

HOUSE BILL No. 1243

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-22; IC 3-8-1-21; IC 3-10; IC 3-11-2-12; IC 13-11-2-74; IC 20-24-2.3-2; IC 35-51-36-1; IC 36-1; IC 36-2; IC 36-5-1-20; IC 36-9-13-2; IC 36-9-27-5.

Synopsis: County government issues. Provides that in a county having a population of more than 300,000 but less than 400,000, a public question shall be held in the county at the 2014 general election 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 2018 general election; (2) the board of county commissioners is abolished January 1, 2019; and (3) the county council must consist of nine members elected from single-member districts (instead of 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 board of county commissioners and has elected a single county executive, the county council may adopt an ordinance to change the county government structure back to a structure that includes: (1) the election of a board of county commissioners (instead of a single county executive); and (2) a county council in which four members are elected from single-member districts and three members are elected at large (instead of a county council in which all nine members are elected from single-member districts). Provides that if such an ordinance is adopted, (Continued next page)

Effective: Upon passage.

Carbaugh

January 14, 2014, read first time and referred to Committee on Government and Regulatory Reform.



Digest Continued

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.



Introduced

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1243

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.



1 SECTION 2. IC 3-8-1-21 IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) A candidate for the
 3 office of county commissioner must:

4 (1) have resided in the county for at least one (1) year before the
 5 election, as provided in Article 6, Section 4 of the Constitution of
 6 the State of Indiana; and

7 (2) have resided in the district in which seeking election, if
 8 applicable, for at least six (6) months before the election.

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

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

20 OFFICIAL PRIMARY BALLOT

21 _____ Party

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

32 Vote for one (1) only

33 Representative in Congress

34 (1) AB _____

35 (2) CD _____

36 (3) EF _____

37 (4) GH _____

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

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



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



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



1 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 13. The following public officials shall be
3 elected at the general election before their terms of office expire and
4 every four (4) years thereafter:

- 5 (1) Clerk of the circuit court.
6 (2) County auditor.
7 (3) County recorder.
8 (4) County treasurer.
9 (5) County sheriff.
10 (6) County coroner.
11 (7) County surveyor.
12 (8) County assessor.
13 (9) County commissioner. **This subdivision applies only to a**
14 **county that is not subject to IC 36-2-2.5.**
15 **(10) Single county executive. This subdivision applies only to**
16 **a county that is subject to IC 36-2-2.5.**
17 ~~(10)~~ **(11)** County council member.
18 ~~(11)~~ **(12)** Township trustee.
19 ~~(12)~~ **(13)** Township board member.
20 ~~(13)~~ **(14)** Township assessor (only in a township referred to in
21 IC 36-6-5-1(d)).
22 ~~(14)~~ **(15)** Judge of a small claims court.
23 ~~(15)~~ **(16)** Constable of a small claims court.

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

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



- 1 (A) Judge of the circuit court, and unless otherwise specified
 2 under IC 33, with each division separate if there is more than
 3 one (1) judge of the circuit court.
 4 (B) Judge of the superior court, and unless otherwise specified
 5 under IC 33, with each division separate if there is more than
 6 one (1) judge of the superior court.
 7 (C) Judge of the probate court.
 8 (D) Prosecuting attorney.
 9 (E) Clerk of the circuit court.
 10 (4) County offices:
 11 (A) County auditor.
 12 (B) County recorder.
 13 (C) County treasurer.
 14 (D) County sheriff.
 15 (E) County coroner.
 16 (F) County surveyor.
 17 (G) County assessor.
 18 (H) County commissioner. **This clause applies only to a**
 19 **county that is not subject to IC 36-2-2.5.**
 20 **(I) Single county executive. This clause applies only to a**
 21 **county that is subject to IC 36-2-2.5.**
 22 **(J) County council member.**
 23 (5) Township offices:
 24 (A) Township assessor (only in a township referred to in
 25 IC 36-6-5-1(d)).
 26 (B) Township trustee.
 27 (C) Township board member.
 28 (D) Judge of the small claims court.
 29 (E) Constable of the small claims court.
 30 (6) City offices:
 31 (A) Mayor.
 32 (B) Clerk or clerk-treasurer.
 33 (C) Judge of the city court.
 34 (D) City-county council member or common council member.
 35 (7) Town offices:
 36 (A) Clerk-treasurer.
 37 (B) Judge of the town court.
 38 (C) Town council member.
 39 SECTION 6. IC 13-11-2-74 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 74. "Executive"
 41 means the:
 42 (1) board of commissioners of a county **not having that:**



- 1 (A) does not have a consolidated city; and
 2 (B) is not subject to IC 36-2-2.5;
 3 (2) single county executive elected under IC 3-10-2-13, for a
 4 county that:
 5 (A) does not have a consolidated city; and
 6 (B) is subject to IC 36-2-2.5;
 7 (2) (3) mayor of the consolidated city, for a county having a
 8 consolidated city;
 9 (3) (4) mayor of a city; or
 10 (4) (5) president of the town council of a town.
- 11 SECTION 7. IC 20-24-2.3-2, AS ADDED BY P.L.280-2013,
 12 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 2. As used in this chapter, "executive" has the
 14 meaning set forth in ~~IC 36-1-2-5(2)~~. **IC 36-1-2-5(3)**.
- 15 SECTION 8. IC 35-51-36-1, AS AMENDED BY P.L.132-2012,
 16 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 1. The following statutes define crimes in
 18 IC 36:
- 19 IC 36-2-2-13 (Concerning county government).
 20 **IC 36-2-2.5-15 (Concerning single county executives).**
 21 IC 36-2-6-8 (Concerning county government).
 22 IC 36-2-6-12 (Concerning county government).
 23 IC 36-2-7-18 (Concerning county government).
 24 IC 36-2-8-6 (Concerning county government).
 25 IC 36-2-9-13 (Concerning county government).
 26 IC 36-2-9-14 (Concerning county government).
 27 IC 36-2-9.5-7 (Concerning county government).
 28 IC 36-2-9.5-9 (Concerning county government).
 29 IC 36-2-13-5 (Concerning county government).
 30 IC 36-2-14-10 (Concerning county government).
 31 IC 36-2-14-17 (Concerning county government).
 32 IC 36-2-14-21 (Concerning county government).
 33 IC 36-4-8-13 (Concerning government of cities and towns).
 34 IC 36-7-12-27.5 (Concerning planning and development).
 35 IC 36-7-14-40 (Concerning planning and development).
 36 IC 36-7-15.1-27 (Concerning planning and development).
 37 IC 36-7-30-28 (Concerning planning and development).
 38 IC 36-7-30.5-36 (Concerning planning and development).
 39 IC 36-8-3.5-23 (Concerning public safety).
 40 IC 36-8-10-9 (Concerning public safety).
 41 IC 36-8-16.7-41 (Concerning public safety).
 42 IC 36-8-16.7-45 (Concerning public safety).



- 1 IC 36-8-16.7-46 (Concerning public safety).
 2 IC 36-9-14-7 (Concerning transportation and public works).
 3 IC 36-10-3-39 (Concerning recreation, culture, and community
 4 facilities).
 5 IC 36-10-4-5 (Concerning recreation, culture, and community
 6 facilities).
 7 IC 36-10-4-40 (Concerning recreation, culture, and community
 8 facilities).

9 SECTION 9. IC 36-1-2-5 IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE UPON PASSAGE]: Sec. 5. "Executive" means **the:**

- 11 (1) board of commissioners, for a county ~~not having that:~~
 12 **(A) does not have** a consolidated city; **and**
 13 **(B) is not subject to IC 36-2-2.5;**
 14 **(2) single county executive elected under IC 3-10-2-13, for a**
 15 **county that:**
 16 **(A) does not have a consolidated city; and**
 17 **(B) is subject to IC 36-2-2.5;**
 18 ~~(3)~~ **(3)** mayor of the consolidated city, for a county having a
 19 consolidated city;
 20 ~~(4)~~ **(4)** mayor, for a city;
 21 ~~(5)~~ **(5)** president of the town council, for a town;
 22 ~~(6)~~ **(6)** trustee, for a township;
 23 ~~(7)~~ **(7)** superintendent, for a school corporation; or
 24 ~~(8)~~ **(8)** chief executive officer, for any other political subdivision.

25 SECTION 10. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,
 26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 9. "Legislative body" means the:

- 28 (1) board of county commissioners, for a county not subject to
 29 **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1;
 30 (2) county council, for a county subject to **IC 36-2-2.5 or**
 31 **IC 36-2-3.5;**
 32 (3) city-county council, for a consolidated city or county having
 33 a consolidated city;
 34 (4) common council, for a city other than a consolidated city;
 35 (5) town council, for a town;
 36 (6) township board, for a township;
 37 (7) governing body of any other political subdivision that has a
 38 governing body; or
 39 (8) chief executive officer of any other political subdivision that
 40 does not have a governing body.

41 SECTION 11. IC 36-1-2-24 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. "Works board"



- 1 means **the:**
 2 (1) board of commissioners, for a county:
 3 (A) not having a consolidated city; **and**
 4 (B) **not subject to IC 36-2-2.5;**
 5 (2) **single county executive for a county:**
 6 (A) **not having a consolidated city; and**
 7 (B) **subject to IC 36-2-2.5;**
 8 (2) (3) board of public works or board of public works and safety,
 9 for a city; or
 10 (3) (4) town council, for a town.

11 SECTION 12. IC 36-1-3-6 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If there is a
 13 constitutional or statutory provision requiring a specific manner for
 14 exercising a power, a unit wanting to exercise the power must do so in
 15 that manner.

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

- 19 (1) if the unit is a county or municipality, adopt an ordinance
 20 prescribing a specific manner for exercising the power;
 21 (2) if the unit is a township, adopt a resolution prescribing a
 22 specific manner for exercising the power; or
 23 (3) comply with a statutory provision permitting a specific manner
 24 for exercising the power.

25 (c) An ordinance under subsection (b)(1) must be adopted as
 26 follows:

- 27 (1) In a municipality, by the legislative body of the municipality.
 28 (2) In a county subject to **IC 36-2-2.5**, IC 36-2-3.5, or IC 36-3-1,
 29 by the legislative body of the county.
 30 (3) In any other county, by the executive of the county.

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

33 SECTION 13. IC 36-2-2-1 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **Except as**
 35 **specifically provided**, this chapter **applies to all counties not does not**
 36 **apply to the following:**

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

40 SECTION 14. IC 36-2-2.4 IS ADDED TO THE INDIANA CODE
 41 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]:



Chapter 2.4. Determination of County Government Structure

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

Sec. 2. A public question shall be held in the county on whether the executive and legislative structure and functions of the county should be reorganized under IC 36-2-2.5.

Sec. 3. The county election board shall place the following public question on the ballot at the general election held in November 2014:

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

Sec. 4. 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.

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

SECTION 15. IC 36-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 2.5. Single County Executive

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

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

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

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

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

(1) the voters of the county:

(A) shall elect one (1) single county executive in the 2018 general election and every four (4) years thereafter; and

(B) beginning with the 2018 general election, shall not elect



- 1 a board of county commissioners;
 2 (2) the board of county commissioners for the county is
 3 abolished January 1, 2019;
 4 (3) notwithstanding IC 36-2-2-3, the term of each county
 5 commissioner serving on December 31, 2018, expires January
 6 1, 2019;
 7 (4) the county council shall divide the county into nine (9)
 8 contiguous, single-member county council districts as
 9 required by IC 36-2-3-4.1; and
 10 (5) beginning January 1, 2019, the county council must consist
 11 of nine (9) members elected from single-member county
 12 council districts.

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

16 (b) To be eligible for election as the single county executive, an
 17 individual must meet the qualifications under IC 3-8-1-21. If an
 18 individual does not remain a resident of the county after taking
 19 office as the single county executive, the individual forfeits the
 20 office. The county legislative body shall declare the office vacant
 21 whenever the single county executive forfeits the office under this
 22 subsection.

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

26 Sec. 5. (a) On January 1, 2019, all property, assets, funds,
 27 equipment, records, rights, contracts, obligations, and liabilities of
 28 the board of county commissioners of a county are transferred to
 29 or assumed by the single county executive.

30 (b) The abolishment of the board of county commissioners of a
 31 county on January 1, 2019, does not invalidate any:

- 32 (1) ordinances, resolutions, fees, schedules, or other actions
 33 adopted or taken by the board of county commissioners
 34 before the board is abolished; or
 35 (2) appointments made by the board of county commissioners
 36 before the board is abolished.

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

40 (b) All powers and duties of the county that are executive or
 41 administrative in nature (including any power of appointment
 42 related to executive or administrative functions) shall be exercised



1 or performed by the single county executive, except to the extent
 2 that these powers and duties are expressly assigned by law to
 3 another elected or appointed officer. The single county executive
 4 shall transact the business of the county in the name of the county.

5 (c) For purposes of a county subject to this chapter, after
 6 December 31, 2018, any reference in:

- 7 (1) the Indiana Code;
- 8 (2) the Indiana Administrative Code;
- 9 (3) an ordinance or resolution; or
- 10 (4) any deed, lease, contract, or other official document or
 11 instrument;

12 to the board of county commissioners pertaining to the executive
 13 powers of a county shall be considered a reference to the single
 14 county executive of the county.

15 (d) For purposes of a county subject to this chapter, after
 16 December 31, 2018, any reference in:

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

22 related to the executive powers and duties of the board of county
 23 commissioners shall be considered a reference to the powers and
 24 duties of the single county executive of the county.

25 (e) For purposes of a county subject to this chapter, after
 26 December 31, 2018, the county council has the legislative and fiscal
 27 powers and duties of the county under IC 36-2-3.7.

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

- 29 (1) Report on the condition of the county before March 1 of
 30 each year to the county legislative body and to the county
 31 residents.
- 32 (2) Recommend before March 1 of each year to the county
 33 legislative body any action or program the single county
 34 executive considers necessary for the improvement of the
 35 county and the welfare of county residents.
- 36 (3) Submit to the county legislative body an annual budget in
 37 accordance with IC 36-2-5.
- 38 (4) Establish procedures to be followed by all county
 39 departments, offices, and agencies under the single county
 40 executive's jurisdiction to the extent these procedures are not
 41 expressly assigned by law to another elected or appointed
 42 officer.



- 1 (5) Administer all statutes, ordinances, and regulations
 2 applicable to the county, to the extent the administration of
 3 these matters is not expressly assigned by law to another
 4 elected or appointed officer.
- 5 (6) Supervise the care and custody of all county property.
- 6 (7) Supervise the collection of revenues, control all
 7 disbursements and expenditures, and prepare a complete
 8 account of all expenditures, to the extent these matters are not
 9 expressly assigned by law to another elected or appointed
 10 officer.
- 11 (8) Review, analyze, and forecast trends for county services
 12 and finances and programs of all county governmental
 13 entities, and report on and make recommendations
 14 concerning the services, finances, and programs to the county
 15 legislative body by March 15 of each year.
- 16 (9) Negotiate contracts for the county.
- 17 (10) Make recommendations concerning the nature and
 18 location of county improvements, and provide for the
 19 execution of those improvements.
- 20 (11) Supervise county administrative offices, except for the
 21 offices of elected officers.
- 22 (12) Do the following in January of each year:
- 23 (A) Make a settlement with the county treasurer for the
 24 preceding calendar year, and include a copy of the
 25 settlement sheet in the order book of the single county
 26 executive.
- 27 (B) Make an accurate statement of the county's receipts
 28 and expenditures during the preceding calendar year. The
 29 statement must include the name of and total
 30 compensation paid to each county officer, deputy, and
 31 employee. The single county executive shall post this
 32 statement at the courthouse door and two (2) other places
 33 in the county and shall publish it in the manner prescribed
 34 by IC 5-3-1.
- 35 (13) Perform other duties and functions that are assigned to
 36 the single county executive by statute or ordinance.
- 37 **Sec. 8. The single county executive may do any of the following:**
- 38 (1) Order any department, office, or agency under the single
 39 county executive's jurisdiction to undertake any task for
 40 another department, office, or agency under the single county
 41 executive's jurisdiction on a temporary basis, if necessary for
 42 the proper and efficient administration of county government.



- 1 (2) Establish and administer centralized budgeting,
- 2 centralized personnel selection, and centralized purchasing.
- 3 (3) Audit the accounts of officers who deal with money
- 4 belonging to or appropriated for the benefit of the county.
- 5 (4) Approve accounts chargeable against the county and
- 6 direct the raising of money necessary for county expenses.
- 7 (5) Make orders concerning county property, including orders
- 8 for:
- 9 (A) the sale of the county's public buildings and the
- 10 acquisition of land in the county seat on which to build new
- 11 public buildings; and
- 12 (B) the acquisition of land for a public square and the
- 13 maintenance of that square.
- 14 However, a conveyance or purchase by a county of land
- 15 having a value of one thousand dollars (\$1,000) or more must
- 16 be authorized by an ordinance of the county legislative body
- 17 fixing the terms and conditions of the transaction.
- 18 Sec. 9. (a) The single county executive shall establish and
- 19 maintain a county courthouse, county jail, and public offices for
- 20 the county clerk, the county auditor, the county recorder, the
- 21 county treasurer, the county sheriff, and the county surveyor.
- 22 (b) Offices for the county surveyor must be in the courthouse or
- 23 at the county seat.
- 24 (c) Offices for the county sheriff may be located:
- 25 (1) in the courthouse;
- 26 (2) inside the corporate limits of the county seat; or
- 27 (3) outside the corporate limits of the county seat but within
- 28 the limits of the county.
- 29 Sec. 10. (a) The single county executive may grant licenses,
- 30 permits, or franchises for the use of county property if the licenses,
- 31 permits, or franchises:
- 32 (1) are not exclusive;
- 33 (2) are of a definite duration; and
- 34 (3) are assignable only with the consent of the single county
- 35 executive.
- 36 (b) If a public utility or municipally owned or operated utility
- 37 that carries on business outside the corporate boundaries of
- 38 municipalities in the county is engaged in an activity substantially
- 39 similar to that for which a license, permit, or franchise for the use
- 40 of county property is sought, the single county executive may grant
- 41 the license, permit, or franchise only with the consent of the
- 42 Indiana utility regulatory commission. The commission may give



1 its consent only if the commission determines, after a public
 2 hearing of all interested parties, that public necessity and
 3 convenience require the substantially similar activity.

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

7 Sec. 11. Notwithstanding any other law, if a statute requires a
 8 county executive to take an executive action by ordinance or
 9 resolution, a single county executive shall instead take the action by
 10 issuing an executive order.

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

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

26 Sec. 13. The single county executive shall keep the single county
 27 executive's office open on each business day.

28 Sec. 14. Appointments made by the single county executive
 29 under section 6(a) of this chapter shall be attested to by the county
 30 auditor, under the seal of the single county executive.

31 Sec. 15. (a) The single county executive may employ a person:

32 (1) to perform a duty required of a county officer by statute;
 33 or

34 (2) on a commission or percentage basis;

35 only if the employment is expressly authorized by statute or is
 36 found by the single county executive to be necessary to the public
 37 interest.

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



1 (c) A single county executive who knowingly, intentionally, or
 2 recklessly violates this section commits a Class C misdemeanor and
 3 forfeits the single county executive's office.

4 Sec. 16. (a) If a party to a proceeding before the single county
 5 executive is aggrieved by a decision of the single county executive,
 6 the party may appeal that decision to the circuit court for the
 7 county.

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

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

14 (2) alleging that the person is aggrieved by the decision of the
 15 single county executive.

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

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

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

29 Sec. 17. (a) An appeal under section 16 of this chapter shall be
 30 docketed among the other causes pending in the circuit court and
 31 shall be tried as an original cause.

32 (b) A court may decide an appeal under section 16 of this
 33 chapter by:

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

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

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

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

41 (b) The sheriff or a county police officer shall attend any
 42 meeting with the single county executive at the request of the single



- 1 county executive.
- 2 **Sec. 19. (a)** Appointments made by the single county executive
3 shall be certified by the county auditor, under the seal of the single
4 county executive.
- 5 **(b)** If a copy of the single county executive's proceedings has
6 been signed and sealed by the county auditor and introduced into
7 evidence in court, that copy is presumed to be an accurate record
8 of the single county executive's proceedings.
- 9 **Sec. 20. (a)** The single county executive may employ and fix the
10 compensation of an attorney to represent and advise the executive.
- 11 **(b)** For purposes of Article 2, Section 9 of the Constitution of the
12 State of Indiana, employment by a single county executive as an
13 attorney does not constitute a lucrative office.
- 14 SECTION 16. IC 36-2-2.7 IS ADDED TO THE INDIANA CODE
15 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]:
- 17 **Chapter 2.7. Reversion to Previous County Government**
18 **Structure**
- 19 **Sec. 1.** This chapter applies only to a county that has a
20 population of more than three hundred thousand (300,000) but less
21 than four hundred thousand (400,000).
- 22 **Sec. 2.** As used in this chapter, "single county executive" means
23 the single county executive elected under IC 3-10-2-13.
- 24 **Sec. 3.** A county that elects a single county executive under
25 IC 36-2-2.5 may, as provided in this chapter, revert to a county
26 government structure that has a board of county commissioners
27 rather than a single county executive.
- 28 **Sec. 4. (a)** Subject to subsection (b), the county council may
29 adopt an ordinance providing that the voters of the county shall
30 elect:
- 31 (1) a three (3) member board of county commissioners that
32 has the executive and legislative powers and duties of the
33 county; and
- 34 (2) a county council that has the fiscal powers and duties of
35 the county.
- 36 **(b)** An ordinance described in subsection (a) may be adopted
37 under this chapter only:
- 38 (1) during an odd-numbered year; or
39 (2) before July 1 of an even-numbered year.
- 40 **(c)** If an ordinance is adopted under this section:
- 41 (1) the county auditor shall certify the adoption of the
42 ordinance to the county election board; and



1 (2) a vote on a public question shall be held in the county
2 under section 5 of this chapter on whether the executive and
3 legislative structure and functions of the county should be
4 reorganized under section 6 of this chapter.

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

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

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

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

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

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

28 (2) The voters of the county shall elect:

29 (A) a three (3) member board of county commissioners
30 that has the executive and legislative powers and duties of
31 the county; and

32 (B) a county council that has the fiscal powers and duties
33 of the county.

34 (3) The office of the board of county commissioners shall be
35 placed on the primary election ballot for the county in the
36 year of the second general election after the public question is
37 approved. The office of single county executive shall not be
38 placed on the primary election ballot for the county in the
39 year of the second general election after the public question is
40 approved.

41 (4) The office of the board of county commissioners shall be
42 placed on the general election ballot for the county at the



1 second general election after the public question is approved
 2 and, except as provided in subdivision (6) to provide for
 3 staggered terms, every four (4) years thereafter. Beginning
 4 with the second general election after the public question is
 5 approved, the county shall not elect a single county executive.
 6 (5) On January 1 in the year following the year that the board
 7 of county commissioners is elected under this chapter, the
 8 following occur:

9 (A) The office of single county executive is abolished, and
 10 the term of the single county executive expires.

11 (B) The county is not subject to IC 36-2-2.5 and
 12 IC 36-2-3.7.

13 (C) The county executive is the board of county
 14 commissioners elected under IC 36-2-2. The board of
 15 county commissioners has all powers that are executive or
 16 administrative in nature.

17 (D) The county legislative body is the board of county
 18 commissioners and all powers that are legislative in nature
 19 are transferred from the county fiscal body to the board of
 20 county commissioners.

21 (E) The county council is the county fiscal body.

22 (F) All property, assets, funds, equipment, records, rights,
 23 contracts, obligations, and liabilities of the single county
 24 executive are transferred to or assumed by the board of
 25 county commissioners.

26 (6) Notwithstanding IC 36-2-2-3, to provide for staggered
 27 terms of the members of the board of county commissioners
 28 elected after the structure and functions of the county are
 29 reorganized under this chapter, the county council may,
 30 before the primary election described in subdivision (3), adopt
 31 an ordinance specifying which of the three (3) board of county
 32 commissioner members to be elected at the second general
 33 election after the public question is approved shall serve an
 34 initial term of two (2) years rather than four (4) years.

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

38 (A) any resolutions, fees, schedules, or other actions
 39 adopted or taken by the single county executive before the
 40 office is abolished; or

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



1 **(8) Effective with the second general election after the public**
 2 **question is approved under section 5 of this chapter, the**
 3 **county council shall be elected with four (4) single-member**
 4 **county council districts and three (3) at-large members under**
 5 **IC 36-2-3-4. The county council shall divide the county into**
 6 **the four (4) contiguous, single-member county council**
 7 **districts in the manner specified in IC 36-2-3-4. The terms of**
 8 **all county council members serving at the time of the second**
 9 **general election after the public question is approved under**
 10 **section 5 of this chapter expire January 1 following the**
 11 **election. Notwithstanding any other law, to provide for**
 12 **staggered terms of the members of the county council, the**
 13 **county council may, before the primary election preceding the**
 14 **general election at which county council members will be**
 15 **elected as provided in this subdivision, adopt an ordinance**
 16 **specifying which of the members of the county council to be**
 17 **elected at the second general election after the public question**
 18 **is approved shall serve an initial term of two (2) years rather**
 19 **than four (4) years.**

20 SECTION 17. IC 36-2-3-4, AS AMENDED BY P.L.271-2013,
 21 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 4. (a) This subsection does not apply to a
 23 county having a population of:

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

26 (2) more than two hundred fifty thousand (250,000) but less than
 27 two hundred seventy thousand (270,000).

28 **Except as provided in section 4.1 of this chapter,** the county
 29 executive shall, by ordinance, divide the county into four (4)
 30 contiguous, single-member districts that comply with subsection (d).
 31 If necessary, the county auditor shall call a special meeting of the
 32 executive to establish or revise districts. One (1) member of the fiscal
 33 body shall be elected by the voters of each of the four (4) districts.
 34 Three (3) at-large members of the fiscal body shall be elected by the
 35 voters of the whole county.

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



1 (c) This subsection applies to a county having a population of more
 2 than two hundred fifty thousand (250,000) but less than two hundred
 3 seventy thousand (270,000). The fiscal body shall divide the county
 4 into nine (9) single-member districts that comply with subsection (d).
 5 Three (3) of these districts must be contained within each of the three
 6 (3) districts established under IC 36-2-2-4(c). One (1) member of the
 7 fiscal body shall be elected by the voters of each of these nine (9)
 8 single-member districts.

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

- 11 (1) be compact, subject only to natural boundary lines (such as
- 12 railroads, major highways, rivers, creeks, parks, and major
- 13 industrial complexes);
- 14 (2) not cross precinct boundary lines;
- 15 (3) contain, as nearly as possible, equal population; and
- 16 (4) include whole townships, except when a division is clearly
- 17 necessary to accomplish redistricting under this section.

18 (e) Except as provided by subsection (g), a division under
 19 subsection (a), (b), or (c) shall be made:

- 20 (1) during the first year after a year in which a federal decennial
- 21 census is conducted; and
- 22 (2) when the county executive adopts an order declaring a county
- 23 boundary to be changed under IC 36-2-1-2.

24 (f) A division under subsection (a), (b), or (c) may be made in any
 25 odd-numbered year not described in subsection (e). **In a county in**
 26 **which a public question is approved under IC 36-2-2.7-5, a division**
 27 **under subsection (a) shall be made by the county council during the**
 28 **year before county council members will be elected under**
 29 **IC 36-2-2.7-6(8).**

30 (g) This subsection applies during the first year after a year in which
 31 a federal decennial census is conducted. If the county executive, county
 32 redistricting commission, or county fiscal body determines that a
 33 division under subsection (e) is not required, the county executive,
 34 county redistricting commission, or county fiscal body shall adopt an
 35 ordinance recertifying that the districts as drawn comply with this
 36 section.

37 (h) Each time there is a division under subsection (e) or (f) or a
 38 recertification under subsection (g), the county executive, county
 39 redistricting commission, or county fiscal body shall file with the
 40 circuit court clerk of the county, not later than thirty (30) days after the
 41 division or recertification occurs, a map of the district boundaries:

- 42 (1) adopted under subsection (e) or (f); or



- 1 (2) recertified under subsection (g).
- 2 (i) The limitations set forth in this section are part of the ordinance,
3 but do not have to be specifically set forth in the ordinance. The
4 ordinance must be construed, if possible, to comply with this chapter.
5 If a provision of the ordinance or an application of the ordinance
6 violates this chapter, the invalidity does not affect the other provisions
7 or applications of the ordinance that can be given effect without the
8 invalid provision or application. The provisions of the ordinance are
9 severable.
- 10 (j) If a conflict exists between:
- 11 (1) a map showing the boundaries of a district; and
12 (2) a description of the boundaries of that district set forth in the
13 ordinance;
14 the district boundaries are the description of the boundaries set forth in
15 the ordinance, not the boundaries shown on the map, to the extent there
16 is a conflict between the description and the map.
- 17 SECTION 18. IC 36-2-3-4.1 IS ADDED TO THE INDIANA CODE
18 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
19 **UPON PASSAGE]: Sec. 4.1. (a) This section applies only to a**
20 **county:**
- 21 (1) that has a population of more than three hundred
22 thousand (300,000) but less than four hundred thousand
23 (400,000); and
24 (2) in which a public question under IC 36-2-2.4 making the
25 county executive a single county executive has been approved
26 by the voters of the county.
- 27 (b) Effective for the 2018 general election, the county fiscal body
28 shall by ordinance divide the county into nine (9) contiguous,
29 single-member districts that comply with subsection (c). One (1)
30 member of the fiscal body shall be elected by the voters of each of
31 the nine (9) districts.
- 32 (c) Single-member districts established under subsection (b)
33 must:
- 34 (1) be compact, subject only to natural boundary lines (such
35 as railroads, major highways, rivers, creeks, parks, and major
36 industrial complexes);
37 (2) not cross precinct boundary lines;
38 (3) contain, as nearly as possible, equal population;
39 (4) include whole townships, except when a division is clearly
40 necessary to accomplish redistricting under this section;
41 (5) consider how communities of interest within the county
42 can best be represented; and



1 (6) be drawn so as to provide at least one (1) representative to
 2 each distinct community of interest to the extent practicable
 3 and not inconsistent with other applicable law.

4 (d) A division under subsection (b) shall be made:

5 (1) effective for the 2018 general election; and

6 (2) whenever the county executive adopts an order declaring
 7 a county boundary to be changed under IC 36-2-1-2.

8 (e) After a division is initially made under subsection (b),
 9 another division may be made in any odd-numbered year not
 10 described in subsection (d).

11 SECTION 19. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE
 12 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]:

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

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

17 (1) having a population of more than three hundred thousand
 18 (300,000) but less than four hundred thousand (400,000); and

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

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

24 **Sec. 3. (a) In a county to which this chapter applies:**

25 (1) the voters of the county shall continue to elect members of
 26 the county council;

27 (2) beginning on January 1, 2019:

28 (A) the executive and legislative powers of the county are
 29 divided between separate branches of county government,
 30 and a power belonging to one (1) branch of county
 31 government may not be exercised by the other branch of
 32 county government;

33 (B) the county council is the county legislative body as well
 34 as the county fiscal body; and

35 (C) the single county executive is the county executive of
 36 the county and has the executive and administrative
 37 powers and duties of the county as provided in IC 36-2-2.5;
 38 and

39 (3) the county council must consist of nine (9) members
 40 elected by the voters of each of the nine (9) districts.

41 (b) The following apply in a county to which this chapter
 42 applies:



- 1 (1) Nine (9) county council members shall be elected at the
2 2018 general election.
- 3 (2) The terms of all county council members serving on
4 December 31, 2018, expire January 1, 2019.
- 5 (3) Notwithstanding any other law, to provide for staggered
6 terms of the members of the county council, the county
7 council may, before the 2018 primary election, adopt an
8 ordinance specifying which of the nine (9) members of the
9 county council to be elected at the 2018 general election shall
10 serve an initial term of two (2) years rather than four (4)
11 years.

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

16 (b) The county council has the same legislative powers and
17 duties that the board of county commissioners in the county had
18 before the board of county commissioners was abolished.

19 (c) For purposes of a county subject to this chapter, after
20 December 31, 2018, 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 county commissioners pertaining to the legislative
27 powers of a county shall be considered a reference to the county
28 council of the county.

29 (d) For purposes of a county subject to this chapter, after
30 December 31, 2018, any reference in:

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

36 related to the legislative powers and duties of the board of county
37 commissioners shall be considered a reference to the powers and
38 duties of the county council of the county.

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

- 40 (1) Establish committees that are necessary to carry out the
41 county council's functions.
42 (2) Employ legal and administrative personnel necessary to



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



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



1 and
 2 (2) delay the implementation of the fee increase for ninety (90)
 3 days after the date the ordinance is published under subdivision
 4 (1).

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

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

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

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

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

24 SECTION 22. IC 36-9-13-2 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. For purposes of
 26 this chapter, the following are considered the governing bodies of their
 27 respective eligible entities:

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

40 SECTION 23. IC 36-9-27-5 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except in a
 42 county having a consolidated city **or as provided in subsection (d)**,



1 the drainage board consists of either:

2 (1) the county executive; or

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

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

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

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

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

20 **(1) The drainage board consists of:**

21 **(A) the single county executive; and**

22 **(B) two (2) or four (4) persons (as determined by the single**
23 **county executive) who are appointed by the single county**
24 **executive.**

25 **(2) Appointees under subdivision (1)(B) must be resident**
26 **freeholders of the county who are knowledgeable in drainage**
27 **matters.**

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

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

34 **(5) The terms of members serving on the drainage board at**
35 **the time the first single county executive is elected under**
36 **IC 36-2-2.5 expire on January 1, 2019, and the single county**
37 **executive shall make the appointments to the board as**
38 **provided in this subsection.**

39 SECTION 24. An emergency is declared for this act.

