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| Adopted | Rejected |
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COMMITTEE REPORT

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| YES: | 10 |
| NO: | 0 |

MR. SPEAKER:

Your Committee on Local Government, to which was referred House Bill 1102, 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:

- 1 Page 3, line 11, delete "or meeting." and insert "**for which a statute**
- 2 **requires notice to be published under this chapter.**".
- 3 Page 3, line 40, delete "If a county auditor publishes a notice".
- 4 Page 3, delete lines 41 through 42.
- 5 Page 4, delete line 1.
- 6 Page 22, line 40, after "penalties" strike "of" and insert "**up to a**
- 7 **specific dollar amount set forth in an ordinance adopted by the**
- 8 **legislative body, but**".
- 9 Page 24, delete lines 34 through 42, begin a new paragraph and
- 10 insert:
- 11 "SECTION 21. IC 36-1-12-4 IS AMENDED TO READ AS
- 12 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) This section
- 13 applies whenever the cost of a public work project will be:
- 14 (1) at least seventy-five thousand dollars (\$75,000) in:
- 15 (A) a consolidated city or second class city;
- 16 (B) a county containing a consolidated city or second class

- 1 city; or
- 2 (C) a regional water or sewage district established under
- 3 IC 13-26;
- 4 (2) at least fifty thousand dollars (\$50,000) in:
- 5 (A) a third class city or town with a population of more than
- 6 five thousand (5,000); or
- 7 (B) a county containing a third class city or town with a
- 8 population of more than five thousand (5,000); or
- 9 (3) at least ~~twenty-five~~ **fifty** thousand dollars ~~(\$25,000)~~ **(\$50,000)**
- 10 in a political subdivision or an agency not described in
- 11 subdivision (1) or (2).
- 12 (b) The board must comply with the following procedure:
- 13 (1) The board shall prepare general plans and specifications
- 14 describing the kind of public work required, but shall avoid
- 15 specifications which might unduly limit competition. If the project
- 16 involves the resurfacing (as defined by IC 8-14-2-1) of a road,
- 17 street, or bridge, the specifications must show how the weight or
- 18 volume of the materials will be accurately measured and verified.
- 19 (2) The board shall file the plans and specifications in a place
- 20 reasonably accessible to the public, which shall be specified in the
- 21 notice required by subdivision (3).
- 22 (3) Upon the filing of the plans and specifications, the board shall
- 23 publish notice in accordance with IC 5-3-1 calling for sealed
- 24 proposals for the public work needed.
- 25 (4) The notice must specify the place where the plans and
- 26 specifications are on file and the date fixed for receiving bids.
- 27 (5) The period of time between the date of the first publication and
- 28 the date of receiving bids shall be governed by the size of the
- 29 contemplated project in the discretion of the board, but it may not
- 30 be more than six (6) weeks.
- 31 (6) If the cost of a project is one hundred thousand dollars
- 32 (\$100,000) or more, the board shall require the bidder to submit
- 33 a financial statement, a statement of experience, a proposed plan
- 34 or plans for performing the public work, and the equipment that
- 35 the bidder has available for the performance of the public work.
- 36 The statement shall be submitted on forms prescribed by the state
- 37 board of accounts.
- 38 (7) The board may not require a bidder to submit a bid before the

- 1 meeting at which bids are to be received. The meeting for
 2 receiving bids must be open to the public. All bids received shall
 3 be opened publicly and read aloud at the time and place
 4 designated and not before.
- 5 (8) Except as provided in subsection (c), the board shall:
- 6 (A) award the contract for public work or improvements to the
 7 lowest responsible and responsive bidder; or
 8 (B) reject all bids submitted.
- 9 (9) If the board awards the contract to a bidder other than the
 10 lowest bidder, the board must state in the minutes or memoranda,
 11 at the time the award is made, the factors used to determine which
 12 bidder is the lowest responsible and responsive bidder and to
 13 justify the award. The board shall keep a copy of the minutes or
 14 memoranda available for public inspection.
- 15 (10) In determining whether a bidder is responsive, the board may
 16 consider the following factors:
- 17 (A) Whether the bidder has submitted a bid or quote that
 18 conforms in all material respects to the specifications.
- 19 (B) Whether the bidder has submitted a bid that complies
 20 specifically with the invitation to bid and the instructions to
 21 bidders.
- 22 (C) Whether the bidder has complied with all applicable
 23 statutes, ordinances, resolutions, or rules pertaining to the
 24 award of a public contract.
- 25 (11) In determining whether a bidder is a responsible bidder, the
 26 board may consider the following factors:
- 27 (A) The ability and capacity of the bidder to perform the work.
 28 (B) The integrity, character, and reputation of the bidder.
 29 (C) The competence and experience of the bidder.
- 30 (12) The board shall require the bidder to submit an affidavit:
- 31 (A) that the bidder has not entered into a combination or
 32 agreement:
 33 (i) relative to the price to be bid by a person;
 34 (ii) to prevent a person from bidding; or
 35 (iii) to induce a person to refrain from bidding; and
 36 (B) that the bidder's bid is made without reference to any other
 37 bid.
- 38 (c) Notwithstanding subsection (b)(8), a county may award sand,

1 gravel, asphalt paving materials, or crushed stone contracts to more
 2 than one (1) responsible and responsive bidder if the specifications
 3 allow for bids to be based upon service to specific geographic areas and
 4 the contracts are awarded by geographic area. The geographic areas do
 5 not need to be described in the specifications."

6 Delete page 25.

7 Page 26, delete lines 1 through 37.

8 Page 26, line 41, delete "seventy-five" and insert "**fifty**".

9 Page 26, line 41, delete "\$75,000" and insert "**(\$50,000)**".

10 Page 35, between lines 3 and 4, begin a new paragraph and insert:
 11 "SECTION 34. IC 36-7-7.6-4 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The following
 13 members shall be appointed to the commission:

14 (1) A member of the county executive of each county described
 15 in section 1 of this chapter, to be appointed by the county
 16 executive.

17 (2) A member of the county fiscal body of each county described
 18 in section 1 of this chapter, to be appointed by the county fiscal
 19 body.

20 (3) The county surveyor of each county described in section 1 of
 21 this chapter.

22 (4) For a county having a population of not more than four
 23 hundred thousand (400,000), one (1) person appointed by the
 24 executive of each of the eleven (11) largest municipalities.

25 (5) For a county having a population of more than four hundred
 26 thousand (400,000) but less than seven hundred thousand
 27 (700,000), one (1) person appointed by the executive of each of
 28 the nineteen (19) largest municipalities.

29 **(6) Beginning July 1, 2007, one (1) person appointed by the**
 30 **trustee of each township that:**

31 **(A) is located in a county described in section 1 of this**
 32 **chapter;**

33 **(B) has a population of at least eight thousand (8,000); and**

34 **(C) does not contain a municipality.**

35 (b) One (1) voting member of the commission shall be appointed by
 36 the governor. The member appointed under this subsection may not
 37 vote in a weighted vote under section 9 of this chapter.

38 (c) A member of the commission who is a county surveyor may not

1 vote in a weighted vote under section 9 of this chapter."

2 Page 36, between lines 3 and 4, begin a new paragraph and insert:

3 "SECTION 36. IC 36-9-3-5, AS AMENDED BY P.L.114-2005,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 5. (a) An authority is under the control of a
6 board (referred to as "the board" in this chapter) that, except as
7 provided in subsections (b) and (c), consists of:

8 (1) two (2) members appointed by the executive of each county in
9 the authority;

10 (2) one (1) member appointed by the executive of the largest
11 municipality in each county in the authority;

12 (3) one (1) member appointed by the executive of each second
13 class city in a county in the authority; and

14 (4) one (1) member from any other political subdivision that has
15 public transportation responsibilities in a county in the authority.

16 (b) An authority that includes a consolidated city is under the control
17 of a board consisting of the following:

18 (1) Two (2) members appointed by the executive of the county
19 having the consolidated city.

20 (2) One (1) member appointed by the board of commissioners of
21 the county having the consolidated city.

22 (3) One (1) member appointed by the executive of each other
23 county in the authority.

24 (4) Two (2) members appointed by the governor from a list of at
25 least five (5) names provided by the Indianapolis regional
26 transportation council.

27 (5) One (1) member representing the four (4) largest
28 municipalities in the authority located in a county other than a
29 county containing a consolidated city. The member shall be
30 appointed by the executives of the municipalities acting jointly.

31 (6) One (1) member representing the excluded cities located in a
32 county containing a consolidated city that are members of the
33 authority. The member shall be appointed by the executives of the
34 excluded cities acting jointly.

35 (7) One (1) member of a labor organization representing
36 employees of the authority who provide public transportation
37 services within the geographic jurisdiction of the authority. The
38 labor organization shall appoint the member.

1 (c) An authority that includes a county having a population of more
 2 than four hundred thousand (400,000) but less than seven hundred
 3 thousand (700,000) is under the control of a board consisting of the
 4 following ~~sixteen (16)~~ **twenty-one (21)** members:

5 (1) Three (3) members appointed by the executive of a city with
 6 a population of more than ninety thousand (90,000) but less than
 7 one hundred five thousand (105,000).

8 (2) Two (2) members appointed by the executive of a city with a
 9 population of more than seventy-five thousand (75,000) but less
 10 than ninety thousand (90,000).

11 (3) One (1) member jointly appointed by the executives of the
 12 following municipalities located within a county having a
 13 population of more than four hundred thousand (400,000) but less
 14 than seven hundred thousand (700,000):

15 (A) A city with a population of more than five thousand one
 16 hundred thirty-five (5,135) but less than five thousand two
 17 hundred (5,200).

18 (B) A city with a population of more than thirty-two thousand
 19 (32,000) but less than thirty-two thousand eight hundred
 20 (32,800).

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

25 (A) A town with a population of more than fifteen thousand
 26 (15,000) but less than twenty thousand (20,000).

27 (B) A town with a population of more than twenty-three
 28 thousand (23,000) but less than twenty-four thousand (24,000).

29 (C) A town with a population of more than twenty thousand
 30 (20,000) but less than twenty-three thousand (23,000).

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

35 (A) A town with a population of more than eight thousand
 36 (8,000) but less than nine thousand (9,000).

37 (B) A town with a population of more than twenty-four
 38 thousand (24,000) but less than thirty thousand (30,000).

- 1 (C) A town with a population of more than twelve thousand
2 five hundred (12,500) but less than fifteen thousand (15,000).
- 3 (6) One (1) member who is jointly appointed by the following
4 authorities of municipalities located in a county having a
5 population of more than four hundred thousand (400,000) but less
6 than seven hundred thousand (700,000):
- 7 (A) The executive of a city with a population of more than
8 nineteen thousand eight hundred (19,800) but less than
9 twenty-one thousand (21,000).
- 10 (B) The fiscal body of a town with a population of more than
11 nine thousand (9,000) but less than twelve thousand five
12 hundred (12,500).
- 13 (C) The fiscal body of a town with a population of more than
14 five thousand (5,000) but less than eight thousand (8,000).
- 15 (D) The fiscal body of a town with a population of less than
16 one thousand five hundred (1,500).
- 17 (E) The fiscal body of a town with a population of more than
18 two thousand two hundred (2,200) but less than five thousand
19 (5,000).
- 20 (7) One (1) member appointed by the fiscal body of a town with
21 a population of more than thirty thousand (30,000) located within
22 a county with a population of more than four hundred thousand
23 (400,000) but less than seven hundred thousand (700,000).
- 24 (8) One (1) member who is jointly appointed by the following
25 authorities of municipalities that are located within a county with
26 a population of more than four hundred thousand (400,000) but
27 less than seven hundred thousand (700,000):
- 28 (A) The executive of a city having a population of more than
29 twenty-five thousand (25,000) but less than twenty-seven
30 thousand (27,000).
- 31 (B) The executive of a city having a population of more than
32 thirteen thousand nine hundred (13,900) but less than fourteen
33 thousand two hundred (14,200).
- 34 (C) The fiscal body of a town having a population of more than
35 one thousand five hundred (1,500) but less than two thousand
36 two hundred (2,200).
- 37 (9) Three (3) members appointed by the fiscal body of a county
38 with a population of more than four hundred thousand (400,000)

- 1 but less than seven hundred thousand (700,000).
 2 (10) One (1) member appointed by the county executive of a
 3 county with a population of more than four hundred thousand
 4 (400,000) but less than seven hundred thousand (700,000).
 5 (11) One (1) member of a labor organization representing
 6 employees of the authority who provide public transportation
 7 services within the geographic jurisdiction of the authority. The
 8 labor organization shall appoint the member. If more than one (1)
 9 labor organization represents the employees of the authority, each
 10 organization shall submit one (1) name to the governor, and the
 11 governor shall appoint the member from the list of names
 12 submitted by the organizations.
 13 (12) The executive of a city with a population of more than
 14 twenty-seven thousand four hundred (27,400) but less than
 15 twenty-eight thousand (28,000), located within a county with a
 16 population of more than one hundred forty-five thousand
 17 (145,000) but less than one hundred forty-eight thousand
 18 (148,000), or the executive's designee.
 19 (13) The executive of a city with a population of more than
 20 thirty-three thousand (33,000) but less than thirty-six thousand
 21 (36,000), located within a county with a population of more than
 22 one hundred forty-five thousand (145,000) but less than one
 23 hundred forty-eight thousand (148,000), or the executive's
 24 designee.
 25 (14) One (1) member of the board of commissioners of a county
 26 with a population of more than one hundred forty-five thousand
 27 (145,000) but less than one hundred forty-eight thousand
 28 (148,000), appointed by the board of commissioners, or the
 29 member's designee.
 30 **(15) One (1) member appointed jointly by the town board**
 31 **executives of the following towns:**
 32 **(A) Chesterton.**
 33 **(B) Porter.**
 34 **(C) Burns Harbor.**
 35 **(D) Dune Acres.**
 36 **The member appointed under this subdivision must be a**
 37 **resident of a town listed in this subdivision.**
 38 **(16) One (1) member appointed jointly by the township**

1 **executives of the following townships located in Porter**
 2 **County:**

3 **(A) Washington Township.**

4 **(B) Morgan Township.**

5 **(C) Pleasant Township.**

6 **(D) Boone Township.**

7 **(E) Union Township.**

8 **(F) Porter Township.**

9 **(G) Jackson Township.**

10 **(H) Liberty Township.**

11 **(I) Pine Township.**

12 **The member appointed under this subdivision must be a**
 13 **resident of a township listed in this subdivision.**

14 SECTION 37. IC 36-9-3-9, AS AMENDED BY P.L.114-2005,
 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2006]: Sec. 9. (a) A majority of the members appointed to the
 17 board constitutes a quorum for a meeting.

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

21 (c) If the authority includes a county having a population of more
 22 than four hundred thousand (400,000) but less than seven hundred
 23 thousand (700,000), then:

24 (1) an affirmative vote of a majority of the board is necessary for
 25 an action to be taken; and

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

28 ~~(d) This section applies to an authority that includes a county having~~
 29 ~~a population of more than four hundred thousand (400,000) but less~~
 30 ~~than seven hundred thousand (700,000). A member described in section~~
 31 ~~5(c)(12), 5(c)(13), or 5(c)(14) of this chapter may not vote on the~~
 32 ~~distribution or payment of money by the authority unless a county with~~
 33 ~~a population of more than one hundred forty-five thousand (145,000)~~
 34 ~~but less than one hundred forty-eight thousand (148,000) pays to the~~
 35 ~~authority the county's share of the authority's budget under this chapter~~
 36 ~~and as agreed by the counties participating in the authority."~~

37 Page 37, between lines 12 and 13, begin a new paragraph and insert:

38 "SECTION 40. IC 36-9-39.1 IS ADDED TO THE INDIANA

1 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2006]:

3 **Chapter 39.1. Alternative Assessment Financing for Municipal**
 4 **Sewage Works**

5 **Sec. 1. This chapter applies to all municipalities.**

6 **Sec. 2. As used in this chapter, "board" has the meaning set**
 7 **forth in IC 36-9-23-5.**

8 **Sec. 3. As used in this chapter, "fund" refers to a sewer**
 9 **improvement and extension fund established under section 5 of this**
 10 **chapter.**

11 **Sec. 4. If a board wants to construct, repair, extend, or improve**
 12 **a sewage works, the board may adopt a resolution providing that**
 13 **the construction, repair, extension, or improvement will be**
 14 **financed under this chapter.**

15 **Sec. 5. (a) A municipality may adopt an ordinance establishing**
 16 **a sewer improvement and extension fund to finance the**
 17 **construction, repair, extension, or improvement of a sewage works.**

18 **(b) A fund consists of the following:**

19 **(1) A special assessment imposed and collected under section**
 20 **7 of this chapter. However, a special assessment imposed and**
 21 **collected under any other statute may not be deposited in the**
 22 **fund.**

23 **(2) An appropriation to the fund, including an appropriation**
 24 **made from taxes levied by a municipal legislative body for the**
 25 **construction, repair, extension, or improvement of a sewage**
 26 **works.**

27 **Sec. 6. (a) The legislative body of a municipality that establishes**
 28 **a fund may appropriate money from the municipal general fund**
 29 **and transfer the money to the fund.**

30 **(b) During the fiscal year in which a municipality establishes a**
 31 **fund, the legislative body of the municipality may make an**
 32 **emergency appropriation from the municipal general fund and**
 33 **transfer the money to the fund.**

34 **Sec. 7. (a) A board may adopt an ordinance or a resolution to**
 35 **appropriate money from funds under the board's control to pay for**
 36 **all or part of the cost of the construction, repair, extension, or**
 37 **improvement of a sewage works.**

38 **(b) Any costs not paid under subsection (a) must be paid by:**

- 1 **(1) an assessment imposed under subsection (c) against the**
- 2 **benefited properties; or**
- 3 **(2) a contract under IC 36-9-22.**

4 **Any interest or penalties attributable to an assessment under this**
 5 **section must be deposited in the fund.**

6 **(c) The board may adopt a resolution to impose an assessment**
 7 **to finance the construction, repair, extension, or improvement of a**
 8 **sewage works. The assessment must be imposed and collected as**
 9 **provided by the street and sewer improvement statutes.**

10 **Sec. 8. (a) A contract for the construction, repair, extension, or**
 11 **improvement of a sewage works is subject to the statutes**
 12 **authorizing municipalities to make and finance public**
 13 **improvements.**

14 **(b) Upon awarding a contract for the construction, repair,**
 15 **extension, or improvement of a sewage works under this chapter,**
 16 **a board shall:**

- 17 **(1) carefully compute the entire cost of the construction,**
- 18 **repair, extension, or improvement, including payments to the**
- 19 **contractor and all incidental costs, expenses, and damages**
- 20 **paid and incurred according to law; and**
- 21 **(2) prepare and make out an assessment roll listing the**
- 22 **assessments against the properties benefited.**

23 **In determining and fixing the amount of assessments, the giving of**
 24 **notice of assessments, the holding of public hearings, and the**
 25 **making of final determinations, subject to the right of appeal from**
 26 **those determinations, the board is governed by the street and sewer**
 27 **improvement statutes.**

28 **(c) An assessment under this chapter is a lien against the**
 29 **benefited property from the time of the letting of the contract and**
 30 **shall be collected in the manner provided for collection of Barrett**
 31 **Law assessments.**

32 **(d) The board shall fix a period of not more than twenty (20)**
 33 **years within which the assessments shall be paid.**

34 **(e) A property owner liable for an assessment may execute a**
 35 **waiver in the manner provided by the street and sewer**
 36 **improvement statutes to pay the assessment in annual installments**
 37 **over a period fixed by the board.**

38 **(f) All payments under this chapter are deposited into the**

1 **fund."**

2 Page 37, after line 14, begin a new paragraph and insert:

3 "SECTION 42. [EFFECTIVE UPON PASSAGE] (a) **As used in**
4 **this SECTION, "member" refers to a person appointed under**
5 **subsection (c)(3) or (c)(4) or to a legislator whose district includes**
6 **all or part of Lake County, Porter County, LaPorte County, St.**
7 **Joseph County, or Elkhart County.**

8 (b) **The northwest Indiana transportation study commission is**
9 **established.**

10 (c) **The commission consists of fourteen (14) voting members**
11 **appointed as follows:**

12 (1) **Six (6) members of the senate, not more than three (3) of**
13 **whom may be members of the same political party, appointed**
14 **by the president pro tempore of the senate.**

15 (2) **Six (6) members of the house of representatives, not more**
16 **than three (3) of whom may be members of the same political**
17 **party, appointed by the speaker of the house of**
18 **representatives.**

19 (3) **One (1) individual who is not a legislator, appointed by the**
20 **northwestern Indiana regional planning commission.**

21 (4) **One (1) individual who is not a legislator, appointed by the**
22 **Michiana Area Council of Governments.**

23 (d) **The chairman of the legislative council shall select one (1)**
24 **member of the commission to serve as chairperson of the**
25 **commission, and the vice chairman of the legislative council shall**
26 **select one (1) member of the commission to serve as vice**
27 **chairperson of the commission.**

28 (e) **The commission shall:**

29 (1) **monitor the development of commuter transportation and**
30 **rail service in the Lowell-Chicago and Valparaiso-Chicago**
31 **corridors;**

32 (2) **study all aspects of regional mass transportation and road**
33 **and highway needs in Lake County, Porter County, LaPorte**
34 **County, St. Joseph County, and Elkhart County;**

35 (3) **study northwest Indiana transportation, infrastructure,**
36 **and economic development issues; and**

37 (4) **study other topics as assigned by the legislative council.**

38 (f) **The commission shall submit a final report of the**

1 **commission's findings and recommendations to the legislative**
2 **council before November 1, 2009. The report must be in an**
3 **electronic format under IC 5-14-6.**

4 **(g) The commission shall operate under the rules of the**
5 **legislative council.**

6 **(h) This SECTION expires November 2, 2009.**

7 **SECTION 43. An emergency is declared for this act."**

8 Renumber all SECTIONS consecutively.

(Reference is to HB 1102 as introduced.)

and when so amended that said bill do pass.

Representative Hinkle