

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.

## HOUSE ENROLLED ACT No. 1318

---

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 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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

HEA 1318+



C  
O  
P  
Y

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 a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000)** is under the control of a board consisting of **the following sixteen (16) members:**

(1) ~~four (4)~~ **Three (3)** 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; **a municipality with a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).**

(2) ~~three (3)~~ **Two (2)** 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; **a municipality with a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).**

(3) ~~two (2)~~ **One (1) member** jointly appointed by the executive executives of: the municipality with the third largest population within the transportation planning district that

C  
O  
P  
Y



provides public transportation through:

- (A) ~~the a~~ **a municipality or with a population of more than five thousand one hundred fifty (5,150) but less than five thousand two hundred (5,200) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and**
  - (B) **a public transportation corporation; municipality with a population of more than thirty-three thousand eight hundred fifty (33,850) but less than thirty-three thousand nine hundred (33,900) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).**
- (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;**
- (5) ~~one (1)~~ **member appointed by the governor who must be a resident of the transportation planning district that contains the authority; and**
- (6) ~~One (1)~~ **member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):**
- (A) **A municipality with a population of more than seventeen thousand eight hundred (17,800) but less than eighteen thousand (18,000).**
  - (B) **A municipality with a population of more than twenty-three thousand five hundred (23,500) but less than twenty-four thousand (24,000).**
  - (C) **A municipality with a population of more than nineteen thousand nine hundred forty (19,940) but less than twenty thousand (20,000).**
- (5) ~~One (1)~~ **member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):**
- (A) **A municipality with a population of more than four**

C  
O  
P  
Y



thousand five hundred (4,500) but less than five thousand (5,000).

(B) A municipality with a population of more than nineteen thousand nine hundred (19,900) but less than nineteen thousand nine hundred forty (19,940).

(C) A municipality with a population of more than ten thousand (10,000) but less than eleven thousand (11,000).

(6) One (1) member who is jointly appointed by the following:

(A) The executive of a municipality with a population of more than seventeen thousand seven hundred (17,700) but less than seventeen thousand seven hundred fifty (17,750) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(B) The fiscal body of a town with a population of more than eight thousand eight hundred (8,800) but less than nine thousand five hundred (9,500) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(C) The fiscal body of a town with a population of more than six thousand four hundred (6,400) but less than seven thousand (7,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(D) The fiscal body of a town with a population of more than three hundred (300) but less than four hundred (400) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(E) The fiscal body of a town with a population of more than one thousand one hundred fifty (1,150) but less than one thousand five hundred (1,500) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(7) One (1) member appointed by the fiscal body of a municipality with a population of more than twenty-six thousand five hundred (26,500) but less than twenty-eight thousand (28,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).



**(8) One (1) member who is jointly appointed by the following individuals or entities representing municipalities that are located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):**

**(A) The executive of a municipality having a population of more than twenty-one thousand five hundred (21,500) but less than twenty-three thousand (23,000).**

**(B) The executive of a municipality having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand five hundred (14,500).**

**(C) The fiscal body of the municipality having a population of more than one thousand five hundred (1,500) but less than two thousand five hundred (2,500).**

**(9) Three (3) members appointed by the fiscal body of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).**

**(10) One (1) member appointed by the county executive of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).**

**(11) 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. If more than one (1) labor organization represents the employees of the authority, each organization shall submit one (1) name to the governor, and the governor shall appoint the member from the list of names submitted by the organizations.**

SECTION 2. IC 36-9-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **Except as provided in subsection (d), the appointments required by section 5 of this chapter must be made as soon as is practical, but not later than sixty (60) days after the adoption of the ordinance establishing the authority. If any appointing authority fails to make the required appointment within the sixty (60) day time limit, the circuit court from the jurisdiction of the appointing authority shall make the appointment without delay.**

(b) The term of office of a member of the board is:

**(1) two (2) years, for a member of a board located in a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and**

**(2) four (4) years, for all other boards;**

and continues until ~~his~~ the member's successor has qualified for the

C  
o  
p  
y



office. A member may be reappointed for successive terms.

(c) A member of the board serves at the pleasure of the appointing authority.

**(d) An appointment to an authority located in a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) must be made not later than sixty (60) days after the adoption of the ordinance establishing the authority, or for the purpose of reappointments, sixty (60) days after a scheduled reappointment. If the appointing authority designated in section 5(c)(3), 5(c)(4), 5(c)(5), 5(c)(6), or 5(c)(8) of this chapter fails to make an appointment, the appointment shall be made by the governor. The governor shall select an individual from a list comprised of one (1) name from each appointing authority for that particular appointment.**

SECTION 3. IC 36-9-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) **Except as provided in subsection (e)**, 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 governor shall call and preside over the first meeting of the board until the election of the required board officers has been completed.**

(b) **Except as provided in subsection (f)**, 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.

**(e) 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 first meeting of the board shall be at the call of the county council of the county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The president of the county council**



C  
O  
P  
Y

shall preside over the first meeting until the officers of the board have been elected.

(f) 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 board shall first meet in January. At the first meeting 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, a treasurer, and any other officers the board determines are necessary for the board to function.

SECTION 4. IC 36-9-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) A majority of the members appointed to the board constitutes a quorum for a meeting.

(b) **Except as provided in subsection (c)**, the board may act officially by an affirmative vote of a majority of those present at the meeting at which the action is taken.

(c) **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), then:**

- (1) an affirmative vote of a majority of the board is necessary for an action to be taken; and
- (2) a vacancy in membership does not impair the right of a quorum to exercise all rights and perform all duties of the board.

SECTION 5. IC 36-9-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) **Except as provided in subsection (b)**, the members of the board are not entitled to a salary but are entitled to an allowance for actual expenses and mileage at the same rate as other county officials.

(b) **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), 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:**

- (1) in the procedures established by the department of administration and approved by the budget agency for state employee travel; or
- (2) by ordinance of the county fiscal body.

SECTION 6. IC 36-9-3-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.5. (a) **This section applies only to an authority located in a county with a population of more than four**

C  
O  
P  
Y

HEA 1318+



hundred thousand (400,000) with members appointed under section 5(c) of this chapter.

(b) The board shall establish a citizens advisory council consisting of eleven (11) members appointed as follows:

(1) Three (3) members appointed by the executive of a municipality with a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(2) Two (2) members appointed by the executive of a municipality with a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(3) One (1) member appointed by the executive of a municipality with a population of more than thirty-three thousand eight hundred fifty (33,850) but less than thirty-three thousand nine hundred (33,900) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(4) One (1) member selected from a list of citizens submitted by community based organizations which advocate for public transportation by the fiscal body of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(5) One (1) member selected from a list of citizens submitted by community based organizations which advocate for public transportation by the county executive of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(6) One (1) member who is jointly appointed by the following individuals or entities representing municipalities that are located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a municipality having a population of more than twenty-one thousand five hundred (21,500) but less than twenty-three thousand (23,000).

(B) The executive of a municipality having a population of

C  
o  
p  
y



more than thirteen thousand five hundred (13,500) but less than fourteen thousand five hundred (14,500).

(C) The fiscal body of a municipality having a population of more than one thousand five hundred (1,500) but less than two thousand five hundred (2,500).

(7) One (1) member who is jointly appointed by the following:

(A) The executive of a municipality with a population of more than seventeen thousand seven hundred (17,700) but less than seventeen thousand seven hundred fifty (17,750) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(B) The fiscal body of a town with a population of more than eight thousand eight hundred (8,800) but less than nine thousand five hundred (9,500) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(C) The fiscal body of a town with a population of more than six thousand four hundred (6,400) but less than seven thousand (7,000) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(D) The fiscal body of a town with a population of more than three hundred (300) but less than four hundred (400) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(E) The fiscal body of a town with a population of more than one thousand one hundred fifty (1,150) but less than one thousand five hundred (1,500) and located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(8) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A municipality with a population of more than seventeen thousand eight hundred (17,800) but less than eighteen thousand (18,000).

(B) A municipality with a population of more than

C  
O  
P  
Y



twenty-three thousand five hundred (23,500) but less than twenty-four thousand (24,000).

(C) A municipality with a population of more than nineteen thousand nine hundred forty (19,940) but less than twenty thousand (20,000).

(c) A member of a citizens advisory council:

(1) must live in the geographic area represented by the appointing authority;

(2) may not be:

(A) an elected official; or

(B) a public employee of the appointing authority;

(3) may serve a two (2) year term; and

(4) may be reappointed to multiple terms.

(d) The citizens advisory council shall:

(1) meet at least once every six (6) months;

(2) review and make recommendations to the board on:

(A) the authority plan;

(B) the proposed route and time schedule changes of the regional transportation system;

(C) the authority budget; and

(D) the hiring of the authority director;

(3) be responsible for assuring direct citizen input into the authority plan; and

(4) refer all complaints and concerns of citizens to the appropriate person or committee within the authority.

SECTION 7. [EFFECTIVE UPON PASSAGE] (a)

Notwithstanding IC 36-9-3, as amended by this act, the members of the initial regional transportation authority that includes a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) shall be appointed not later than sixty (60) days after the date of the adoption of the ordinance establishing the authority, and are appointed for:

(1) a term that expires at noon January 1, 2002, if the member was appointed under:

(A) IC 36-9-3-5(c)(1), and was designated by the appointing authority as the member appointed to a three (3) year term;

(B) IC 36-9-3-5(c)(2), and was designated by the appointing authority as the member appointed to a three (3) year term;

(C) IC 36-9-3-5(c)(3);



COPY

- (D) IC 36-9-3-5(c)(4);
- (E) IC 36-9-3-5(c)(6);
- (F) IC 36-9-3-5(c)(9), and was designated by the appointing authority as the member appointed to a three (3) year term; and
- (G) IC 36-9-3-5(c)(10); or

(2) a term that expires at noon January 1, 2001, if the member was appointed under:

- (A) IC 36-9-3-5(c)(1);
- (B) IC 36-9-3-5(c)(2);
- (C) IC 36-9-3-5(c)(5);
- (D) IC 36-9-3-5(c)(7);
- (E) IC 36-9-3-5(c)(9); or
- (F) IC 36-9-3-5(c)(11).

(b) Notwithstanding IC 36-9-3-12.5, as added by this act, the members of the initial citizens advisory board of a regional transportation authority that includes a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) shall be appointed not later than sixty (60) days after the adoption of the ordinance establishing the authority, and are appointed for:

(1) a term that expires at noon January 1, 2002, if the member was appointed under:

- (A) IC 36-9-3-12.5(b)(1), and was designated by the appointing authority as the member appointed to a three (3) year term;
- (B) IC 36-9-3-12.5(b)(2), and was designated by the appointing authority as the member appointed to a three (3) year term;
- (C) IC 36-9-3-12.5(b)(3);
- (D) IC 36-9-3-12.5(b)(4);
- (E) IC 36-9-3-12.5(b)(5); and
- (F) IC 36-9-3-12.5(b)(6); or

(2) a term that expires at noon January 1, 2001, if the member was appointed under:

- (A) IC 36-9-3-12.5(b)(1);
- (B) IC 36-9-3-12.5(b)(2);
- (C) IC 36-9-3-12.5(b)(7); and
- (D) IC 36-9-3-12.5(b)(8).

(c) This SECTION expires January 1, 2003.

SECTION 8. An emergency is declared for this act.

C  
O  
P  
Y

