

Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1435

AN ACT to amend the Indiana Code concerning transportation.

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

SECTION 1. IC 8-22-3-4.1, AS AMENDED BY P.L.170-2002, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4.1. (a) This section applies only to the board of an airport authority established for a county having a consolidated city.

(b) The board consists of members appointed as follows:

(1) The mayor of the consolidated city shall appoint ~~five (5)~~ **six (6)** members. Each member appointed under this subdivision must be a resident of the county having the consolidated city.

(2) The board of commissioners of the county having the consolidated city shall appoint one (1) member. The member appointed under this subdivision must be a resident of the county having the consolidated city.

(3) The county executive of each Indiana county that fulfills all of the following requirements shall each appoint one (1) member:

(A) The county is adjacent to the county having the consolidated city.

(B) The county has a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000).

(C) The authority owns real property in the county.

The county executive of a county represented on the board under this subdivision may not appoint an advisory member under

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section 4(e) of this chapter.

Not more than ~~three (3)~~ **four (4)** members appointed under subdivisions (1) and (2) may be members of the same political party.

(c) At least one (1) member of the board appointed under subsection (b)(1) must also be a resident of a township that:

- (1) is located in the county having the consolidated city; and
- (2) has a population of:
  - (A) less than twenty-five thousand (25,000); or
  - (B) more than one hundred thirty-three thousand (133,000) but less than one hundred fifty thousand (150,000).

(d) A member of the board appointed under subsection (b)(3) must be a resident of a township:

- (1) located in the county making the appointment; and
- (2) having a population of more than twenty thousand (20,000) but less than twenty-five thousand (25,000).

**(e) The county executive of a county that is not otherwise represented on the board and that is located not more than one thousand two hundred (1,200) feet from a certified air carrier airport that is owned or operated by the authority may appoint one (1) advisory member to the board. An advisory member appointed under this subsection:**

- (1) must be a resident of:**
  - (A) the county making the appointment; and**
  - (B) one (1) of the two (2) townships in the county located nearest to the airport;**
- (2) may not vote on any matter before the board;**
- (3) serves at the pleasure of the appointing authority; and**
- (4) serves without compensation or payment for expenses.**

~~(f)~~ **(f)** A member of the board holds office for four (4) years and until the member's successor is appointed and qualified.

~~(g)~~ **(g)** If a vacancy occurs in the board, the authority that appointed the member that vacated the board shall appoint an individual to serve for the remainder of the unexpired term.

~~(h)~~ **(h)** A board member may be reappointed to successive terms.

~~(i)~~ **(i)** A board member may be impeached under the procedure provided for the impeachment of county officers.

~~(j)~~ **(j)** A board member appointed under subsection (b)(3) may not vote on a matter before the board relating to imposing, increasing, or decreasing property taxes in the county having the consolidated city.

**SECTION 2. [EFFECTIVE JULY 1, 2004] (a) This SECTION applies only to the board of an airport authority established for a county having a consolidated city.**

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(b) Before January 1, 2005, the mayor of the consolidated city shall appoint one (1) additional member of the board as required by IC 8-22-3-4.1(b)(1), as amended by this act.

(c) An individual appointed under subsection (b) takes office January 1, 2005.

(d) This SECTION expires January 1, 2006.

SECTION 3. [EFFECTIVE JULY 1, 2004] The general assembly finds that development of the certified air carrier airport, owned and operated by the Indianapolis Airport Authority, may impact persons residing outside of Marion County, but within close proximity to the airport. In order to address the concerns of these persons, the general assembly finds that it is appropriate to appoint to the board of the Indianapolis Airport Authority (described in IC 8-22-3-4.1, as amended by this act) a member from a county, described in IC 8-22-3-4.1(e), as amended by this act, that is located in close proximity to a certified air carrier airport described in this SECTION.

SECTION 4. [EFFECTIVE JULY 1, 2004] (a) This SECTION applies only to the board of an airport authority established for a county having a consolidated city.

(b) Before January 1, 2005, the county executive of each county described in IC 8-22-3-4.1(e), as added by this act, may appoint an advisory member of the board as provided by IC 8-22-3-4.1(e), as added by this act.

(c) An individual appointed under subsection (b) takes office January 1, 2005.

(d) This SECTION expires January 1, 2006.

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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