



February 14, 2017

---

---

## HOUSE BILL No. 1131

---

DIGEST OF HB 1131 (Updated February 14, 2017 12:06 pm - DI 84)

**Citations Affected:** IC 36-7.

**Synopsis:** Appointments to local boards and commissions. Provides that after June 30, 2017, one of the commissioners appointed to a redevelopment commission must be a member of the governing body of a school corporation that includes all or part of the territory served by the redevelopment commission. Provides for the appointment to be made by the appointing governing body as determined in the statute. Removes language providing for the appointment of nonvoting advisers to redevelopment commissions from the governing bodies of school corporations. Provides that nonvoting advisers serve until a member of the governing body of a school corporation is appointed to the redevelopment commission. Provides that if the executive or fiscal body of a municipality does not fill a vacancy in the municipal housing authority before the 61st day after the vacancy occurs, the remaining members of the housing authority shall fill the vacancy. Provides that the remaining members are authorized to fill the vacancy even if the number of remaining members is not sufficient for a quorum. Provides that an individual who is acting as a member of a housing authority 60 days after the expiration of the individual's term as a member of the housing authority may continue to act as a member for purposes of filling the vacancy. (Provides for expiration of this provision.)

**Effective:** Upon passage; July 1, 2017.

---

---

**Clere, Cook, Stemler, Young J**

---

---

January 5, 2017, read first time and referred to Committee on Government and Regulatory Reform.

February 14, 2017, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

---

---

HB 1131—LS 6925/DI 75





February 14, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1131

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 36-7-14-6.1, AS AMENDED BY P.L.55-2016,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2017]: Sec. 6.1. (a) The five (5) commissioners for a  
4 municipal redevelopment commission shall be appointed as follows:  
5 (1) ~~Three (3)~~ **Two (2)** shall be appointed by the municipal  
6 executive.  
7 (2) Two (2) shall be appointed by the municipal legislative body.  
8 **(3) One (1) shall be appointed by the appointing governing**  
9 **body as provided in section 6.2 of this chapter.**  
10 ~~The municipal executive shall also appoint an individual to serve as a~~  
11 ~~nonvoting adviser to the redevelopment commission beginning July 1,~~  
12 ~~2008.~~  
13 (b) The commissioners for a county redevelopment commission that  
14 has five (5) members shall be appointed as follows:  
15 (1) The county executive shall appoint ~~at the~~ **two (2)** members.  
16 ~~whose terms of office begin before January 1, 2008.~~  
17 (2) ~~For terms of office beginning after December 31, 2007, the~~

HB 1131—LS 6925/DI 75



1 county executive shall appoint three (3) members; and The county  
2 fiscal body shall appoint two (2) members.

3 **(3) The appointing governing body shall appoint one (1)**  
4 **member as provided in section 6.2 of this chapter.**

5 The county executive shall also appoint an individual to serve as a  
6 nonvoting adviser to the redevelopment commission beginning July 1,  
7 2008.

8 (c) The commissioners for a county redevelopment commission that  
9 has seven (7) members shall be appointed as follows:

10 (1) The county executive shall appoint all the **three (3)** members.  
11 whose terms of office begin before January 1, 2008.

12 (2) For terms of office beginning after December 31, 2007, the  
13 county executive shall appoint four (4) members; and The county  
14 fiscal body shall appoint three (3) members.

15 **(3) The appointing governing body shall appoint one (1)**  
16 **member as provided in section 6.2 of this chapter.**

17 The county executive shall also appoint an individual to serve as a  
18 nonvoting adviser to the redevelopment commission beginning July 1,  
19 2008.

20 (d) A nonvoting adviser appointed under this section:

21 (1) must also be a member of the school board of a school  
22 corporation that includes all or part of the territory served by the  
23 redevelopment commission or an individual recommended by the  
24 school board to the entity that appoints the nonvoting adviser;

25 (2) is not considered a member of the redevelopment commission  
26 for purposes of this chapter but is entitled to attend and  
27 participate in the proceedings of all meetings of the  
28 redevelopment commission;

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

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 entity that appointed the  
34 nonvoting adviser.

35 SECTION 2. IC 36-7-14-6.2 IS ADDED TO THE INDIANA CODE  
36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
37 1, 2017]: **Sec. 6.2. (a) As used in this section, "appointing governing  
38 body" refers to the governing body of the school corporation that  
39 satisfies all the following:**

40 **(1) The school corporation includes all or part of the territory  
41 served by the redevelopment commission.**

42 **(2) If more than one (1) school corporation includes territory**



1 served by the redevelopment commission, either of the  
2 following apply to the school corporation:

3 (A) The governing body of the school corporation has more  
4 members who reside in the territory served by the  
5 redevelopment commission than any other school  
6 corporation that includes all or part of the territory served  
7 by the redevelopment commission.

8 (B) If two (2) or more governing bodies have the greatest  
9 and the same number of their respective members who  
10 reside in the territory served by the redevelopment  
11 commission, the governing body among these school  
12 corporations that has the greatest ADM (as defined in  
13 IC 20-18-2-2).

14 (b) The appointing governing body shall appoint one (1) of its  
15 members to the redevelopment commission as provided in section  
16 6.1 of this chapter at a meeting of the governing body.

17 SECTION 3. IC 36-7-14-6.3 IS ADDED TO THE INDIANA CODE  
18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
19 1, 2017]: Sec. 6.3. (a) As used in this section, "appointing governing  
20 body" has the meaning set forth in section 6.2 of this chapter.

21 (b) As provided in section 6.2 of this chapter, the appointing  
22 governing body shall appoint one (1) of its members to fill the first  
23 vacancy that occurs on the redevelopment commission:

- 24 (1) after June 30, 2017; and  
25 (2) of a member who was appointed under section 6.1(a)(1),  
26 6.1(b)(1), or 6.1(c)(1) of this chapter, whichever is applicable  
27 to the redevelopment commission.

28 (c) Notwithstanding section 6.1 of this chapter, a nonvoting  
29 adviser to a redevelopment commission who serves under section  
30 6.1 of this chapter continues to serve as a nonvoting adviser to the  
31 redevelopment commission until the appointing governing body  
32 has appointed a school board member to the redevelopment  
33 commission under this section.

34 (d) This section expires January 1, 2022.

35 SECTION 4. IC 36-7-18-7 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The  
37 executive or fiscal body appointing the first commissioners of a  
38 housing authority shall fix their terms as follows:

- 39 (1) One (1) year for two (2) of the commissioners.  
40 (2) Two (2) years for two (2) of the commissioners.  
41 (3) Three (3) years for one (1) of the commissioners.  
42 (4) Four (4) years for two (2) of the commissioners.



1 After that, appointments to the authority are for a term of four (4) years,  
 2 except that all vacancies shall be filled for the unexpired term. A  
 3 commissioner serves until his successor is appointed and qualified,  
 4 **subject to IC 36-1-8-10(c).**

5 **(b) If the executive or fiscal body does not fill a vacancy in the**  
 6 **membership of a housing authority before the sixty-first day after**  
 7 **the vacancy occurs, the remaining members of the housing**  
 8 **authority shall fill the vacancy for the remainder of the unexpired**  
 9 **term at a meeting of the housing authority. The remaining**  
 10 **members may fill the vacancy, even if the number of remaining**  
 11 **members of the housing authority does not constitute a quorum.**

12 ~~(b)~~ (c) A certificate for the appointment or reappointment of a  
 13 commissioner of a housing authority must be filed with the clerk of the  
 14 fiscal body of the unit. The certificate is conclusive evidence of the  
 15 proper appointment of the commissioner.

16 SECTION 5. IC 36-7-18-7.2 IS ADDED TO THE INDIANA CODE  
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 18 UPON PASSAGE]: (a) **This section applies to an individual who is**  
 19 **acting as a member of a housing authority more than sixty (60)**  
 20 **days after the expiration of the individual's term as a member of**  
 21 **the housing authority.**

22 **(b) Notwithstanding IC 36-1-8-10(c), an individual described in**  
 23 **subsection (a) may act as a member of the housing authority for**  
 24 **purposes of filling a vacancy in the membership of the housing**  
 25 **authority under section 7(b) of this chapter.**

26 **(c) This section expires July 1, 2018.**

27 SECTION 6. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1131, 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 1131 as introduced.)

MAHAN

Committee Vote: Yeas 10, Nays 1

