



February 16, 2018

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# ENGROSSED SENATE BILL No. 182

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DIGEST OF SB 182 (Updated February 15, 2018 9:14 am - DI 84)

**Citations Affected:** IC 36-9.

**Synopsis:** County building authorities. Authorizes the municipal county seat of a county building authority to withdraw its membership from the building authority. Provides that in the case of a withdrawal, the county fiscal body appoints the trustee formerly appointed by the municipal fiscal body, and the county executive appoints the trustee formerly appointed by the municipal executive. Provides that if the building authority has any bonds or other obligations outstanding, a municipality may not withdraw from the building authority if the withdrawal will impair the ability of the building authority to pay the bonds or other obligations.

**Effective:** Upon passage.

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## Grooms

(HOUSE SPONSORS — ENGLEMAN, THOMPSON, GOODIN)

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January 3, 2018, read first time and referred to Committee on Local Government.  
January 25, 2018, amended, reported favorably — Do Pass.  
January 29, 2018, read second time, ordered engrossed. Engrossed.  
January 30, 2018, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 6, 2018, read first time and referred to Committee on Local Government.  
February 15, 2018, reported — Do Pass.

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ES 182—LS 6387/DI 75





February 16, 2018

Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 182

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 36-9-13-6.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: **Sec. 6.5. (a) Notwithstanding section 6 of this**  
4 **chapter, the municipal county seat may withdraw from the**  
5 **building authority under this section.**  
6 **(b) To withdraw from the building authority, the fiscal body of**  
7 **the municipality must do the following:**  
8 **(1) Adopt a resolution that states all of the following:**  
9 **(A) That the municipality withdraws from the building**  
10 **authority under this section.**  
11 **(B) The effective date of the withdrawal.**  
12 **(2) Send a copy of the resolution to each of the following not**  
13 **later than thirty (30) days before the effective date of the**  
14 **withdrawal:**  
15 **(A) The county executive.**  
16 **(B) The county fiscal body.**  
17 **(c) The municipal clerk shall file the following in the county**

ES 182—LS 6387/DI 75



1 recorder's office for recording in the miscellaneous records:

2 (1) A copy of the resolution.

3 (2) The municipal clerk's affidavit showing the date of  
4 adoption of the resolution by the municipal fiscal body.

5 (d) If a resolution is adopted under this section, the following  
6 apply:

7 (1) The term of office of:

8 (A) the trustee serving under section 6(a)(1) of this  
9 chapter; and

10 (B) the trustee serving under section 6(a)(4) of this  
11 chapter;

12 expires on the effective date of the withdrawal stated in the  
13 resolution, notwithstanding section 6 of this chapter.

14 (2) The county fiscal body:

15 (A) shall appoint a trustee to replace the trustee serving  
16 under section 6(a)(1) of this chapter; and

17 (B) becomes the appointing authority of the trustee  
18 provided for under section 6(a)(1) of this chapter.

19 (3) The county executive:

20 (A) shall appoint a trustee to replace the trustee serving  
21 under section 6(a)(4) of this chapter; and

22 (B) becomes the appointing authority of the trustee  
23 provided for under section 6(a)(4) of this chapter.

24 (4) The rules and bylaws governing the procedure of the  
25 trustees before the withdrawal of the municipality remain in  
26 effect until amended by the trustees after withdrawal of the  
27 municipality.

28 (e) Withdrawal of a municipality under this section does not  
29 affect any:

30 (1) liabilities incurred by; or

31 (2) benefits that accrue to;

32 the municipality due to its representation on the board before the  
33 effective date of the withdrawal.

34 (f) If the building authority has any bonds or other obligations  
35 outstanding, a municipality may not withdraw from the building  
36 authority if the withdrawal will impair the ability of the building  
37 authority to pay the bonds or other obligations.

38 SECTION 2. An emergency is declared for this act.



## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 182, 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, delete lines 5 through 23, begin a new paragraph and insert:

**"(d) If a resolution is adopted under this section, the following apply:**

**(1) The term of office of:**

**(A) the trustee serving under section 6(a)(1) of this chapter; and**

**(B) the trustee serving under section 6(a)(4) of this chapter;**

**expires on the effective date of the withdrawal stated in the resolution, notwithstanding section 6 of this chapter.**

**(2) The county fiscal body:**

**(A) shall appoint a trustee to replace the trustee serving under section 6(a)(1) of this chapter; and**

**(B) becomes the appointing authority of the trustee provided for under section 6(a)(1) of this chapter.**

**(3) The county executive:**

**(A) shall appoint a trustee to replace the trustee serving under section 6(a)(4) of this chapter; and**

**(B) becomes the appointing authority of the trustee provided for under section 6(a)(4) of this chapter.**

**(4) The rules and bylaws governing the procedure of the trustees before the withdrawal of the municipality remain in effect until amended by the trustees after withdrawal of the municipality."**

Page 2, between lines 29 and 30, begin a new paragraph and insert:

**"(f) If the building authority has any bonds or other obligations outstanding, a municipality may not withdraw from the building authority if the withdrawal will impair the ability of the building authority to pay the bonds or other obligations."**

and when so amended that said bill do pass.

(Reference is to SB 182 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 7, Nays 0.

ES 182—LS 6387/DI 75



COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 182, 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 SB 182 as printed January 26, 2018.)

ZENT

Committee Vote: Yeas 12, Nays 0

