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# SENATE BILL No. 105

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-7-14.

**Synopsis:** Redevelopment commission members. Provides that after December 31, 2012, in counties other than Marion County, at least one of the members appointed to a redevelopment commission by the municipal executive or county executive must also be a member of the school board of a school corporation within the territory served by the redevelopment commission. (Under current law, the municipal executive or county executive is required to appoint such a person as a nonvoting member.)

**Effective:** January 1, 2013.

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### Boots

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January 4, 2012, read first time and referred to Committee on Local Government.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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# SENATE BILL No. 105



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.146-2008,  
2 SECTION 723, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JANUARY 1, 2013]: Sec. 6.1. (a) The five (5)  
4 commissioners for a municipal redevelopment commission shall be  
5 appointed as follows:

6 (1) Three (3) shall be appointed by the municipal executive.  
7 (2) Two (2) shall be appointed by the municipal legislative body.  
8 ~~The municipal executive shall also appoint an individual to serve as a~~  
9 ~~nonvoting adviser to the redevelopment commission beginning July 1,~~  
10 ~~2008.~~

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

13 ~~(+) The county executive shall appoint all the members whose~~  
14 ~~terms of office begin before January 1, 2008.~~  
15 ~~(2) For terms of office beginning after December 31, 2007,~~  
16 ~~(1) The county executive shall appoint three (3) members. and~~  
17 ~~(2) The county fiscal body shall appoint two (2) members.~~



1 The county executive shall also appoint an individual to serve as a  
 2 nonvoting adviser to the redevelopment commission beginning July 1,  
 3 2008.

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

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

8 (2) For terms of office beginning after December 31, 2007,

9 (1) The county executive shall appoint four (4) members. ~~and~~

10 (2) The county fiscal body shall appoint three (3) members.

11 The county executive shall also appoint an individual to serve as a  
 12 nonvoting adviser to the redevelopment commission beginning July 1,  
 13 2008.

14 (d) ~~A nonvoting adviser~~ **After December 31, 2012, at least one (1)**  
 15 **of the members** appointed under this section **to a redevelopment**  
 16 **commission by the municipal executive or county executive**

17 (1) must also be a member of the school board of a school  
 18 corporation that includes all or part of the territory served by the  
 19 redevelopment commission.

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

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

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

28 (5) serves at the pleasure of the entity that appointed the  
 29 nonvoting adviser. ~~A member appointed under this subsection:~~

30 **(1) is a voting member of the redevelopment commission with**  
 31 **the same powers and responsibilities as the other members of**  
 32 **the redevelopment commission; and**

33 **(2) is subject to the same statutes that apply to the other**  
 34 **members of the redevelopment commission.**

35 SECTION 2. IC 36-7-14-7 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. (a) Each  
 37 redevelopment commissioner shall serve for one (1) year from the first  
 38 day of January after ~~his~~ **the commissioner's** appointment and until ~~his~~  
 39 **the commissioner's** successor is appointed and has qualified, except  
 40 that the original commissioners shall serve from the date of their  
 41 appointment until the first day of January in the second year after their  
 42 appointment. If a vacancy occurs, a successor shall be appointed in the

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1 same manner as the original commissioner, and the successor shall  
2 serve for the remainder of the vacated term.

3 (b) Each redevelopment commissioner, before beginning ~~his~~ **the**  
4 **commissioner's** duties, shall take and subscribe an oath of office in the  
5 usual form, to be endorsed on the certificate of ~~his~~ **the commissioner's**  
6 appointment, which shall be promptly filed with the clerk for the unit  
7 that ~~he~~ **the commissioner** serves.

8 (c) Each redevelopment commissioner, before beginning ~~his~~ **the**  
9 **commissioner's** duties, shall execute a bond payable to the state, with  
10 surety to be approved by the executive of the unit. The bond must be  
11 in the penal sum of fifteen thousand dollars (\$15,000) and must be  
12 conditioned on the faithful performance of the duties of ~~his~~ **the**  
13 **commissioner's** office and the accounting for all monies and property  
14 that may come into ~~his~~ **the commissioner's** hands or under ~~his~~ **the**  
15 **commissioner's** control. The cost of the bond shall be paid by the  
16 special taxing district.

17 (d) A redevelopment commissioner must be at least eighteen (18)  
18 years of age, and must be a resident of the unit that ~~he~~ **the**  
19 **commissioner** serves.

20 (e) If a commissioner ceases to be qualified under this section, ~~he~~  
21 **the commissioner** forfeits ~~his~~ **the office of commissioner.**

22 (f) Except as provided in subsection (g), redevelopment  
23 commissioners are not entitled to salaries but are entitled to  
24 reimbursement for expenses necessarily incurred in the performance of  
25 their duties.

26 (g) A redevelopment commissioner who **is not a school board**  
27 **member and who** does not otherwise hold a lucrative office for the  
28 purpose of Article 2, Section 9 of the Indiana Constitution may receive:

29 (1) a salary; or

30 (2) a per diem;

31 and is entitled to reimbursement for expenses necessarily incurred in  
32 the performance of the redevelopment commissioner's duties.

33 SECTION 3. IC 36-7-14-10, AS AMENDED BY P.L.146-2008,  
34 SECTION 724, IS AMENDED TO READ AS FOLLOWS  
35 [EFFECTIVE JANUARY 1, 2013]: Sec. 10. (a) A redevelopment  
36 commissioner ~~or a nonvoting adviser~~ appointed under section 6.1 of  
37 this chapter may not have a pecuniary interest in any contract,  
38 employment, purchase, or sale made under this chapter. However, any  
39 property required for redevelopment purposes in which a commissioner  
40 ~~or nonvoting adviser~~ has a pecuniary interest may be acquired, but only  
41 by gift or condemnation.

42 (b) A transaction made in violation of this section is void.

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