

**SENATE BILL No. 303**

**DIGEST OF INTRODUCED BILL**

**Citations Affected:** IC 3-5-2-22; IC 3-10; IC 3-11-2; IC 36-1; IC 36-2; IC 36-3-3-10; IC 36-5-1-20.

**Synopsis:** County government reorganization. Provides that in counties other than Marion County, the county executive may adopt an ordinance providing that the voters of the county shall elect a single county chief executive officer to serve as the county executive and a county council that has the legislative and fiscal powers and duties of the county. Provides that such an ordinance to change the structure of county government may be adopted only during an odd-numbered year or before July 1 of an even-numbered year. Specifies that an ordinance providing for a single elected county executive officer must be approved by a unanimous vote of all the elected members of the county executive. Provides that in a county with a single county chief executive officer: (1) the initial county chief executive officer is elected in the second general election after the ordinance to change the structure of county government is approved; (2) the board of county commissioners is abolished; and (3) the membership of the county council continues under existing law. Provides that in a county that has a chief executive officer, the number of registered voters equal to 2% of the votes cast in the last election for secretary of state in the county may petition the county council to adopt an ordinance requiring the election of a board of commissioners (instead of a single county chief executive officer) to serve as the: (1) county executive if the county is Lake or St. Joseph County; or (2) the county executive and legislative body in any other county (except Marion County).

**Effective:** Upon passage.

**Lawson C**

January 6, 2011, read first time and referred to Committee on Local Government.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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## SENATE BILL No. 303

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. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE UPON PASSAGE]: Sec. 22. "Executive" means **the:**
- 3 (1) board of county commissioners, for a county ~~not having that:~~
- 4 (A) **does not have** a consolidated city; **and**
- 5 (B) **is not subject to IC 36-2-2.5;**
- 6 (2) **chief executive officer elected under IC 36-2-2.5, for a**
- 7 **county that:**
- 8 (A) **does not have a consolidated city; and**
- 9 (B) **is subject to IC 36-2-2.5;**
- 10 ~~(2)~~ (3) mayor of the consolidated city, for a county having a
- 11 consolidated city;
- 12 ~~(3)~~ (4) mayor, for a city;
- 13 ~~(4)~~ (5) president of the town council, for a town; or
- 14 ~~(5)~~ (6) trustee, for a township.
- 15 SECTION 2. IC 3-10-1-19, AS AMENDED BY P.L.146-2008,
- 16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 UPON PASSAGE]: Sec. 19. (a) The ballot for a primary election shall



1 be printed in substantially the following form for all the offices for  
2 which candidates have qualified under IC 3-8:

3 OFFICIAL PRIMARY BALLOT

4 \_\_\_\_\_ Party

5 For paper ballots, print: To vote for a person, make a voting mark  
6 (X or ✓) on or in the box before the person's name in the proper  
7 column. For optical scan ballots, print: To vote for a person, darken or  
8 shade in the circle, oval, or square (or draw a line to connect the arrow)  
9 that precedes the person's name in the proper column. For optical scan  
10 ballots that do not contain a candidate's name, print: To vote for a  
11 person, darken or shade in the oval that precedes the number assigned  
12 to the person's name in the proper column. For electronic voting  
13 systems, print: To vote for a person, touch the screen (or press the  
14 button) in the location indicated.

15 Vote for one (1) only

16 Representative in Congress

17  (1) AB \_\_\_\_\_

18  (2) CD \_\_\_\_\_

19  (3) EF \_\_\_\_\_

20  (4) GH \_\_\_\_\_

21 (b) The offices with candidates for nomination shall be placed on  
22 the primary election ballot in the following order:

23 (1) Federal and state offices:

24 (A) President of the United States.

25 (B) United States Senator.

26 (C) Governor.

27 (D) United States Representative.

28 (2) Legislative offices:

29 (A) State senator.

30 (B) State representative.

31 (3) Circuit offices and county judicial offices:

32 (A) Judge of the circuit court, and unless otherwise specified  
33 under IC 33, with each division separate if there is more than  
34 one (1) judge of the circuit court.

35 (B) Judge of the superior court, and unless otherwise specified  
36 under IC 33, with each division separate if there is more than  
37 one (1) judge of the superior court.

38 (C) Judge of the probate court.

39 (D) Judge of the county court, with each division separate, as  
40 required by IC 33-30-3-3.

41 (E) Prosecuting attorney.

42 (F) Circuit court clerk.

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- 1 (4) County offices:
- 2 (A) County auditor.
- 3 (B) County recorder.
- 4 (C) County treasurer.
- 5 (D) County sheriff.
- 6 (E) County coroner.
- 7 (F) County surveyor.
- 8 (G) County assessor.
- 9 (H) County commissioner, **except in a county that is subject**
- 10 **to IC 36-2-2.5.**
- 11 **(I) County chief executive officer, in a county that is**
- 12 **subject to IC 36-2-2.5.**
- 13 ~~(J)~~ **(J) County council member.**
- 14 (5) Township offices:
- 15 (A) Township assessor (only in a township referred to in
- 16 IC 36-6-5-1(d)).
- 17 (B) Township trustee.
- 18 (C) Township board member.
- 19 (D) Judge of the small claims court.
- 20 (E) Constable of the small claims court.
- 21 (6) City offices:
- 22 (A) Mayor.
- 23 (B) Clerk or clerk-treasurer.
- 24 (C) Judge of the city court.
- 25 (D) City-county council member or common council member.
- 26 (7) Town offices:
- 27 (A) Clerk-treasurer.
- 28 (B) Judge of the town court.
- 29 (C) Town council member.
- 30 (c) The political party offices with candidates for election shall be
- 31 placed on the primary election ballot in the following order after the
- 32 offices described in subsection (b):
- 33 (1) Precinct committeeman.
- 34 (2) State convention delegate.
- 35 (d) The following offices and public questions shall be placed on the
- 36 primary election ballot in the following order after the offices described
- 37 in subsection (c):
- 38 (1) School board offices to be elected at the primary election.
- 39 (2) Other Local offices to be elected at the primary election.
- 40 (3) Local public questions.
- 41 (e) The offices and public questions described in subsection (d)
- 42 shall be placed:

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- 1 (1) in a separate column on the ballot if voting is by paper ballot;
- 2 (2) after the offices described in subsection (c) in the form
- 3 specified in IC 3-11-13-11 if voting is by ballot card; or
- 4 (3) either:
- 5 (A) on a separate screen for each office or public question; or
- 6 (B) after the offices described in subsection (c) in the form
- 7 specified in IC 3-11-14-3.5;
- 8 if voting is by an electronic voting system.

9 (f) A public question shall be placed on the primary election ballot  
10 in the following form:

11 (The explanatory text for the public question,  
12 if required by law.)

13 "Shall (insert public question)?"

14  YES

15  NO

16 SECTION 3. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,  
17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 UPON PASSAGE]: Sec. 13. The following public officials shall be  
19 elected at the general election before their terms of office expire and  
20 every four (4) years thereafter:

- 21 (1) Clerk of the circuit court.
- 22 (2) County auditor.
- 23 (3) County recorder.
- 24 (4) County treasurer.
- 25 (5) County sheriff.
- 26 (6) County coroner.
- 27 (7) County surveyor.
- 28 (8) County assessor.
- 29 (9) County commissioner, **except in a county that is subject to**
- 30 **IC 36-2-2.5.**
- 31 **(10) County chief executive officer, in a county that is subject**
- 32 **to IC 36-2-2.5.**
- 33 ~~(10)~~ (11) County council member.
- 34 ~~(11)~~ (12) Township trustee.
- 35 ~~(12)~~ (13) Township board member.
- 36 ~~(13)~~ (14) Township assessor (only in a township referred to in
- 37 IC 36-6-5-1(d)).
- 38 ~~(14)~~ (15) Judge of a small claims court.
- 39 ~~(15)~~ (16) Constable of a small claims court.

40 SECTION 4. IC 3-11-2-12, AS AMENDED BY P.L.146-2008,  
41 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 UPON PASSAGE]: Sec. 12. The following offices shall be placed on

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- 1 the general election ballot in the following order:
- 2 (1) Federal and state offices:
- 3 (A) President and Vice President of the United States.
- 4 (B) United States Senator.
- 5 (C) Governor and lieutenant governor.
- 6 (D) Secretary of state.
- 7 (E) Auditor of state.
- 8 (F) Treasurer of state.
- 9 (G) Attorney general.
- 10 (H) Superintendent of public instruction.
- 11 (I) United States Representative.
- 12 (2) Legislative offices:
- 13 (A) State senator.
- 14 (B) State representative.
- 15 (3) Circuit offices and county judicial offices:
- 16 (A) Judge of the circuit court, and unless otherwise specified
- 17 under IC 33, with each division separate if there is more than
- 18 one (1) judge of the circuit court.
- 19 (B) Judge of the superior court, and unless otherwise specified
- 20 under IC 33, with each division separate if there is more than
- 21 one (1) judge of the superior court.
- 22 (C) Judge of the probate court.
- 23 (D) Judge of the county court, with each division separate, as
- 24 required by IC 33-30-3-3.
- 25 (E) Prosecuting attorney.
- 26 (F) Clerk of the circuit court.
- 27 (4) County offices:
- 28 (A) County auditor.
- 29 (B) County recorder.
- 30 (C) County treasurer.
- 31 (D) County sheriff.
- 32 (E) County coroner.
- 33 (F) County surveyor.
- 34 (G) County assessor.
- 35 (H) County commissioner, **except in a county that is subject**
- 36 **to IC 36-2-2.5.**
- 37 **(I) County chief executive officer, in a county that is**
- 38 **subject to IC 36-2-2.5.**
- 39 **(J) County council member.**
- 40 (5) Township offices:
- 41 (A) Township assessor (only in a township referred to in
- 42 IC 36-6-5-1(d)).

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- 1 (B) Township trustee.
- 2 (C) Township board member.
- 3 (D) Judge of the small claims court.
- 4 (E) Constable of the small claims court.
- 5 (6) City offices:
- 6 (A) Mayor.
- 7 (B) Clerk or clerk-treasurer.
- 8 (C) Judge of the city court.
- 9 (D) City-county council member or common council member.
- 10 (7) Town offices:
- 11 (A) Clerk-treasurer.
- 12 (B) Judge of the town court.
- 13 (C) Town council member.

14 SECTION 5. IC 13-11-2-74 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 74. "Executive"  
 16 means the:

- 17 (1) board of commissioners of a county ~~not having that:~~
- 18 (A) **does not have** a consolidated city; **and**
- 19 (B) **is not subject to IC 36-2-2.5;**
- 20 (2) **chief executive officer elected under IC 36-2-2.5, for a**
- 21 **county that:**
- 22 (A) **does not have a consolidated city; and**
- 23 (B) **is subject to IC 36-2-2.5;**
- 24 ~~(3)~~ (3) mayor of the consolidated city, for a county having a
- 25 consolidated city;
- 26 ~~(4)~~ (4) mayor of a city; or
- 27 ~~(5)~~ (5) president of the town council of a town.

28 SECTION 6. IC 36-1-2-5 IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE UPON PASSAGE]: Sec. 5. "Executive" means **the:**

- 30 (1) board of commissioners, for a county ~~not having that:~~
- 31 (A) **does not have** a consolidated city; **and**
- 32 (B) **is not subject to IC 36-2-2.5;**
- 33 (2) **chief executive officer elected under IC 36-2-2.5, for a**
- 34 **county that:**
- 35 (A) **does not have a consolidated city; and**
- 36 (B) **is subject to IC 36-2-2.5;**
- 37 ~~(3)~~ (3) mayor of the consolidated city, for a county having a
- 38 consolidated city;
- 39 ~~(4)~~ (4) mayor, for a city;
- 40 ~~(5)~~ (5) president of the town council, for a town;
- 41 ~~(6)~~ (6) trustee, for a township;
- 42 ~~(7)~~ (7) superintendent, for a school corporation; or

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1           (7) (8) chief executive officer, for any other political subdivision.  
2           SECTION 7. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,  
3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 UPON PASSAGE]: Sec. 9. "Legislative body" means the:  
5           (1) board of county commissioners, for a county not subject to  
6           **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1;  
7           (2) county council, for a county subject to **IC 36-2-2.5** or  
8           IC 36-2-3.5;  
9           (3) city-county council, for a consolidated city or county having  
10           a consolidated city;  
11           (4) common council, for a city other than a consolidated city;  
12           (5) town council, for a town;  
13           (6) township board, for a township;  
14           (7) governing body of any other political subdivision that has a  
15           governing body; or  
16           (8) chief executive officer of any other political subdivision that  
17           does not have a governing body.  
18           SECTION 8. IC 36-1-3-6 IS AMENDED TO READ AS FOLLOWS  
19 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If there is a constitutional  
20 or statutory provision requiring a specific manner for exercising a  
21 power, a unit wanting to exercise the power must do so in that manner.  
22           (b) If there is no constitutional or statutory provision requiring a  
23 specific manner for exercising a power, a unit wanting to exercise the  
24 power must either:  
25           (1) if the unit is a county or municipality, adopt an ordinance  
26           prescribing a specific manner for exercising the power;  
27           (2) if the unit is a township, adopt a resolution prescribing a  
28           specific manner for exercising the power; or  
29           (3) comply with a statutory provision permitting a specific manner  
30           for exercising the power.  
31           (c) An ordinance under subsection (b)(1) must be adopted as  
32 follows:  
33           (1) In a municipality, by the legislative body of the municipality.  
34           (2) In a county subject to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1,  
35           by the legislative body of the county.  
36           (3) In any other county, by the executive of the county.  
37           (d) A resolution under subsection (b)(2) must be adopted by the  
38 legislative body of the township.  
39           SECTION 9. IC 36-2-2-1 IS AMENDED TO READ AS FOLLOWS  
40 [EFFECTIVE UPON PASSAGE]: Sec. 1. **Except as specifically**  
41 **provided, this chapter applies to all counties not does not apply to the**  
42 **following:**

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- 1 (1) A county having a consolidated city.
- 2 (2) A county in which a county chief executive officer has been
- 3 elected and is serving under IC 36-2-2.5.

4 SECTION 10. IC 36-2-2-4, AS AMENDED BY P.L.230-2005,  
 5 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a  
 7 county having a population of:

- 8 (1) more than four hundred thousand (400,000) but less than
- 9 seven hundred thousand (700,000); or
- 10 (2) more than two hundred thousand (200,000) but less than three
- 11 hundred thousand (300,000).

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

19 (b) This subsection applies to a county having a population of more  
 20 than four hundred thousand (400,000) but less than seven hundred  
 21 thousand (700,000). A county redistricting commission shall divide the  
 22 county into three (3) single-member districts that comply with  
 23 subsection (d). The commission is composed of:

- 24 (1) the members of the Indiana election commission;
- 25 (2) two (2) members of the senate selected by the president pro
- 26 tempore, one (1) from each political party; and
- 27 (3) two (2) members of the house of representatives selected by
- 28 the speaker, one (1) from each political party.

29 The legislative members of the commission have no vote and may act  
 30 only in an advisory capacity. A majority vote of the voting members is  
 31 required for the commission to take action. The commission may meet  
 32 as frequently as necessary to perform its duty under this subsection.  
 33 The commission's members serve without additional compensation  
 34 above that provided for them as members of the Indiana election  
 35 commission, the senate, or the house of representatives. **If a county to**  
 36 **which this subsection applies adopts a county government**  
 37 **structure in which a chief executive officer is elected under**  
 38 **IC 36-2-2.5, the county redistricting commission under this**  
 39 **subsection is not abolished and continues in existence for purposes**  
 40 **of dividing, as necessary, the county into county council districts.**

41 (c) This subsection applies to a county having a population of more  
 42 than two hundred thousand (200,000) but less than three hundred

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1 thousand (300,000). The executive shall divide the county into three  
2 (3) single-member districts that comply with subsection (d).

3 (d) Single-member districts established under subsection (b) or (c)  
4 must:

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

8 (2) contain, as nearly as is possible, equal population; and

9 (3) not cross precinct lines.

10 (e) A division under subsection (a), (b), or (c) shall be made:

11 (1) during the first year after a year in which a federal decennial  
12 census is conducted; and

13 (2) when the county adopts an order declaring a county boundary  
14 to be changed under IC 36-2-1-2.

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

17 SECTION 11. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE  
18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
19 UPON PASSAGE]:

20 **Chapter 2.4. Determination of County Government Structure**

21 **Sec. 1. This chapter does not apply to a county having a**  
22 **consolidated city.**

23 **Sec. 2. Subject to section 3 of this chapter, the executive of a**  
24 **county may adopt an ordinance providing that the voters of the**  
25 **county shall elect:**

26 (1) a single county chief executive officer under IC 36-2-2.5  
27 who has the executive powers and duties of the county; and

28 (2) a county council that has the legislative and fiscal powers  
29 and duties of the county.

30 **Sec. 3. Notwithstanding any other law, to be adopted under**  
31 **section 2 of this chapter, an ordinance must be approved by a**  
32 **unanimous vote of all the elected members of the county executive.**

33 **Sec. 4. An ordinance may be adopted under this chapter only:**

34 (1) during an odd-numbered year; or

35 (2) before July 1 of an even-numbered year.

36 SECTION 12. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE  
37 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
38 UPON PASSAGE]:

39 **Chapter 2.5. County Chief Executive Officer**

40 **Sec. 1. Except as specifically provided by law, this chapter**  
41 **applies to each county:**

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

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1 (2) in which an ordinance under IC 36-2-2.4 making the  
2 county executive a single county chief executive officer has  
3 been approved.

4 Sec. 2. As used in this chapter, "chief executive officer" means  
5 the county chief executive officer elected under IC 3-10-2-13.

6 Sec. 3. In a county to which this chapter applies:

7 (1) the voters of the county:  
8 (A) shall elect one (1) chief executive officer in the second  
9 general election after the ordinance under IC 36-2-2.4 is  
10 approved and every four (4) years thereafter; and

11 (B) beginning with the second general election after the  
12 ordinance under IC 36-2-2.4 is approved, shall not elect a  
13 board of county commissioners;

14 (2) the board of county commissioners for the county is  
15 abolished January 1 of the year following the year in which  
16 the first county chief executive officer is elected; and

17 (3) notwithstanding IC 36-2-2-3, the term of each county  
18 commissioner serving on December 31 of the year in which  
19 the first county chief executive officer is elected expires  
20 January 1 of the year following the year in which the first  
21 county chief executive officer is elected.

22 Sec. 4. (a) The term of office of a chief executive officer is four  
23 (4) years, beginning January 1 after election and continuing until  
24 a successor is elected and qualified.

25 (b) To be eligible for election as the chief executive officer, an  
26 individual must meet the qualifications prescribed by IC 3-8-1-21.  
27 If an individual does not remain a resident of the county after  
28 taking office as the chief executive officer, the individual forfeits  
29 the office. The county legislative body shall declare the office  
30 vacant whenever the chief executive officer forfeits office under  
31 this subsection.

32 Sec. 5. (a) On January 1 following the year in which the first  
33 county chief executive officer is elected, all of the property, assets,  
34 funds, equipment, records, rights, contracts, obligations, and  
35 liabilities of the board of county commissioners of a county are  
36 transferred to or assumed by the chief executive officer.

37 (b) The abolishment of the board of county commissioners of a  
38 county on January 1 following the year in which the first county  
39 chief executive officer is elected does not invalidate:

40 (1) any ordinances, resolutions, fees, schedules, or other  
41 actions adopted or taken by the board of county  
42 commissioners before the board is abolished; or

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1           (2) any appointments made by the board of county  
2           commissioners before the board is abolished.

3           **Sec. 6. (a) All powers and duties of the county that are executive**  
4           **or administrative in nature (including any power of appointment**  
5           **related to executive or administrative functions) shall be exercised**  
6           **or performed by the chief executive officer, except to the extent**  
7           **that these powers and duties are expressly assigned by law to**  
8           **another elected or appointed officer. The chief executive officer**  
9           **shall transact the business of the county in the name of "The Chief**  
10           **Executive Officer of the County of \_\_\_\_\_".**

11           **(b) For purposes of a county subject to this chapter, after**  
12           **December 31 of the year in which the first county chief executive**  
13           **officer is elected, any reference:**

14                   (1) in the Indiana Code;  
15                   (2) in the Indiana Administrative Code;  
16                   (3) in an ordinance or resolution; or  
17                   (4) in any deed, lease, contract, or other official document or  
18                   instrument;

19           **to the board of commissioners pertaining to the executive powers**  
20           **of a county shall be considered a reference to the chief executive**  
21           **officer of the county.**

22           **(c) For purposes of a county subject to this chapter, after**  
23           **December 31 of the year in which the first county chief executive**  
24           **officer is elected, any reference:**

25                   (1) in the Indiana Code;  
26                   (2) in the Indiana Administrative Code;  
27                   (3) in an ordinance or resolution; or  
28                   (4) in any deed, lease, contract, or other official document or  
29                   instrument;

30           **related to the executive powers and duties of the board of county**  
31           **commissioners shall be considered a reference to the powers and**  
32           **duties of the chief executive officer of the county.**

33           **(d) For purposes of a county subject to this chapter, after**  
34           **December 31 of the year in which the first county chief executive**  
35           **officer is elected, the county council has the legislative and fiscal**  
36           **powers and duties of the county as provided in IC 36-2-3.7.**

37           **Sec. 7. The chief executive officer shall do the following:**

38                   (1) Report on the condition of the county before March 1 of  
39                   each year to the county legislative body and to the residents of  
40                   the county.  
41                   (2) Recommend before March 1 of each year to the county  
42                   legislative body any action or program the chief executive

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- officer considers necessary for the improvement of the county and the welfare of county residents.
- (3) Submit to the county legislative body an annual budget in accordance with IC 36-2-5.
- (4) Establish the procedures to be followed by all county departments, offices, and agencies under the chief executive officer's jurisdiction to the extent these procedures are not expressly assigned by law to another elected or appointed officer.
- (5) Administer all statutes, ordinances, and regulations applicable to the county, to the extent the administration of these matters is not expressly assigned by law to another elected or appointed officer.
- (6) Supervise the care and custody of all county property.
- (7) Supervise the collection of revenues and control all disbursements and expenditures, and prepare a complete account of all expenditures, to the extent these matters are not expressly assigned by law to another elected or appointed officer.
- (8) Review, analyze, and forecast trends for county services and finances and programs of all county governmental entities, and report and recommend on these to the county legislative body by March 15 of each year.
- (9) Negotiate contracts for the county.
- (10) Make recommendations concerning the nature and location of county improvements, and provide for the execution of those improvements.
- (11) Supervise county administrative offices, except for the offices of elected officers.
- (12) Do the following in January of each year:
  - (A) Make a settlement with the county treasurer for the preceding calendar year and include a copy of the settlement sheet in the order book of the chief executive officer.
  - (B) Make an accurate statement of the county's receipts and expenditures during the preceding calendar year. The statement must include the name of and total compensation paid to each county officer, deputy, and employee. The executive shall post this statement at the courthouse door and two (2) other places in the county and shall publish it in the manner prescribed by IC 5-3-1.
- (13) Perform other duties and functions that are assigned to

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the chief executive officer by statute or ordinance.

**Sec. 8. The chief executive officer may do any of the following:**

**(1) Order any department, office, or agency under the chief executive officer's jurisdiction to undertake any task for another department, office, or agency under the chief executive officer's jurisdiction on a temporary basis, if necessary for the proper and efficient administration of county government.**

**(2) Establish and administer centralized budgeting, centralized personnel selection, and centralized purchasing.**

**(3) Audit the accounts of officers who deal with money belonging to or appropriated for the benefit of the county.**

**(4) Approve accounts chargeable against the county and direct the raising of money necessary for county expenses.**

**(5) Make orders concerning county property, including orders for:**

**(A) the sale of the county's public buildings and the acquisition of land in the county seat on which to build new public buildings; and**

**(B) the acquisition of land for a public square and the maintenance of that square.**

**However, a conveyance or purchase by a county of land having a value of one thousand dollars (\$1,000) or more must be authorized by an ordinance of the county legislative body fixing the terms and conditions of the transaction.**

**Sec. 9. (a) The chief executive officer shall establish and maintain a county courthouse, county jail, and public offices for the county clerk, the county auditor, the county recorder, the county treasurer, the county sheriff, and the county surveyor.**

**(b) Offices for the surveyor must be in the courthouse or at the county seat.**

**(c) Offices for the sheriff may be located:**

**(1) in the courthouse;**

**(2) inside the corporate limits of the county seat; or**

**(3) outside the corporate limits of the county seat but within the limits of the county.**

**Sec. 10. (a) The chief executive officer may grant licenses, permits, or franchises for the use of county property if the licenses, permits, or franchises:**

**(1) are not exclusive;**

**(2) are of a definite duration; and**

**(3) are assignable only with the consent of the chief executive**

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**officer.**

**(b) If a public utility or municipally owned or operated utility that carries on business outside the corporate boundaries of municipalities in the county is engaged in an activity substantially similar to that for which a license, permit, or franchise for the use of county property is sought, the chief executive officer may grant the license, permit, or franchise only with the consent of the utility regulatory commission. The commission may give its consent only if it determines, after a public hearing of all interested parties, that public necessity and convenience require the substantially similar activity.**

**(c) The provisions of this section that concern securing the consent of the utility regulatory commission do not apply to municipally owned or operated utilities.**

**Sec. 11. Notwithstanding any other law, if a statute requires a county executive to take an executive action by ordinance or resolution, a chief executive officer shall instead take the action by issuing an executive order.**

**Sec. 12. (a) If the chief executive officer is disqualified from acting in a quasi-judicial proceeding, the chief executive officer shall cease to act in that proceeding. Not later than ten (10) days after the finding that the chief executive officer is disqualified to act in a proceeding, the county auditor shall send a certified copy of the record of the proceeding to the judge of the circuit court for the county. If the judge affirms the disqualification of the chief executive officer, the judge shall appoint a disinterested and competent person to serve as a special executive in the proceeding.**

**(b) A person who consents to serve as a special executive must have the same qualifications as an elected chief executive officer. The person's appointment and oath shall be filed with the county auditor and entered on the records of the chief executive officer. A person appointed as a special executive may conduct the proceeding until a final determination is reached.**

**Sec. 13. The chief executive officer shall keep the chief executive officer's office open on each business day.**

**Sec. 14. Appointments made by the chief executive officer shall be certified by the county auditor, under the seal of the chief executive officer.**

**Sec. 15. (a) The chief executive officer may employ a person:**

- (1) to perform a duty required of a county officer by statute;**
- or**
- (2) on a commission or percentage basis;**

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1 only if the employment is expressly authorized by statute or is  
2 found by the chief executive officer to be necessary to the public  
3 interest.

4 (b) If a person's employment under subsection (a) is not  
5 expressly authorized by statute, the contract for the person's  
6 employment must be filed with the circuit court for the county, and  
7 the person must file the person's claims for compensation with that  
8 court. Any taxpayer may contest a claim under this section.

9 (c) A chief executive officer who recklessly violates this section  
10 commits a Class C misdemeanor and forfeits the person's office.

11 Sec. 16. The chief executive officer shall appear before the  
12 legislative body of the county at least once each month and at other  
13 times as needed to conduct all necessary county business.

14 Sec. 17. (a) A party to a proceeding before the chief executive  
15 officer who is aggrieved by a decision of the chief executive officer  
16 may appeal that decision to the circuit court for the county.

17 (b) A person who is not a party to a proceeding before the chief  
18 executive officer may appeal a decision of the chief executive  
19 officer only if the person files with the county auditor an affidavit:

- 20 (1) specifically setting forth the person's interest in the matter  
21 decided; and
- 22 (2) alleging that the person is aggrieved by the decision of the  
23 chief executive officer.

24 (c) An appeal under this section must be taken not later than  
25 thirty (30) days after the chief executive officer makes the decision  
26 by which the appellant is aggrieved.

27 (d) An appellant under this section must file with the county  
28 auditor a bond conditioned on due prosecution of the appeal. The  
29 bond is subject to approval by the county auditor and must be in  
30 an amount sufficient to provide security for court costs.

31 (e) Not later than twenty (20) days after the county auditor  
32 receives the appeal bond, the county auditor shall prepare a  
33 complete transcript of the proceedings of the chief executive officer  
34 related to the decision appealed from and shall deliver the  
35 transcript, all documents filed during the proceedings, and the  
36 appeal bond to the clerk of the circuit court.

37 Sec. 18. (a) An appeal under section 17 of this chapter shall be  
38 docketed among the other causes pending in the circuit court and  
39 shall be tried as an original cause.

40 (b) A court may decide an appeal under section 17 of this  
41 chapter by:

- 42 (1) affirming the decision of the chief executive officer; or

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1 (2) remanding the cause to the chief executive officer with  
2 directions as to how to proceed;  
3 and may require the chief executive officer to comply with this  
4 decision.

5 Sec. 19. (a) The county auditor or the chief executive officer may  
6 administer any oaths required by this chapter.

7 (b) The county sheriff or a county police officer shall attend the  
8 meetings of the chief executive officer, if requested by the chief  
9 executive officer, and shall execute the chief executive officer's  
10 orders.

11 Sec. 20. (a) Appointments made by the chief executive officer  
12 shall be certified by the county auditor, under the seal of the chief  
13 executive officer.

14 (b) If a copy of the chief executive officer's proceedings has been  
15 signed and sealed by the county auditor and introduced into  
16 evidence in court, that copy is presumed to be an accurate record  
17 of the chief executive officer's proceedings.

18 Sec. 21. If publication of a notice, report, or statement of any  
19 kind is required and a county is liable for the cost of that  
20 publication, the chief executive officer may not make or pay for  
21 publication in more than one (1) newspaper unless publication in  
22 two (2) newspapers is required. A person who violates this section  
23 commits a Class C infraction.

24 Sec. 22. (a) The chief executive officer may employ and fix the  
25 compensation of an attorney to represent and advise the executive.

26 (b) For purposes of Article 2, Section 9 of the Constitution of the  
27 State of Indiana, employment by a chief executive officer as an  
28 attorney does not constitute a lucrative office.

29 SECTION 13. IC 36-2-2.6 IS ADDED TO THE INDIANA CODE  
30 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
31 UPON PASSAGE]:

32 **Chapter 2.6. Petition to Change County Government Structure;**  
33 **County Council Approval**

34 **Sec. 1. This chapter applies to a county that elects a county chief**  
35 **executive officer under IC 36-2-2.5.**

36 **Sec. 2. This chapter does not apply to a county that has a**  
37 **consolidated city.**

38 **Sec. 3. A petition may be submitted to the county council, signed**  
39 **by at least the number of registered voters equal to two percent**  
40 **(2%) of the votes cast in the last election for secretary of state in**  
41 **the county, requesting the county council to adopt an ordinance**  
42 **changing county government structure as follows:**

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- 1           (1) The county executive would be a three (3) member board
- 2           of county commissioners, elected under IC 36-2-2.
- 3           (2) The office of county chief executive officer would be
- 4           abolished.
- 5           (3) If the county is not subject to IC 36-2-3.5, the county
- 6           legislative body would be the board of county commissioners.
- 7           (4) If the county is subject to IC 36-2-3.5, the county
- 8           legislative body would be the county council.
- 9           (5) The county council would continue to be the county fiscal
- 10          body.

11           Sec. 4. Except as provided in section 9 and 10 of this chapter, a  
 12           petition under section 3 of this chapter must be submitted to the  
 13           county council:

- 14           (1) not earlier than January 1; and
- 15           (2) not later than July 1;
- 16           of the year preceding the year in which a county chief executive
- 17           officer would be elected.

18           Sec. 5. (a) If a petition is submitted as provided in this chapter,  
 19           the county council may adopt an ordinance providing that the  
 20           voters of the county shall elect:

- 21           (1) a three (3) member board of commissioners that has the:
  - 22           (A) executive and legislative powers and duties of the
  - 23           county if the county is not subject to IC 36-2-3.5; or
  - 24           (B) executive powers and duties of the county if the county
  - 25           is subject to IC 36-2-3.5; and
- 26           (2) a county council that has the:
  - 27           (A) fiscal powers and duties of the county if the county is
  - 28           not subject to IC 36-2-3.5; or
  - 29           (B) fiscal and legislative powers and duties of the county if
  - 30           the county is subject to IC 36-2-3.5.

31           (b) If the county council does not vote to approve or disapprove  
 32           the adoption of an ordinance to change the structure of county  
 33           government as set forth in subsection (a) by December 31 of the  
 34           year preceding the year in which a county chief executive officer  
 35           would be elected, the county council shall be considered to have  
 36           adopted an ordinance approving the change in structure of county  
 37           government as set forth in subsection (a).

38           Sec. 6. If the county council adopts an ordinance approving the  
 39           change in county government structure under section 5(a) of this  
 40           chapter or does not vote to approve or disapprove the change in  
 41           county government structure under section 5(b) of this chapter, the  
 42           office of county commissioner shall be placed on the primary

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1 election ballot for the county in the year following the year the  
2 petition is submitted, and the office shall be elected in the next  
3 general election in the county.

4 Sec. 7. On January 1 in the year following the year that the  
5 board of commissioners is elected under this chapter, the following  
6 occurs:

- 7 (1) The office of county chief executive officer is abolished and
- 8 the term of the county chief executive officer expires.
- 9 (2) The county is not subject to IC 36-2-2.5 and IC 36-2-3.7.
- 10 (3) The county executive is the board of county commissioners
- 11 elected under IC 36-2-2. The board of county commissioners
- 12 has all powers that are executive or administrative in nature.
- 13 (4) If the county is not subject to IC 36-2-3.5, the county
- 14 legislative body is the board of county commissioners. All
- 15 powers that are legislative in nature are transferred from the
- 16 county fiscal body to the board of county commissioners.
- 17 (5) If the county is subject to IC 36-2-3.5, the county
- 18 legislative body is the county council.
- 19 (6) The county council is the county fiscal body.
- 20 (7) All of the property, assets, funds, equipment, records,
- 21 rights, contracts, obligations, and liabilities of the county chief
- 22 executive officer are transferred to or assumed by the board
- 23 of county commissioners.

24 Sec. 8. The abolishment of the office of the county executive  
25 officer on January 1 following the year in which the board of  
26 county commissioners is elected does not invalidate:

- 27 (1) any resolutions, fees, schedules, or other actions adopted
- 28 or taken by the county chief executive officer before the office
- 29 is abolished; or
- 30 (2) any appointments made by the county chief executive
- 31 officer before the office is abolished.

32 Sec. 9. (a) The first petition under section 3 of this chapter in a  
33 particular county:

- 34 (1) may not be submitted to the county fiscal body during the
- 35 term of the first elected county chief executive officer; and
- 36 (2) may be submitted:
  - 37 (A) not earlier than January 1; and
  - 38 (B) not later than July 1;
- 39 of the year preceding the year in which a second county chief
- 40 executive officer would be elected.

41 (b) The county council may not vote to approve or disapprove  
42 an ordinance as a result of a petition filed under this chapter to

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1 **change county government structure until the year preceding the**  
2 **year in which a second county chief executive officer would be**  
3 **elected.**

4 **Sec. 10. A petition may not be filed under section 3 of this**  
5 **chapter more than once every eight (8) years.**

6 SECTION 14. IC 36-2-3-4, AS AMENDED BY P.L.230-2005,  
7 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a  
9 county having a population of:

- 10 (1) more than four hundred thousand (400,000) but less than
- 11 seven hundred thousand (700,000); or
- 12 (2) more than two hundred thousand (200,000) but less than three
- 13 hundred thousand (300,000).

14 The county executive shall by ordinance **or, in a county subject to**  
15 **IC 36-2-2.5, by resolution** divide the county into four (4) contiguous,  
16 single-member districts that comply with subsection (d). If necessary,  
17 the county auditor shall call a special meeting of the executive to  
18 establish or revise districts. One (1) member of the fiscal body shall be  
19 elected by the voters of each of the four (4) districts. Three (3) at-large  
20 members of the fiscal body shall be elected by the voters of the whole  
21 county.

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

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

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

- 39 (1) be compact, subject only to natural boundary lines (such as
- 40 railroads, major highways, rivers, creeks, parks, and major
- 41 industrial complexes);
- 42 (2) not cross precinct boundary lines;

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- 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 15. IC 36-2-3.5-1 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a) Except as**  
 13 **provided in subsection (b),** this chapter applies to:

- 14 (1) a county having a population of:
- 15 (A) more than four hundred thousand (400,000) but less than
- 16 seven hundred thousand (700,000); or
- 17 (B) more than two hundred thousand (200,000) but less than
- 18 three hundred thousand (300,000); and
- 19 (2) any other county not having a consolidated city, if both the
- 20 county executive and the county fiscal body adopt identical
- 21 ordinances providing for the county to be governed by this
- 22 chapter beginning on a specified effective date.

23 **(b) Except as provided in section 6(c) of this chapter and**  
 24 **IC 36-2-2.6, this chapter does not apply to a county beginning after**  
 25 **December 31 of the year in which a chief executive officer is first**  
 26 **elected under IC 36-2-2.5.**

27 SECTION 16. IC 36-2-3.5-6 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A court may  
 29 issue an order, before final hearing, to stay an election if there is  
 30 sufficient evidence to withstand a motion for summary judgment that  
 31 the county has not been divided into districts that comply with  
 32 IC 36-2-2-4 or IC 36-2-3-4. A preliminary hearing on the question may  
 33 be held upon the court's own motion.

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

41 **(c) If this chapter applied to a county at the time a chief**  
 42 **executive officer is first elected under IC 36-2-2.5, this section**

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1 continues to apply to the county after the election of the chief  
2 executive officer.

3 SECTION 17. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE  
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
5 UPON PASSAGE]:

6 **Chapter 3.7. County Council as the County Legislative Body**

7 **Sec. 1. Except as specifically provided by law, this chapter**  
8 **applies to each county:**

- 9 (1) that does not have a consolidated city; and  
10 (2) in which an ordinance under IC 36-2-2.4 making the  
11 county executive a single county chief executive officer has  
12 been approved.

13 **Sec. 2. As used in this chapter, "chief executive officer" means**  
14 **the county chief executive officer elected under IC 3-10-2-13.**

15 **Sec. 3. In a county to which this chapter applies:**

- 16 (1) the voters of the county shall continue to elect members of  
17 the county council; and  
18 (2) beginning on January 1 following the year in which the  
19 first county chief executive officer is elected:

20 (A) the executive and legislative powers of the county are  
21 divided between separate branches of county government,  
22 and a power belonging to one (1) branch of county  
23 government may not be exercised by the other branch of  
24 county government;

25 (B) the county council is the county legislative body as well  
26 as the county fiscal body; and

27 (C) the chief executive officer is the county executive of the  
28 county and has the executive and administrative powers  
29 and duties of the county as provided in IC 36-2-2.5.

30 **Sec. 4. (a) All powers and duties of the county that are legislative**  
31 **in nature (including any power of appointment related to**  
32 **legislative functions) shall be exercised or performed by the county**  
33 **council functioning as the county legislative body.**

34 (b) The county council has the same legislative powers and  
35 duties that the board of county commissioners in the county had  
36 before the board of county commissioners was abolished.

37 (c) For purposes of a county subject to this chapter, after  
38 December 31 of the year in which the first county chief executive  
39 officer is elected, any reference:

- 40 (1) in the Indiana Code;  
41 (2) in the Indiana Administrative Code;  
42 (3) in an ordinance or resolution; or

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1 (4) in any deed, lease, contract, or other official document or  
2 instrument;  
3 to the board of commissioners pertaining to the legislative powers  
4 of a county shall be considered a reference to the county council of  
5 the county.

6 (d) For purposes of a county subject to this chapter, after  
7 December 31 of the year in which the first county chief executive  
8 officer is elected, any reference:

- 9 (1) in the Indiana Code;
  - 10 (2) in the Indiana Administrative Code;
  - 11 (3) in an ordinance or resolution; or
  - 12 (4) in any deed, lease, contract, or other official document or  
13 instrument;
- 14 related to the legislative powers and duties of the board of county  
15 commissioners shall be considered a reference to the powers and  
16 duties of the county council of the county.

17 **Sec. 5. The county council may do any of the following:**

- 18 (1) Establish committees that are necessary to carry out the  
19 county council's functions.
- 20 (2) Employ legal and administrative personnel necessary to  
21 carry out the county council's functions.
- 22 (3) Pass all ordinances, orders, resolutions, and motions for  
23 the government of the county, in the manner prescribed by  
24 IC 36-2-4.
- 25 (4) Receive gifts, bequests, and grants from public or private  
26 sources.
- 27 (5) Conduct investigations into the conduct of county business  
28 for the purpose of correcting deficiencies and ensuring  
29 adherence to law and county ordinances and policies.
- 30 (6) Establish, by ordinance, new county departments,  
31 divisions, or agencies whenever necessary to promote efficient  
32 county government.

33 SECTION 18. IC 36-2-4-8, AS AMENDED BY P.L.78-2009,  
34 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 UPON PASSAGE]: Sec. 8. (a) An ordinance, order, or resolution is  
36 considered adopted when it is signed by the presiding officer. If  
37 required, an adopted ordinance, order, or resolution must be  
38 promulgated or published according to statute before it takes effect.

39 (b) An ordinance prescribing a penalty or forfeiture for a violation  
40 must, before it takes effect, be published once each week for two (2)  
41 consecutive weeks, according to IC 5-3-1. However, if such an  
42 ordinance is adopted by the legislative body of a county subject to

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1 **IC 36-2-2.5 or IC 36-2-3.5** and there is an urgent necessity requiring  
 2 its immediate effectiveness, it need not be published if:  
 3 (1) the county executive proclaims the urgent necessity; and  
 4 (2) copies of the ordinance are posted in three (3) public places in  
 5 each of the districts of the county before it takes effect.  
 6 (c) The following apply in addition to the other requirements of this  
 7 section:  
 8 (1) An ordinance or resolution passed by the legislative body of  
 9 a county subject to IC 36-2-3.5 is considered adopted only if it is:  
 10 (A) approved by signature of a majority of the county  
 11 executive;  
 12 (B) neither approved nor vetoed by a majority of the executive,  
 13 within ten (10) days after passage by the legislative body; or  
 14 (C) passed over the veto of the executive by a two-thirds (2/3)  
 15 vote of the legislative body, within sixty (60) days after  
 16 presentation of the ordinance or resolution to the executive.  
 17 (2) The legislative body of a county shall:  
 18 (A) subject to subdivision (3), give written notice to the  
 19 department of environmental management not later than sixty  
 20 (60) days before amendment or repeal of an environmental  
 21 restrictive ordinance; and  
 22 (B) give written notice to the department of environmental  
 23 management not later than thirty (30) days after passage,  
 24 amendment, or repeal of an environmental restrictive  
 25 ordinance.  
 26 (3) Upon written request by the legislative body, the department  
 27 of environmental management may waive the notice requirement  
 28 of subdivision (2)(A).  
 29 (4) An environmental restrictive ordinance passed or amended  
 30 after 2009 by the legislative body must state the notice  
 31 requirements of subdivision (2).  
 32 (5) The failure of an environmental restrictive ordinance to  
 33 comply with subdivision (4) does not void the ordinance.  
 34 (d) After an ordinance or resolution passed by the legislative body  
 35 of a county subject to IC 36-2-3.5 has been signed by the presiding  
 36 officer, the county auditor shall present it to the county executive, and  
 37 record the time of the presentation. Within ten (10) days after an  
 38 ordinance or resolution is presented to it, the executive shall:  
 39 (1) approve the ordinance or resolution, by signature of a majority  
 40 of the executive, and send the legislative body a message  
 41 announcing its approval; or  
 42 (2) veto the ordinance or resolution, by returning it to the

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1 legislative body with a message announcing its veto and stating  
2 its reasons for the veto.

3 (e) This section does not apply to a zoning ordinance or amendment  
4 to a zoning ordinance, or a resolution approving a comprehensive plan,  
5 that is adopted under IC 36-7.

6 (f) An ordinance increasing a building permit fee on new  
7 development must:

8 (1) be published:

9 (A) one (1) time in accordance with IC 5-3-1; and

10 (B) not later than thirty (30) days after the ordinance is  
11 adopted by the legislative body in accordance with IC 5-3-1;  
12 and

13 (2) delay the implementation of the fee increase for ninety (90)  
14 days after the date the ordinance is published under subdivision

15 (1).

16 SECTION 19. IC 36-3-3-10 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The board  
18 of commissioners of the county is composed of the county treasurer, the  
19 county auditor, and the county assessor. These officers shall serve ex  
20 officio as commissioners without additional compensation for  
21 performing the duties of the board.

22 (b) The board of commissioners:

23 (1) shall make the appointments required by statute to be made by  
24 the board of commissioners of a county;

25 (2) shall perform the duties and exercise the powers prescribed by  
26 statutes pertaining to the issuance and payment of bonds of the  
27 county and the expenditure of the unexpended proceeds of those  
28 bonds; and

29 (3) may exercise the powers granted it by Article 9, Section 3 of  
30 the Constitution of the State of Indiana and by IC 12-30-3.

31 **(c) Notwithstanding any other provision, an act enacted by the**  
32 **general assembly during the first regular session of the one**  
33 **hundred seventeenth general assembly to allow for a single elected**  
34 **county chief executive officer under IC 36-2-2.5 in counties not**  
35 **containing a consolidated city does not affect the rights, powers,**  
36 **and duties of the board of commissioners in a county containing a**  
37 **consolidated city.**

38 SECTION 20. IC 36-5-1-20 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section  
40 does not apply to a town described by IC 36-5-1-11.5.

41 (b) A town subject to this chapter may be dissolved if the county  
42 election board of the county in which the greatest percentage of

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1 population of the town is located conducts a public hearing and finds  
2 that the town has not elected town officers or had a functioning town  
3 government during the preceding ten (10) years.

4 (c) The county election board shall certify the board's findings to the  
5 county executive, who may adopt an ordinance or (in a county subject  
6 to **IC 36-2-2.5 or IC 36-2-3.5**) issue an order to dissolve the town.

7 **SECTION 21. An emergency is declared for this act.**

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