

## ENGROSSED SENATE BILL No. 181

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DIGEST OF SB 181 (Updated February 20, 1998 7:09 pm - DI 93)

**Citations Affected:** IC 8-10; IC 16-22; IC 36-9; IC 36-10; noncode.

**Synopsis:** Membership of local boards and authorities. Requires that three members of the Indiana port commission must be residents of counties in which ports under the jurisdiction of the commission are located. (Currently Clark, Porter, and Posey counties.) Requires that one member of the port commission must be a resident of the county with the largest population in the state. (Currently Marion County.) Requires that one member of the port commission must be a resident of the county with the second largest population in the state. (Currently Lake County.) Requires that the port commission must have two members from geographic regions of the state that are not already represented on the board. Requires the governor to replace members of the port commission, as their terms expire, with new members according to the following order: (1) the member from Clark County; (2) the member from Porter County; (3) the member from Posey  
(Continued next page)

**Effective:** July 1, 1998.

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### Lanane, Gard

(HOUSE SPONSOR — WEBBER)

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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.

February 20, 1998, read second time, amended, ordered engrossed.

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County; (4) the member from the county with the largest population; (5) the member from the county with the second largest population; (6) the member from a geographic region not already represented on the port commission; and (7) the member from a geographic region not already represented on the port commission. 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 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. (6) One member of a labor organization appointed by the labor organization representing employees of the authority. 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. Sets forth the procedures for reducing the size of a county hospital governing board in Hendricks county until July 1, 1999. Allows an area plan commission that existed before May 12, 1997 to operate until January 1, 1999 as it did before the enactment of P.L. 225-1997. Repeals section specifying the composition for a county hospital governing board in Hendricks county.

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Reprinted  
February 23, 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 8-10-1-3 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) There is hereby created a  
3 commission ~~to be~~ known as the "Indiana port commission" and by that  
4 name the commission may sue and be sued, and plead and be  
5 impleaded. The commission ~~hereby created~~ is a body both corporate  
6 and politic in the state of Indiana, and the exercise by the commission  
7 of the powers conferred by this chapter in the construction, operation  
8 and maintenance of a port project shall be deemed and held to be  
9 essential governmental functions of the state, but the commission ~~shall~~  
10 **is not however be** immune from liability. ~~by reason thereof.~~  
11 (b) The commission shall consist of seven (7) members, appointed  
12 by the governor, no more than four (4) of whom ~~shall may~~ be members  
13 of the same political party. The members ~~shall of the commission~~  
14 **must** be residents of the state ~~and shall have been, and must be~~  
15 qualified electors ~~therein of the state~~ for a period of at least five (5)

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1 years next preceding their appointment. **The membership of the**  
 2 **commission consists of:**

3 (1) one (1) member appointed from a county having a  
 4 population of more than eighty-five thousand (85,000) but less  
 5 than eighty-eight thousand (88,000) in which a port over  
 6 which the commission has jurisdiction is located;

7 (2) one (1) member appointed from a county having a  
 8 population of more than one hundred twenty-five thousand  
 9 (125,000) but less than one hundred twenty-nine thousand  
 10 (129,000) in which a port over which the commission has  
 11 jurisdiction is located;

12 (3) one (1) member appointed from a county having a  
 13 population of more than twenty-five thousand nine hundred  
 14 fifty (25,950) but less than twenty-six thousand (26,000) in  
 15 which a port over which the commission has jurisdiction is  
 16 located;

17 (4) one (1) member appointed from the county with the  
 18 largest population in the state;

19 (5) one (1) member appointed from the county with the second  
 20 largest population in the state; and

21 (6) two (2) members appointed from geographic regions of the  
 22 state that are not already represented on the commission.

23 The members of the commission first appointed shall continue in office  
 24 for **four (4) year** terms expiring, in the case of two (2) members, on  
 25 July 1, 1962, and in the case of three (3) members, on July 1, 1963,  
 26 July 1, 1964, and July 1, 1965 and the first two (2) members appointed  
 27 after January 1, 1975, shall continue in office for terms expiring July  
 28 1, 1977 for one (1) member and July 1, 1979 for the other member,  
 29 respectively; and until their respective successors shall be **are** duly  
 30 appointed and qualified. The term of any member of the commission  
 31 first appointed shall be designated by the governor. The successor of  
 32 each such member shall be appointed for a term of four (4) years;  
 33 except that any A person appointed to fill a vacancy shall be appointed  
 34 to **may** serve only for the unexpired term. **and** A member of the  
 35 commission shall be **is** eligible for reappointment. The governor may  
 36 at any time remove any member of the commission for misfeasance,  
 37 nonfeasance, or malfeasance in office.

38 (c) The members of the commission shall, within ten (10) days after  
 39 their appointment, meet and qualify by subscribing an oath to discharge  
 40 honestly and faithfully the duties of their office as members of **such the**  
 41 commission. The commission shall **thereafter** elect one (1) of the  
 42 members as chairman and another as vice chairman, and shall appoint



1 a secretary-treasurer who need not be a member of the commission.

2 (d) Four (4) members of the commission ~~shall~~ constitute a quorum  
3 and the affirmative vote of four (4) members ~~shall be is~~ necessary for  
4 any official action taken by the commission. ~~No~~ A vacancy in the  
5 membership of the commission ~~shall does not~~ impair the rights of a  
6 quorum to exercise all the rights and perform all the duties of the  
7 commission.

8 (e) Before the issuance of any port revenue bonds under the  
9 provisions of this chapter, each appointed member of the commission  
10 shall give a surety bond to the state in the penal sum of twenty-five  
11 thousand dollars (\$25,000), and the secretary-treasurer shall give a  
12 surety bond to the state in the penal sum of fifty thousand dollars  
13 (\$50,000), **with** each such surety bond to be:

- 14 (1) conditioned upon the faithful performance of the duties of the  
15 office; ~~to be~~  
16 (2) executed by a surety company authorized to transact business  
17 in the state as surety; ~~and to be~~  
18 (3) approved by the governor; and  
19 (4) filed in the office of the secretary of state.

20 (f) Each appointed member of the commission shall receive an  
21 annual salary of seven thousand five hundred dollars (\$7,500), payable  
22 in monthly ~~instalments: installments~~. However, ~~no members a~~  
23 **member** of ~~such the~~ commission as appointed hereunder shall **may**  
24 **not** receive any salary except a per diem as fixed and approved by the  
25 budget director until ~~said the~~ commission is able to carry on the full  
26 operations as intended by this chapter. ~~and~~ The budget director, subject  
27 to the approval of the governor, ~~of the state of Indiana~~, shall determine  
28 when ~~said~~ salaries for ~~said the~~ commission members shall commence.  
29 ~~The governor shall; however, appoint said members as herein provided~~  
30 ~~within a period of sixty (60) days following the effective date of this~~  
31 ~~chapter~~. Each member shall be reimbursed for ~~his the member's~~ actual  
32 expenses necessarily incurred in the performance of ~~his the member's~~  
33 duties.

34 (g) All expenses incurred in carrying out ~~the provisions of~~ this  
35 chapter ~~shall be are~~ payable solely from funds provided under ~~the~~  
36 ~~authority of~~ this chapter. ~~and no~~ A liability or an obligation ~~shall may~~  
37 **not** be incurred by the commission ~~hereunder under this chapter~~  
38 beyond the extent to which ~~moneys shall have money has~~ been  
39 provided under ~~the authority of~~ this chapter.

40 SECTION 2. [EFFECTIVE JULY 1, 1998]: (a) **Notwithstanding**  
41 **IC 8-10-1-3, as amended by this act, as the terms of the current**  
42 **members expire, the governor shall appoint the members of the**

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1 **Indiana port commission in the following order:**

2 (1) One (1) member appointed from a county having a  
3 population of more than eighty-five thousand (85,000) but less  
4 than eighty-eight thousand (88,000) in which a port over  
5 which the commission has jurisdiction is located.

6 (2) One (1) member appointed from a county having a  
7 population of more than one hundred twenty-five thousand  
8 (125,000) but less than one hundred twenty-nine thousand  
9 (129,000) in which a port over which the commission has  
10 jurisdiction is located.

11 (3) One (1) member appointed from a county having a  
12 population of more than twenty-five thousand nine hundred  
13 fifty (25,950) but less than twenty-six thousand (26,000) in  
14 which a port over which the commission has jurisdiction is  
15 located.

16 (4) One (1) member appointed from the county with the  
17 largest population in the state.

18 (5) One (1) member appointed from the county with the  
19 second largest population in the state.

20 (6) One (1) member appointed from a geographic region of  
21 the state not already represented on the commission.

22 (7) One (1) member appointed from a geographic region of  
23 the state not already represented on the commission.

24 **(b) This SECTION expires June 30, 2005.**

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

30 (1) two (2) members appointed by the executive of each county in  
31 the authority;

32 (2) one (1) member appointed by the executive of the largest  
33 municipality in each county in the authority;

34 (3) one (1) member appointed by the executive of each second  
35 class city in a county in the authority; and

36 (4) one (1) member from any other political subdivision that has  
37 public transportation responsibilities in a county in the authority.

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

40 (1) Two (2) members appointed by the executive of the county  
41 having the consolidated city.

42 (2) One (1) member appointed by the board of commissioners of

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

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- 1           **(B) meets the membership requirements established by the**  
 2           **regional transportation authority for membership on the**  
 3           **authority;**  
 4           (†) **(5) one (1) person member** appointed by the governor who  
 5           must be a resident of the transportation planning district that  
 6           contains the authority; and  
 7           **(6) One (1) member of a labor organization representing**  
 8           **employees of the authority who provide public transportation**  
 9           **services within the geographic jurisdiction of the authority.**  
 10           **The labor organization shall appoint the member.**  
 11           (‡) for each county in the authority:  
 12           (A) one (†) member appointed by the executive of each of the  
 13           three (‡) largest cities;  
 14           (B) one (†) member appointed by the executives of the next  
 15           four (‡) largest municipalities acting jointly;  
 16           (C) one (†) member appointed by the executives of all other  
 17           municipalities acting jointly;  
 18           (D) one (†) member appointed by the county executive who  
 19           may be a member of the executive;  
 20           (E) one (†) member appointed by the county fiscal body who  
 21           may be a member of the fiscal body; and  
 22           (F) the county surveyor or a person appointed by the surveyor.  
 23           SECTION 4. IC 36-9-3-7, AS AMENDED BY P.L.235-1997,  
 24           SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25           JULY 1, 1998]: Sec. 7. (a) As soon as is practical, but not later than  
 26           ninety (90) days after the authority is established, the members shall  
 27           meet and organize themselves as a board. If the authority includes a  
 28           county having a population of more than four hundred thousand  
 29           (400,000) but less than seven hundred thousand (700,000), the member  
 30           appointed by the ~~county fiscal body~~ **governor** shall call and preside  
 31           over the first meeting of the board until the election of the required  
 32           board officers has been completed.  
 33           (b) At its first meeting, and annually after that, the board shall elect  
 34           from its members a president, a vice president who shall perform the  
 35           duties of the president during the absence or disability of the president,  
 36           a secretary, and a treasurer. If the authority includes more than one (1)  
 37           county, the president and vice president must be from different  
 38           counties.  
 39           (c) The regional planning commission staff or the metropolitan  
 40           planning organization if the authority includes a consolidated city shall  
 41           serve as staff to the board secretary for the purpose of recording the  
 42           minutes of all board meetings and keeping the records of the authority.



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

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

14 (1) a member:

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

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

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

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

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

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

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

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

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

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

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1 (d) Neither a municipal executive nor a member of a county fiscal  
2 body, county executive, or municipal fiscal body may serve on a board.

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

4 (1) the county cooperative extension coordinator;

5 (2) the county extension educator; or

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

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

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

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

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

31 (c) **This SECTION expires January 1, 2005.**

32 SECTION 7. [EFFECTIVE JULY 1, 1998]: (a) **Notwithstanding**  
33 **IC 36-10-3-4, as amended by this act, a member of a town board**  
34 **who is not a resident of the district may finish the remainder of the**  
35 **member's current unexpired term. At the conclusion of the**  
36 **member's current term, the appointing authority shall appoint a**  
37 **member to the town board who meets the requirements of**  
38 **IC 36-10-3-4(a), as amended by this act.**

39 (b) **This SECTION expires December 31, 2004.**

40 SECTION 8. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)]: **Not**  
41 **withstanding the amendments made to t IC 36-7-4-207 by**  
42 **P.L.225-1997, SECTION 1, an area plan commission that existed**



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1 before the effective date of that act may continue to operate until  
 2 January 1, 1999, under IC 36-7-4-207 as it existed before the  
 3 enactment of that act. Any actions taken after June 30, 1997, and  
 4 before January 1, 1999, by an area plan commission operating  
 5 under this SECTION that otherwise comply with the Area  
 6 Planning Law (as defined in IC 36-7-4-102) are legalized and  
 7 validated.

8 SECTION 9. An emergency is declared for this act.

9 SECTION 10. IC 16-22-2-5.5 IS REPEALED [EFFECTIVE JULY  
 10 1, 1998].

11 SECTION 11. [EFFECTIVE JULY 1, 1998] (a) Except as  
 12 provided in subsection (c), IC 16-22-2-7 applies to a governing  
 13 board of a county hospital in a county having a population of more  
 14 than seventy-five thousand (75,000) but less than seventy-eight  
 15 thousand (78,000).

16 (b) Upon a petition by the governing board described in  
 17 subsection (a), the county executive may decrease the size of the  
 18 governing board as set forth in subsection (c).

19 (c) Notwithstanding IC 16-22-2-7(b), the size of the governing  
 20 board may be decreased by eliminating the following members  
 21 from the governing board before the member's term expires:

22 (1) One (1) member appointed by the county executive from  
 23 the county executive's membership appointed under  
 24 IC 16-22-2-5.5 before its repeal.

25 (2) One (1) member appointed by the county fiscal body from  
 26 the county fiscal body's membership appointed under  
 27 IC 16-22-2-5.5 before its repeal.

28 (d) This SECTION expires July 1, 1999.

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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**

**(2) 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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## HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 181 be amended to read as follows:

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

"SECTION 1. IC 8-10-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) There is hereby created a commission ~~to be~~ known as the "Indiana port commission" and by that name the commission may sue and be sued, and plead and be impleaded. The commission ~~hereby created~~ is a body both corporate and politic in the state of Indiana, and the exercise by the commission of the powers conferred by this chapter in the construction, operation and maintenance of a port project shall be deemed and held to be essential governmental functions of the state, but the commission ~~shall~~ is not ~~however be~~ immune from liability. ~~by reason thereof.~~

(b) The commission shall consist of seven (7) members, appointed by the governor, no more than four (4) of whom ~~shall may~~ be members of the same political party. The members ~~shall of the commission must~~ be residents of the state ~~and shall have been, and must be~~ qualified electors ~~therein of the state~~ for a period of at least five (5) years next preceding their appointment. ~~The membership of the commission consists of:~~

- (1) one (1) member appointed from a county having a population of more than eighty-five thousand (85,000) but less than eighty-eight thousand (88,000) in which a port over which the commission has jurisdiction is located;
- (2) one (1) member appointed from a county having a population of more than one hundred twenty-five thousand (125,000) but less than one hundred twenty-nine thousand (129,000) in which a port over which the commission has jurisdiction is located;
- (3) one (1) member appointed from a county having a population of more than twenty-five thousand nine hundred fifty (25,950) but less than twenty-six thousand (26,000) in which a port over which the commission has jurisdiction is located;
- (4) one (1) member appointed from the county with the largest population in the state;
- (5) one (1) member appointed from the county with the second largest population in the state; and
- (6) two (2) members appointed from geographic regions of the state that are not already represented on the commission.

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The members of the commission ~~first appointed shall~~ continue in office for **four (4) year** terms ~~expiring; in the case of two (2) members, on July 1, 1962; and in the case of three (3) members, on July 1, 1963; July 1, 1964; and July 1, 1965~~ and the first two (2) members appointed after January 1, 1975, shall continue in office for terms expiring July 1, 1977 for one (1) member and July 1, 1979 for the other member, respectively; and until their respective successors ~~shall be~~ **are** duly appointed and qualified. ~~The term of any member of the commission first appointed shall be designated by the governor. The successor of each such member shall be appointed for a term of four (4) years; except that any A person appointed to fill a vacancy shall be appointed to may serve only for the unexpired term. and A member of the commission shall be is eligible for reappointment. The governor may at any time remove any member of the commission for misfeasance, nonfeasance, or malfeasance in office.~~

(c) The members of the commission shall, within ten (10) days after their appointment, meet and qualify by subscribing an oath to discharge honestly and faithfully the duties of their office as members of ~~such the~~ commission. The commission shall ~~thereafter~~ elect one (1) of the members as chairman and another as vice chairman, and shall appoint a secretary-treasurer who need not be a member of the commission.

(d) Four (4) members of the commission shall constitute a quorum and the affirmative vote of four (4) members ~~shall be is~~ necessary for any official action taken by the commission. ~~No A~~ vacancy in the membership of the commission ~~shall does not~~ impair the rights of a quorum to exercise all the rights and perform all the duties of the commission.

(e) Before the issuance of any port revenue bonds under the provisions of this chapter, each appointed member of the commission shall give a surety bond to the state in the penal sum of twenty-five thousand dollars (\$25,000), and the secretary-treasurer shall give a surety bond to the state in the penal sum of fifty thousand dollars (\$50,000), **with** each such surety bond to be:

- (1) conditioned upon the faithful performance of the duties of the office; ~~to be~~
- (2) executed by a surety company authorized to transact business in the state as surety; ~~and to be~~
- (3) approved by the governor; and
- (4) filed in the office of the secretary of state.

(f) Each appointed member of the commission shall receive an annual salary of seven thousand five hundred dollars (\$7,500), payable in monthly ~~instalments: installments~~. However, ~~no members a~~



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**member** of ~~such the~~ commission as appointed hereunder shall **may not** receive any salary except a per diem as fixed and approved by the budget director until ~~said the~~ commission is able to carry on the full operations as intended by this chapter. ~~and~~ The budget director, subject to the approval of the governor, ~~of the state of Indiana,~~ shall determine when ~~said~~ salaries for ~~said the~~ commission members shall commence. ~~The governor shall, however,~~ appoint ~~said~~ members as herein provided within a period of sixty (60) days following the effective date of this chapter. Each member shall be reimbursed for ~~his the member's~~ actual expenses necessarily incurred in the performance of ~~his the member's~~ duties.

(g) All expenses incurred in carrying out ~~the provisions of~~ this chapter ~~shall be~~ **are** payable solely from funds provided under ~~the authority of~~ this chapter. ~~and no~~ A liability or ~~an~~ obligation ~~shall may not~~ be incurred by the commission ~~hereunder under this chapter~~ beyond the extent to which ~~moneys shall have~~ **money has** been provided under ~~the authority of~~ this chapter.

SECTION 2. [EFFECTIVE JULY 1, 1998]: (a) **Notwithstanding IC 8-10-1-3, as amended by this act, as the terms of the current members expire, the governor shall appoint the members of the Indiana port commission in the following order:**

- (1) **One (1) member appointed from a county having a population of more than eighty-five thousand (85,000) but less than eighty-eight thousand (88,000) in which a port over which the commission has jurisdiction is located.**
- (2) **One (1) member appointed from a county having a population of more than one hundred twenty-five thousand (125,000) but less than one hundred twenty-nine thousand (129,000) in which a port over which the commission has jurisdiction is located.**
- (3) **One (1) member appointed from a county having a population of more than twenty-five thousand nine hundred fifty (25,950) but less than twenty-six thousand (26,000) in which a port over which the commission has jurisdiction is located.**
- (4) **One (1) member appointed from the county with the largest population in the state.**
- (5) **One (1) member appointed from the county with the second largest population in the state.**
- (6) **One (1) member appointed from a geographic region of the state not already represented on the commission.**
- (7) **One (1) member appointed from a geographic region of**



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**the state not already represented on the commission.**

**(b) This SECTION expires June 30, 2005."**

Renumber all SECTIONS consecutively.

(Reference is to Engrossed Senate Bill 181 as printed February 18, 1998.)

C. BROWN

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 181 be amended to read as follows:

Page 3, line 6, delete "and".

Page 3, line 9, delete "authority." and insert "authority;".

Page 3, line 9, reset in roman "and".

Page 3, between lines 9 and 10, begin a new line block indented and insert:

**"(6) 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 labor organization shall appoint the member."**

(Reference is to Engrossed Senate Bill 181 as printed February 18, 1998.)

STEVENSON

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 181 be amended to read as follows:

Page 5, after line 38, begin a new paragraph and insert:

SECTION 6. IC 16-22-2-5.5 IS REPEALED [EFFECTIVE JULY 1, 1998].

SECTION 7. [EFFECTIVE JULY 1, 1998] **(a) Except as provided in subsection (c), IC 16-22-2-7 applies to a governing board of a county hospital in a county having a population of more than seventy-five thousand (75,000) but less than seventy-eight thousand (78,000).**

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(b) Upon a petition by the governing board described in subsection (a), the county executive may decrease the size of the governing board as set forth in subsection (c).

(c) Notwithstanding IC 16-22-2-7(b), the size of the governing board may be decreased by eliminating the following members from the governing board before the member's term expires:

(1) One (1) member appointed by the county executive from the county executive's membership appointed under IC 16-22-2-5.5 before its repeal.

(2) One (1) member appointed by the county fiscal body from the county fiscal body's membership appointed under IC 16-22-2-5.5 before its repeal.

(d) This SECTION expires July 1, 1999.

Renumber all SECTIONS consecutively.

(Reference is to Engrossed Senate Bill 181 as printed February 18, 1998.)

CROSBY

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 181 be amended to read as follows:

Page 5, after line 38, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)]: Notwithstanding the amendments made to t IC 36-7-4-207 by P.L.225-1997, SECTION 1, an area plan commission that existed before the effective date of that act may continue to operate until January 1, 1999, under IC 36-7-4-207 as it existed before the enactment of that act. Any actions taken after June 30, 1997, and before January 1, 1999, by an area plan commission operating under this SECTION that otherwise comply with the Area Planning Law (as defined in IC 36-7-4-102) are legalized and validated.

SECTION 6. An emergency is declared for this act."

(Reference is to Engrossed Senate Bill 181 as printed February 18, 1998.)

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