



March 16, 2021

ENGROSSED HOUSE BILL No. 1238

DIGEST OF HB 1238 (Updated March 12, 2021 9:12 am - DI 87)

Citations Affected: IC 36-7.

Synopsis: Northeast Indiana development commission. Establishes the northeast Indiana strategic development commission (commission) as a body corporate and politic. Provides for appointment of members of the commission. Specifies the purposes of the commission.

Effective: July 1, 2021.

**Heine, Lehman, GiaQuinta,
Miller D**

(SENATE SPONSOR — HOLDMAN)

January 14, 2021, read first time and referred to Committee on Government and Regulatory Reform.

January 28, 2021, reported — Do Pass.

February 1, 2021, read second time, ordered engrossed. Engrossed.

February 2, 2021, read third time, passed. Yeas 91, nays 2.

SENATE ACTION

February 18, 2021, read first time and referred to Committee on Local Government.

March 15, 2021, amended, reported favorably — Do Pass.

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March 16, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1238

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 36-7-39 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]:

4 **Chapter 39. Northeast Indiana Strategic Development**
5 **Commission**

6 **Sec. 1. As used in this chapter, "commission" means the**
7 **northeast Indiana strategic development commission established**
8 **by section 3 of this chapter.**

9 **Sec. 2. As used in this chapter, "development area" means the**
10 **area consisting of the following counties:**

- 11 (1) Adams County.
12 (2) Allen County.
13 (3) DeKalb County.
14 (4) Huntington County.
15 (5) Kosciusko County.
16 (6) LaGrange County.
17 (7) Noble County.

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1 **(8) Steuben County.**

2 **(9) Wabash County.**

3 **(10) Wells County.**

4 **(11) Whitley County.**

5 **Sec. 3. The northeast Indiana strategic development commission**
 6 **is established for the development area described in section 2 of**
 7 **this chapter. The commission is a separate body corporate and**
 8 **politic, constituting an instrumentality of the state for the public**
 9 **purpose set out in this chapter, but not a state agency. The**
 10 **commission is separate from the state in its corporate and**
 11 **sovereign capacity.**

12 **Sec. 4. The commission is established to develop and implement**
 13 **plans and policies intended to achieve the following purposes in the**
 14 **development area:**

15 **(1) Increase the per capita personal income relative to the**
 16 **national average.**

17 **(2) Increase the population in the development area.**

18 **(3) Increase postsecondary education and credential**
 19 **attainment among residents in the development area.**

20 **Sec. 5. (a) The commission consists of the following eleven (11)**
 21 **members:**

22 **(1) Nine (9) members who serve four (4) year terms as**
 23 **follows:**

24 **(A) Four (4) members appointed by the governor. The**
 25 **members appointed under this clause may not all be from**
 26 **the same political party.**

27 **(B) One (1) member appointed by the speaker of the house**
 28 **of representatives.**

29 **(C) One (1) member appointed by the minority leader of**
 30 **the house of representatives.**

31 **(D) One (1) member appointed by the president pro**
 32 **tempore of the senate.**

33 **(E) One (1) member appointed by the minority leader of**
 34 **the senate.**

35 **(F) One (1) member appointed by the mayors and**
 36 **commissioners caucus of the northeast Indiana regional**
 37 **development authority established under IC 36-7.6.**

38 **(2) The chief executive officer of the northeast Indiana**
 39 **regional partnership, who serves as a nonvoting member.**

40 **(3) The president of the Regional Chamber of Northeast**
 41 **Indiana, who serves as a nonvoting member.**

42 **(b) Each member of the commission must reside within the**



- 1 development area.
- 2 (c) Not more than three (3) members may reside in the same
- 3 county.
- 4 Sec. 6. (a) Upon the expiration of the term of an appointed
- 5 member of the commission, the member's successor shall be
- 6 appointed for a four (4) year term.
- 7 (b) A member may be reappointed.
- 8 Sec. 7. If a vacancy occurs among the appointed membership of
- 9 the commission, the vacancy shall be filled for the unexpired term
- 10 in the same manner and under the same conditions as the original
- 11 appointment.
- 12 Sec. 8. (a) Each year the commission shall elect the following
- 13 from among the members of the commission:
- 14 (1) A chairperson.
- 15 (2) A vice chairperson.
- 16 (3) A treasurer.
- 17 (b) An individual elected as a chairperson or a vice chairperson:
- 18 (1) serves a term of one (1) year beginning July 1 following the
- 19 date the individual is elected; and
- 20 (2) may be reelected.
- 21 Sec. 9. (a) The commission:
- 22 (1) shall fix the time for regular meetings; and
- 23 (2) may hold special meetings at the call of the chairperson
- 24 with seven (7) days written notice.
- 25 (b) A member may waive written notice of a specific meeting by
- 26 filing a written notice with the commission.
- 27 (c) Written notice is considered to have been given under this
- 28 section when the written notice is:
- 29 (1) placed in the United States mail, first class postage
- 30 prepaid; and
- 31 (2) sent to the business address of the members of the
- 32 commission.
- 33 Sec. 10. A member of the commission who is not a state
- 34 employee is not entitled to the minimum salary per diem provided
- 35 by IC 4-10-11-2.1. The member is also not entitled to
- 36 reimbursement for traveling expenses and other expenses actually
- 37 incurred in connection with the member's duties.
- 38 Sec. 11. (a) The commission shall:
- 39 (1) accept grants, loans, and other forms of financial
- 40 assistance from any source and disburse them for the
- 41 purposes of the commission; and
- 42 (2) provide recommendations in matters related to the



1 commission's purposes to political subdivisions in the
2 development area.

3 **(b) The commission may sue and be sued.**

4 **(c) The commission shall have an audit of its books and accounts**
5 **made at least once in each year by a certified public accounting**
6 **firm or the state board of accounts. If the audit is to be conducted**
7 **by a certified public accounting firm, the firm may not be selected**
8 **without a review of the firm's proposal and approval of the firm by**
9 **the state board of accounts. The cost of the audit shall be**
10 **considered an expense of the commission, and a copy of the audit**
11 **shall be made available to the public.**

12 **Sec. 12. Before November 1 of each year, the commission shall**
13 **make a report of the commission's activities to the following:**

14 **(1) The legislative body of each county located in the**
15 **development area.**

16 **(2) The legislative body of each municipality located in the**
17 **development area.**

18 **(3) The governor.**

19 **(4) The general assembly. The report must be in an electronic**
20 **format under IC 5-14-6.**

21 **Sec. 13. This chapter expires June 30, 2031.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1238, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1238 as introduced.)

MILLER D

Committee Vote: Yeas 12, Nays 1

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill No. 1238, 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 2, line 7, after "chapter." insert "**The commission is a separate body corporate and politic, constituting an instrumentality of the state for the public purpose set out in this chapter, but not a state agency. The commission is separate from the state in its corporate and sovereign capacity.**".

Page 3, line 34, after "11." insert "(a)".

Page 3, between lines 40 and 41, begin a new paragraph and insert: "**(b) The commission may sue and be sued.**

(c) The commission shall have an audit of its books and accounts made at least once in each year by a certified public accounting firm or the state board of accounts. If the audit is to be conducted by a certified public accounting firm, the firm may not be selected without a review of the firm's proposal and approval of the firm by the state board of accounts. The cost of the audit shall be considered an expense of the commission, and a copy of the audit shall be made available to the public.

and when so amended that said bill do pass.

(Reference is to HB 1238 as printed January 28, 2021.)

BUCK, Chairperson

Committee Vote: Yeas 6, Nays 4.

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