

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 621 be amended to read as follows:

- 1 Page 7, between lines 39 and 40, begin a new paragraph and insert:
- 2 "SECTION 9. IC 36-3-4-2 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) A ~~twenty-nine~~
- 4 ~~(29) member~~ city-county council, which is the legislative body of both
- 5 the consolidated city and the county, shall be elected under IC 3-10-6
- 6 by the voters of the county. The city-county council consists of the
- 7 following members:
- 8 **(1) Before January 1, 2016, twenty-nine (29) members.**
- 9 **(2) After December 31, 2015, nineteen (19) members.**
- 10 (b) To be eligible to serve as a member of the legislative body, a
- 11 person must meet the qualifications prescribed by IC 3-8-1-25.
- 12 (c) A member of the legislative body must reside within:
- 13 (1) the county as provided in Article 6, Section 6 of the
- 14 Constitution of the State of Indiana; and
- 15 (2) the district from which the member was elected, if applicable.
- 16 (d) A vacancy in the legislative body occurs whenever a member:
- 17 (1) dies, resigns, or is removed from office;
- 18 (2) ceases to be a resident of the county or district from which the
- 19 member was elected; or
- 20 (3) is incapacitated to the extent that the member is unable to
- 21 perform the member's duties for more than six (6) months.
- 22 (e) The vacancy shall be filled under IC 3-13-8.
- 23 (f) The term of office of a member of the legislative body is four (4)
- 24 years, beginning at noon on January 1 after election and continuing

- 1 until a successor is elected and qualified.
- 2 SECTION 10. IC 36-3-4-3, AS AMENDED BY P.L.141-2007,
 3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2013]: Sec. 3. (a) The city-county legislative body shall, by
 5 ordinance, divide the whole county into ~~twenty-five (25)~~ districts that:
 6 (1) are compact, subject only to natural boundary lines (such as
 7 railroads, major highways, rivers, creeks, parks, and major
 8 industrial complexes);
 9 (2) contain, as nearly as is possible, equal population; and
 10 (3) do not cross precinct boundary lines.
- 11 This division shall be made, **subject to IC 3-11-1.5-32, as provided**
 12 **in subsection (b)(2)**, during the second year after a year in which a
 13 federal decennial census is conducted, and may also be made at any
 14 other time. ~~subject to IC 3-11-1.5-32:~~
- 15 (b) The legislative body is composed of **the following:**
- 16 **(1) Before January 1, 2016**, twenty-five (25) members elected
 17 from the districts established under subsection (a) ~~and before~~
 18 **July 1, 2013.**
- 19 **(2) After December 31, 2015, fifteen (15) members, one (1)**
 20 **electd from each of fifteen (15) districts. Districts shall be**
 21 **established under this subdivision after December 31, 2013,**
 22 **and before January 1, 2015, and thereafter at the times**
 23 **provided in subsection (a).**
- 24 **(3) Four (4) members elected from an at-large district containing**
 25 **the whole county.**
- 26 (c) Each voter of the county may vote for four (4) candidates for
 27 at-large membership and one (1) candidate from the district in which
 28 the voter resides. The four (4) at-large candidates receiving the most
 29 votes from the whole county and the district candidates receiving the
 30 most votes from their respective districts are elected to the legislative
 31 body.
- 32 (d) If the legislative body fails to make the division before the date
 33 prescribed by subsection (a) or the division is alleged to violate
 34 subsection (a) or other law, a taxpayer or registered voter of the county
 35 may petition the **superior circuit** court of the county to hear and
 36 determine the matter. ~~The court shall hear and determine the matter as~~
 37 ~~a five (5) member panel of judges from the superior court. The clerk of~~
 38 ~~the court shall select the judges electronically and randomly. Not more~~
 39 ~~than three (3) members of the five (5) member panel of judges may be~~
 40 ~~of the same political party. The first judge selected shall maintain the~~
 41 ~~case file and preside over the proceedings. There may not be a change~~
 42 ~~of venue from the court or from the county. The court may appoint a~~
 43 ~~master to assist in its determination and may draw proper district~~
 44 ~~boundaries if necessary. An appeal from the court's judgment must be~~
 45 ~~taken within thirty (30) days, directly to the supreme court, in the same~~
 46 ~~manner as appeals from other actions.~~

1 (e) An election of the legislative body held under the ordinance or
2 court judgment determining districts that is in effect on the date of the
3 election is valid, regardless of whether the ordinance or judgment is
4 later determined to be invalid."

5 Renumber all SECTIONS consecutively.
 (Reference is to ESB 621 as printed April 2, 2013.)

Representative Forestal