

January 28, 1998

HOUSE BILL No. 1108

DIGEST OF HB 1108 (Updated January 26, 1998 6:48 pm - DI 94)

Citations Affected: IC 36-9; noncode.

Synopsis: 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. 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
(Continued next page)

Effective: July 1, 1998.

Stevenson

January 6, 1998, read first time and referred to Committee on Local Government.
January 27, 1998, amended, reported — Do Pass.

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Digest Continued

members take office and must meet on October 1, 1998.

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HB 1108—LS 7023/DI 94



January 28, 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.

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HOUSE BILL No. 1108

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

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

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

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1108, 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 2, line 42, after "that" insert ":".

Page 2, line 42, before "provides" begin a new line double block indented and insert:

"(A)".

Page 3, line 1, delete "(A)", begin a new line triple block indented and insert:

"(i)".

Page 3, line 2, delete "(B)", begin a new line triple block indented and insert:

"(ii)".

Page 3, line 2, delete "and" and insert "**or**".

Page 3, between lines 2 and 3, begin a new line double block indented and insert:

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

and when so amended that said bill do pass.

(Reference is to House Bill 1108 as introduced.)

STEVENSON, Chair

Committee Vote: yeas 12, nays 0.

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