



February 15, 2013

SENATE BILL No. 475

DIGEST OF SB 475 (Updated February 13, 2013 6:04 pm - DI 87)

Citations Affected: IC 3-5; IC 3-8; IC 3-10; IC 3-11; IC 13-11; IC 35-51; IC 36-1; IC 36-2; IC 36-5; IC 36-9.

Synopsis: Local government issues. Provides that in a county having a population of more than 300,000 but less than 400,000, the county executive may adopt an ordinance to change the executive and legislative structure of county government. Specifies that if such an ordinance is adopted by the county executive, a public question shall be held in the county on whether the executive and legislative structure of county government should be changed. Provides that if the public question is approved, the voters of the county shall not elect a board of county commissioners, but shall instead elect a single county executive to serve as the county executive and shall elect a county council that has the legislative and fiscal powers and duties of the county. Provides that in a county with a single county executive: (1) the initial single county executive is elected in the second general election after the public question to change the structure of county government is approved; (2) the board of county commissioners is abolished when the first single county executive takes office; and (3) the county council shall be elected from four members elected from single-member districts and three members elected at-large. Provides that if the office of single county executive becomes vacant, the county council shall appoint an individual to serve as interim single county executive until the office is filled. Provides that in a county that has abolished the
(Continued next page)

Effective: Upon passage.

Holdman, Smith J

January 14, 2013, read first time and referred to Committee on Local Government.
February 14, 2013, amended, reported favorably — Do Pass.

SB 475—LS 6380/DI 73+



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board of county commissioners and has elected a single county executive, the county council may adopt an ordinance changing the county government structure back to a structure that includes the election of a board of county commissioners (instead of a single county executive). Provides that if such an ordinance is adopted, a public question shall be held to determine whether the county government structure shall be changed back to a structure that includes the election of a board of county commissioners. Provides that in a county that has a single county executive, the drainage board consists of: (1) the single county executive; and (2) two or four persons (as determined by the single county executive) who are appointed by the single county executive.

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February 15, 2013

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in *this style type*, additions will appear in **this style type**, and deletions will appear in *this style type*.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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SENATE BILL No. 475

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. 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) **single county executive elected under IC 3-10-2-13, 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 (↔) (3) mayor of the consolidated city, for a county having a
11 consolidated city;
12 (↔) (4) mayor, for a city;
13 (↔) (5) president of the town council, for a town; or
14 (↔) (6) trustee, for a township.
15 SECTION 2. IC 3-8-1-21 IS AMENDED TO READ AS FOLLOWS

SB 475—LS 6380/DI 73+



1 [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) A candidate for the
2 office of county commissioner must:

- 3 (1) have resided in the county for at least one (1) year before the
- 4 election, as provided in Article 6, Section 4 of the Constitution of
- 5 the State of Indiana; and
- 6 (2) have resided in the district in which seeking election, if
- 7 applicable, for at least six (6) months before the election.

8 **(b) This subsection applies only to elections in a county in which**
9 **a single county executive under IC 36-2-2.5 is elected under**
10 **IC 3-10-2-13. A candidate for the office of single county executive**
11 **must have resided in the county for at least one (1) year before the**
12 **election, as provided in Article 6, Section 4 of the Constitution of**
13 **the State of Indiana.**

14 SECTION 3. IC 3-10-1-19, AS AMENDED BY P.L.6-2012,
15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 19. (a) The ballot for a primary election shall
17 be printed in substantially the following form for all the offices for
18 which candidates have qualified under IC 3-8:

19 OFFICIAL PRIMARY BALLOT

20 _____ Party
21 For paper ballots, print: To vote for a person, make a voting mark
22 (X or ✓) on or in the box before the person's name in the proper
23 column. For optical scan ballots, print: To vote for a person, darken or
24 shade in the circle, oval, or square (or draw a line to connect the arrow)
25 that precedes the person's name in the proper column. For optical scan
26 ballots that do not contain a candidate's name, print: To vote for a
27 person, darken or shade in the oval that precedes the number assigned
28 to the person's name in the proper column. For electronic voting
29 systems, print: To vote for a person, touch the screen (or press the
30 button) in the location indicated.

- 31 Vote for one (1) only
- 32 Representative in Congress
- 33 (1) AB _____
- 34 (2) CD _____
- 35 (3) EF _____
- 36 (4) GH _____

37 (b) Local public questions shall be placed on the primary election
38 ballot after the voting instructions described in subsection (a) and
39 before the offices described in subsection (e).

40 (c) The local public questions described in subsection (b) shall be
41 placed:

- 42 (1) in a separate column on the ballot if voting is by paper ballot;

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- 1 (2) after the voting instructions described in subsection (a) and
- 2 before the offices described in subsection (e), in the form
- 3 specified in IC 3-11-13-11 if voting is by ballot card; or
- 4 (3) as provided by either of the following if voting is by an
- 5 electronic voting system:
- 6 (A) On a separate screen for a public question.
- 7 (B) After the voting instructions described in subsection (a)
- 8 and before the offices described in subsection (e), in the form
- 9 specified in IC 3-11-14-3.5.
- 10 (d) A public question shall be placed on the primary election ballot
- 11 in the following form:
- 12 (The explanatory text for the public question,
- 13 if required by law.)
- 14 "Shall (insert public question)?"
- 15 YES
- 16 NO
- 17 (e) The offices with candidates for nomination shall be placed on
- 18 the primary election ballot in the following order:
- 19 (1) Federal and state offices:
- 20 (A) President of the United States.
- 21 (B) United States Senator.
- 22 (C) Governor.
- 23 (D) United States Representative.
- 24 (2) Legislative offices:
- 25 (A) State senator.
- 26 (B) State representative.
- 27 (3) Circuit offices and county judicial offices:
- 28 (A) Judge of the circuit court, and unless otherwise specified
- 29 under IC 33, with each division separate if there is more than
- 30 one (1) judge of the circuit court.
- 31 (B) Judge of the superior court, and unless otherwise specified
- 32 under IC 33, with each division separate if there is more than
- 33 one (1) judge of the superior court.
- 34 (C) Judge of the probate court.
- 35 (D) Prosecuting attorney.
- 36 (E) Circuit court clerk.
- 37 (4) County offices:
- 38 (A) County auditor.
- 39 (B) County recorder.
- 40 (C) County treasurer.
- 41 (D) County sheriff.
- 42 (E) County coroner.

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- 1 (F) County surveyor.
 2 (G) County assessor.
 3 (H) County commissioner. **This clause only applies to a**
 4 **county that is not subject to IC 36-2-2.5.**
 5 **(I) Single county executive. This clause only applies to a**
 6 **county that is subject to IC 36-2-2.5.**
 7 ~~(J)~~ (J) County council member.
 8 (5) Township offices:
 9 (A) Township assessor (only in a township referred to in
 10 IC 36-6-5-1(d)).
 11 (B) Township trustee.
 12 (C) Township board member.
 13 (D) Judge of the small claims court.
 14 (E) Constable of the small claims court.
 15 (6) City offices:
 16 (A) Mayor.
 17 (B) Clerk or clerk-treasurer.
 18 (C) Judge of the city court.
 19 (D) City-county council member or common council member.
 20 (7) Town offices:
 21 (A) Clerk-treasurer.
 22 (B) Judge of the town court.
 23 (C) Town council member.
 24 (f) The political party offices with candidates for election shall be
 25 placed on the primary election ballot in the following order after the
 26 offices described in subsection (e):
 27 (1) Precinct committeeman.
 28 (2) State convention delegate.
 29 (g) The local offices to be elected at the primary election shall be
 30 placed on the primary election ballot after the offices described in
 31 subsection (f).
 32 (h) The offices described in subsection (g) shall be placed:
 33 (1) in a separate column on the ballot if voting is by paper ballot;
 34 (2) after the offices described in subsection (f) in the form
 35 specified in IC 3-11-13-11 if voting is by ballot card; or
 36 (3) either:
 37 (A) on a separate screen for each office or public question; or
 38 (B) after the offices described in subsection (f) in the form
 39 specified in IC 3-11-14-3.5;
 40 if voting is by an electronic voting system.
 41 SECTION 4. IC 3-10-2-13, AS AMENDED BY P.L.146-2008,
 42 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: Sec. 13. The following public officials shall be
 2 elected at the general election before their terms of office expire and
 3 every four (4) years thereafter:

- 4 (1) Clerk of the circuit court.
 5 (2) County auditor.
 6 (3) County recorder.
 7 (4) County treasurer.
 8 (5) County sheriff.
 9 (6) County coroner.
 10 (7) County surveyor.
 11 (8) County assessor.
 12 (9) County commissioner. **This subdivision only applies to a**
 13 **county that is not subject to IC 36-2-2.5.**
 14 **(10) Single county executive. This subdivision only applies to**
 15 **a county that is subject to IC 36-2-2.5.**
 16 ~~(10)~~ **(11)** County council member.
 17 ~~(11)~~ **(12)** Township trustee.
 18 ~~(12)~~ **(13)** Township board member.
 19 ~~(13)~~ **(14)** Township assessor (only in a township referred to in
 20 IC 36-6-5-1(d)).
 21 ~~(14)~~ **(15)** Judge of a small claims court.
 22 ~~(15)~~ **(16)** Constable of a small claims court.

23 SECTION 5. IC 3-11-2-12, AS AMENDED BY P.L.6-2012,
 24 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 12. The following offices shall be placed on
 26 the general election ballot in the following order after the public
 27 questions described in section 10(a) of this chapter:

- 28 (1) Federal and state offices:
 29 (A) President and Vice President of the United States.
 30 (B) United States Senator.
 31 (C) Governor and lieutenant governor.
 32 (D) Secretary of state.
 33 (E) Auditor of state.
 34 (F) Treasurer of state.
 35 (G) Attorney general.
 36 (H) Superintendent of public instruction.
 37 (I) United States Representative.
 38 (2) Legislative offices:
 39 (A) State senator.
 40 (B) State representative.
 41 (3) Circuit offices and county judicial offices:
 42 (A) Judge of the circuit court, and unless otherwise specified



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- 1 under IC 33, with each division separate if there is more than
 2 one (1) judge of the circuit court.
 3 (B) Judge of the superior court, and unless otherwise specified
 4 under IC 33, with each division separate if there is more than
 5 one (1) judge of the superior court.
 6 (C) Judge of the probate court.
 7 (D) Prosecuting attorney.
 8 (E) Clerk of the circuit court.
 9 (4) County offices:
 10 (A) County auditor.
 11 (B) County recorder.
 12 (C) County treasurer.
 13 (D) County sheriff.
 14 (E) County coroner.
 15 (F) County surveyor.
 16 (G) County assessor.
 17 (H) County commissioner. **This clause only applies to a**
 18 **county that is not subject to IC 36-2-2.5.**
 19 **(I) Single county executive. This clause only applies to a**
 20 **county that is subject to IC 36-2-2.5.**
 21 **⊕ (J) County council member.**
 22 (5) Township offices:
 23 (A) Township assessor (only in a township referred to in
 24 IC 36-6-5-1(d)).
 25 (B) Township trustee.
 26 (C) Township board member.
 27 (D) Judge of the small claims court.
 28 (E) Constable of the small claims court.
 29 (6) City offices:
 30 (A) Mayor.
 31 (B) Clerk or clerk-treasurer.
 32 (C) Judge of the city court.
 33 (D) City-county council member or common council member.
 34 (7) Town offices:
 35 (A) Clerk-treasurer.
 36 (B) Judge of the town court.
 37 (C) Town council member.

38 SECTION 6. IC 13-11-2-74 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 74. "Executive"
 40 means the:

- 41 (1) board of commissioners of a county ~~not having that:~~
 42 **(A) does not have** a consolidated city; **and**

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- 1 **(B) is not subject to IC 36-2-2.5;**
 2 **(2) single county executive elected under IC 3-10-2-13, for a**
 3 **county that:**
 4 **(A) does not have a consolidated city; and**
 5 **(B) is subject to IC 36-2-2.5;**
 6 ~~(2)~~ **(3)** mayor of the consolidated city, for a county having a
 7 consolidated city;
 8 ~~(3)~~ **(4)** mayor of a city; or
 9 ~~(4)~~ **(5)** president of the town council of a town.
- 10 SECTION 7. IC 35-51-36-1, AS AMENDED BY P.L.132-2012,
 11 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 1. The following statutes define crimes in
 13 IC 36:
- 14 IC 36-2-2-13 (Concerning county government).
 15 **IC 36-2-2.5-15 (Concerning single county executives).**
 16 IC 36-2-6-8 (Concerning county government).
 17 IC 36-2-6-12 (Concerning county government).
 18 IC 36-2-7-18 (Concerning county government).
 19 IC 36-2-8-6 (Concerning county government).
 20 IC 36-2-9-13 (Concerning county government).
 21 IC 36-2-9-14 (Concerning county government).
 22 IC 36-2-9.5-7 (Concerning county government).
 23 IC 36-2-9.5-9 (Concerning county government).
 24 IC 36-2-13-5 (Concerning county government).
 25 IC 36-2-14-10 (Concerning county government).
 26 IC 36-2-14-17 (Concerning county government).
 27 IC 36-2-14-21 (Concerning county government).
 28 IC 36-4-8-13 (Concerning government of cities and towns).
 29 IC 36-7-12-27.5 (Concerning planning and development).
 30 IC 36-7-14-40 (Concerning planning and development).
 31 IC 36-7-15.1-27 (Concerning planning and development).
 32 IC 36-7-30-28 (Concerning planning and development).
 33 IC 36-7-30.5-36 (Concerning planning and development).
 34 IC 36-8-3.5-23 (Concerning public safety).
 35 IC 36-8-10-9 (Concerning public safety).
 36 IC 36-8-16.7-41 (Concerning public safety).
 37 IC 36-8-16.7-45 (Concerning public safety).
 38 IC 36-8-16.7-46 (Concerning public safety).
 39 IC 36-9-14-7 (Concerning transportation and public works).
 40 IC 36-10-3-39 (Concerning recreation, culture, and community
 41 facilities).
 42 IC 36-10-4-5 (Concerning recreation, culture, and community

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1 facilities).

2 IC 36-10-4-40 (Concerning recreation, culture, and community

3 facilities).

4 SECTION 8. IC 36-1-2-5 IS AMENDED TO READ AS FOLLOWS

5 [EFFECTIVE UPON PASSAGE]: Sec. 5. "Executive" means **the:**

6 (1) board of commissioners, for a county ~~not having that:~~

7 (A) **does not have** a consolidated city; **and**

8 (B) **is not subject to IC 36-2-2.5;**

9 (2) **single county executive elected under IC 3-10-2-13, for a**

10 **county that:**

11 (A) **does not have a consolidated city; and**

12 (B) **is subject to IC 36-2-2.5;**

13 ~~(2)~~ (3) mayor of the consolidated city, for a county having a

14 consolidated city;

15 ~~(3)~~ (4) mayor, for a city;

16 ~~(4)~~ (5) president of the town council, for a town;

17 ~~(5)~~ (6) trustee, for a township;

18 ~~(6)~~ (7) superintendent, for a school corporation; or

19 ~~(7)~~ (8) chief executive officer, for any other political subdivision.

20 SECTION 9. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,

21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

22 UPON PASSAGE]: Sec. 9. "Legislative body" means the:

23 (1) board of county commissioners, for a county not subject to

24 **IC 36-2-2.5, IC 36-2-3.5, or IC 36-3-1;**

25 (2) county council, for a county subject to **IC 36-2-2.5 or**

26 **IC 36-2-3.5;**

27 (3) city-county council, for a consolidated city or county having

28 a consolidated city;

29 (4) common council, for a city other than a consolidated city;

30 (5) town council, for a town;

31 (6) township board, for a township;

32 (7) governing body of any other political subdivision that has a

33 governing body; or

34 (8) chief executive officer of any other political subdivision that

35 does not have a governing body.

36 SECTION 10. IC 36-1-2-24 IS AMENDED TO READ AS

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

38 means:

39 (1) board of commissioners, for a county:

40 (A) **not having a consolidated city; and**

41 (B) **not subject to IC 36-2-2.5;**

42 (2) **single county executive for a county:**

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- 1 **(A) not having a consolidated city; and**
- 2 **(B) subject to IC 36-2-2.5;**
- 3 ~~(2)~~ **(3) board of public works or board of public works and safety,**
- 4 for a city; or
- 5 ~~(3)~~ **(4) town council, for a town.**

6 SECTION 11. IC 36-1-3-6 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If there is a
 8 constitutional or statutory provision requiring a specific manner for
 9 exercising a power, a unit wanting to exercise the power must do so in
 10 that manner.

11 (b) If there is no constitutional or statutory provision requiring a
 12 specific manner for exercising a power, a unit wanting to exercise the
 13 power must either:

- 14 (1) if the unit is a county or municipality, adopt an ordinance
 15 prescribing a specific manner for exercising the power;
- 16 (2) if the unit is a township, adopt a resolution prescribing a
 17 specific manner for exercising the power; or
- 18 (3) comply with a statutory provision permitting a specific manner
 19 for exercising the power.

20 (c) An ordinance under subsection (b)(1) must be adopted as
 21 follows:

- 22 (1) In a municipality, by the legislative body of the municipality.
- 23 (2) In a county subject to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1,
 24 by the legislative body of the county.
- 25 (3) In any other county, by the executive of the county.

26 (d) A resolution under subsection (b)(2) must be adopted by the
 27 legislative body of the township.

28 SECTION 12. IC 36-2-2-1 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **Except as**
 30 **specifically provided**, this chapter ~~applies to all counties~~ **not does not**
 31 **apply to the following:**

- 32 **(1) A county** having a consolidated city.
- 33 **(2) A county in which a single county executive has been**
 34 **elected and is serving under IC 36-2-2.5.**

35 SECTION 13. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE
 36 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]:

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

39 **Sec. 1. This chapter only applies to a county having a population**
 40 **of more than three hundred thousand (300,000) but less than four**
 41 **hundred thousand (400,000).**

42 **Sec. 2. (a) Subject to subsection (b), the county executive may**

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1 adopt an ordinance providing that the voters of the county shall
2 elect:

- 3 (1) a single county executive under IC 36-2-2.5 who has the
- 4 executive powers and duties of the county; and
- 5 (2) a county council that has the legislative and fiscal powers
- 6 and duties of the county.

7 (b) An ordinance may be adopted under this chapter only:

- 8 (1) during an odd-numbered year; or
- 9 (2) before July 1 of an even-numbered year.

10 (c) If an ordinance is adopted under this section:

- 11 (1) the county auditor shall certify the adoption of the
- 12 ordinance to the county election board; and
- 13 (2) a public question shall be held in the county on whether
- 14 the executive and legislative structure and functions of the
- 15 county should be reorganized under IC 36-2-2.5.

16 Sec. 3. If an ordinance is certified under section 2(c) of this
17 chapter, the county election board shall place the following public
18 question on the ballot at the next general election held in the
19 county:

20 "Shall the county government of (insert the name of the
21 county) County be reorganized to place all executive powers
22 in a single county executive and to place all legislative and
23 fiscal powers in the county council?"

24 Sec. 4. IC 3, except where inconsistent with this chapter, applies
25 to a public question placed on the ballot under this chapter. A
26 public question under this chapter must be certified in accordance
27 with IC 3-10-9-3 and shall be placed on the ballot in accordance
28 with IC 3-10-9.

29 Sec. 5. If a majority of the voters of a county who vote on a
30 public question placed on the ballot under this chapter vote in
31 favor of the public question, the executive and legislative structure
32 and functions of the county shall be reorganized under IC 36-2-2.5.

33 SECTION 14. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE
34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]:

36 Chapter 2.5. Single County Executive

37 Sec. 1. Except as specifically provided by law, this chapter
38 applies only to a county:

- 39 (1) that has a population of more than three hundred
- 40 thousand (300,000) but less than four hundred thousand
- 41 (400,000); and
- 42 (2) in which a local public question under IC 36-2-2.4 making

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1 the county executive a single county executive has been
2 approved by the voters of the county.

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

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

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

11 (B) beginning with the second general election after the
12 local public question under IC 36-2-2.4 is approved, shall
13 not elect a 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 single county executive is elected;

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 single county executive is elected expires January 1
20 of the year following the year in which the first single county
21 executive is elected; and

22 (4) the county council districts shall be divided as provided in
23 IC 36-2-3-4(a).

24 Sec. 4. (a) The term of office of a single county executive is four
25 (4) years, beginning January 1 after election and continuing until
26 a successor is elected and qualified.

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

34 (c) If the office of single county executive becomes vacant, the
35 county council shall appoint an individual to serve as the single
36 county executive until the office is filled under IC 3-13.

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

42 (b) The abolishment of the board of county commissioners of a

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1 county on January 1 following the year in which the first single
2 county executive is elected does not invalidate any:

- 3 (1) ordinances, resolutions, fees, schedules, or other actions
- 4 adopted or taken by the board of county commissioners
- 5 before the board is abolished; or
- 6 (2) appointments made by the board of county commissioners
- 7 before the board is abolished.

8 Sec. 6. (a) Notwithstanding any other provision, a single county
9 executive has the power to make any appointments that the board
10 of commissioners made before the board was abolished.

11 (b) All powers and duties of the county that are executive or
12 administrative in nature (including any power of appointment
13 related to executive or administrative functions) shall be exercised
14 or performed by the single county executive, except to the extent
15 that these powers and duties are expressly assigned by law to
16 another elected or appointed officer. The single county executive
17 shall transact the business of the county in the name of the county.

18 (c) For purposes of a county subject to this chapter, after
19 December 31 of the year in which the first single county executive
20 is elected, any reference in:

- 21 (1) the Indiana Code;
- 22 (2) the Indiana Administrative Code;
- 23 (3) an ordinance or resolution; or
- 24 (4) any deed, lease, contract, or other official document or
- 25 instrument;

26 to the board of commissioners pertaining to the executive powers
27 of a county shall be considered a reference to the single county
28 executive of the county.

29 (d) For purposes of a county subject to this chapter, after
30 December 31 of the year in which the first single county executive
31 is elected, any reference in:

- 32 (1) the Indiana Code;
- 33 (2) the Indiana Administrative Code;
- 34 (3) an ordinance or resolution; or
- 35 (4) any deed, lease, contract, or other official document or
- 36 instrument;

37 related to the executive powers and duties of the board of county
38 commissioners shall be considered a reference to the powers and
39 duties of the single county executive of the county.

40 (e) For purposes of a county subject to this chapter, after
41 December 31 of the year in which the first single county executive
42 is elected, the county council has the legislative and fiscal powers

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1 and duties of the county under IC 36-2-3.7.

2 **Sec. 7. The single county executive shall do the following:**

3 **(1) Report on the condition of the county before March 1 of**
4 **each year to the county legislative body and to the county**
5 **residents.**

6 **(2) Recommend before March 1 of each year to the county**
7 **legislative body any action or program the single county**
8 **executive considers necessary for the improvement of the**
9 **county and the welfare of county residents.**

10 **(3) Submit to the county legislative body an annual budget in**
11 **accordance with IC 36-2-5.**

12 **(4) Establish procedures to be followed by all county**
13 **departments, offices, and agencies under the single county**
14 **executive's jurisdiction to the extent these procedures are not**
15 **expressly assigned by law to another elected or appointed**
16 **officer.**

17 **(5) Administer all statutes, ordinances, and regulations**
18 **applicable to the county, to the extent the administration of**
19 **these matters is not expressly assigned by law to another**
20 **elected or appointed officer.**

21 **(6) Supervise the care and custody of all county property.**

22 **(7) Supervise the collection of revenues, control all**
23 **disbursements and expenditures, and prepare a complete**
24 **account of all expenditures, to the extent these matters are not**
25 **expressly assigned by law to another elected or appointed**
26 **officer.**

27 **(8) Review, analyze, and forecast trends for county services**
28 **and finances and programs of all county governmental**
29 **entities, and report on and make recommendations**
30 **concerning the services, finances, and programs to the county**
31 **legislative body by March 15 of each year.**

32 **(9) Negotiate contracts for the county.**

33 **(10) Make recommendations concerning the nature and**
34 **location of county improvements, and provide for the**
35 **execution of those improvements.**

36 **(11) Supervise county administrative offices, except for the**
37 **offices of elected officers.**

38 **(12) Do the following in January of each year:**

39 **(A) Make a settlement with the county treasurer for the**
40 **preceding calendar year and include a copy of the**
41 **settlement sheet in the order book of the single county**
42 **executive.**

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1 (B) Make an accurate statement of the county's receipts
2 and expenditures during the preceding calendar year. The
3 statement must include the name of and total
4 compensation paid to each county officer, deputy, and
5 employee. The single county executive shall post this
6 statement at the courthouse door and two (2) other places
7 in the county and shall publish it in the manner prescribed
8 by IC 5-3-1.

9 (13) Perform other duties and functions that are assigned to
10 the single county executive by statute or ordinance.

11 **Sec. 8. The single county executive may do any of the following:**

12 (1) Order any department, office, or agency under the single
13 county executive's jurisdiction to undertake any task for
14 another department, office, or agency under the single county
15 executive's jurisdiction on a temporary basis, if necessary for
16 the proper and efficient administration of county government.

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

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

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

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

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

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

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

34 **Sec. 9. (a) The single county executive shall establish and**
35 **maintain a county courthouse, county jail, and public offices for**
36 **the county clerk, the county auditor, the county recorder, the**
37 **county treasurer, the county sheriff, and the county surveyor.**

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

40 (c) Offices for the county sheriff may be located:

41 (1) in the courthouse;

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

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

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

6 (1) are not exclusive;
7 (2) are of a definite duration; and
8 (3) are assignable only with the consent of the single county
9 executive.

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

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

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

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

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

42 **Sec. 13. The single county executive shall keep the single county**

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1 executive's office open on each business day.
 2 **Sec. 14. Appointments made by the single county executive shall**
 3 **be certified by the county auditor, under the seal of the single**
 4 **county executive.**
 5 **Sec. 15. (a) The single county executive may employ a person:**
 6 **(1) to perform a duty required of a county officer by statute;**
 7 **or**
 8 **(2) on a commission or percentage basis;**
 9 **only if the employment is expressly authorized by statute or is**
 10 **found by the single county executive to be necessary to the public**
 11 **interest.**
 12 **(b) If a person's employment under subsection (a) is not**
 13 **expressly authorized by statute, the contract for the person's**
 14 **employment must be filed with the circuit court for the county, and**
 15 **the person must file the person's claims for compensation with that**
 16 **court. Any taxpayer may contest a claim under this section.**
 17 **(c) A single county executive who recklessly violates this section**
 18 **commits a Class C misdemeanor and forfeits the person's office.**
 19 **Sec. 16. (a) If a party to a proceeding before the single county**
 20 **executive is aggrieved by a decision of the single county executive,**
 21 **the party may appeal that decision to the circuit court for the**
 22 **county.**
 23 **(b) A person who is not a party to a proceeding before the single**
 24 **county executive may appeal a decision of the single county**
 25 **executive only if the person files with the county auditor an**
 26 **affidavit:**
 27 **(1) specifically setting forth the person's interest in the matter**
 28 **decided; and**
 29 **(2) alleging that the person is aggrieved by the decision of the**
 30 **single county executive.**
 31 **(c) An appeal under this section must be taken not later than**
 32 **thirty (30) days after the single county executive makes the decision**
 33 **by which the appellant is aggrieved.**
 34 **(d) An appellant under this section must file with the county**
 35 **auditor a bond conditioned on due prosecution of the appeal. The**
 36 **bond is subject to approval by the county auditor and must be in**
 37 **an amount sufficient to provide security for court costs.**
 38 **(e) Not later than twenty (20) days after the county auditor**
 39 **receives the appeal bond, the county auditor shall prepare a**
 40 **complete transcript of the proceedings of the single county**
 41 **executive related to the decision appealed from and shall deliver**
 42 **the transcript, all documents filed during the proceedings, and the**

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appeal bond to the clerk of the circuit court.

Sec. 17. (a) An appeal under section 16 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 16 of this chapter by:

(1) affirming the decision of the single county executive; or

(2) remanding the cause to the single county executive with directions as to how to proceed;

and may require the single county executive to comply with this decision.

Sec. 18. (a) The county auditor or the single county executive may administer any oaths required by this chapter.

(b) The sheriff or a county police officer shall attend any meeting with the single county executive at the request of the single county executive and shall execute the single county executive's orders.

Sec. 19. (a) Appointments made by the single county executive shall be certified by the county auditor, under the seal of the single county executive.

(b) If a copy of the single county executive'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 single county executive's proceedings.

Sec. 20. (a) The single county executive 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 single county executive as an attorney does not constitute a lucrative office.

SECTION 15. IC 36-2-2.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.7. Reversion to Previous County Government Structure

Sec. 1. This chapter only applies to a county that has a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

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

Sec. 3. A county that elects a single county executive under IC 36-2-2.5 may, as provided in this chapter, revert to a county government structure that has a board of county commissioners

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rather than a single county executive.

Sec. 4. (a) Subject to subsection (b), the county council may adopt an ordinance providing that the voters of the county shall elect:

- (1) a three (3) member board of commissioners that has the executive and legislative powers and duties of the county; and**
- (2) a county council that has the fiscal powers and duties of the county.**

(b) An ordinance described in subsection (a) may be adopted under this chapter only:

- (1) during an odd-numbered year; or**
- (2) before July 1 of an even-numbered year.**

(c) If an ordinance is adopted under this section:

- (1) the county auditor shall certify the adoption of the ordinance to the county election board; and**
- (2) a public question shall be held in the county under section 5 of this chapter on whether the executive and legislative structure and functions of the county should be reorganized under section 6 of this chapter.**

Sec. 5. (a) If an ordinance is certified under section 4 of this chapter, the county election board shall place the following public question on the ballot at the next general election held in the county after the ordinance or petition is certified:

"Shall the county government of (insert the name of the county) County be reorganized to elect a board of county commissioners rather than a single county executive?"

(b) IC 3, except where inconsistent with this chapter, applies to a public question placed on the ballot under this chapter. A public question under this chapter must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with IC 3-10-9.

(c) If a majority of the voters of a county who vote on a public question placed on the ballot under this section vote in favor of the public question, the executive and legislative structure and functions of the county shall be reorganized under section 6 of this chapter.

Sec. 6. The following apply if a majority of the voters of a county who vote on a public question placed on the ballot under section 5 of this chapter vote in favor of the public question:

- (1) The executive, the executive and legislative structure, and the functions of the county are reorganized as provided in this section.**

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- (2) The voters of the county shall elect:**
 - (A) a three (3) member board of commissioners that has the executive and legislative powers and duties of the county; and**
 - (B) a county council that has the fiscal powers and duties of the county.**
- (3) The office of the board of county commissioners shall be placed on the primary election ballot for the county in the year of the second general election after the local public question is approved. The office of single county executive shall not be placed on the primary election ballot for the county in the year of the second general election after the local public question is approved.**
- (4) The office of the board of county commissioners shall be placed on the general election ballot for the county at the second general election after the local public question is approved and, except as provided in subdivision (6) to provide for staggered terms, every four (4) years thereafter. Beginning with the second general election after the local public question is approved, the county shall not elect a single county executive.**
- (5) On January 1 in the year following the year that the board of commissioners is elected under this chapter, the following occur:**
 - (A) The office of single county executive is abolished, and the term of the single county executive expires.**
 - (B) The county is not subject to IC 36-2-2.5 and IC 36-2-3.7.**
 - (C) The county executive is the board of county commissioners elected under IC 36-2-2. The board of county commissioners has all powers that are executive or administrative in nature.**
 - (D) The county legislative body is the board of county commissioners and all powers that are legislative in nature are transferred from the county fiscal body to the board of county commissioners.**
 - (E) The county council is the county fiscal body.**
 - (F) All property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the single county executive are transferred to or assumed by the board of county commissioners.**
- (6) Notwithstanding IC 36-2-2-3, to provide for staggered**

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1 terms of the members of the board of county commissioners
2 elected after the structure and functions of the county are
3 reorganized under this chapter, the county council shall,
4 before the primary election described in subdivision (3), adopt
5 an ordinance specifying which of the three (3) board of county
6 commissioners districts shall elect a member of the board of
7 county commissioners who serves an initial term of two (2)
8 years rather than four (4) years.

9 (7) The abolishment of the office of the single county executive
10 on January 1 following the year in which the board of county
11 commissioners is elected does not invalidate:

12 (A) any resolutions, fees, schedules, or other actions
13 adopted or taken by the single county executive before the
14 office is abolished; or

15 (B) any appointments made by the single county executive
16 before the office is abolished.

17 (8) The county council shall continue to be elected with four
18 (4) single-member county council districts and three (3)
19 at-large members under IC 36-2-3-4.

20 SECTION 16. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE
21 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
22 UPON PASSAGE]:

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

24 **Sec. 1. Except as specifically provided by law, this chapter**
25 **applies only to a county:**

26 (1) having a population of more than three hundred thousand
27 (300,000) but less than four hundred thousand (400,000); and

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

31 **Sec. 2. As used in this chapter, "single county executive" means**
32 **the single county executive elected under IC 3-10-2-13.**

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

34 (1) the voters of the county shall continue to elect members of
35 the county council;

36 (2) beginning on January 1 following the year in which the
37 first single county executive is elected:

38 (A) the executive and legislative powers of the county are
39 divided between separate branches of county government,
40 and a power belonging to one (1) branch of county
41 government may not be exercised by the other branch of
42 county government;

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1 **(B) the county council is the county legislative body as well**
2 **as the county fiscal body; and**
3 **(C) the single county executive is the county executive of**
4 **the county and has the executive and administrative**
5 **powers and duties of the county as provided in IC 36-2-2.5.**
6 **Sec. 4. (a) All powers and duties of the county that are legislative**
7 **in nature, including any power of appointment related to legislative**
8 **functions, shall be exercised or performed by the county council**
9 **functioning as the county legislative body.**
10 **(b) The county council has the same legislative powers and**
11 **duties that the board of county commissioners in the county had**
12 **before the board of county commissioners was abolished.**
13 **(c) For purposes of a county subject to this chapter, after**
14 **December 31 of the year in which the first single county executive**
15 **is elected, any reference in:**
16 **(1) the Indiana Code;**
17 **(2) the Indiana Administrative Code;**
18 **(3) an ordinance or resolution; or**
19 **(4) any deed, lease, contract, or other official document or**
20 **instrument;**
21 **to the board of commissioners pertaining to the legislative powers**
22 **of a county shall be considered a reference to the county council of**
23 **the county.**
24 **(d) For purposes of a county subject to this chapter, after**
25 **December 31 of the year in which the first single county executive**
26 **is elected, any reference in:**
27 **(1) the Indiana Code;**
28 **(2) the Indiana Administrative Code;**
29 **(3) an ordinance or resolution; or**
30 **(4) any deed, lease, contract, or other official document or**
31 **instrument;**
32 **related to the legislative powers and duties of the board of county**
33 **commissioners shall be considered a reference to the powers and**
34 **duties of the county council of the county.**
35 **Sec. 5. The county council may do any of the following:**
36 **(1) Establish committees that are necessary to carry out the**
37 **county council's functions.**
38 **(2) Employ legal and administrative personnel necessary to**
39 **carry out the county council's functions.**
40 **(3) Pass all ordinances, orders, resolutions, and motions for**
41 **the government of the county, in the manner prescribed by**
42 **IC 36-2-4.**

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- 1 **(4) Receive gifts, bequests, and grants from public or private**
- 2 **sources.**
- 3 **(5) Conduct investigations into the conduct of county business**
- 4 **for the purpose of correcting deficiencies and ensuring**
- 5 **adherence to law and county ordinances and policies.**
- 6 **(6) Establish, by ordinance, new county departments,**
- 7 **divisions, or agencies whenever necessary to promote efficient**
- 8 **county government.**
- 9 SECTION 17. IC 36-2-4-8, AS AMENDED BY P.L.159-2011,
- 10 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 11 UPON PASSAGE]: Sec. 8. (a) An ordinance, order, or resolution is
- 12 considered adopted when it is signed by the presiding officer. If
- 13 required, an adopted ordinance, order, or resolution must be
- 14 promulgated or published according to statute before it takes effect.
- 15 (b) An ordinance prescribing a penalty or forfeiture for a violation
- 16 must, before it takes effect, be published once each week for two (2)
- 17 consecutive weeks, according to IC 5-3-1. However, if such an
- 18 ordinance is adopted by the legislative body of a county subject to
- 19 **IC 36-2-2.5 or IC 36-2-3.5** and there is an urgent necessity requiring
- 20 its immediate effectiveness, it need not be published if:
- 21 (1) the county executive proclaims the urgent necessity; and
- 22 (2) copies of the ordinance are posted in three (3) public places in
- 23 each of the districts of the county before it takes effect.
- 24 (c) The following apply in addition to the other requirements of this
- 25 section:
- 26 (1) An ordinance or resolution passed by the legislative body of
- 27 a county subject to **IC 36-2-2.5 or IC 36-2-3.5** is considered
- 28 adopted only if it is:
- 29 (A) approved by signature of a majority of the county
- 30 executive **(in the case of a county subject to IC 36-2-3.5) or**
- 31 **by signature of the single county executive (in the case of**
- 32 **a county subject to IC 36-2-2.5);**
- 33 (B) neither approved nor vetoed by a majority of the executive
- 34 **(in the case of a county subject to IC 36-2-3.5) or by the**
- 35 **single county executive (in the case of a county subject to**
- 36 **IC 36-2-2.5),** within ten (10) days after passage by the
- 37 legislative body; or
- 38 (C) passed over the veto of the executive by a two-thirds (2/3)
- 39 vote of the legislative body, within sixty (60) days after
- 40 presentation of the ordinance or resolution to the executive.
- 41 (2) Subject to subsection (g), the legislative body of a county
- 42 shall:

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- 1 (A) subject to subdivision (3), give written notice to the
- 2 department of environmental management not later than sixty
- 3 (60) days before amendment or repeal of an environmental
- 4 restrictive ordinance; and
- 5 (B) give written notice to the department of environmental
- 6 management not later than thirty (30) days after passage,
- 7 amendment, or repeal of an environmental restrictive
- 8 ordinance.
- 9 (3) Upon written request by the legislative body, the department
- 10 of environmental management may waive the notice requirement
- 11 of subdivision (2)(A).
- 12 (4) An environmental restrictive ordinance passed or amended
- 13 after 2009 by the legislative body must state the notice
- 14 requirements of subdivision (2).
- 15 (5) The failure of an environmental restrictive ordinance to
- 16 comply with subdivision (4) does not void the ordinance.
- 17 (d) After an ordinance or resolution passed by the legislative body
- 18 of a county subject to **IC 36-2-2.5** or IC 36-2-3.5 has been signed by
- 19 the presiding officer, the county auditor shall present it to the county
- 20 executive, and record the time of the presentation. Within ten (10) days
- 21 after an ordinance or resolution is presented to it, the executive shall:
- 22 (1) approve the ordinance or resolution, by signature of a majority
- 23 of the executive **(in the case of a county subject to IC 36-2-3.5)**
- 24 **or by signature of the single county executive (in the case of a**
- 25 **county subject to IC 36-2-2.5)**, and send the legislative body a
- 26 message announcing its approval; or
- 27 (2) veto the ordinance or resolution, by returning it to the
- 28 legislative body with a message announcing its veto and stating
- 29 its reasons for the veto.
- 30 (e) This section (other than subsection (c)(2)) does not apply to a
- 31 zoning ordinance or amendment to a zoning ordinance, or a resolution
- 32 approving a comprehensive plan, that is adopted under IC 36-7.
- 33 (f) An ordinance increasing a building permit fee on new
- 34 development must:
- 35 (1) be published:
- 36 (A) one (1) time in accordance with IC 5-3-1; and
- 37 (B) not later than thirty (30) days after the ordinance is
- 38 adopted by the legislative body in accordance with IC 5-3-1;
- 39 and
- 40 (2) delay the implementation of the fee increase for ninety (90)
- 41 days after the date the ordinance is published under subdivision
- 42 (1).

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(g) The notice requirements of subsection (c)(2) apply only if the municipal corporation received under IC 13-25-5-8.5(f) written notice that the department is relying on the environmental restrictive ordinance referred to in subsection (c)(2) as part of a risk based remediation proposal:

- (1) approved by the department; and
- (2) conducted under IC 13-22, IC 13-23, IC 13-24, IC 13-25-4, or IC 13-25-5.

SECTION 18. IC 36-5-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section does not apply to a town described by IC 36-5-1-11.5.

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

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

SECTION 19. IC 36-9-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. For purposes of this chapter, the following are considered the governing bodies of their respective eligible entities:

- (1) Board of commissioners, for a county not subject to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1.
- (2) County council, for a county subject to **IC 36-2-2.5** or IC 36-2-3.5.
- (3) City-county council, for a consolidated city or county having a consolidated city.
- (4) Common council, for a city other than a consolidated city.
- (5) Town council, for a town.
- (6) Trustee and township board, for a civil or school township.
- (7) Board of school trustees, board of school commissioners, or school board, for a school corporation.
- (8) Board of trustees, for a health and hospital corporation.

SECTION 20. IC 36-9-27-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except in a county having a consolidated city **or as provided in subsection (d)**, the drainage board consists of either:

- (1) the county executive; or
- (2) three (3) or five (5) persons, at least one (1) of whom must be a member of the executive, appointed by the executive;

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1 at the option of the executive. Appointees under subdivision (2) must
2 be resident freeholders of the county who are knowledgeable in
3 drainage matters. Freeholders appointed to the board serve for terms of
4 three (3) years, with their initial appointments made so as to provide for
5 staggering of terms on an annual basis. In addition, the county surveyor
6 serves on the board as an ex officio, nonvoting member.

7 (b) In a county having a consolidated city, the board of public works
8 of the consolidated city comprises the drainage board, subject to
9 IC 36-3-4-23.

10 (c) In a county having a consolidated city, the department of public
11 works of the consolidated city has all the powers, duties, and
12 responsibilities of the county surveyor under this chapter, subject to
13 IC 36-3-4-23.

14 (d) **The following apply in a county that is subject to**
15 **IC 36-2-2.5:**

16 (1) **The drainage board consists of:**
17 (A) **the single county executive; and**
18 (B) **two (2) or four (4) persons (as determined by the single**
19 **county executive) who are appointed by the single county**
20 **executive.**

21 (2) **Appointees under subdivision (1)(B) must be resident**
22 **freeholders of the county who are knowledgeable in drainage**
23 **matters.**

24 (3) **The freeholders appointed to the drainage board serve for**
25 **terms of three (3) years, with the freeholders' initial**
26 **appointments made so as to provide for staggering of terms**
27 **on an annual basis.**

28 (4) **The county surveyor serves on the drainage board as an ex**
29 **officio, nonvoting member.**

30 (5) **The terms of members serving on the drainage board at**
31 **the time the first single county executive is elected under**
32 **IC 36-2-2.5 expire on January 1 of the year following that**
33 **election, and the county council shall make the appointments**
34 **to the board as provided in this subsection.**

35 SECTION 21. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 475, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 6, delete "commissioner" and insert "**executive**".

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

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

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

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

Page 4, delete lines 4 through 5.

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

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

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

Page 5, delete lines 12 through 13.

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

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

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

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

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

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

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

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

Page 6, delete lines 16 through 17.

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

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

Page 7, delete lines 7 through 42.

Delete pages 8 through 9.

Page 10, delete line 1.

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

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

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

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

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

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

Page 12, delete lines 16 through 42.

Page 13, delete lines 1 through 28.

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

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

Page 13, delete line 34.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Page 15, delete lines 14 through 18.

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

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

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

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

(b)".

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

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

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- Page 22, line 7, delete "does not apply" and insert "**only applies**".
- Page 22, line 7, after "has a" insert "**population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000)**".
- Page 22, delete line 8.
- Page 22, line 9, delete "commissioner"" and insert "**executive**".
- Page 22, line 10, delete "commissioner" and insert "**executive**".
- Page 22, line 11, delete "commissioner" and insert "**executive**".
- Page 22, line 14, delete "commissioner." and insert "**executive.**".
- Page 22, line 18, delete ":".
- Page 22, line 19, delete "(A)".
- Page 22, run in lines 18 through 19.
- Page 22, line 20, delete "if the county was not subject to IC 36-2-3.5 before" and insert "**; and**".
- Page 22, delete lines 21 through 25.
- Page 22, line 26, delete ":".
- Page 22, line 27, delete "(A)".
- Page 22, line 27, delete "if the county was" and insert ".".
- Page 22, run in lines 26 through 27.
- Page 22, delete lines 28 through 32.
- Page 23, line 8, delete "commissioner?"" and insert "**executive?""**".
- Page 23, line 27, delete ":".
- Page 23, line 28, delete "(i)".
- Page 23, run in lines 27 through 28.
- Page 23, line 29, delete "if the county was not subject to IC 36-2-3.5 before" and insert "**; and**".
- Page 23, delete lines 30 through 34.
- Page 23, line 35, delete ":".
- Page 23, line 36, delete "(i)".
- Page 23, line 36, delete "if the county" and insert ".".
- Page 23, run in lines 35 through 36.
- Page 23, delete lines 37 through 41.
- Page 24, line 4, delete "commissioner" and insert "**executive**".
- Page 24, line 14, delete "commissioner." and insert "**executive.**".
- Page 24, line 18, delete "commissioner" and insert "**executive**".
- Page 24, line 19, delete "commissioner" and insert "**executive**".
- Page 24, line 26, delete "If the county was not subject to IC 36-2-3.5 before the" and insert "**The county legislative body is the board of county commissioners and all powers that are legislative in nature are transferred from the county fiscal body to the board of county commissioners.**".
- Page 24, delete lines 27 through 35.

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

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

and when so amended that said bill do pass.

(Reference is to SB 475 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 6, Nays 2.

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