2013, read second time, ordered engrossed.
February 19, 2013, engrossed. Read third time, passed. Yeas 39, nays 10.

HOUSE ACTION

February 26, 2013, read first time and referred to Committee on Government and Regulatory Reform.
March 21, 2013, amended, reported — Do Pass.
March 28, 2013, read second time, amended, ordered engrossed.

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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.

ENGROSSED SENATE BILL No. 475

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. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
2 **SECTION, "legislative council" refers to the legislative council**
3 **established by IC 2-5-1.1-1.**
4 (b) **As used in this SECTION, "study committee" means either**
5 **of the following:**
6 (1) **A statutory committee established under IC 2-5.**
7 (2) **An interim study committee.**
8 (c) **The legislative council is urged to assign the topic of allowing**
9 **counties to change the executive and legislative structure of county**
10 **government by placing:**
11 (1) **all executive powers in a single county executive, instead**
12 **of a board of commissioners; and**
13 (2) **all legislative and fiscal powers in the county council;**
14 **to a study committee during the 2013 legislative interim.**
15 (d) **If the topic described in subsection (c) is assigned to a study**

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1 **committee, the study committee shall issue a final report to the**
2 **legislative council containing the study committee's findings and**
3 **recommendations, including any recommended legislation**
4 **concerning the topic, in an electronic format under IC 5-14-6, not**
5 **later than November 1, 2013.**

6 **(e) This SECTION expires December 31, 2013.**
7 **SECTION 2. An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 475, 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 6, delete "commissioner" and insert "**executive**".

Page 2, line 9, delete "commissioner" and insert "**executive**".

Page 2, line 11, delete "commissioner" and insert "**executive**".

Page 4, line 3, delete "However, in a county that is" and insert "**This clause only applies to a county that is not subject to IC 36-2-2.5.**

(I) Single county executive. This clause only applies to a county that is subject to IC 36-2-2.5."

Page 4, delete lines 4 through 5.

Page 4, line 6, strike "(I)" and insert "**(J)**".

Page 5, line 11, delete "However, in a county that is subject" and insert "**This subdivision only applies to a county that is not subject to IC 36-2-2.5.**

(10) Single county executive. This subdivision only applies to a county that is subject to IC 36-2-2.5."

Page 5, delete lines 12 through 13.

Page 5, line 14, strike "(10)" and insert "**(11)**".

Page 5, line 15, strike "(11)" and insert "**(12)**".

Page 5, line 16, strike "(12)" and insert "**(13)**".

Page 5, line 17, strike "(13)" and insert "**(14)**".

Page 5, line 19, strike "(14)" and insert "**(15)**".

Page 5, line 20, strike "(15)" and insert "**(16)**".

Page 6, line 15, delete "However, in a county that is" and insert "**This clause only applies to a county that is not subject to IC 36-2-2.5.**

(I) Single county executive. This clause only applies to a county that is subject to IC 36-2-2.5."

Page 6, delete lines 16 through 17.

Page 6, line 18, strike "(I)" and insert "**(J)**".

Page 6, line 41, delete "commissioner" and insert "**executive**".

Page 7, delete lines 7 through 42.

Delete pages 8 through 9.

Page 10, delete line 1.

Page 10, line 7, delete "commissioners)." and insert "**executives).**".

Page 11, line 2, delete "commissioner" and insert "**executive**".

Page 11, between lines 28 and 29, begin a new paragraph and insert: "**SECTION 10. IC 36-1-2-24 IS AMENDED TO READ AS**

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FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. "Works board" means:

- (1) board of commissioners, for a county:
 - (A) not having a consolidated city; and
 - (B) not subject to IC 36-2-2.5;
- (2) single county executive for a county:
 - (A) not having a consolidated city; and
 - (B) subject to IC 36-2-2.5;
- (3) board of public works or board of public works and safety, for a city; or
- (4) town council, for a town."

Page 12, line 14, delete "commissioner" and insert "**executive**".

Page 12, delete lines 16 through 42.

Page 13, delete lines 1 through 28.

Page 13, line 33, delete "does not apply" and insert "**only applies**".

Page 13, line 33, after "having a" insert "**population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000)**".

Page 13, delete line 34.

Page 13, line 38, delete "commissioner" and insert "**executive**".

Page 14, line 15, delete "commissioner" and insert "**executive**".

Page 14, line 29, delete "Commissioner" and insert "**Executive**".

Page 14, line 31, delete "to each" and insert "**only to a**".

Page 14, line 32, delete "does not have a consolidated city;" and insert "**has a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000)**";".

Page 14, line 34, delete "commissioner" and insert "**executive**".

Page 14, line 36, delete "commissioner" and insert "**executive**".

Page 14, line 37, delete "commissioner" and insert "**executive**".

Page 14, line 40, delete "county commissioner" and insert "**single county executive**".

Page 15, line 7, delete "commissioner" and insert "**executive**".

Page 15, line 10, delete "commissioner" and insert "**executive**".

Page 15, line 12, delete "commissioner" and insert "**executive**".

Page 15, line 12, after ";" insert "**and**".

Page 15, line 13, delete "except as provided in IC 36-2-3-4.1(b)",

Page 15, line 13, after "council" insert "**districts shall be divided as provided in IC 36-2-3-4(a)**".

Page 15, delete lines 14 through 18.

Page 15, line 19, delete "commissioner" and insert "**executive**".

Page 15, line 22, delete "commissioner," and insert "**executive**".

Page 15, line 25, delete "commissioner," and insert "**executive**".

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Page 15, line 27, delete "commissioner" and insert "executive".
 Page 15, line 29, delete "commissioner" and insert "executive".
 Page 15, line 31, delete "commissioner" and insert "executive".
 Page 15, line 33, delete "commissioner" and insert "executive".
 Page 15, line 36, delete "commissioner." and insert "executive."
 Page 15, line 39, delete "commissioner" and insert "executive".
 Page 16, line 3, after "(a)" insert "**Notwithstanding any other provision, a single county executive has the power to make any appointments that the board of commissioners made before the board was abolished.**

(b)".

Page 16, line 6, delete "commissioner," and insert "executive,".
 Page 16, line 9, delete "commissioner" and insert "executive".
 Page 16, line 10, delete ""The County Commissioner of the County of _____." and insert "**the county.**".
 Page 16, line 11, delete "(b)" and insert "(c)".
 Page 16, line 13, delete "commissioner" and insert "executive".
 Page 16, line 21, delete "commissioner" and insert "executive".
 Page 16, line 22, delete "(c)" and insert "(d)".
 Page 16, line 24, delete "commissioner" and insert "executive".
 Page 16, line 32, delete "commissioner" and insert "executive".
 Page 16, line 33, delete "(d)" and insert "(e)".
 Page 16, line 35, delete "commissioner" and insert "executive".
 Page 16, delete lines 37 through 41.
 Page 16, line 42, delete "commissioner" and insert "executive".
 Page 17, line 6, delete "commissioner" and insert "executive".
 Page 17, line 12, delete "commissioner's" and insert "executive's".
 Page 17, line 40, delete "commissioner." and insert "executive."
 Page 18, line 3, delete "commissioner" and insert "executive".
 Page 18, line 8, delete "commissioner" and insert "executive".
 Page 18, line 9, delete "commissioner" and insert "executive".
 Page 18, line 12, delete "commissioner's" and insert "executive's".
 Page 18, line 14, delete "commissioner's" and insert "executive's".
 Page 18, line 34, delete "commissioner" and insert "executive".
 Page 19, line 3, delete "commissioner" and insert "executive".
 Page 19, line 9, delete "commissioner." and insert "executive."
 Page 19, line 14, delete "commissioner" and insert "executive".
 Page 19, line 25, delete "commissioner" and insert "executive".
 Page 19, line 27, delete "commissioner" and insert "executive".
 Page 19, line 29, delete "commissioner" and insert "executive".
 Page 19, line 30, delete "commissioner" and insert "executive".
 Page 19, line 34, delete "commissioner," and insert "executive,".

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Page 19, line 39, delete "commissioner." and insert "executive."
 Page 19, line 41, delete "commissioner." and insert "executive."
 Page 20, line 1, delete "commissioner" and insert "executive".
 Page 20, line 2, delete "commissioner's" and insert "executive's".
 Page 20, line 3, delete "commissioner" and insert "executive".
 Page 20, line 5, delete "commissioner." and insert "executive".
 Page 20, line 6, delete "commissioner" and insert "executive".
 Page 20, line 12, delete "commissioner" and insert "executive".
 Page 20, line 19, delete "commissioner" and insert "executive".
 Page 20, delete lines 22 through 24.
 Page 20, line 25, delete "17." and insert "16".
 Page 20, line 26, delete "commissioner" and insert "executive".
 Page 20, line 27, delete "commissioner," and insert "executive,".
 Page 20, line 30, delete "commissioner" and insert "executive".
 Page 20, line 31, delete "commissioner" and insert "executive".
 Page 20, line 36, delete "commissioner." and insert "executive".
 Page 20, line 38, delete "commissioner" and insert "executive".
 Page 21, line 5, delete "commissioner" and insert "executive".
 Page 21, line 8, delete "18." and insert "17".
 Page 21, line 8, delete "section 17" and insert "section 16".
 Page 21, line 11, delete "17" and insert "16".
 Page 21, line 13, delete "commissioner;" and insert "executive;".
 Page 21, line 15, delete "commissioner" and insert "executive".
 Page 21, line 17, delete "commissioner" and insert "executive".
 Page 21, line 19, delete "19." and insert "18".
 Page 21, line 20, delete "commissioner" and insert "executive".
 Page 21, line 21, delete "The county sheriff or a county police officer shall attend the" and insert "**The sheriff or a county police officer shall attend any meeting with the single county executive at the request of the single county executive and shall execute the single county executive's orders.**".
 Page 21, delete lines 22 through 24.
 Page 21, line 25, delete "20." and insert "19".
 Page 21, line 26, delete "commissioner" and insert "executive".
 Page 21, line 27, delete "commissioner." and insert "executive".
 Page 21, line 28, delete "commissioner's" and insert "executive's".
 Page 21, line 31, delete "commissioner's" and insert "executive's".
 Page 21, delete lines 32 through 37.
 Page 21, line 38, delete "22." and insert "20".
 Page 21, line 38, delete "commissioner" and insert "executive".
 Page 21, line 40, delete "commissioner." and insert "executive".
 Page 21, line 42, delete "commissioner" and insert "executive".

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Page 22, line 7, delete "does not apply" and insert "**only applies**".

Page 22, line 7, after "has a" insert "**population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000)**".

Page 22, delete line 8.

Page 22, line 9, delete "commissioner"" and insert "**executive**".

Page 22, line 10, delete "commissioner" and insert "**executive**".

Page 22, line 11, delete "commissioner" and insert "**executive**".

Page 22, line 14, delete "commissioner." and insert "**executive.**".

Page 22, line 18, delete ":".

Page 22, line 19, delete "(A)".

Page 22, run in lines 18 through 19.

Page 22, line 20, delete "if the county was not subject to IC 36-2-3.5 before" and insert "**; and**".

Page 22, delete lines 21 through 25.

Page 22, line 26, delete ":".

Page 22, line 27, delete "(A)".

Page 22, line 27, delete "if the county was" and insert ".".

Page 22, run in lines 26 through 27.

Page 22, delete lines 28 through 32.

Page 23, line 8, delete "commissioner?"" and insert "**executive?""**".

Page 23, line 27, delete ":".

Page 23, line 28, delete "(i)".

Page 23, run in lines 27 through 28.

Page 23, line 29, delete "if the county was not subject to IC 36-2-3.5 before" and insert "**; and**".

Page 23, delete lines 30 through 34.

Page 23, line 35, delete ":".

Page 23, line 36, delete "(i)".

Page 23, line 36, delete "if the county" and insert ".".

Page 23, run in lines 35 through 36.

Page 23, delete lines 37 through 41.

Page 24, line 4, delete "commissioner" and insert "**executive**".

Page 24, line 14, delete "commissioner." and insert "**executive.**".

Page 24, line 18, delete "commissioner" and insert "**executive**".

Page 24, line 19, delete "commissioner" and insert "**executive**".

Page 24, line 26, delete "If the county was not subject to IC 36-2-3.5 before the" and insert "**The county legislative body is the board of county commissioners and all powers that are legislative in nature are transferred from the county fiscal body to the board of county commissioners.**".

Page 24, delete lines 27 through 35.

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- Page 24, line 36, delete "(F)" and insert "(E)".
- Page 24, line 37, delete "(G)" and insert "(F)".
- Page 24, line 39, delete "commissioner" and insert "**executive**".
- Page 25, line 9, delete "commissioner" and insert "**executive**".
- Page 25, line 12, delete "commissioner" and insert "**executive**".
- Page 25, line 15, delete "commissioner" and insert "**executive**".
- Page 25, line 16, delete "This subdivision does not apply to a county described in".
- Page 25, delete line 17.
- Page 25, line 18, delete "after the local public question is approved, the" and insert "**The**".
- Page 25, run in lines 16 through 18.
- Page 25, line 19, after "shall" insert "**continue to**".
- Page 25, delete lines 21 through 42.
- Delete pages 26 through 27.
- Page 28, delete lines 1 through 33.
- Page 28, line 39, delete "to each county:" and insert "**only to a county:**
- (1) having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and**".
- Page 28, delete line 40.
- Page 28, line 42, delete "commissioner" and insert "**executive**".
- Page 29, line 2, delete "commissioner"" and insert "**executive**".
- Page 29, line 3, delete "commissioner" and insert "**executive**".
- Page 29, line 4, delete "(a)".
- Page 29, line 8, delete "commissioner" and insert "**executive**".
- Page 29, line 16, delete "commissioner" and insert "**executive**".
- Page 29, line 18, delete ";" and insert ".".
- Page 29, delete lines 19 through 39.
- Page 30, line 7, delete "commissioner" and insert "**executive**".
- Page 30, line 18, delete "commissioner" and insert "**executive**".
- Page 31, line 23, delete "commissioner" and insert "**executive**".
- Page 31, line 27, delete "commissioner" and insert "**executive**".
- Page 32, line 16, delete "commissioner" and insert "**executive**".
- Page 34, line 9, delete "commissioner;" and insert "**executive;**".
- Page 34, line 11, delete "county council)" and insert "**single county executive)**".
- Page 34, line 11, delete "county council." and insert "**single county executive.**".
- Page 34, delete lines 12 through 13.

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Page 34, line 24, delete "commissioner" and insert "**executive**".
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 475 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 6, Nays 2.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 475, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 11, delete lines 22 through 23, begin a new line block indented and insert:

"(4) the county council shall divide the county into seven (7) single-member county council districts as required by IC 36-2-3-4.1."

Page 16, line 2, after "executive" insert "**under section 6(a) of this chapter**".

Page 16, line 3, delete "certified" and insert "**attested to**".

Page 17, line 16, delete "and shall execute the single county executive's" and insert ".".

Page 17, delete line 17.

Page 20, delete lines 17 through 19, begin a new line block indented and insert:

"(8) Effective with the second general election after the local public question is approved, the county council shall be elected with four (4) single-member county council districts and three (3) at-large members under IC 36-2-3-4. The county council shall divide the county into the four (4) contiguous single-member county council districts under IC 36-2-3-4. The terms of all county council members serving at the time of the second general election after the local public question is approved expire January 1 following the election. Notwithstanding any other law, to provide for staggered terms of the members of the county council, the county council may, before the primary election preceding the general election at which county council members will be

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elected as provided in this subdivision, adopt an ordinance specifying which of the seven (7) members of the county council shall serve an initial term of two (2) years rather than four (4) years.

SECTION 16. IC 36-2-3-4, AS AMENDED BY P.L.119-2012, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a county having a population of:

- (1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
- (2) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).

Except as provided in section 4.1 of this chapter, the county executive shall, by ordinance, divide the county into four (4) contiguous, single-member districts that comply with subsection (d). If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts. One (1) member of the fiscal body shall be elected by the voters of each of the four (4) districts. Three (3) at-large members of the fiscal body shall be elected by the voters of the whole county.

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

(c) This subsection applies to a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000). The fiscal body shall divide the county into nine (9) single-member districts that comply with subsection (d). Three (3) of these districts must be contained within each of the three (3) districts established under IC 36-2-2-4(c). One (1) member of the fiscal body shall be elected by the voters of each of these nine (9) single-member districts.

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

- (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);
- (2) not cross precinct boundary lines;
- (3) contain, as nearly as possible, equal population; and

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- (4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section.
- (e) A division under subsection (a), (b), or (c) shall be made:
 - (1) during the first year after a year in which a federal decennial census is conducted; and
 - (2) when the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.
- (f) A division under subsection (a), (b), or (c) may be made in any odd-numbered year not described in subsection (e).
- (g) A division under subsection (a) shall be made during the year before county council members will be elected under IC 36-2-2.7-6(8).**

SECTION 17. IC 36-2-3-4.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.1. (a) This chapter applies only to a county:**

- (1) that has a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and**
- (2) in which a local public question under IC 36-2-2.4 making the county executive a single county commissioner has been approved by the voters of the county.**
- (b) Effective for the second general election after the local public question under IC 36-2-2.4 is approved, the county fiscal body shall by ordinance divide the county into seven (7) contiguous, single-member districts that comply with subsection (c). One (1) member of the fiscal body shall be elected by the voters of each of the seven (7) districts.**
- (c) Single-member districts established under subsection (b) must:**
 - (1) be compact, subject only to natural boundary lines (such as railroads, major highways, rivers, creeks, parks, and major industrial complexes);**
 - (2) not cross precinct boundary lines;**
 - (3) contain, as nearly as possible, equal population;**
 - (4) include whole townships, except when a division is clearly necessary to accomplish redistricting under this section;**
 - (5) consider how communities of interest within the county can best be represented; and**
 - (6) be drawn so as to provide at least one (1) representative to each distinct community of interest to the extent practicable and not inconsistent with other applicable law.**



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(d) A division under subsection (b) shall be made:

- (1) effective for the second general election after the local public question under IC 36-2-2.4 is approved; and**
- (2) whenever the county executive adopts an order declaring a county boundary to be changed under IC 36-2-1-2.**

(e) After a division is initially made under subsection (b), another division may be made in any odd-numbered year not described in subsection (d)."

Page 20, line 33, after "Sec. 3." insert "(a)".

Page 21, line 5, delete "IC 36-2-2.5." and insert "IC 36-2-2.5; and

- (3) the county council shall divide the county into seven (7) single-member county council districts.**

(b) The following apply in a county to which this chapter applies:

(1) Seven (7) county council members shall be elected at the second general election after the local public question under IC 36-2-2.4 is approved.

(2) The terms of all county council members serving at the time of the second general election after the local public question under IC 36-2-2.4 is approved expire January 1 following the election.

(3) Notwithstanding any other law, to provide for staggered terms of the members of the county council, the county council may, before the primary election preceding the general election described in subdivision (1), adopt an ordinance specifying which of the seven (7) members of the county council shall serve an initial term of two (2) years rather than four (4) years."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 475 as printed February 15, 2013.)

MAHAN, Chair

Committee Vote: yeas 9, nays 3.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 475 be amended to read as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means either of the following:

- (1) A statutory committee established under IC 2-5.**
- (2) An interim study committee.**

(c) The legislative council is urged to assign the topic of allowing counties to change the executive and legislative structure of county government by placing:

- (1) all executive powers in a single county executive, instead of a board of commissioners; and**
 - (2) all legislative and fiscal powers in the county council;**
- to a study committee during the 2013 legislative interim.**

(d) If the topic described in subsection (c) is assigned to a study committee, the study committee shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6, not later than November 1, 2013.

(e) This SECTION expires December 31, 2013.

Delete pages 2 through 27.

Page 28, delete lines 1 through 29.

Re-number all SECTIONS consecutively.

(Reference is to ESB 475 as printed March 22, 2013.)

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