
ENGROSSED SENATE BILL No. 181

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
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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.

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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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.

SENATE ENROLLED ACT No. 181

AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

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.

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(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 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

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regional transportation authority for membership on the authority;

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

(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.

(~~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

(~~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.

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

(1) a member:

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

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

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

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

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

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

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

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

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

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

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



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

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

- (1) the county cooperative extension coordinator;
- (2) the county extension educator; or
- (3) a member of the county extension committee selected by the committee;

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

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

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.

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

(b) This SECTION expires December 31, 2004.

SECTION 6. [EFFECTIVE JULY 1, 1997 (RETROACTIVE)] Notwithstanding the amendments made to 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



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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 7. An emergency is declared for this act.

SECTION 8. IC 16-22-2-5.5 IS REPEALED [EFFECTIVE JULY 1, 1998].

SECTION 9. [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).

(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.

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