



Reprinted  
January 28, 2022

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## SENATE BILL No. 142

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DIGEST OF SB 142 (Updated January 27, 2022 2:52 pm - DI 87)

**Citations Affected:** IC 36-1.

**Synopsis:** County fairgrounds billboards. In Marion County, allows the: (1) board of directors (board) of an agricultural fair society, association, or corporation; or (2) the county legislative body; that owns or operates a county fairgrounds to place one digital billboard at a location on the county fairgrounds selected by the board. Provides that placement of the digital billboard: (1) is not subject to local planning and zoning; and (2) remains subject to state and federal laws governing digital billboards adjacent to highway systems. Provides that the board must: (1) give notice to the plan commission, county, or municipality as appropriate; and (2) hold a public hearing; before installing the digital billboard. Provides that the owner of the real property of the county fairgrounds shall receive any revenue from a lease of the property to the digital billboard's owner for the placement of the digital billboard on the property.

**Effective:** July 1, 2022.

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## Sandlin, Doriot, Bohacek, Niemeyer

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January 4, 2022, read first time and referred to Committee on Local Government.  
January 18, 2022, amended, reported favorably — Do Pass.  
January 20, 2022, read second time, amended, ordered engrossed.  
January 21, 2022, engrossed.  
January 25, 2022, returned to second reading.  
January 27, 2022, re-read second time, amended, ordered engrossed.

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SB 142—LS 6611/DI 77





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January 28, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## SENATE BILL No. 142

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 36-1-28-2 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
3 **1, 2022]: Sec. 2. (a) This section applies only to a county having a**  
4 **consolidated city.**  
5 **(b) As used in this section, "board" refers to the:**  
6 **(1) board of directors of an agricultural fair society,**  
7 **association, or corporation that is organized under**  
8 **IC 15-14-5; or**  
9 **(2) county legislative body;**  
10 **that owns a county fairgrounds or, by agreement with the owner,**  
11 **operates the county fairgrounds and is the owner's authorized**  
12 **agent in the placement of a digital billboard under this chapter.**  
13 **(c) As used in this section, "property" means the real property**  
14 **that is part of a county fairgrounds.**  
15 **(d) Notwithstanding any ordinance adopted under IC 36-7-4,**  
16 **but subject to subsection (e), the board may place one (1) digital**  
17 **billboard on the property at a location that is:**

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- 1           (1) selected by the board; and
- 2           (2) outside the public right-of-way.
- 3           (e) The board is subject to any restriction, approval, or other
- 4 requirement of IC 8-23-20 that applies to the placement of the
- 5 digital billboard.
- 6           (f) The board must provide written notice at least ninety (90)
- 7 days before installation of the billboard to the following:
- 8           (1) The plan commission, if the property is within the
- 9 jurisdiction of a plan commission.
- 10           (2) The legislative body of:
- 11               (A) any municipality in which the property is located; and
- 12               (B) the county in which the property is located, in the case
- 13 of a board described in subsection (b)(1).
- 14           (g) The board must conduct a public hearing in which the board
- 15 receives public comment regarding the digital billboard not earlier
- 16 than ninety (90) days before the digital billboard is installed.
- 17           (h) The owner of the property shall receive any revenue from a
- 18 lease of the property to the digital billboard's owner for the
- 19 placement of the digital billboard on the property.



## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 142, 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 8, delete "that owns or operates a county fairgrounds.", begin a new line blocked left and insert:

**"that owns a county fairgrounds or, by agreement with the owner, operates the county fairgrounds and is the owner's authorized agent in the placement of a digital billboard under this chapter."**

Page 1, delete lines 9 through 17, begin a new paragraph and insert:

**"(b) As used in this section, "property" means the real property that is part of a county fairgrounds.**

**(c) Notwithstanding any ordinance adopted under IC 36-7-4, but subject to subsection (d), the board may place one (1) digital billboard on the property at a location that is:**

- (1) selected by the board; and**
- (2) outside the public right-of-way.**

**(d) The board is subject to any restriction, approval, or other requirement of IC 8-23-20 that applies to the placement of the digital billboard.**

**(e) The board must provide written notice at least thirty (30) days before installation of the billboard to the following:**

- (1) The plan commission, if the property is within the jurisdiction of a plan commission.**
- (2) The legislative body of:**
  - (A) any municipality in which the property is located; and**
  - (B) the county in which the property is located, in the case of a board described in subsection (a)(1)."**

Page 2, delete lines 1 through 3.

Page 2, line 4, delete "(e)" and insert "(f)".

Page 2, line 4, delete "real property" and insert "**property**".

Page 2, line 5, delete "real".

and when so amended that said bill do pass.

(Reference is to SB 142 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 7, Nays 2.

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SENATE MOTION

Madam President: I move that Senate Bill 142 be amended to read as follows:

Page 2, line 4, delete "thirty (30)" and insert "**ninety (90)**".

Page 2, delete lines 12 through 14, begin a new paragraph and insert:

**"(f) The owner of the property shall receive any revenue from a lease of the property to the digital billboard's owner for the placement of the digital billboard on the property."**

(Reference is to SB 142 as printed January 19, 2022.)

SANDLIN

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SENATE MOTION

Madam President: I move that Engrossed Senate Bill 142, which is eligible for third reading, be returned to second reading for purposes of amendment.

SANDLIN

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SENATE MOTION

Madam President: I move that Senate Bill 142 be amended to read as follows:

Page 1, line 3, after "(a)" insert "**This section applies only to a county having a consolidated city.**

**(b)**".

Page 1, line 11, delete "(b)" and insert "**(c)**".

Page 1, line 13, delete "(c)" and insert "**(d)**".

Page 1, line 14, delete "(d)," and insert "**(e)**".

Page 2, line 1, delete "(d)" and insert "**(e)**".

Page 2, line 4, delete "(e)" and insert "**(f)**".

Page 2, line 11, delete "(a)(1)." and insert "**(b)(1)**".

Page 2, between lines 11 and 12, begin a new paragraph and insert:

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**"(g) The board must conduct a public hearing in which the board receives public comment regarding the digital billboard not earlier than ninety (90) days before the digital billboard is installed."**

Page 2, line 12, delete "(f)" and insert "(h)".

(Reference is to SB 142 as reprinted January 21, 2022.)

SANDLIN

