



January 25, 2013

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## SENATE BILL No. 349

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DIGEST OF SB 349 (Updated January 24, 2013 10:43 am - DI 103)

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

**Synopsis:** Municipal utility funds and economic development. Adds to the chapter in the Indiana Code concerning donations by local units of government a provision authorizing a municipal legislative body, with the approval of the board of the municipality's municipally owned utility, to donate funds from the municipally owned utility's surplus earnings to a local economic development organization, as long as certain obligations of the municipally owned utility are met before the donation is made.

**Effective:** July 1, 2013.

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### Head

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January 8, 2013, read first time and referred to Committee on Utilities.  
January 24, 2013, amended, reported favorably — Do Pass.

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SB 349—LS 6598/DI 101+



January 25, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

## SENATE BILL No. 349

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 36-1-14-1.5 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2013]: **Sec. 1.5. (a) As used in this section, "local economic  
4 development organization" includes the following:**

5 (1) **A nonprofit corporation established under state law whose  
6 primary purpose is the promotion of industrial or business  
7 development in Indiana, the retention or expansion of Indiana  
8 businesses, or the development of entrepreneurial activities in  
9 Indiana.**

10 (2) **A nonprofit educational organization whose primary  
11 purpose is educating and developing local leadership for  
12 economic development initiatives.**

13 (3) **Any similar organization, including a partnership between  
14 private enterprise and one (1) or more units, the purposes of  
15 which include:**

16 (A) **promoting development activities in one (1) or more  
17 units;**

SB 349—LS 6598/DI 101+



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- 1           **(B) coordinating local efforts to attract jobs and new**
- 2           **business investment;**
- 3           **(C) providing assistance to existing businesses to foster**
- 4           **growth and job retention; and**
- 5           **(D) sustaining and improving the quality of life in the units**
- 6           **served.**
- 7           **(b) A municipal legislative body, with the approval of the board**
- 8           **(as defined in IC 8-1.5-3-2) of the municipality's municipally owned**
- 9           **utility, may donate funds from the municipally owned utility's**
- 10          **surplus earnings (as defined in IC 8-1.5-3-11) to a local economic**
- 11          **development organization as long as terms and conditions of any**
- 12          **bond ordinance, resolution, indenture, contract under IC 8-1-2.2,**
- 13          **or similar instrument binding upon the municipally owned utility**
- 14          **are complied with before the donation is made.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Utilities, to which was referred Senate Bill No. 349, 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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 349 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 10, Nays 0.

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