



January 24, 2020

SENATE BILL No. 367

DIGEST OF SB 367 (Updated January 23, 2020 12:54 pm - DI 133)

Citations Affected: IC 36-7.5; IC 36-7.6.

Synopsis: Regional development authorities. Specifies that the open door law and access to public records act apply to a regional development authority and the authority's governing board.

Effective: July 1, 2020.

Niemeyer, Bohacek

January 13, 2020, read first time and referred to Committee on Local Government.
January 23, 2020, reported favorably — Do Pass.

SB 367—LS 6252/DI 87



January 24, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 367

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 36-7.5-2-6, AS AMENDED BY P.L.192-2015,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 6. **(a) The development authority is a public
4 agency for purposes of IC 5-14-1.5 and IC 5-14-3. The development
5 board is a governing body for purposes of IC 5-14-1.5.**
6 ~~(a)~~ **(b)** The development board shall meet at least quarterly.
7 ~~(b)~~ **(c)** The chair of the development board or any two (2) members
8 of the development board may call a special meeting of the
9 development board.
10 ~~(c)~~ **(d)** Five (5) members of the development board constitute a
11 quorum. However, if the county described in section 3(e) of this
12 chapter is an eligible county participating in the development authority,
13 six (6) members of the development board constitute a quorum.
14 ~~(d)~~ **(e)** The affirmative votes of at least five (5) members of the
15 development board are necessary to authorize any action of the
16 development authority. However, if the county described in section
17 3(e) of this chapter is an eligible county participating in the

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1 development authority, the affirmative votes of at least six (6) members
 2 of the development board are necessary to authorize any action of the
 3 development authority.

4 ~~(e)~~ (f) Notwithstanding any other provision of this article, the
 5 minimum number of affirmative votes required under subsection ~~(d)~~ (e)
 6 to take any of the following actions must include the affirmative vote
 7 of the member appointed by the governor who is not nominated under
 8 section 3(d) or 3(f) of this chapter:

9 (1) Making loans, loan guarantees, or grants or providing any
 10 other funding or financial assistance for projects.

11 (2) Acquiring or condemning property.

12 (3) Entering into contracts.

13 (4) Employing an executive director or any consultants or
 14 technical experts.

15 (5) Issuing bonds or entering into a lease of a project.

16 ~~(f)~~ (g) A member of the board may not:

17 (1) designate another individual to attend a board meeting on
 18 behalf of the member in the member's absence; or

19 (2) allow another member of the board to cast a proxy vote on
 20 behalf of the member in the member's temporary absence from a
 21 meeting.

22 SECTION 2. IC 36-7.6-2-11, AS ADDED BY P.L.232-2007,
 23 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2020]: Sec. 11. (a) **A development authority is a public
 25 agency for purposes of IC 5-14-1.5 and IC 5-14-3. A development
 26 board is a governing body for purposes of IC 5-14-1.5.**

27 ~~(a)~~ (b) A development board shall meet at least quarterly.

28 ~~(b)~~ (c) The chair of a development board or any two (2) members of
 29 a development board may call a special meeting of the development
 30 board.

31 ~~(c)~~ (d) A majority of the appointed members of a development
 32 board constitutes a quorum.

33 ~~(d)~~ (e) The affirmative votes of at least a majority of the appointed
 34 members of a development board are necessary to authorize any action
 35 of the development authority.



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 367, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 367 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 9, Nays 0

