



Reprinted
March 2, 1999

HOUSE BILL No. 1155

DIGEST OF HB 1155 (Updated March 1, 1999 4:02 pm - DI 94)

Citations Affected: IC 36-5; IC 36-7; noncode.

Synopsis: Local government matters. Requires a town incorporating across county lines to obtain the approval of the county executive of each county that contains a part of the proposed incorporated town. Allows proceedings for incorporation of a town across county boundaries that commenced before July 1, 1999, to proceed with only the approval of the county executive of the county that contains all or a major part of the territory sought to be incorporated. Allows any combination of cities, towns, and counties to form a multiple jurisdiction infrastructure authority to promote cooperation to assist in developing the units participating in the authority. Eliminates the law authorizing two (2) or more counties to establish a multiple county authority to perform responsibilities similar to a multiple jurisdiction infrastructure authority. Requires that members of the authority must be elected officials.

Effective: July 1, 1999.

Smith M, Stevenson

January 6, 1999, read first time and referred to Committee on Local Government.
February 16, 1999, amended, reported — Do Pass.
March 1, 1999, read second time, amended, ordered engrossed.

HB 1155—LS 6097/DI 92+



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March 2, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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HOUSE BILL No. 1155

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 36-5-1-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Proceedings to incorporate a
3 town may be instituted by filing a petition in quadruplicate with the
4 executive of ~~the~~ **each** county in which ~~all~~ **or** a **major** part of the territory
5 sought to be incorporated is located. The petition must be signed by at
6 least fifty (50) owners of land in the territory and must state that:
7 (1) the territory is used or will, in the reasonably foreseeable
8 future, be used generally for commercial, industrial, residential,
9 or similar purposes;
10 (2) the territory is reasonably compact and contiguous;
11 (3) there is enough undeveloped land in the territory to permit
12 reasonable growth of the town; and
13 (4) incorporation is in the best interests of the citizens of the
14 territory.
15 (b) The signatures of the petitioners must be verified, and the

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1 verification must include a statement that the petitioners are owners of
2 land in the territory sought to be incorporated.

3 (c) In determining the number of petitioners, not more than one (1)
4 person having an interest in a single parcel of land may be counted, and
5 a person owning more than one (1) parcel of land in the area may be
6 counted only once.

7 SECTION 2. IC 36-5-1-10.1 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10.1. (a) **Except as**
9 **provided in subsection (g)**, if the county executive makes the findings
10 required by section 8 of this chapter, it may adopt an ordinance
11 incorporating the town. The ordinance must:

12 (1) provide that:

13 (A) all members of the town legislative body are to be elected
14 at large (if the town would have a population of less than three
15 thousand five hundred (3,500)); or

16 (B) divide the town into not less than three (3) nor more than
17 seven (7) districts; and

18 (2) direct the county election board to conduct an election in the
19 town on the date of the next general or municipal election to be
20 held in any precincts in the county.

21 An election conducted under this section must comply with IC 3
22 concerning town elections. If, on the date that an ordinance was
23 adopted under this section, absentee ballots for a general or municipal
24 election have been delivered under IC 3-11-4-15 for voters within a
25 precinct in the town, the election must be conducted on the date of the
26 next general or municipal election held in any precincts in the county
27 after the election for which absentee balloting is being conducted.
28 However, a primary election may not be conducted before an election
29 conducted under this section, regardless of the population of the town.

30 (b) Districts established by an ordinance adopted under this section
31 must comply with IC 3-11-1.5.

32 (c) If any territory in the town is not included in one (1) of the
33 districts established under this section, the territory is included in the
34 district that:

35 (1) is contiguous to that territory; and

36 (2) contains the least population of all districts contiguous to that
37 territory.

38 (d) If any territory in the town is included in more than one (1) of
39 the districts established under this section, the territory is included in
40 the district that:

41 (1) is one (1) of the districts in which the territory is described in
42 the ordinance adopted under this section;

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- 1 (2) is contiguous to that territory; and
 2 (3) contains the least population of all districts contiguous to that
 3 territory.

4 (e) Except as provided in subsection (f), an ordinance adopted under
 5 this section becomes effective when filed with:

- 6 (1) the state certifying official designated under IC 3-6-4.2-11;
 7 and
 8 (2) the circuit court clerk of each county in which the town is
 9 located.

10 (f) An ordinance incorporating a town under this section may not
 11 take effect during the year preceding a year in which a federal
 12 decennial census is conducted. An ordinance under this section that
 13 would otherwise take effect during the year preceding a year in which
 14 a federal decennial census is conducted takes effect January 2 of the
 15 year in which a federal decennial census is conducted.

16 **(g) Proceedings to incorporate a town across county boundaries**
 17 **must have the approval of the county executive of each county that**
 18 **contains a part of the proposed town. Each county that contains a**
 19 **part of the proposed town must adopt identical ordinances**
 20 **providing for the incorporation of the town.**

21 SECTION 3. IC 36-7-23-1 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this
 23 chapter, "authority" refers to a multiple ~~county~~ **jurisdiction**
 24 **infrastructure** authority established ~~by~~ **under** this chapter.

25 SECTION 4. IC 36-7-23-3.7 IS ADDED TO THE INDIANA CODE
 26 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 27 1, 1999]: **Sec. 3.7. This chapter applies to all units except townships.**

28 SECTION 5. IC 36-7-23-4 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) A multiple
 30 ~~county~~ **jurisdiction infrastructure** authority may be established under
 31 this chapter by:

- 32 (1) ordinance of the fiscal body of each ~~county~~ **unit** participating
 33 in the authority; and
 34 (2) **if a county is one (1) of the units participating in the**
 35 **authority**, the order of the executive of ~~each that~~ **county;**
 36 ~~participating in the authority; and~~
 37 (3) **an agreement among the participating units, executed by**
 38 **the executive of each participating unit following the approval**
 39 **of the legislative body of each of the participating units.**

40 (b) The authority is a public body corporate and politic. The
 41 authority is separate from the state, but the exercise by the authority of
 42 its powers is an essential governmental function.

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1 (c) An agreement to establish an authority must include:

2 (1) more than one (1) ~~county~~ **unit** as a participant; and

3 (2) a formula for distributing funds ~~from local taxes~~ contributed
4 by a ~~county or a municipality wholly or partially located in a~~
5 ~~county included in the agreement.~~ **the units participating in the**
6 **authority.**

7 (d) **An authority may add additional participating units at any**
8 **time by following the procedures set forth in subsection (a).**

9 (e) **A unit may participate in more than one (1) authority.**

10 SECTION 6. IC 36-7-23-5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The purpose of the
12 authority is to **promote cooperation among the units participating**
13 **in the authority in order to** assist the development of the ~~incorporated~~
14 ~~and unincorporated areas of each county~~ **units** included in the
15 agreement by doing the following:

16 (1) Utilizing private and public sector resources to address
17 development problems and opportunities.

18 (2) **Planning**, developing, rehabilitating, and otherwise managing
19 ~~regional infrastructures and other regional services.~~
20 **infrastructure located in the authority's jurisdiction.**

21 (3) Supplementing, but not supplanting, traditional local or state
22 responsibilities.

23 (4) Providing financial resources to local communities to address
24 their infrastructure needs.

25 (5) Providing revenue bonding capacity and resources for bond
26 retirement, or lease rental capacity and resources, that can be
27 directed to development or recapitalization of ~~the regional~~
28 **infrastructure located in the authority's jurisdiction.**

29 (6) Providing the means to develop revenue producing
30 infrastructure ventures, where revenue can be rechanneled back
31 into the overall infrastructure development effort.

32 (7) Providing an overall balanced infrastructure investment
33 strategy that addresses important ~~regional~~ needs **of the**
34 **participating units for capital projects.**

35 (8) Providing operating involvement appropriate to each
36 infrastructure component.

37 (9) Providing for a continuing and stable source of public funding
38 for ~~regional~~ infrastructure development **for participating units.**

39 (10) Providing the mechanism to address other regional services
40 as determined to be appropriate by the board.

41 SECTION 7. IC 36-7-23-9 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The powers of the



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1 authority are vested in a board of directors. The board is comprised of
2 the following members:

3 (1) One (1) member appointed by the ~~county~~ executive of each
4 ~~county~~: **unit participating in the authority.**

5 (2) One (1) member appointed by the ~~county~~ fiscal body of each
6 ~~county~~: **unit participating in the authority.**

7 ~~(3) The executive director of the authority.~~

8 SECTION 8. IC 36-7-23-10 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) A member
10 appointed under section 9 of this chapter by a ~~county executive or~~
11 ~~county fiscal body~~ must be a resident of the ~~county~~ **unit** whose officials
12 or representatives make the appointment.

13 (b) A member appointed under section 9(1) or 9(2) of this chapter
14 by a ~~county~~ **unit** executive or ~~county~~ **unit** fiscal body must be an
15 elected official of the ~~county~~ **unit** whose officials or representatives
16 make the appointment.

17 SECTION 9. IC 36-7-23-11 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. (a) A member of
19 the board appointed under ~~section 9(1) through 9(2)~~ **section 9** of this
20 chapter serves a term of four (4) years.

21 (b) The agreement establishing the authority under this chapter must
22 provide:

23 (1) that the terms of the initial members appointed under ~~section~~
24 ~~9(1) through 9(2)~~ **section 9** of this chapter expire after one (1),
25 two (2), three (3), or four (4) years; and

26 (2) for approximately twenty-five percent (25%) of the terms of
27 the initial members appointed under ~~section 9(1) through 9(2)~~
28 **section 9** of this chapter to expire in each of the first four (4)
29 years that the agreement is in effect.

30 SECTION 10. IC 36-7-23-12 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. The **officials**
32 **responsible for appointing authority members of the board** shall fill
33 a vacancy on the board among the members appointed under ~~section~~
34 ~~9(1) through 9(3)~~ **section 9** of this chapter by appointment for the
35 unexpired term.

36 SECTION 11. IC 36-7-23-13 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) A member of
38 the board is entitled to reimbursement for traveling expenses and other
39 expenses actually incurred in connection with the member's duties, as
40 provided in the state travel policies and procedures established by the
41 department of administration and approved by the budget agency.

42 (b) **A member of the board is not entitled to either a salary or a**

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1 **per diem for services rendered in connection with the member's**
 2 **duties.**

3 SECTION 12. IC 36-7-23-15 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. The members shall
 5 elect:

- 6 (1) a ~~vice~~ chairman;
 7 (2) a ~~secretary~~; **vice chairman**;
 8 **(3) a secretary**; and
 9 ~~(3)~~ **(4)** other officers determined to be necessary for the board to
 10 function;

11 at the first meeting of the board in January of each year.

12 SECTION 13. IC 36-7-23-17 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. (a) A majority of
 14 the members of the board constitutes a quorum for the transaction of
 15 business. The affirmative vote of a majority of the board is necessary
 16 for an action to be taken by the board.

17 (b) A member may vote by written proxy delivered in advance to
 18 ~~another member~~ **the chairman or secretary** of the board.

19 (c) A vacancy in the membership of the board does not impair the
 20 right of a quorum to exercise all rights and perform all duties of the
 21 board.

22 SECTION 14. IC 36-7-23-32 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 32. (a) The board ~~shall~~
 24 **may** appoint an executive director of the authority.

25 (b) ~~Whenever a vacancy exists in the office of~~ **If the board**
 26 **determines to appoint an** executive director, the board shall appoint
 27 a nominating committee composed of members of the board. The
 28 committee must submit a recommendation to the board concerning the
 29 individuals qualified to serve as executive director.

30 SECTION 15. IC 36-7-23-33 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 33. The executive
 32 director shall:

- 33 (1) administer, manage, and direct the affairs and activities of the
 34 authority in accordance with the policies of the board and under
 35 the control and direction of the board;
 36 ~~(2) preside as chairman at the meetings of the board;~~
 37 ~~(3)~~ **(2)** maintain and be custodian of all books, documents, and
 38 papers filed with the authority and the official seal of the
 39 authority; and
 40 ~~(4)~~ **(3)** perform other duties directed by the members to carry out
 41 the purposes of this chapter.

42 SECTION 16. IC 36-7-23-52 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 52. (a) A resolution
 2 establishing just and reasonable fees, rates, and charges for the use of
 3 infrastructures under this chapter may be ~~adopted~~ **adopted** by the board
 4 after a public hearing. Notice of the hearing must be published ~~and~~
 5 ~~posted~~; ~~in each county that is a member of the authority~~; **one (1) time,**
 6 **at least ten (10) days before the hearing, in one (1) newspaper**
 7 **published in each county in which a participating unit is located** in
 8 accordance with IC 5-3-1. The notice must provide a summary of the
 9 resolution.

10 (b) Fees, rates, and charges adopted by the authority for a particular
 11 infrastructure shall comply with statutes authorizing units to adopt fees,
 12 rates, and charges for that particular type of infrastructure or, if there
 13 is no statute authorizing units to adopt fees, rates, and charges for that
 14 particular type of infrastructure, the fees, rates, and charges must
 15 comply with IC 36-1-3.

16 SECTION 17. IC 36-7-23-53 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 53. (a) An authority
 18 may enter into a lease of any infrastructure that could be financed with
 19 the proceeds of bonds issued under this chapter with a lessor for a term
 20 not to exceed fifty (50) years, and the lease may provide for payments
 21 to be made by the authority from any revenues of the authority.

22 (b) A lease may provide that payments by the authority to the lessor
 23 are required only to the extent and only for the period that the lessor is
 24 able to provide the leased infrastructure in accordance with the lease.
 25 The terms of each lease must be based upon the value of the
 26 infrastructure leased and may not create a debt of the authority or a
 27 ~~county~~ member for purposes of the Constitution of the State of Indiana.

28 (c) A lease may be entered into by the authority only after a public
 29 hearing by the board at which all interested parties are provided the
 30 opportunity to be heard. After the public hearing, the board may adopt
 31 a resolution authorizing the execution of the lease on behalf of the
 32 authority if the board finds that the service to be provided throughout
 33 the term of the lease will serve the public purpose of the authority and
 34 is in the best interests of its residents.

35 (d) The authority may:

- 36 (1) pledge revenues to make payments under the lease; and
- 37 (2) establish a special fund to make the payments.

38 (e) Lease rentals may be limited to money in the special fund so that
 39 the obligations of the authority to make the lease rental payments are
 40 not considered debt of the authority or a ~~county~~ member for purposes
 41 of the Constitution of the State of Indiana.

42 (f) Except as provided in this section, no approvals of any

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1 governmental body or agency are required before the authority enters
2 into a lease under this section.

3 SECTION 18. IC 36-7-23-58 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 58. The infrastructure,
5 or any part of ~~them~~, **the infrastructure**, to be financed under this
6 chapter, may be financed by any one (1) or more or any combination of
7 one (1) or more of the methods provided for in this chapter. The
8 authority may pledge any money or mortgage or pledge property
9 available to it under this chapter as set forth in IC 5-1-14-4 and any
10 ~~county~~ member may pledge any money or mortgage or pledge property
11 available to it to the authority as set forth in the agreement creating the
12 authority. Any such pledge or mortgage by a ~~county~~ member to the
13 authority shall be governed by and binding under IC 5-1-14-4.

14 SECTION 19. THE FOLLOWING ARE REPEALED [EFFECTIVE
15 JULY 1, 1999]: IC 36-7-23-3; IC 36-7-23-14.

16 SECTION 20. [EFFECTIVE JULY 1, 1999] **Notwithstanding**
17 **IC 36-5-1-2 and IC 36-5-1-10.1, both as amended by this act,**
18 **proceedings commenced before July 1, 1999, to incorporate a town**
19 **across county boundaries is only required to have the approval of**
20 **the county executive of the county that contains all or a major part**
21 **of the territory sought to be incorporated.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1155, 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 36-5-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) Proceedings to incorporate a town may be instituted by filing a petition in quadruplicate with the executive of ~~the~~ **each** county in which ~~all~~ **or** a ~~major~~ part of the territory sought to be incorporated is located. The petition must be signed by at least fifty (50) owners of land in the territory and must state that:

- (1) the territory is used or will, in the reasonably foreseeable future, be used generally for commercial, industrial, residential, or similar purposes;
- (2) the territory is reasonably compact and contiguous;
- (3) there is enough undeveloped land in the territory to permit reasonable growth of the town; and
- (4) incorporation is in the best interests of the citizens of the territory.

(b) The signatures of the petitioners must be verified, and the verification must include a statement that the petitioners are owners of land in the territory sought to be incorporated.

(c) In determining the number of petitioners, not more than one (1) person having an interest in a single parcel of land may be counted, and a person owning more than one (1) parcel of land in the area may be counted only once.

SECTION 2. IC 36-5-1-10.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10.1. (a) **Except as provided in subsection (g)**, if the county executive makes the findings required by section 8 of this chapter, it may adopt an ordinance incorporating the town. The ordinance must:

- (1) provide that:
 - (A) all members of the town legislative body are to be elected at large (if the town would have a population of less than three thousand five hundred (3,500)); or
 - (B) divide the town into not less than three (3) nor more than seven (7) districts; and
- (2) direct the county election board to conduct an election in the town on the date of the next general or municipal election to be

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held in any precincts in the county.

An election conducted under this section must comply with IC 3 concerning town elections. If, on the date that an ordinance was adopted under this section, absentee ballots for a general or municipal election have been delivered under IC 3-11-4-15 for voters within a precinct in the town, the election must be conducted on the date of the next general or municipal election held in any precincts in the county after the election for which absentee balloting is being conducted. However, a primary election may not be conducted before an election conducted under this section, regardless of the population of the town.

(b) Districts established by an ordinance adopted under this section must comply with IC 3-11-1.5.

(c) If any territory in the town is not included in one (1) of the districts established under this section, the territory is included in the district that:

- (1) is contiguous to that territory; and
- (2) contains the least population of all districts contiguous to that territory.

(d) If any territory in the town is included in more than one (1) of the districts established under this section, the territory is included in the district that:

- (1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;
- (2) is contiguous to that territory; and
- (3) contains the least population of all districts contiguous to that territory.

(e) Except as provided in subsection (f), an ordinance adopted under this section becomes effective when filed with:

- (1) the state certifying official designated under IC 3-6-4.2-11; and
- (2) the circuit court clerk of each county in which the town is located.

(f) An ordinance incorporating a town under this section may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance under this section that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.

(g) Proceedings to incorporate a town across county boundaries must have the approval of the county executive of each county that contains a part of the proposed town. Each county that contains a part of the proposed town must adopt identical ordinances



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providing for the incorporation of the town."

Page 5, after line 25, begin a new paragraph and insert:

"SECTION 5. IC 36-7-23-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter, "authority" refers to a multiple ~~county~~ **jurisdiction infrastructure** authority established ~~by~~ **under** this chapter.

SECTION 6. IC 36-7-23-3.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 3.7. This chapter applies to all units except townships.**

SECTION 7. IC 36-7-23-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) A multiple ~~county~~ **jurisdiction infrastructure** authority may be established under this chapter by:

- (1) ordinance of the fiscal body of each ~~county~~ **unit** participating in the authority; and
- (2) **if a county is one (1) of the units participating in the authority**, the order of the executive of ~~each that~~ county; ~~participating in the authority; and~~
- (3) **an agreement among the participating units, executed by the executive of each participating unit following the approval of the legislative body of each of the participating units.**

(b) The authority is a public body corporate and politic. The authority is separate from the state, but the exercise by the authority of its powers is an essential governmental function.

(c) An agreement to establish an authority must include:

- (1) more than one (1) ~~county~~ **unit** as a participant; and
- (2) a formula for distributing funds ~~from local taxes~~ contributed by a ~~county or a municipality wholly or partially located in a county included in the agreement.~~ **the units participating in the authority.**

(d) **An authority may add additional participating units at any time by following the procedures set forth in subsection (a).**

(e) **A unit may participate in more than one (1) authority.**

SECTION 8. IC 36-7-23-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The purpose of the authority is to **promote cooperation among the units participating in the authority in order to** assist the development of the ~~incorporated and unincorporated areas of each county~~ **units** included in the agreement by doing the following:

- (1) Utilizing private and public sector resources to address development problems and opportunities.
- (2) **Planning**, developing, rehabilitating, and otherwise managing



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~~regional infrastructures and other regional services:~~
infrastructure located in the authority's jurisdiction.

(3) Supplementing, but not supplanting, traditional local or state responsibilities.

(4) Providing financial resources to local communities to address their infrastructure needs.

(5) Providing revenue bonding capacity and resources for bond retirement, or lease rental capacity and resources, that can be directed to development or recapitalization of ~~the regional~~ **infrastructure located in the authority's jurisdiction.**

(6) Providing the means to develop revenue producing infrastructure ventures, where revenue can be rechanneled back into the overall infrastructure development effort.

(7) Providing an overall balanced infrastructure investment strategy that addresses important ~~regional~~ **needs of the participating units for capital projects.**

(8) Providing operating involvement appropriate to each infrastructure component.

(9) Providing for a continuing and stable source of public funding for ~~regional~~ **infrastructure development for participating units.**

(10) Providing the mechanism to address other regional services as determined to be appropriate by the board.

SECTION 9. IC 36-7-23-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The powers of the authority are vested in a board of directors. The board is comprised of the following members:

(1) One (1) member appointed by the ~~county~~ executive of each ~~county:~~ **unit participating in the authority.**

(2) One (1) member appointed by the ~~county~~ fiscal body of each ~~county:~~ **unit participating in the authority.**

(3) ~~The executive director of the authority.~~

SECTION 10. IC 36-7-23-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) A member appointed under section 9 of this chapter ~~by a county executive or county fiscal body~~ must be a resident of the ~~county~~ **unit** whose officials or representatives make the appointment.

(b) A member appointed under section 9(1) or 9(2) of this chapter by a ~~county~~ **unit** executive or ~~county~~ **unit** fiscal body must be an elected official of the ~~county~~ **unit** whose officials or representatives make the appointment.

SECTION 11. IC 36-7-23-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. (a) A member of

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the board appointed under ~~section 9(1) through 9(2)~~ **section 9** of this chapter serves a term of four (4) years.

(b) The agreement establishing the authority under this chapter must provide:

- (1) that the terms of the initial members appointed under ~~section 9(1) through 9(2)~~ **section 9** of this chapter expire after one (1), two (2), three (3), or four (4) years; and
- (2) for approximately twenty-five percent (25%) of the terms of the initial members appointed under ~~section 9(1) through 9(2)~~ **section 9** of this chapter to expire in each of the first four (4) years that the agreement is in effect.

SECTION 12. IC 36-7-23-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. The **officials responsible for appointing authority members of the board** shall fill a vacancy on the board among the members appointed under ~~section 9(1) through 9(3)~~ **section 9** of this chapter by appointment for the unexpired term.

SECTION 13. IC 36-7-23-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) A member of the board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

(b) A member of the board is not entitled to either a salary or a per diem for services rendered in connection with the member's duties.

SECTION 14. IC 36-7-23-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. The members shall elect:

- (1) a ~~vice~~ chairman;
- (2) a ~~secretary~~; **vice chairman**;
- (3) **a secretary**; and
- ~~(3)~~ (4) other officers determined to be necessary for the board to function;

at the first meeting of the board in January of each year.

SECTION 15. IC 36-7-23-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. (a) A majority of the members of the board constitutes a quorum for the transaction of business. The affirmative vote of a majority of the board is necessary for an action to be taken by the board.

(b) A member may vote by written proxy delivered in advance to ~~another member~~ **the chairman or secretary** of the board.



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(c) A vacancy in the membership of the board does not impair the right of a quorum to exercise all rights and perform all duties of the board.

SECTION 16. IC 36-7-23-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 32. (a) The board ~~shall~~ **may** appoint an executive director of the authority.

(b) ~~Whenever a vacancy exists in the office of~~ **If the board determines to appoint an** executive director, the board shall appoint a nominating committee composed of members of the board. The committee must submit a recommendation to the board concerning the individuals qualified to serve as executive director.

SECTION 17. IC 36-7-23-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 33. The executive director shall:

- (1) administer, manage, and direct the affairs and activities of the authority in accordance with the policies of the board and under the control and direction of the board;
- ~~(2) preside as chairman at the meetings of the board;~~
- ~~(3)~~ **(2)** maintain and be custodian of all books, documents, and papers filed with the authority and the official seal of the authority; and
- ~~(4)~~ **(3)** perform other duties directed by the members to carry out the purposes of this chapter.

SECTION 18. IC 36-7-23-52 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 52. (a) A resolution establishing just and reasonable fees, rates, and charges for the use of infrastructures under this chapter may be ~~adopted~~ **adopted** by the board after a public hearing. Notice of the hearing must be published ~~and posted; in each county that is a member of the authority; one (1) time,~~ **at least ten (10) days before the hearing, in one (1) newspaper published in each county in which a participating unit is located** in accordance with IC 5-3-1. The notice must provide a summary of the resolution.

(b) Fees, rates, and charges adopted by the authority for a particular infrastructure shall comply with statutes authorizing units to adopt fees, rates, and charges for that particular type of infrastructure or, if there is no statute authorizing units to adopt fees, rates, and charges for that particular type of infrastructure, the fees, rates, and charges must comply with IC 36-1-3.

SECTION 19. IC 36-7-23-53 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 53. (a) An authority may enter into a lease of any infrastructure that could be financed with



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the proceeds of bonds issued under this chapter with a lessor for a term not to exceed fifty (50) years, and the lease may provide for payments to be made by the authority from any revenues of the authority.

(b) A lease may provide that payments by the authority to the lessor are required only to the extent and only for the period that the lessor is able to provide the leased infrastructure in accordance with the lease. The terms of each lease must be based upon the value of the infrastructure leased and may not create a debt of the authority or a county member for purposes of the Constitution of the State of Indiana.

(c) A lease may be entered into by the authority only after a public hearing by the board at which all interested parties are provided the opportunity to be heard. After the public hearing, the board may adopt a resolution authorizing the execution of the lease on behalf of the authority if the board finds that the service to be provided throughout the term of the lease will serve the public purpose of the authority and is in the best interests of its residents.

(d) The authority may:

- (1) pledge revenues to make payments under the lease; and
- (2) establish a special fund to make the payments.

(e) Lease rentals may be limited to money in the special fund so that the obligations of the authority to make the lease rental payments are not considered debt of the authority or a county member for purposes of the Constitution of the State of Indiana.

(f) Except as provided in this section, no approvals of any governmental body or agency are required before the authority enters into a lease under this section.

SECTION 20. IC 36-7-23-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 58. The infrastructure, or any part of ~~them~~, **the infrastructure**, to be financed under this chapter, may be financed by any one (1) or more or any combination of one (1) or more of the methods provided for in this chapter. The authority may pledge any money or mortgage or pledge property available to it under this chapter as set forth in IC 5-1-14-4 and any county member may pledge any money or mortgage or pledge property available to it to the authority as set forth in the agreement creating the authority. Any such pledge or mortgage by a county member to the authority shall be governed by and binding under IC 5-1-14-4.

SECTION 21. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 1999]: IC 36-7-23-3; IC 36-7-23-14.

SECTION 22. [EFFECTIVE JULY 1, 1999] **Notwithstanding IC 36-5-1-2 and IC 36-5-1-10.1, both as amended by this act, proceedings commenced before July 1, 1999, to incorporate a town**



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across county boundaries is only required to have the approval of the county executive of the county that contains all or a major part of the territory sought to be incorporated."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1155 as introduced.)

STEVENSON, Chair

Committee Vote: yeas 10, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1155 be amended to read as follows:

Page 3, delete lines 21 through 42.

Delete pages 4 through 6.

Page 7, delete lines 1 through 20.

Renumber all SECTIONS consecutively.

(Reference is to HB 1155 as printed February 17, 1999.)

SMITH M

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