

HOUSE BILL No. 1119

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-7.

Synopsis: Redevelopment commissions. Provides that after December 31, 2016, at least one of the members appointed to a redevelopment commission by the municipal executive, county executive, or legislative body (in the case of Marion County) must also be a member of the school board of a school corporation within the territory served by the redevelopment commission. Removes the requirement to appoint a nonvoting adviser who is a school board member.

Effective: January 1, 2017.

Rhoads

January 7, 2016, read first time and referred to Committee on Government and Regulatory Reform.



Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1119

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 36-7-4-207, AS AMENDED BY P.L.266-2013,
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2017]: Sec. 207. (a) ADVISORY. In a city having a park
4 board and a city civil engineer, the city plan commission consists of
5 nine (9) members, as follows:
6 (1) One (1) member appointed by the city legislative body from
7 its membership.
8 (2) One (1) member appointed by the park board from its
9 membership.
10 (3) One (1) member or designated representative appointed by the
11 city works board.
12 (4) The city civil engineer or a qualified assistant appointed by the
13 city civil engineer.
14 (5) Five (5) citizen members, of whom no more than three (3)
15 may be of the same political party, appointed by the city
16 executive.
17 (b) ADVISORY. If a city lacks either a park board or a city civil



1 engineer, or both, subsection (a) does not apply. In such a city or in any
 2 town, the municipal plan commission consists of seven (7) members,
 3 as follows:

4 (1) The municipal legislative body shall appoint three (3) persons,
 5 who must be elected or appointed municipal officials or
 6 employees in the municipal government, as members.

7 (2) The municipal executive shall appoint four (4) citizen
 8 members, of whom no more than two (2) may be of the same
 9 political party.

10 (c) AREA. To provide equitable representation of rural and urban
 11 populations, representation on the area plan commission is determined
 12 as follows:

13 (1) Seven (7) representatives from each city having a population
 14 of more than one hundred five thousand (105,000).

15 (2) Six (6) representatives from each city having a population of
 16 not less than seventy thousand (70,000) nor more than one
 17 hundred five thousand (105,000).

18 (3) Five (5) representatives from each city having a population of
 19 not less than thirty-five thousand (35,000) but less than seventy
 20 thousand (70,000).

21 (4) Four (4) representatives from each city having a population of
 22 not less than twenty thousand (20,000) but less than thirty-five
 23 thousand (35,000).

24 (5) Three (3) representatives from each city having a population
 25 of not less than ten thousand (10,000) but less than twenty
 26 thousand (20,000).

27 (6) Two (2) representatives from each city having a population of
 28 less than ten thousand (10,000).

29 (7) One (1) representative from each town having a population of
 30 more than two thousand one hundred (2,100), and one (1)
 31 representative from each town having a population of two
 32 thousand one hundred (2,100) or less that had a representative
 33 before January 1, 1979.

34 (8) Such representatives from towns having a population of not
 35 more than two thousand one hundred (2,100) as are provided for
 36 in section 210 of this chapter.

37 (9) Six (6) county representatives if the total number of municipal
 38 representatives in the county is an odd number, or five (5) county
 39 representatives if the total number of municipal representatives is
 40 an even number.

41 (d) METRO. The metropolitan development commission consists
 42 of nine (9) citizen members, as follows:



1 (1) Five (5) members, of whom no more than three (3) may be of
 2 the same political party, appointed by the executive of the
 3 consolidated city.

4 (2) Four (4) members, of whom no more than two (2) may be of
 5 the same political party, appointed by the legislative body of the
 6 consolidated city.

7 (e) METRO. **After December 31, 2016**, the legislative body of the
 8 consolidated city shall appoint, ~~an~~ **under subsection (d), at least one**
 9 **(1) individual who satisfies the requirements of subdivision (1)** to
 10 serve as a ~~nonvoting adviser to~~ **voting member of** the metropolitan
 11 development commission when the commission is acting as the
 12 redevelopment commission of the consolidated city under
 13 IC 36-7-15.1. If the duties of the metropolitan development
 14 commission under IC 36-7-15.1 are transferred to another entity under
 15 IC 36-3-4-23, the individual appointed under this subsection shall serve
 16 as a ~~nonvoting adviser to~~ **voting member of** that entity. A ~~nonvoting~~
 17 ~~adviser member~~ appointed under this subsection:

18 (1) must also be a member of the school board of a school
 19 corporation that includes all or part of the territory of the
 20 consolidated city;

21 (2) is ~~not~~ considered a member of the metropolitan development
 22 commission for purposes of IC 36-7-15.1 ~~but~~ **with the same**
 23 **powers and responsibilities as the other members of the**
 24 **redevelopment commission and** is entitled to attend and
 25 participate in the proceedings of all meetings of the metropolitan
 26 development commission (or any successor entity designated
 27 under IC 36-3-4-23) when it is acting as a redevelopment
 28 commission under IC 36-7-15.1;

29 (3) is not entitled to a salary, per diem, or reimbursement of
 30 expenses; **and**

31 ~~(4) serves for a term of two (2) years and until a successor is~~
 32 ~~appointed; and~~

33 ~~(5) serves at the pleasure of the legislative body of the~~
 34 ~~consolidated city.~~

35 **(4) is subject to the same statutes that apply to the other**
 36 **members of the redevelopment commission when it is acting**
 37 **as a redevelopment commission under IC 36-7-15.1.**

38 SECTION 2. IC 36-7-14-6.1, AS AMENDED BY P.L.146-2008,
 39 SECTION 723, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JANUARY 1, 2017]: Sec. 6.1. (a) The five (5)
 41 commissioners for a municipal redevelopment commission shall be
 42 appointed as follows:



- 1 (1) Three (3) shall be appointed by the municipal executive.
 2 (2) Two (2) shall be appointed by the municipal legislative body.
 3 ~~The municipal executive shall also appoint an individual to serve as a~~
 4 ~~nonvoting adviser to the redevelopment commission beginning July 1,~~
 5 ~~2008.~~
 6 (b) The commissioners for a county redevelopment commission that
 7 has five (5) members shall be appointed as follows:
 8 (1) ~~The county executive shall appoint all the members whose~~
 9 ~~terms of office begin before January 1, 2008.~~
 10 (2) ~~For terms of office beginning after December 31, 2007,~~
 11 (1) ~~The county executive shall appoint three (3) members. and~~
 12 (2) ~~The county fiscal body shall appoint two (2) members.~~
 13 ~~The county executive shall also appoint an individual to serve as a~~
 14 ~~nonvoting adviser to the redevelopment commission beginning July 1,~~
 15 ~~2008.~~
 16 (c) The commissioners for a county redevelopment commission that
 17 has seven (7) members shall be appointed as follows:
 18 (1) ~~The county executive shall appoint all the members whose~~
 19 ~~terms of office begin before January 1, 2008.~~
 20 (2) ~~For terms of office beginning after December 31, 2007,~~
 21 (1) ~~The county executive shall appoint four (4) members. and~~
 22 (2) ~~The county fiscal body shall appoint three (3) members.~~
 23 ~~The county executive shall also appoint an individual to serve as a~~
 24 ~~nonvoting adviser to the redevelopment commission beginning July 1,~~
 25 ~~2008.~~
 26 (d) ~~A nonvoting adviser~~ **After December 31, 2016, at least one (1)**
 27 **of the members** appointed under this section **to a redevelopment**
 28 **commission by the municipal executive or county executive**
 29 (1) ~~must also be a member of the school board of a school~~
 30 ~~corporation that includes all or part of the territory served by the~~
 31 ~~redevelopment commission.~~
 32 (2) ~~is not considered a member of the redevelopment commission~~
 33 ~~for purposes of this chapter but is entitled to attend and~~
 34 ~~participate in the proceedings of all meetings of the~~
 35 ~~redevelopment commission;~~
 36 (3) ~~is not entitled to a salary, per diem, or reimbursement of~~
 37 ~~expenses;~~
 38 (4) ~~serves for a term of two (2) years and until a successor is~~
 39 ~~appointed; and~~
 40 (5) ~~serves at the pleasure of the entity that appointed the~~
 41 ~~nonvoting adviser.~~ **A member appointed under this subsection:**
 42 (1) **is a voting member of the redevelopment commission with**



1 **the same powers and responsibilities as the other members of**
 2 **the redevelopment commission; and**

3 **(2) is subject to the same statutes that apply to the other**
 4 **members of the redevelopment commission.**

5 SECTION 3. IC 36-7-14-7 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 7. (a) Each
 7 redevelopment commissioner shall serve for one (1) year from the first
 8 day of January after ~~his~~ **the commissioner's** appointment and until ~~his~~
 9 **the commissioner's** successor is appointed and has qualified, except
 10 that the original commissioners shall serve from the date of their
 11 appointment until the first day of January in the second year after their
 12 appointment. If a vacancy occurs, a successor shall be appointed in the
 13 same manner as the original commissioner, and the successor shall
 14 serve for the remainder of the vacated term.

15 (b) Each redevelopment commissioner, before beginning ~~his~~ **the**
 16 **commissioner's** duties, shall take and subscribe an oath of office in the
 17 usual form, to be endorsed on the certificate of ~~his~~ **the commissioner's**
 18 appointment, which shall be promptly filed with the clerk for the unit
 19 that ~~he~~ **the commissioner** serves.

20 (c) Each redevelopment commissioner, before beginning ~~his~~ **the**
 21 **commissioner's** duties, shall execute a bond payable to the state, with
 22 surety to be approved by the executive of the unit. The bond must be
 23 in the penal sum of fifteen thousand dollars (\$15,000) and must be
 24 conditioned on the faithful performance of the duties of ~~his~~ **the**
 25 **commissioner's** office and the accounting for all monies and property
 26 that may come into ~~his~~ **the commissioner's** hands or under ~~his~~ **the**
 27 **commissioner's** control. The cost of the bond shall be paid by the
 28 special taxing district.

29 (d) A redevelopment commissioner must be at least eighteen (18)
 30 years of age, and must be a resident of the unit that ~~he~~ **the**
 31 **commissioner** serves.

32 (e) If a commissioner ceases to be qualified under this section, ~~he~~
 33 **the commissioner** forfeits ~~his~~ **the office of commissioner.**

34 (f) Except as provided in subsection (g), redevelopment
 35 commissioners are not entitled to salaries but are entitled to
 36 reimbursement for expenses necessarily incurred in the performance of
 37 their duties.

38 (g) A redevelopment commissioner who **is not a school board**
 39 **member and who** does not otherwise hold a lucrative office for the
 40 purpose of Article 2, Section 9 of the Indiana Constitution may receive:

- 41 (1) a salary; or
 42 (2) a per diem;



1 and is entitled to reimbursement for expenses necessarily incurred in
2 the performance of the redevelopment commissioner's duties.

3 SECTION 4. IC 36-7-14-10, AS AMENDED BY P.L.146-2008,
4 SECTION 724, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JANUARY 1, 2017]: Sec. 10. (a) A redevelopment
6 commissioner ~~or a nonvoting adviser~~ appointed under section 6.1 of
7 this chapter may not have a pecuniary interest in any contract,
8 employment, purchase, or sale made under this chapter. However, any
9 property required for redevelopment purposes in which a commissioner
10 ~~or nonvoting adviser~~ has a pecuniary interest may be acquired, but only
11 by gift or condemnation.

12 (b) A transaction made in violation of this section is void.

13 SECTION 5. IC 36-7-15.1-5, AS AMENDED BY P.L.146-2008,
14 SECTION 743, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JANUARY 1, 2017]: Sec. 5. A member of the
16 commission ~~or a nonvoting adviser~~ appointed under IC 36-7-4-207 may
17 not have a pecuniary interest in any contract, employment, purchase,
18 or sale made under this chapter. However, any property required for
19 redevelopment purposes in which a member ~~or nonvoting adviser~~ has
20 a pecuniary interest may be acquired, but only by gift or condemnation.

