



February 8, 2019

HOUSE BILL No. 1166

DIGEST OF HB 1166 (Updated February 6, 2019 7:34 pm - DI 87)

Citations Affected: IC 36-7.

Synopsis: Redevelopment commission membership. After December 31, 2019, increases by one member, the membership of a municipal or county redevelopment commission (commission). Requires a municipal or county executive to appoint one member to the redevelopment commission who is a school board member. Provides that if there is more than one school corporation within redevelopment commission territory, the member must be: (1) a member of the school board of the school corporation having the largest average daily membership (ADM); or (2) a member of the school board of another school corporation within the commission's territory who is recommended by the school board described in (1). Effective January 1, 2020, eliminates the appointment of and term of office of a nonvoting adviser to the commission. Provides that the executive of the municipality for a municipal redevelopment commission, or the president of the county executive for a county redevelopment commission, serves as an ex officio member of the commission to cast the deciding vote to break a tie.

Effective: July 1, 2019.

Cook, Mahan, Clere

January 8, 2019, read first time and referred to Committee on Local Government.
January 10, 2019, reassigned to Committee on Government and Regulatory Reform.
February 7, 2019, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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February 8, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1166

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, 2019]: Sec. 6.1. (a) The five (5) commissioners for a
4 municipal redevelopment commission shall be appointed as follows:
5 (1) Three (3) shall be appointed by the municipal executive.
6 (2) Two (2) shall be appointed by the municipal legislative body.
7 The municipal executive shall also appoint an individual to serve as a
8 nonvoting adviser to the redevelopment commission beginning July 1,
9 2008.
10 (b) The commissioners for a county redevelopment commission that
11 has five (5) members shall be appointed as follows:
12 (1) The county executive shall appoint all the members whose
13 terms of office begin before January 1, 2008.
14 (2) For terms of office beginning after December 31, 2007, the
15 county executive shall appoint three (3) members, and the county
16 fiscal body shall appoint two (2) members.
17 The county executive shall also appoint an individual to serve as a

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1 nonvoting adviser to the redevelopment commission beginning July 1,
2 2008.

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

5 (1) The county executive shall appoint all the members whose
6 terms of office begin before January 1, 2008.

7 (2) For terms of office beginning after December 31, 2007, the
8 county executive shall appoint four (4) members, and the county
9 fiscal body shall appoint three (3) members.

10 The county executive shall also appoint an individual to serve as a
11 nonvoting adviser to the redevelopment commission beginning July 1,
12 2008.

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

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

18 (2) is not considered a member of the redevelopment commission
19 for purposes of this chapter but is entitled to attend and
20 participate in the proceedings of all meetings of the
21 redevelopment commission;

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

24 (4) serves for a term of two (2) years and until a successor is
25 appointed; and

26 (5) serves at the pleasure of the entity that appointed the
27 nonvoting adviser.

28 **(e) This section expires January 1, 2020.**

29 SECTION 2. IC 36-7-14-6.2, IS ADDED AS A NEW SECTION
30 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 6.2. (a)**
31 **This section applies after December 31, 2019.**

32 **(b) A municipal redevelopment commission has six (6)**
33 **commissioners appointed as follows:**

34 **(1) Four (4) commissioners shall be appointed by the**
35 **municipal executive. One (1) commissioner shall be appointed**
36 **from the membership of the governing body of a school**
37 **corporation located within the territory served by the**
38 **redevelopment commission. If there is more than one (1)**
39 **school corporation within the territory served by the**
40 **municipal redevelopment commission, the commissioner shall**
41 **be:**

42 **(A) a member of the governing body of the school**



- 1 corporation that has the largest average daily
2 membership; or
3 (B) an individual recommended by the governing body of
4 the school corporation described in clause (A) who is a
5 member of the governing body of another school
6 corporation within the territory served by the municipal
7 redevelopment commission.
8 A commissioner appointed from the membership of the
9 governing body of a school corporation serves on the
10 commission by virtue of office.
11 (2) Two (2) commissioners shall be appointed by the
12 municipal legislative body.
13 All commissioners are voting members. In the event that a vote of
14 the commissioners results in a tie vote, the executive of the
15 municipality may cast the deciding vote.
16 (c) The commissioners for a county redevelopment commission
17 that has six (6) members shall be appointed as follows:
18 (1) Four (4) commissioners shall be appointed by the county
19 executive. One (1) of the commissioners appointed by the
20 county executive shall be appointed from the membership of
21 the governing board of a school corporation located within
22 the territory served by the redevelopment commission. If
23 there is more than one (1) school corporation within the
24 territory served by the county redevelopment commission, the
25 commissioner shall be:
26 (A) a member of the governing body of the school
27 corporation that has the largest average daily
28 membership; or
29 (B) an individual recommended by the governing body of
30 the school corporation described in clause (A) who is a
31 member of the governing body of another school
32 corporation within the territory served by the county
33 redevelopment commission.
34 A commissioner appointed from the membership of the
35 governing body of a school corporation serves on the
36 commission by virtue of office.
37 (2) Two (2) commissioners shall be appointed by the county
38 fiscal body.
39 All commissioners are voting members. In the event that a vote of
40 the commissioners results in a tie vote, the president of the county
41 executive may cast the deciding vote.
42 (d) The commissioners for a county redevelopment commission



1 that has eight (8) members shall be appointed as follows:
2 (1) Five (5) commissioners shall be appointed by the county
3 executive. One (1) of the commissioners appointed by the
4 county executive shall be appointed from the membership of
5 the governing board of a school corporation located within
6 the territory served by the redevelopment commission. If
7 there is more than one (1) school corporation within the
8 territory served by the county redevelopment commission, the
9 commissioner shall be:
10 (A) a member of the governing body of the school
11 corporation that has the largest average daily
12 membership; or
13 (B) an individual recommended by the governing body of
14 the school corporation described in clause (A) who is a
15 member of the governing body of another school
16 corporation within the territory served by the county
17 redevelopment commission.
18 A commissioner appointed from the membership of the
19 governing body of a school corporation serves on the
20 commission by virtue of office.
21 (2) Three (3) commissioners shall be appointed by the county
22 fiscal body.
23 All commissioners are voting members. In the event that a vote of
24 the commissioners results in a tie vote, the president of the county
25 executive may cast the deciding vote.
26 SECTION 3. IC 36-7-14-10, AS AMENDED BY P.L.146-2008,
27 SECTION 724, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) A:
29 (1) redevelopment commissioner; or
30 (2) a (before January 1, 2020) nonvoting adviser;
31 appointed under section 6.1 of this chapter (before its expiration) or
32 section 6.2 of this chapter may not have a pecuniary interest in any
33 contract, employment, purchase, or sale made under this chapter.
34 However, any property required for redevelopment purposes in which
35 a commissioner or (before January 1, 2020) nonvoting adviser has a
36 pecuniary interest may be acquired, but only by gift or condemnation.
37 (b) A transaction made in violation of this section is void.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1166, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 36-7-14-6.1, AS AMENDED BY P.L.55-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6.1. (a) The five (5) commissioners for a municipal redevelopment commission shall be appointed as follows:

(1) Three (3) shall be appointed by the municipal executive.

(2) Two (2) shall be appointed by the municipal legislative body.

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

(b) The commissioners for a county redevelopment commission that has five (5) members shall be appointed as follows:

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

(2) For terms of office beginning after December 31, 2007, the county executive shall appoint three (3) members, and the county fiscal body shall appoint two (2) members.

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

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

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

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

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

(d) A nonvoting adviser appointed under this section:

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

(2) is not considered a member of the redevelopment commission



for purposes of this chapter but is entitled to attend and participate in the proceedings of all meetings of the redevelopment commission;

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

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

(5) serves at the pleasure of the entity that appointed the nonvoting adviser.

(e) This section expires January 1, 2020.

SECTION 2. IC 36-7-14-6.2, IS ADDED AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 6.2. (a) This section applies after December 31, 2019.**

(b) A municipal redevelopment commission has six (6) commissioners appointed as follows:

(1) Four (4) commissioners shall be appointed by the municipal executive. One (1) commissioner shall be appointed from the membership of the governing body of a school corporation located within the territory served by the redevelopment commission. If there is more than one (1) school corporation within the territory served by the municipal redevelopment commission, the commissioner shall be:

(A) a member of the governing body of the school corporation that has the largest average daily membership; or

(B) an individual recommended by the governing body of the school corporation described in clause (A) who is a member of the governing body of another school corporation within the territory served by the municipal redevelopment commission.

A commissioner appointed from the membership of the governing body of a school corporation serves on the commission by virtue of office.

(2) Two (2) commissioners shall be appointed by the municipal legislative body.

All commissioners are voting members. In the event that a vote of the commissioners results in a tie vote, the executive of the municipality may cast the deciding vote.

(c) The commissioners for a county redevelopment commission that has six (6) members shall be appointed as follows:

(1) Four (4) commissioners shall be appointed by the county



executive. One (1) of the commissioners appointed by the county executive shall be appointed from the membership of the governing board of a school corporation located within the territory served by the redevelopment commission. If there is more than one (1) school corporation within the territory served by the county redevelopment commission, the commissioner shall be:

(A) a member of the governing body of the school corporation that has the largest average daily membership; or

(B) an individual recommended by the governing body of the school corporation described in clause (A) who is a member of the governing body of another school corporation within the territory served by the county redevelopment commission.

A commissioner appointed from the membership of the governing body of a school corporation serves on the commission by virtue of office.

(2) Two (2) commissioners shall be appointed by the county fiscal body.

All commissioners are voting members. In the event that a vote of the commissioners results in a tie vote, the president of the county executive may cast the deciding vote.

(d) The commissioners for a county redevelopment commission that has eight (8) members shall be appointed as follows:

(1) Five (5) commissioners shall be appointed by the county executive. One (1) of the commissioners appointed by the county executive shall be appointed from the membership of the governing board of a school corporation located within the territory served by the redevelopment commission. If there is more than one (1) school corporation within the territory served by the county redevelopment commission, the commissioner shall be:

(A) a member of the governing body of the school corporation that has the largest average daily membership; or

(B) an individual recommended by the governing body of the school corporation described in clause (A) who is a member of the governing body of another school corporation within the territory served by the county redevelopment commission.

A commissioner appointed from the membership of the



governing body of a school corporation serves on the commission by virtue of office.

(2) Three (3) commissioners shall be appointed by the county fiscal body.

All commissioners are voting members. In the event that a vote of the commissioners results in a tie vote, the president of the county executive may cast the deciding vote."

Delete page 2.

Page 3, delete lines 1 through 34.

Page 3, line 40, after "chapter" insert "**(before its expiration) or section 6.2 of this chapter**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1166 as introduced.)

MAHAN

Committee Vote: yeas 11, nays 0.

