



January 30, 2002

HOUSE BILL No. 1130

DIGEST OF HB 1130 (Updated January 28, 2002 8:33 PM - DI 44)

Citations Affected: IC 5-1; IC 13-21; IC 36-7; noncode.

Synopsis: Local government matters. Requires a lease with an original term of at least five years or the bonded indebtedness of a civil taxing unit that does not have a majority of elected members to be approved by the city, town, or county fiscal body. Authorizes the executive in the largest municipality of a county to appoint an individual to serve as the executive's proxy on the county's solid waste management district board. Provides that when a community revitalization enhancement district is designated for certain purposes, the unit may spend money to develop or enhance the value of real property used for retail purposes.

Effective: July 1, 2002.

Alderman, Moses

January 8, 2002, read first time and referred to Committee on Rules and Legislative Procedures.
January 29, 2002, amended, reported — Do Pass.

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January 30, 2002

Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

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HOUSE BILL No. 1130

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 5-1-14-15 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2002]: **Sec. 15. (a) This section applies only to a civil taxing unit
4 (as defined in IC 6-3.5-1.1-1) that:**
5 (1) has a governing body that is not comprised of a majority
6 of officials who are elected to serve on the governing body of
7 the civil taxing unit; and
8 (2) is not a special taxing district located in a consolidated city
9 subject to IC 36-3-5-8.
10 (b) Notwithstanding any other law, a civil taxing unit must
11 request and obtain approval to incur bonded indebtedness on
12 bonds (as defined in IC 36-1-2-2) or enter into a lease with an
13 original term of at least five (5) years from the appropriate fiscal
14 body described under subsection (c) or (d) before:
15 (1) incurring the bonded indebtedness or executing the lease;
16 and
17 (2) requesting that the department of local government

HB 1130—LS 7074/DI 92+



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finance approve the bonded indebtedness or lease.

(c) If:

(1) the assessed valuation of a civil taxing unit is entirely contained within a city or town; or

(2) the assessed valuation of a civil taxing unit is not entirely contained within a city or town, but the civil taxing unit was originally established by the city or town;

the governing body of the civil taxing unit must obtain approval to incur the bonded indebtedness or execute a lease described in subsection (b) from the fiscal body of the city or town.

(d) If subsection (c) does not apply, the governing body of the civil taxing unit must obtain approval to incur the bonded indebtedness or to execute a lease described in subsection (b) from the county fiscal body in the county where the civil taxing unit has the most assessed valuation.

SECTION 2. IC 13-21-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) Except as provided in subsections (b) through (d), the board of a county district consists of the following members:

(1) Two (2) members appointed by the county executive from the membership of the county executive.

(2) One (1) member appointed by the county fiscal body from the membership of the fiscal body.

(3) One (1) member:

(A) who is the executive of the municipality having the largest population in the county if that municipality is a city; or

(B) appointed from the membership of the legislative body of a town if the town is the municipality having the largest population in the county.

The executive of a municipality described in clause (A) may appoint an individual to act as the executive's proxy on the board.

(4) One (1) member of the legislative body of the municipality with the largest population in the county appointed by the legislative body of that municipality.

(5) One (1) member:

(A) who is the executive of a city in the county that is not the municipality having the largest population in the county; or

(B) who is a member of the legislative body of a town that is not the municipality having the largest population in the county;

and who is appointed by the executive of that county to represent

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1 the municipalities in the county other than the municipality
 2 having the largest population.
 3 (6) One (1) additional member appointed by the county executive
 4 from the membership of the county executive.
 5 (b) If a county having a population of more than four hundred
 6 thousand (400,000) but less than seven hundred thousand (700,000) is
 7 designated as a county district, the executives of the three (3) cities in
 8 the county having the largest populations each serve as a member of
 9 the board or may appoint a member of the legislative body of their city
 10 to serve as a member of the board. If a county having a population of
 11 more than two hundred thousand (200,000) but less than three hundred
 12 thousand (300,000) is designated as a county district, the executives of
 13 the two (2) cities in the county having the largest populations each
 14 serve as a member of the board. If a county having a population of
 15 more than two hundred thousand (200,000) but less than three hundred
 16 thousand (300,000) is designated as a county district, the board of that
 17 county district must include the following:
 18 (1) One (1) member of the legislative body of the city having the
 19 second largest population in the county, appointed by the
 20 president of the city legislative body.
 21 (2) One (1) member of the legislative body of a town located in
 22 the county, appointed by the judge of the circuit court in the
 23 county.
 24 (c) If a county having a consolidated city is designated a county
 25 district, the board of public works established under IC 36-3-5-6
 26 constitutes the board of the county district.
 27 (d) If a county designated as a county district has a population of
 28 more than four hundred thousand (400,000) but less than seven
 29 hundred thousand (700,000), the board of the district consists of the
 30 following members:
 31 (1) One (1) member appointed by the county executive from the
 32 membership of the county executive.
 33 (2) Two (2) members appointed from the county fiscal body
 34 appointed from the membership of the county fiscal body.
 35 (3) The executive of each second or third class city or a member
 36 of the legislative body of their city appointed by the executive.
 37 (4) One (1) member of the legislative body of each town
 38 appointed by the legislative body.
 39 (5) One (1) member of the legislative body of the municipality
 40 with the largest population in the county appointed by the
 41 legislative body of that municipality.
 42 (6) If a local government unit in the county has an operating final

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1 disposal facility located within the unit's jurisdiction, one (1)
2 member of the unit's board of public works appointed by the
3 board of public works.

4 SECTION 3. IC 36-7-13-3 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) For purposes of
6 this chapter, "improve" means to construct, reconstruct, or repair public
7 ways, sidewalks, sewers, drains, fences, or buildings, and to do all other
8 things that would enhance the value of real property and make it more
9 suitable to industrial use.

10 (b) A unit may acquire by purchase, gift, or devise, and own,
11 improve, maintain, sell, lease, convey, contract for, or otherwise deal
12 in, real property for the development of industrial parks or industrial
13 sites.

14 (c) A municipality may exercise powers granted by subsection (b)
15 in areas within five (5) miles outside its corporate boundaries.

16 **(d) When a district is designated under section 12(e) of this**
17 **chapter, the unit may expend funds for the purposes set forth in**
18 **subsections (a) and (b) to:**

- 19 (1) develop; or
20 (2) enhance the value of;
21 **real property used for retail purposes.**

22 SECTION 4. [EFFECTIVE JULY 1, 2002] **IC 5-1-14-15, as added**
23 **by this act, applies only to bonded indebtedness, including the**
24 **refinancing of a bonded indebtedness, and leases for which an**
25 **initial public notice of the proposed bond issue or lease is published**
26 **after December 31, 2002.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1130, 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:

Delete the title and insert the following:

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

Page 2, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 2. IC 13-21-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) Except as provided in subsections (b) through (d), the board of a county district consists of the following members:

- (1) Two (2) members appointed by the county executive from the membership of the county executive.
- (2) One (1) member appointed by the county fiscal body from the membership of the fiscal body.
- (3) One (1) member:
 - (A) who is the executive of the municipality having the largest population in the county if that municipality is a city; or
 - (B) appointed from the membership of the legislative body of a town if the town is the municipality having the largest population in the county.

The executive of a municipality described in clause (A) may appoint an individual to act as the executive's proxy on the board.

- (4) One (1) member of the legislative body of the municipality with the largest population in the county appointed by the legislative body of that municipality.
- (5) One (1) member:
 - (A) who is the executive of a city in the county that is not the municipality having the largest population in the county; or
 - (B) who is a member of the legislative body of a town that is not the municipality having the largest population in the county;

and who is appointed by the executive of that county to represent the municipalities in the county other than the municipality having the largest population.

- (6) One (1) additional member appointed by the county executive from the membership of the county executive.

(b) If a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is

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designated as a county district, the executives of the three (3) cities in the county having the largest populations each serve as a member of the board or may appoint a member of the legislative body of their city to serve as a member of the board. If a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) is designated as a county district, the executives of the two (2) cities in the county having the largest populations each serve as a member of the board. If a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) is designated as a county district, the board of that county district must include the following:

(1) One (1) member of the legislative body of the city having the second largest population in the county, appointed by the president of the city legislative body.

(2) One (1) member of the legislative body of a town located in the county, appointed by the judge of the circuit court in the county.

(c) If a county having a consolidated city is designated a county district, the board of public works established under IC 36-3-5-6 constitutes the board of the county district.

(d) If a county designated as a county district has a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the board of the district consists of the following members:

(1) One (1) member appointed by the county executive from the membership of the county executive.

(2) Two (2) members appointed from the county fiscal body appointed from the membership of the county fiscal body.

(3) The executive of each second or third class city or a member of the legislative body of their city appointed by the executive.

(4) One (1) member of the legislative body of each town appointed by the legislative body.

(5) One (1) member of the legislative body of the municipality with the largest population in the county appointed by the legislative body of that municipality.

(6) If a local government unit in the county has an operating final disposal facility located within the unit's jurisdiction, one (1) member of the unit's board of public works appointed by the board of public works.

SECTION 3. IC 36-7-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) For purposes of this chapter, "improve" means to construct, reconstruct, or repair public

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ways, sidewalks, sewers, drains, fences, or buildings, and to do all other things that would enhance the value of real property and make it more suitable to industrial use.

(b) A unit may acquire by purchase, gift, or devise, and own, improve, maintain, sell, lease, convey, contract for, or otherwise deal in, real property for the development of industrial parks or industrial sites.

(c) A municipality may exercise powers granted by subsection (b) in areas within five (5) miles outside its corporate boundaries.

(d) When a district is designated under section 12(e) of this chapter, the unit may expend funds for the purposes set forth in subsections (a) and (b) to:

(1) develop; or

(2) enhance the value of;

real property used for retail purposes."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1130 as introduced.)

MOSES, Chair

Committee Vote: yeas 8, nays 0.

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