

IC 36-1-14
Chapter 14. Donations

IC 36-1-14-1
Requirements for donations to foundations; exception

Sec. 1. (a) This section does not apply to donations of gaming revenue to a public school endowment corporation under IC 20-47-1-3.

(b) As used in this section, "gaming revenue" means either of the following:

- (1) Tax revenue received by a unit under IC 4-33-12-6, IC 4-33-13, or an agreement to share a city's or county's part of the tax revenue.
- (2) Revenue received by a unit under IC 4-35-8.5 or an agreement to share revenue received by another unit under IC 4-35-8.5.

(c) Notwithstanding IC 8-1.5-2-6(d), a unit may donate the proceeds from the sale of a utility or facility or from a grant, a gift, a donation, an endowment, a bequest, a trust, or gaming revenue to a foundation under the following conditions:

- (1) The foundation is a charitable nonprofit community foundation.
- (2) The foundation retains all rights to the donation, including investment powers.
- (3) The foundation agrees to do the following:
 - (A) Hold the donation as a permanent endowment.
 - (B) Distribute the income from the donation only to the unit as directed by resolution of the fiscal body of the unit.
 - (C) Return the donation to the general fund of the unit if the foundation:
 - (i) loses the foundation's status as a public charitable organization;
 - (ii) is liquidated; or
 - (iii) violates any condition of the endowment set by the fiscal body of the unit.

As added by P.L.313-1995, SEC.1. Amended by P.L.17-2000, SEC.2; P.L.1-2005, SEC.236; P.L.231-2005, SEC.51; P.L.1-2006, SEC.558; P.L.2-2006, SEC.190; P.L.142-2009, SEC.32.

IC 36-1-14-1.5
Surplus earnings of municipally owned utilities; donation to local economic development organizations; qualifying municipalities; existing obligations

Sec. 1.5. (a) This section applies to a municipality that meets both of the following:

- (1) The municipality has a municipally owned utility that has donated funds of the municipally owned utility to a local economic development organization before July 1, 2012.
- (2) The municipality is a city having a population of more than eleven thousand (11,000) but less than eleven thousand four

hundred fifty (11,450).

(b) As used in this section, "local economic development organization" includes the following:

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

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

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

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

(B) coordinating local efforts to attract jobs and new business investment;

(C) providing assistance to existing businesses to foster growth and job retention; and

(D) sustaining and improving the quality of life in the units served.

(c) A municipal legislative body, with the approval of the board (as defined in IC 8-1.5-3-2) of the municipality's municipally owned utility, may donate funds from the municipally owned utility's surplus earnings (as defined in IC 8-1.5-3-11) to a local economic development organization as long as the terms and conditions of any bond ordinance, resolution, indenture, contract under IC 8-1-2.2, or similar instrument binding upon the municipally owned utility are complied with before the donation is made.

As added by P.L.226-2013, SEC.1.

IC 36-1-14-2

Income from community foundation

Sec. 2. A unit may use income received under this chapter from a community foundation only for purposes of the unit.

As added by P.L.313-1995, SEC.1.