

HOUSE BILL No. 1333

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-10-1-3.

Synopsis: Port Commission appointments. 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
(Continued next page)

Effective: July 1, 1998.

C. Brown, Ayres

January 13, 1998, read first time and referred to Committee on Roads and Transportation.

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Digest Continued

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 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. Makes technical corrections.

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Introduced

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. 1333



A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

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)



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



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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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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 the state not already represented on the commission.**
- (b) This SECTION expires June 30, 2005.**

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