

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 ENROLLED ACT No. 535

AN ACT to amend the Indiana Code concerning economic development.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 8-22-3-4, AS AMENDED BY P.L.119-2012, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as provided in subsections (b), (c), (d), (e), (f), and (g) and section 4.3 of this chapter, the board consists of four (4) members, whenever the fiscal body of an eligible entity, acting individually, establishes an authority. **Except as provided in subsection (h) and section 4.5(f) of this chapter**, the members of the board shall be appointed by the executive of the entity, and not more than two (2) members of the board may be of the same political party.

(b) In the event that two (2) cities or one (1) city and one (1) town act jointly to establish an authority under this chapter, the board consists of five (5) members. The executive of each city or town shall each appoint two (2) members to the board. The county executive shall appoint one (1) member to the board. Each member appointed by an executive must be of a different political party than the other appointed member.

(c) In the event that an authority is established by a city or town and a county, acting jointly, the board consists of six (6) members. The executive of each entity shall appoint three (3) members. Not more than two (2) members appointed by each executive may be of the same political party.

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(d) In the event that an authority was established under IC 19-6-3 (before its repeal on April 1, 1980) the board consists of five (5) members. Three (3) members of the board shall be appointed by the mayor of the city, and two (2) members of the board shall be appointed by the board of commissioners of the county. Not more than two (2) members representing the city may be members of the same political party, and not more than one (1) member representing the county may be a member of the same political party.

(e) Except as provided in section 4.1(b)(3) of this chapter, the county executive of each Indiana county that is adjacent to a county establishing an authority under this chapter and in which the authority owns real property may appoint one (1) advisory member to the board. An advisory member who is appointed under this subsection:

- (1) must be a resident of the adjacent county;
- (2) may not vote on any matter before the board;
- (3) serves at the pleasure of the appointing authority; and
- (4) serves without compensation or payment for expenses.

(f) The board of an authority established in a city having a population of more than sixteen thousand four hundred (16,400) but less than seventeen thousand (17,000) consists of five (5) members. The members of the board shall be appointed by the executive of the eligible entity, and not more than three (3) members of the board may be of the same political party.

(g) This subsection does not apply to a board subject to subsection (b), (c), (d), or (f). Notwithstanding subsection (a), the fiscal body of an eligible entity may adopt an ordinance or a resolution providing that the board consists of five (5) members. If the board consists of five (5) members, not more than three (3) members may be of the same political party.

(h) If an airport authority is established under this section by the fiscal body of Clark County, the board must consist of four (4) members. Subject to section 4.5(f) of this chapter (concerning the initial members of the board):

- (1) three (3) of the members of the board shall be appointed by the county executive of Clark County; and**
- (2) one (1) of the members of the board shall be appointed by the legislative body of the town of Sellersburg.**

The board may consist of five (5) members if the fiscal body of Clark County adopts an ordinance or resolution as provided in subsection (g). Subject to section 4.5(f) of this chapter (concerning the initial members of the board), if the board consists of five (5) members, three (3) of the members of the board shall be appointed

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by the county executive of Clark County, one (1) of the members of the board shall be appointed by the fiscal body of Clark County, and one (1) of the members of the board shall be appointed by the legislative body of the town of Sellersburg.

SECTION 2. IC 8-22-3-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. (a) This section applies only to an airport authority established under this chapter by the fiscal body of Clark County.**

(b) The following apply to the authority:

(1) The authority shall be named the South Central Regional Airport Authority.

(2) The budget and tax levies of the authority must be approved by the fiscal body of Clark County as provided in IC 6-1.1-17-20.

(3) The authority may not issue bonds or enter into a lease payable in whole or in part from property taxes unless the authority obtains the approval of the fiscal body of Clark County as provided in IC 6-1.1-17-20.5.

(c) The board must at all times maintain liability insurance coverage for the authority that provides general liability coverage in an amount determined sufficient by the board.

(d) The board must issue for each year an annual report that includes at least the following:

(1) The reports submitted to the board under section 21 of this chapter by the treasurer of the authority for the year.

(2) An audited balance sheet, an audited cash flow statement, and an audited income statement for the year.

(3) Minutes of each meeting of the board held during the year.

(4) A report of any pending or potential litigation involving the authority or the board, including a discussion of potential loss resulting from the pending or potential litigation.

(e) The board must each year present the annual report issued under subsection (d):

(1) at a public meeting of the county executive of Clark County;

(2) at a public meeting of the fiscal body of Clark County; and

(3) at a public meeting of the legislative body of the town of Sellersburg.

(f) Notwithstanding sections 4 and 5 of this chapter or any other law, the following apply to the membership of the board of the authority:

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(1) Subject to subdivision (2), the individuals serving as members of the Clark County board of aviation commissioners at the time the authority is established shall become the initial members of the board of the authority.

(2) If:

(A) the Clark County board of aviation commissioners consists of five (5) members at the time the authority is established; and

(B) the board of the authority consists of only four (4) members;

the county executive of Clark County shall determine which four (4) of the members of the Clark County board of aviation commissioners shall become the initial members of the board of the authority.

(3) The terms of the individuals who serve as the initial members of the board of the authority as provided in subdivision (1) expire on January 1 of the first calendar year that begins at least twelve (12) months after the authority is established.

(4) Upon the expiration of the terms of the individuals who serve as the initial members of the board of the authority, the members of the board shall be appointed as provided in section 4(h) of this chapter.

(g) The general assembly finds that by enacting this section and section 4(h) of this chapter, Clark County will have the opportunity to advance the economic development potential of the county through the airport authority, the military base reuse authority, and the ports of Indiana.

SECTION 3. An emergency is declared for this act.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

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