PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION ____

MR. SPEAKER:

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

Page 4, line 3, delete ". This clause only applies to a" and insert ", **except in a county that is subject to IC 36-2-2.5.**".

Page 4, delete line 4

Page 4, line 5, delete ". This clause only applies to a" and insert "**, in a county that is subject to IC 36-2-2.5.**".

Page 4, delete line 6.

Page 5, line 12, delete ". This subdivision only applies to a" and insert ", **except in a county that is subject to IC 36-2-2.5.**".

Page 5, delete line 13.

Page 5, line 14, delete ". This subdivision only applies to" and insert "**, in a county that is subject to IC 36-2-2.5.**".

Page 5, delete line 15.

Page 6, line 17, delete ". This clause only applies to a" and insert ", **except in a county that is subject to IC 36-2-2.5.**".

Page 6, delete line 18.

Page 6, line 19, delete ". This clause only applies to a" and insert "**, in a county that is subject to IC 36-2-2.5.**".

Page 6, delete line 20.

Page 7, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 7. IC 16-22-2-11, AS AMENDED BY P.L.80-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except as provided in section 12 **or 14** of this chapter, whenever a vacancy occurs on the governing board, the existing governing board shall submit a list of the following:

(1) At least one (1) but not more than three (3) candidates for each vacancy to be filled to the appointing authority.

(2) Qualifications for assessment of a candidate for each vacancy.

(b) For each vacancy, the appointing authority may do one (1) of the following:

(1) Appoint one (1) of the candidates submitted by the governing board.

(2) Request and receive from the governing board a second list of at least one (1) but not more than three (3) candidates.

(3) Appoint an individual who meets the requirements concerning board members and who was not named in the initial list submitted by the governing board.

The appointing authority shall consider the list of qualifications submitted by the governing board under subsection (a)(2) when making an appointment.

(c) If the appointing authority requests and receives a second list of candidates under subsection (b)(2), the appointing authority may do one (1) of the following:

(1) Appoint one (1) candidate named in the second list.

(2) Appoint an individual who meets the requirements concerning board members and who was not named in the second list of candidates submitted by the governing board.

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

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

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

SECTION 8. IC 16-22-2-12, AS AMENDED BY P.L.119-2012, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies to governing boards of a county hospital in a county having a population of more than:

(1) seventeen thousand three hundred fifty (17,350) but less than eighteen thousand (18,000);

(2) twenty-six thousand (26,000) but less than twenty-six thousand five hundred (26,500); and

(3) forty-two thousand three hundred (42,300) but less than forty-three thousand (43,000).

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

(c) Notwithstanding subsections (a) and (b), the county

executive's appointments to the governing body of a county hospital located in a county described in subsection (a)(1) shall be made under section 14 of this chapter if a single county executive holds office as the executive of the county under IC 36-2-2.5.

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

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

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

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

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

(d) Except as provided in subsection (g), whenever a vacancy to be filled by the county executive occurs on the governing board, the existing governing board shall submit to the county executive the following:

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

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

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

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

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

SECTION 10. IC 16-22-2-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15. (a) This section applies to**

the governing board of a county hospital established and operated under this chapter in a county:

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

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

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

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

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

Page 9, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 16. IC 36-2-2-4, AS AMENDED BY P.L.119-2012, SECTION 179, 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).

The executive shall divide the county into three (3) districts that are composed of contiguous territory and are reasonably compact. The district boundaries drawn by the executive must not cross precinct boundary lines and must divide townships only when a division is clearly necessary to accomplish redistricting under this section. If necessary, the county auditor shall call a special meeting of the executive to establish or revise districts.

(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). A county redistricting commission shall divide the county into three (3) single-member districts that comply with subsection (d). The commission is composed of:

(1) the members of the Indiana election commission;

(2) two (2) members of the senate selected by the president pro tempore, one (1) from each political party; and

(3) two (2) members of the house of representatives selected by the speaker, one (1) from each political party.

The legislative members of the commission have no vote and may act only in an advisory capacity. A majority vote of the voting members is required for the commission to take action. The commission may meet as frequently as necessary to perform its duty under this subsection. The commission's members serve without additional compensation above that provided for them as members of the Indiana election commission, the senate, or the house of representatives. **If a county to which this subsection applies adopts a county government structure in which a single county executive is elected under IC 36-2-2.5, the county redistricting commission under this subsection is not abolished and continues in existence for purposes of dividing, as necessary, the county into county council 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 executive shall divide the county into three (3) single-member districts that comply with subsection (d).

(d) Single-member districts established under subsection (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) contain, as nearly as is possible, equal population; and

(3) not cross precinct lines.

(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 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).".

Page 10, line 39, delete "has a population of more than three hundred" and insert "**does not have a consolidated city; and**".

Page 10, delete lines 40 through 41.

Page 11, delete lines 22 through 24, begin a new line block indented and insert:

"**(4) except as provided in IC 36-2-3-4.1(b), the county council shall divide the county into seven (7) single-member county council districts as required by IC 36-2-3-4.1; and**

(5) in the case of the counties described in IC 36-2-3-4.1(b), the county council districts shall be divided as provided in IC 36-2-3-4(b) and IC 36-2-3-4(c) (as appropriate).".

Page 13, between lines 2 and 3, begin a new paragraph and insert:

"**(f) Appointments to and the membership of a governing board of a county hospital established and operated under IC 16-22-2 in**

a county in which a single county executive holds office as the executive of the county are governed by IC 16-22-2-14 and IC 16-22-2-15.".

Page 18, delete lines 5 through 8, begin a new line block indented and insert:

"**(1) a three (3) member board of commissioners that has the:**

(A) executive and legislative powers and duties of the county if the county was not subject to IC 36-2-3.5 before the county's government was reorganized under IC 36-2-2.5; or

(B) executive powers and duties of the county if the county was subject to IC 36-2-3.5 before the county's government was reorganized under IC 36-2-2.5; and

(2) a county council that has the:

(A) fiscal powers and duties of the county if the county was not subject to IC 36-2-3.5 before the county's government was reorganized under IC 36-2-2.5; or

(B) fiscal and legislative powers and duties of the county if the county was subject to IC 36-2-3.5 before the county's government was reorganized under IC 36-2-2.5.".

Page 19, delete lines 2 through 6, begin a new line double block indented and insert:

"**(A) a three (3) member board of commissioners that has the:**

(i) executive and legislative powers and duties of the county if the county was not subject to IC 36-2-3.5 before the county's government was reorganized under IC 36-2-2.5; or

(ii) executive powers and duties of the county if the county was subject to IC 36-2-3.5 before the county's government was reorganized under IC 36-2-2.5; and

(B) a county council that has the:

(i) fiscal powers and duties of the county if the county was not subject to IC 36-2-3.5 before the county's government was reorganized under IC 36-2-2.5; or

(ii) fiscal and legislative powers and duties of the county if the county was subject to IC 36-2-3.5 before the county's government was reorganized under IC 36-2-2.5.".

Page 19, delete lines 33 through 36, begin a new line double block indented and insert:

"**(D) If the county was not subject to IC 36-2-3.5 before the county's government was reorganized under IC 36-2-2.5:**

(i) the county legislative body is the board of county commissioners; and

(ii) all powers that are legislative in nature are

transferred from the county fiscal body to the board of county commissioners.

(E) If the county was subject to IC 36-2-3.5 before the county's government was reorganized under IC 36-2-2.5, the county legislative body is the county council.".

Page 19, line 37, delete "(E)" and insert "**(F)**".

Page 19, line 38, delete "(F)" and insert "**(G)**".

Page 20, delete lines 17 through 42, begin a new line block indented and insert:

"**(8) This subdivision does not apply to a county described in IC 36-2-3-4.1(b). 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 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 20. 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

(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; **and**

(3) during the year before county council members will be elected under IC 36-2-2.7-6(8).

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

SECTION 21. 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) Except as provided in subsection (b), this chapter applies to each county:**

(1) that does not have a consolidated city; and

(2) in which a local public question under IC 36-2-2.4 making the county executive a single county executive has been approved by the voters of the county.

(b) This section 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).

(c) 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 (d). One (1) member of the fiscal body shall be elected by the voters of each of the seven (7) districts.

(d) Single-member districts established under subsection (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;

(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) draw the districts to provide at least one (1) representative to each distinct community of interest to the extent practicable and not inconsistent with other applicable law.

(e) A division under subsection (c) 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.

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

SECTION 22. IC 36-2-3.5-1, AS AMENDED BY P.L.119-2012, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a) Except as provided in subsection (b),** this chapter applies to:

(1) a county having a population of:

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

(B) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000); and

(2) any other county not having a consolidated city, if both the county executive and the county fiscal body adopt identical ordinances providing for the county to be governed by this chapter beginning on a specified effective date.

(b) Except as provided in section 6(c) of this chapter, this chapter does not apply to a county during any period in which a single county executive elected under IC 36-2-2.5 is holding office.

SECTION 23. IC 36-2-3.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A court may issue an order, before final hearing, to stay an election if there is sufficient evidence to withstand a motion for summary judgment that

the county has not been divided into districts that comply with IC 36-2-2-4 or IC 36-2-3-4. A preliminary hearing on the question may be held upon the court's own motion.

(b) Final judgment on the merits in such a case shall be made within thirty (30) days of the stay of election order. If the redistricting is found not to be in compliance with law, the court shall retain jurisdiction and shall order the proper officials to submit within thirty (30) days a redistricting plan complying with law. If the proper officials fail to comply with the order, the court shall order the Indiana election commission to divide the county into districts in compliance with law.

(c) If this chapter applied to a county at the time the first single county executive is elected under IC 36-2-2.5, this section continues to apply to the county after the election of the single county executive.".

Delete page 21.

Page 22, delete lines 1 through 37.

Page 23, line 2, delete "having a population of more than three hundred thousand" and insert "**that does not have a consolidated city; and**".

Page 23, delete line 3.

Page 23, delete lines 25 through 31, begin a new line block indented and insert:

"**(3) except as provided in IC 36-2-3-4.1(b), the county council shall divide the county into seven (7) single-member county council districts.**

(b) This subsection does not apply to a county described in IC 36-2-3-4.1(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.".

Renumber all SECTIONS consecutively.

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

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Representative Wesco