

February 18, 1998

ENGROSSED SENATE BILL No. 181

DIGEST OF SB 181 (Updated February 17, 1998 1:21 pm - DI 94)

Citations Affected: IC 36-9; IC 36-10; noncode.

Synopsis: Membership of local boards and authorities. Requires that a member of a town park and recreation board be a resident of the park and recreation district. Permits a person designated by the governing body of a school corporation to serve as an ex officio member of a town park and recreation board if the creating ordinance provides for the appointment of ex officio members. Regional transportation authority board membership. Reconstitutes the membership of a regional transportation authority that includes Lake County to be composed of the following members: (1) Four members appointed by the mayor of Gary. (2) Three members appointed by the mayor of Hammond. (3) Two members appointed by the mayor of East Chicago. (4) One member appointed by the executive of any other municipality within the transportation planning district that provides public transportation or that meets the membership requirements established by the
(Continued next page)

Effective: July 1, 1998.

Lanane, Gard

(HOUSE SPONSOR — WEBBER)

January 6, 1998, read first time and referred to Committee on Governmental and Regulatory Affairs.

January 29, 1998, reported favorably — Do Pass.

February 2, 1998, read second time, ordered engrossed. Engrossed.

February 3, 1998, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 10, 1998, read first time and referred to Committee on Local Government.

February 17, 1998, amended, reported — Do Pass.

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transportation authority. (5) One member appointed by the governor. Provides that the member of the authority appointed by the governor shall preside over the board until the election of officers for the board has been completed. Provides that the term of office of any member appointed before July 1, 1998, expires September 30, 1998. Requires the appointing authorities to make the new appointments before September 1, 1998. Provides that the new members take office and must meet on October 1, 1998.

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February 18, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

ENGROSSED SENATE BILL No. 181

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 36-9-3-5, AS AMENDED BY P.L.235-1997,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 5. (a) An authority is under the control of a board
4 (referred to as "the board" in this chapter) that, except as provided in
5 subsections (b) and (c), consists of:
6 (1) two (2) members appointed by the executive of each county in
7 the authority;
8 (2) one (1) member appointed by the executive of the largest
9 municipality in each county in the authority;
10 (3) one (1) member appointed by the executive of each second
11 class city in a county in the authority; and
12 (4) one (1) member from any other political subdivision that has
13 public transportation responsibilities in a county in the authority.
14 (b) An authority that includes a consolidated city is under the
15 control of a board consisting of the following:

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- 1 (1) Two (2) members appointed by the executive of the county
- 2 having the consolidated city.
- 3 (2) One (1) member appointed by the board of commissioners of
- 4 the county having the consolidated city.
- 5 (3) One (1) member appointed by the executive of each other
- 6 county in the authority.
- 7 (4) Two (2) members appointed by the governor from a list of at
- 8 least five (5) names provided by the Indianapolis regional
- 9 transportation council.
- 10 (5) One (1) member representing the four (4) largest
- 11 municipalities in the authority located in a county other than a
- 12 county containing a consolidated city. The member shall be
- 13 appointed by the executives of the municipalities acting jointly.
- 14 (6) One (1) member representing the excluded cities located in a
- 15 county containing a consolidated city that are members of the
- 16 authority. The member shall be appointed by the executives of the
- 17 excluded cities acting jointly.
- 18 (7) One (1) member of a labor organization representing
- 19 employees of the authority who provide public transportation
- 20 services within the geographic jurisdiction of the authority. The
- 21 labor organization shall appoint the member.
- 22 (c) An authority that includes a county having more than two (2)
- 23 second class cities is under the control of a board consisting of:
- 24 **(1) four (4) members appointed by the executive of the city**
- 25 **with the largest population within the transportation planning**
- 26 **district that provides public transportation through:**
- 27 **(A) the municipality; or**
- 28 **(B) a public transportation corporation;**
- 29 **(2) three (3) members appointed by the executive of the city**
- 30 **with the second largest population within the transportation**
- 31 **planning district that provides public transportation through:**
- 32 **(A) the municipality; or**
- 33 **(B) a public transportation corporation;**
- 34 **(3) two (2) members appointed by the executive of the**
- 35 **municipality with the third largest population within the**
- 36 **transportation planning district that provides public**
- 37 **transportation through:**
- 38 **(A) the municipality; or**
- 39 **(B) a public transportation corporation;**
- 40 **(4) one (1) member appointed by the executive of each**
- 41 **additional municipality within the transportation planning**
- 42 **district that:**

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(A) provides public transportation through:

- (i) the municipality; or
- (ii) a public transportation corporation; or

(B) meets the membership requirements established by the regional transportation authority for membership on the authority; and

(+) (5) one (1) person member appointed by the governor who must be a resident of the transportation planning district that contains the authority. and

(2) for each county in the authority:

- (A) one (+) member appointed by the executive of each of the three (3) largest cities;
- (B) one (+) member appointed by the executives of the next four (4) largest municipalities acting jointly;
- (C) one (+) member appointed by the executives of all other municipalities acting jointly;
- (D) one (+) member appointed by the county executive who may be a member of the executive;
- (E) one (+) member appointed by the county fiscal body who may be a member of the fiscal body; and
- (F) the county surveyor or a person appointed by the surveyor.

SECTION 2. IC 36-9-3-7, AS AMENDED BY P.L.235-1997, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. (a) As soon as is practical, but not later than ninety (90) days after the authority is established, the members shall meet and organize themselves as a board. If the authority includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the member appointed by the county fiscal body governor shall call and preside over the first meeting of the board until the election of the required board officers has been completed.

(b) At its first meeting, and annually after that, the board shall elect from its members a president, a vice president who shall perform the duties of the president during the absence or disability of the president, a secretary, and a treasurer. If the authority includes more than one (1) county, the president and vice president must be from different counties.

(c) The regional planning commission staff or the metropolitan planning organization if the authority includes a consolidated city shall serve as staff to the board secretary for the purpose of recording the minutes of all board meetings and keeping the records of the authority.

(d) The board shall keep its maps, plans, documents, records, and



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1 accounts in a suitable office, subject to public inspection at all
2 reasonable times.

3 SECTION 3. IC 36-10-3-4, AS AMENDED BY P.L.2-1995,
4 SECTION 138, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) A municipal board consists
6 of four (4) members to be appointed by the executive of the
7 municipality. The members shall be appointed on the basis of their
8 interest in and knowledge of parks and recreation, but no more than
9 two (2) members may be affiliated with the same political party.
10 **Members of a town board must be residents of the district.** In
11 addition, the creating ordinance may provide for one (1) or two (2) ex
12 officio members, those being:

13 (1) a member:

14 (A) of the governing body of the school corporation selected
15 by that body; or

16 (B) **designated by the governing body of the school**
17 **corporation if the board is in a town;**

18 (2) a member of the governing body of the library district selected
19 by that body; or

20 (3) both (1) and (2).

21 (b) A county board shall be appointed as follows:

22 (1) Two (2) members shall be appointed by the judge of the
23 circuit court.

24 (2) One (1) member shall be appointed by the county executive.

25 (3) Two (2) members shall be appointed by the county fiscal
26 body.

27 The members appointed under subdivisions (1), (2), and (3) shall be
28 appointed on the basis of their interest in and knowledge of parks and
29 recreation, but no more than one (1) member appointed under
30 subdivisions (1) and (3) may be affiliated with the same political party.
31 In a county having at least one (1) first or second class city, the creating
32 ordinance must provide for one (1) ex officio board member to be
33 appointed by the executive of that city. The member appointed by the
34 city executive must be affiliated with a different political party than the
35 member appointed by the county executive. However, if a county has
36 more than one (1) such city, the executives of those cities shall agree
37 on the member. The member serves for a term coterminous with the
38 term of the appointing executive or executives.

39 (c) Ex officio members have all the rights of regular members,
40 including the right to vote. A vacancy in an ex officio position shall be
41 filled by the appointing authority.

42 (d) Neither a municipal executive nor a member of a county fiscal



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1 body, county executive, or municipal fiscal body may serve on a board.

2 (e) The creating ordinance in any county may provide for:

3 (1) the county cooperative extension coordinator;

4 (2) the county extension educator; or

5 (3) a member of the county extension committee selected by the
6 committee;

7 to serve as an ex officio member of the county board, in addition to the
8 members provided for under subsection (b).

9 (f) The creating ordinance in a county having no first or second
10 class cities may provide for a member of the county board to be
11 selected by the board of supervisors of a soil and water conservation
12 district in which a facility of the county board is located. The member
13 selected under this subsection is in addition to the members provided
14 for under subsections (b) and (e).

15 **SECTION 4. [EFFECTIVE JULY 1, 1998] (a) Notwithstanding**
16 **IC 36-9-3-6, the term of a member of a regional transportation**
17 **authority that includes a county having a population of more than**
18 **four hundred thousand (400,000) but less than seven hundred**
19 **thousand (700,000) who was appointed before July 1, 1998, expires**
20 **September 30, 1998. Each appointing authority authorized by**
21 **IC 36-9-3-5, as amended by this act, to make an appointment to a**
22 **regional transportation authority that includes a county having a**
23 **population of more than four hundred thousand (400,000) but less**
24 **than seven hundred thousand (700,000) shall make the**
25 **appointment to the regional transportation authority before**
26 **September 1, 1998.**

27 (b) Notwithstanding IC 36-9-3-7, members appointed under
28 IC 36-9-3-5, as amended by this act, shall take office and meet as
29 a board on October 1, 1998.

30 (c) This SECTION expires January 1, 2005.

31 **SECTION 5. [EFFECTIVE JULY 1, 1998]: (a) Notwithstanding**
32 **IC 36-10-3-4, as amended by this act, a member of a town board**
33 **who is not a resident of the district may finish the remainder of the**
34 **member's current unexpired term. At the conclusion of the**
35 **member's current term, the appointing authority shall appoint a**
36 **member to the town board who meets the requirements of**
37 **IC 36-10-3-4(a), as amended by this act.**

38 (b) This SECTION expires December 31, 2004.

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SENATE MOTION

Mr. President: I move that Senator Gard be added as second author of Senate Bill 181.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill 181, 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 made to Senate Bill 181 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 10, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 181, 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:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-9-3-5, AS AMENDED BY P.L.235-1997, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) An authority is under the control of a board (referred to as "the board" in this chapter) that, except as provided in subsections (b) and (c), consists of:

- (1) two (2) members appointed by the executive of each county in the authority;
- (2) one (1) member appointed by the executive of the largest municipality in each county in the authority;
- (3) one (1) member appointed by the executive of each second class city in a county in the authority; and
- (4) one (1) member from any other political subdivision that has public transportation responsibilities in a county in the authority.

(b) An authority that includes a consolidated city is under the control of a board consisting of the following:

- (1) Two (2) members appointed by the executive of the county having the consolidated city.
- (2) One (1) member appointed by the board of commissioners of the county having the consolidated city.
- (3) One (1) member appointed by the executive of each other county in the authority.
- (4) Two (2) members appointed by the governor from a list of at least five (5) names provided by the Indianapolis regional transportation council.
- (5) One (1) member representing the four (4) largest municipalities in the authority located in a county other than a county containing a consolidated city. The member shall be appointed by the executives of the municipalities acting jointly.
- (6) One (1) member representing the excluded cities located in a county containing a consolidated city that are members of the authority. The member shall be appointed by the executives of the excluded cities acting jointly.
- (7) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The

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labor organization shall appoint the member.

(c) An authority that includes a county having more than two (2) second class cities is under the control of a board consisting of:

(1) four (4) members appointed by the executive of the city with the largest population within the transportation planning district that provides public transportation through:

(A) the municipality; or

(B) a public transportation corporation;

(2) three (3) members appointed by the executive of the city with the second largest population within the transportation planning district that provides public transportation through:

(A) the municipality; or

(B) a public transportation corporation;

(3) two (2) members appointed by the executive of the municipality with the third largest population within the transportation planning district that provides public transportation through:

(A) the municipality; or

(B) a public transportation corporation;

(4) one (1) member appointed by the executive of each additional municipality within the transportation planning district that:

(A) provides public transportation through:

(i) the municipality; or

(ii) a public transportation corporation; or

(B) meets the membership requirements established by the regional transportation authority for membership on the authority; and

(†) (5) one (1) person member appointed by the governor who must be a resident of the transportation planning district that contains the authority. and

(‡) for each county in the authority:

(A) one (1) member appointed by the executive of each of the three (3) largest cities;

(B) one (1) member appointed by the executives of the next four (4) largest municipalities acting jointly;

(C) one (1) member appointed by the executives of all other municipalities acting jointly;

(D) one (1) member appointed by the county executive who may be a member of the executive;

(E) one (1) member appointed by the county fiscal body who may be a member of the fiscal body; and

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~~(F) the county surveyor or a person appointed by the surveyor.~~

SECTION 2. IC 36-9-3-7, AS AMENDED BY P.L.235-1997, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. (a) As soon as is practical, but not later than ninety (90) days after the authority is established, the members shall meet and organize themselves as a board. If the authority includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the member appointed by the ~~county fiscal body~~ **governor** shall call and preside over the first meeting of the board until the election of the required board officers has been completed.

(b) At its first meeting, and annually after that, the board shall elect from its members a president, a vice president who shall perform the duties of the president during the absence or disability of the president, a secretary, and a treasurer. If the authority includes more than one (1) county, the president and vice president must be from different counties.

(c) The regional planning commission staff or the metropolitan planning organization if the authority includes a consolidated city shall serve as staff to the board secretary for the purpose of recording the minutes of all board meetings and keeping the records of the authority.

(d) The board shall keep its maps, plans, documents, records, and accounts in a suitable office, subject to public inspection at all reasonable times."

Page 2, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JULY 1, 1998] (a) Notwithstanding IC 36-9-3-6, the term of a member of a regional transportation authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) who was appointed before July 1, 1998, expires September 30, 1998. Each appointing authority authorized by IC 36-9-3-5, as amended by this act, to make an appointment to a regional transportation authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) shall make the appointment to the regional transportation authority before September 1, 1998.

(b) Notwithstanding IC 36-9-3-7, members appointed under IC 36-9-3-5, as amended by this act, shall take office and meet as a board on October 1, 1998.

(c) This SECTION expires January 1, 2005."



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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to Senate Bill 181 as printed January 30, 1998.)

STEVENSON, Chair

Committee Vote: yeas 12, nays 0.

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