



February 18, 2011

SENATE BILL No. 303

DIGEST OF SB 303 (Updated February 16, 2011 5:20 pm - DI 87)

Citations Affected: IC 3-5; IC 3-10; IC 3-11; IC 13-11; IC 36-1; IC 36-2; IC 36-3; IC 36-5.

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 a person is not eligible to serve as the single county chief executive officer more than eight years in any twelve year period. 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). Eliminates the Marion County board of commissioners.

Effective: Upon passage; July 1, 2011.

Lawson C

January 6, 2011, read first time and referred to Committee on Local Government.
February 17, 2011, amended, reported favorably — Do Pass.

SB 303—LS 6834/DI 73+



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February 18, 2011

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

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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. An individual is not eligible to
25 serve as chief executive officer more than eight (8) years in any
26 period of twelve (12) years.

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

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

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

42 (1) any ordinances, resolutions, fees, schedules, or other

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1 actions adopted or taken by the board of county
 2 commissioners before the board is abolished; or
 3 (2) any appointments made by the board of county
 4 commissioners before the board is abolished.

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

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

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

21 to the board of commissioners pertaining to the executive powers
 22 of a county shall be considered a reference to the chief executive
 23 officer of the county.

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

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

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

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

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

- 40 (1) Report on the condition of the county before March 1 of
 41 each year to the county legislative body and to the residents of
 42 the county.

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- 1 **(2) Recommend before March 1 of each year to the county**
- 2 **legislative body any action or program the chief executive**
- 3 **officer considers necessary for the improvement of the county**
- 4 **and the welfare of county residents.**
- 5 **(3) Submit to the county legislative body an annual budget in**
- 6 **accordance with IC 36-2-5.**
- 7 **(4) Establish the procedures to be followed by all county**
- 8 **departments, offices, and agencies under the chief executive**
- 9 **officer's jurisdiction to the extent these procedures are not**
- 10 **expressly assigned by law to another elected or appointed**
- 11 **officer.**
- 12 **(5) Administer all statutes, ordinances, and regulations**
- 13 **applicable to the county, to the extent the administration of**
- 14 **these matters is not expressly assigned by law to another**
- 15 **elected or appointed officer.**
- 16 **(6) Supervise the care and custody of all county property.**
- 17 **(7) Supervise the collection of revenues and control all**
- 18 **disbursements and expenditures, and prepare a complete**
- 19 **account of all expenditures, to the extent these matters are not**
- 20 **expressly assigned by law to another elected or appointed**
- 21 **officer.**
- 22 **(8) Review, analyze, and forecast trends for county services**
- 23 **and finances and programs of all county governmental**
- 24 **entities, and report and recommend on these to the county**
- 25 **legislative body by March 15 of each year.**
- 26 **(9) Negotiate contracts for the county.**
- 27 **(10) Make recommendations concerning the nature and**
- 28 **location of county improvements, and provide for the**
- 29 **execution of those improvements.**
- 30 **(11) Supervise county administrative offices, except for the**
- 31 **offices of elected officers.**
- 32 **(12) Do the following in January of each year:**
- 33 **(A) Make a settlement with the county treasurer for the**
- 34 **preceding calendar year and include a copy of the**
- 35 **settlement sheet in the order book of the chief executive**
- 36 **officer.**
- 37 **(B) Make an accurate statement of the county's receipts**
- 38 **and expenditures during the preceding calendar year. The**
- 39 **statement must include the name of and total**
- 40 **compensation paid to each county officer, deputy, and**
- 41 **employee. The executive shall post this statement at the**
- 42 **courthouse door and two (2) other places in the county and**

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shall publish it in the manner prescribed by IC 5-3-1.

(13) Perform other duties and functions that are assigned to 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;

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1 (2) are of a definite duration; and
2 (3) are assignable only with the consent of the chief executive
3 officer.
4 (b) If a public utility or municipally owned or operated utility
5 that carries on business outside the corporate boundaries of
6 municipalities in the county is engaged in an activity substantially
7 similar to that for which a license, permit, or franchise for the use
8 of county property is sought, the chief executive officer may grant
9 the license, permit, or franchise only with the consent of the utility
10 regulatory commission. The commission may give its consent only
11 if it determines, after a public hearing of all interested parties, that
12 public necessity and convenience require the substantially similar
13 activity.
14 (c) The provisions of this section that concern securing the
15 consent of the utility regulatory commission do not apply to
16 municipally owned or operated utilities.
17 Sec. 11. Notwithstanding any other law, if a statute requires a
18 county executive to take an executive action by ordinance or
19 resolution, a chief executive officer shall instead take the action by
20 issuing an executive order.
21 Sec. 12. (a) If the chief executive officer is disqualified from
22 acting in a quasi-judicial proceeding, the chief executive officer
23 shall cease to act in that proceeding. Not later than ten (10) days
24 after the finding that the chief executive officer is disqualified to
25 act in a proceeding, the county auditor shall send a certified copy
26 of the record of the proceeding to the judge of the circuit court for
27 the county. If the judge affirms the disqualification of the chief
28 executive officer, the judge shall appoint a disinterested and
29 competent person to serve as a special executive in the proceeding.
30 (b) A person who consents to serve as a special executive must
31 have the same qualifications as an elected chief executive officer.
32 The person's appointment and oath shall be filed with the county
33 auditor and entered on the records of the chief executive officer. A
34 person appointed as a special executive may conduct the
35 proceeding until a final determination is reached.
36 Sec. 13. The chief executive officer shall keep the chief executive
37 officer's office open on each business day.
38 Sec. 14. Appointments made by the chief executive officer shall
39 be certified by the county auditor, under the seal of the chief
40 executive officer.
41 Sec. 15. (a) The chief executive officer may employ a person:
42 (1) to perform a duty required of a county officer by statute;

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or
(2) on a commission or percentage basis;
only if the employment is expressly authorized by statute or is found by the chief executive officer to be necessary to the public interest.

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

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

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

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

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

(1) specifically setting forth the person's interest in the matter decided; and

(2) alleging that the person is aggrieved by the decision of the chief executive officer.

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

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

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

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

(b) A court may decide an appeal under section 17 of this

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chapter by:
(1) affirming the decision of the chief executive officer; or
(2) remanding the cause to the chief executive officer with directions as to how to proceed;
and may require the chief executive officer to comply with this decision.

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. A petition may be submitted to the county council, signed by at least the number of registered voters equal to two percent (2%) of the votes cast in the last election for secretary of state in

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1 the county, requesting the county council to adopt an ordinance
2 changing county government structure as follows:

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

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

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

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

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

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

40 Sec. 6. If the county council adopts an ordinance approving the
41 change in county government structure under section 5(a) of this
42 chapter or does not vote to approve or disapprove the change in

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1 county government structure under section 5(b) of this chapter, the
2 office of county commissioner shall be placed on the primary
3 election ballot for the county in the year following the year the
4 petition is submitted, and the office shall be elected in the next
5 general election in the county.

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

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

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

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

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

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

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1 (b) The county council may not vote to approve or disapprove
2 an ordinance as a result of a petition filed under this chapter to
3 change county government structure until the year preceding the
4 year in which a second county chief executive officer would be
5 elected.

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

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

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

14 (2) more than two hundred thousand (200,000) but less than three
15 hundred thousand (300,000).

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

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

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

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

41 (1) be compact, subject only to natural boundary lines (such as
42 railroads, major highways, rivers, creeks, parks, and major

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- 1 industrial complexes);
- 2 (2) not cross precinct boundary lines;
- 3 (3) contain, as nearly as possible, equal population; and
- 4 (4) include whole townships, except when a division is clearly
- 5 necessary to accomplish redistricting under this section.
- 6 (e) A division under subsection (a), (b), or (c) shall be made:
- 7 (1) during the first year after a year in which a federal decennial
- 8 census is conducted; and
- 9 (2) when the county executive adopts an order declaring a county
- 10 boundary to be changed under IC 36-2-1-2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (B) the county council is the county legislative body as well
28 as the county fiscal body; and

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

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

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

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

- 42 (1) in the Indiana Code;

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1 **(2) in the Indiana Administrative Code;**
 2 **(3) in an ordinance or resolution; or**
 3 **(4) in any deed, lease, contract, or other official document or**
 4 **instrument;**
 5 **to the board of commissioners pertaining to the legislative powers**
 6 **of a county shall be considered a reference to the county council of**
 7 **the county.**

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

- 11 **(1) in the Indiana Code;**
- 12 **(2) in the Indiana Administrative Code;**
- 13 **(3) in an ordinance or resolution; or**
- 14 **(4) in any deed, lease, contract, or other official document or**
 15 **instrument;**

16 **related to the legislative powers and duties of the board of county**
 17 **commissioners shall be considered a reference to the powers and**
 18 **duties of the county council of the county.**

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

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

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

41 (b) An ordinance prescribing a penalty or forfeiture for a violation
 42 must, before it takes effect, be published once each week for two (2)

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1 consecutive weeks, according to IC 5-3-1. However, if such an
2 ordinance is adopted by the legislative body of a county subject to
3 **IC 36-2-2.5 or IC 36-2-3.5** and there is an urgent necessity requiring
4 its immediate effectiveness, it need not be published if:

- 5 (1) the county executive proclaims the urgent necessity; and
- 6 (2) copies of the ordinance are posted in three (3) public places in
7 each of the districts of the county before it takes effect.

8 (c) The following apply in addition to the other requirements of this
9 section:

10 (1) An ordinance or resolution passed by the legislative body of
11 a county subject to IC 36-2-3.5 is considered adopted only if it is:

- 12 (A) approved by signature of a majority of the county
13 executive;
- 14 (B) neither approved nor vetoed by a majority of the executive,
15 within ten (10) days after passage by the legislative body; or
- 16 (C) passed over the veto of the executive by a two-thirds (2/3)
17 vote of the legislative body, within sixty (60) days after
18 presentation of the ordinance or resolution to the executive.

19 (2) The legislative body of a county shall:

- 20 (A) subject to subdivision (3), give written notice to the
21 department of environmental management not later than sixty
22 (60) days before amendment or repeal of an environmental
23 restrictive ordinance; and
- 24 (B) give written notice to the department of environmental
25 management not later than thirty (30) days after passage,
26 amendment, or repeal of an environmental restrictive
27 ordinance.

28 (3) Upon written request by the legislative body, the department
29 of environmental management may waive the notice requirement
30 of subdivision (2)(A).

31 (4) An environmental restrictive ordinance passed or amended
32 after 2009 by the legislative body must state the notice
33 requirements of subdivision (2).

34 (5) The failure of an environmental restrictive ordinance to
35 comply with subdivision (4) does not void the ordinance.

36 (d) After an ordinance or resolution passed by the legislative body
37 of a county subject to IC 36-2-3.5 has been signed by the presiding
38 officer, the county auditor shall present it to the county executive, and
39 record the time of the presentation. Within ten (10) days after an
40 ordinance or resolution is presented to it, the executive shall:

- 41 (1) approve the ordinance or resolution, by signature of a majority
42 of the executive, and send the legislative body a message

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1 announcing its approval; or
2 (2) veto the ordinance or resolution, by returning it to the
3 legislative body with a message announcing its veto and stating
4 its reasons for the veto.

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

8 (f) An ordinance increasing a building permit fee on new
9 development must:

10 (1) be published:

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

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

17 (1).

18 SECTION 19. IC 36-3-1-5 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) When a first class
20 city becomes a consolidated city, the officers who become the
21 executive and legislative body of the consolidated city under section
22 4(c) of this chapter also become the executive and legislative body of
23 the county.

24 (b) The members of the board of commissioners of the county are
25 entitled to remain in office until their terms expire, although the board
26 is no longer the executive of the county. ~~As their terms expire or their~~
27 ~~positions become vacant, they shall be replaced by the following~~
28 ~~officers in the following order:~~

- 29 ~~(1) The county treasurer;~~
- 30 ~~(2) The county auditor;~~
- 31 ~~(3) The county assessor;~~

32 ~~These three (3) officers then serve ex officio as commissioners under~~
33 ~~IC 36-3-3-10.~~

34 SECTION 20. IC 36-3-3-9 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. The executive shall
36 perform the duties and exercise the powers prescribed for the board of
37 commissioners of the county by statutes, ~~other than this title,~~ except for
38 ~~the following:~~

39 ~~(1) duties and powers vested in the city-county legislative body by~~
40 ~~IC 36-3-4.~~

41 ~~(2) Duties and powers retained by the board of commissioners of~~
42 ~~the county under section 10 of this chapter.~~

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1 SECTION 21. IC 36-3-5-2.8, AS ADDED BY P.L.227-2005,
2 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 2.8. (a) Except as provided in subsections (b) and
4 (c), the controller:

- 5 (1) has all the powers; and
- 6 (2) performs all the duties;
- 7 of the county auditor under law.

8 (b) The controller:

- 9 (1) does not have the powers; and
- 10 (2) may not perform the duties;
- 11 of the county auditor under IC 36-2-9.5 and IC 36-3-6. ~~or as a member~~
- 12 ~~of the board of commissioners of the county under IC 36-3-3-10.~~

13 (c) Notwithstanding subsection (a) or any other law, the executive,
14 with the approval of the legislative body, may allocate the duties of the
15 county auditor, except the duties referred to in subsection (b), among:

- 16 (1) the controller;
- 17 (2) the county assessor;
- 18 (3) the county auditor; or
- 19 (4) other appropriate city or county officials.

20 SECTION 22. IC 36-5-1-20 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section
22 does not apply to a town described by IC 36-5-1-11.5.

23 (b) A town subject to this chapter may be dissolved if the county
24 election board of the county in which the greatest percentage of
25 population of the town is located conducts a public hearing and finds
26 that the town has not elected town officers or had a functioning town
27 government during the preceding ten (10) years.

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

31 SECTION 23. IC 36-3-3-10 IS REPEALED [EFFECTIVE JULY 1,
32 2011].

33 SECTION 24. **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. 303, 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 10, line 24, after "qualified." insert "**An individual is not eligible to serve as chief executive officer more than eight (8) years in any period of twelve (12) years.**".

Page 24, delete lines 16 through 37, begin a new paragraph and insert:

"SECTION 19. IC 36-3-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) When a first class city becomes a consolidated city, the officers who become the executive and legislative body of the consolidated city under section 4(c) of this chapter also become the executive and legislative body of the county.

(b) The members of the board of commissioners of the county are entitled to remain in office until their terms expire, although the board is no longer the executive of the county. ~~As their terms expire or their positions become vacant, they shall be replaced by the following officers in the following order:~~

- (1) ~~The county treasurer;~~
- (2) ~~The county auditor;~~
- (3) ~~The county assessor.~~

~~These three (3) officers then serve ex officio as commissioners under IC 36-3-3-10.~~

SECTION 20. IC 36-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. The executive shall perform the duties and exercise the powers prescribed for the board of commissioners of the county by statutes, ~~other than this title,~~ except for ~~the following:~~

- (1) ~~duties and powers vested in the city-county legislative body by IC 36-3-4.~~
- (2) ~~Duties and powers retained by the board of commissioners of the county under section 10 of this chapter.~~

SECTION 21. IC 36-3-5-2.8, AS ADDED BY P.L.227-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.8. (a) Except as provided in subsections (b) and (c), the controller:

- (1) has all the powers; and
 - (2) performs all the duties;
- of the county auditor under law.

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(b) The controller:

- (1) does not have the powers; and
- (2) may not perform the duties;

of the county auditor under IC 36-2-9.5 and IC 36-3-6. ~~or as a member of the board of commissioners of the county under IC 36-3-3-10.~~

(c) Notwithstanding subsection (a) or any other law, the executive, with the approval of the legislative body, may allocate the duties of the county auditor, except the duties referred to in subsection (b), among:

- (1) the controller;
- (2) the county assessor;
- (3) the county auditor; or
- (4) other appropriate city or county officials."

Page 25, between lines 6 and 7, begin a new paragraph and insert: "SECTION 25. IC 36-3-3-10 IS REPEALED [EFFECTIVE JULY 1, 2011]."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 303 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 6, Nays 3.

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