



January 28, 2011

HOUSE BILL No. 1366

DIGEST OF HB 1366 (Updated January 26, 2011 12:37 pm - DI 96)

Citations Affected: IC 8-24; IC 36-1; IC 36-7.5; IC 36-7.6; IC 36-9.

Synopsis: Northwest Indiana bus commission. Requires a regional transportation authority of which Lake County is a member to be named the northwest Indiana bus commission (NIBC). Establishes the membership of the NIBC. Establishes the membership of the NIBC board. Requires the executive director of the NIBC to have at least seven years experience in public transportation at a senior executive level. Requires the NIBC board to submit a biennial fiscal plan to the Lake County fiscal body. Repeals definitions of "regional bus authority" and "regional bus authority project".

Effective: July 1, 2011.

Soliday, Dobis, Harris

January 18, 2011, read first time and referred to Committee on Roads and Transportation.
January 27, 2011, amended, reported — Do Pass.

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HB 1366—LS 6670/DI 103+



January 28, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1366

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 8-24-2-6, AS ADDED BY P.L.182-2009(ss),
2 SECTION 282, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2011]: Sec. 6. On January 1, 2010, subject to
4 this article, the rights, powers, duties, personnel, liabilities, and
5 obligations of the following entities operating in the incorporated or
6 unincorporated areas of Lake County or Porter County (if the county is
7 a member county) are transferred to the bus service division:

- 8 (1) An automated transit district established under IC 8-9.5-7.
- 9 (2) A regional transportation authority established under
10 IC 36-9-3-2.
- 11 (3) ~~A regional bus authority~~ **The northwest Indiana bus**
12 **commission** under IC 36-9-3-2(c).
- 13 (4) A public transportation corporation established under
14 IC 36-9-4.

15 SECTION 2. IC 36-1-7-11.5, AS ADDED BY P.L.169-2006,
16 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2011]: Sec. 11.5. (a) As used in this section, "economic

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1 development project" has the meaning set forth in IC 6-3.5-7-13.1(c).
2 The term also includes any project related to transportation services,
3 transportation infrastructure, or the development or construction of a
4 hotel or other tourism destination.

5 (b) An entity entering into an agreement under this chapter that is
6 related to an economic development project may do any of the
7 following to carry out the agreement:

8 (1) After appropriation by the entity's fiscal body, transfer money
9 derived from any source to any of the following:

10 (A) One (1) or more entities that have entered into the
11 agreement.

12 (B) An economic development entity (as defined in section 15
13 of this chapter) established by an entity that has entered into
14 the agreement.

15 (C) A regional development authority, including the northwest
16 Indiana regional development authority established by
17 IC 36-7.5-2-1.

18 (D) A regional transportation authority including the ~~regional~~
19 ~~bus authority~~ **northwest Indiana bus commission** established
20 under IC 36-9-3-2(c).

21 (2) Transfer any property or provide personnel, services, or
22 facilities to any entity or authority described in subdivision (1)(A)
23 through (1)(D).

24 SECTION 3. IC 36-7.5-1-12, AS AMENDED BY P.L.47-2006,
25 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2011]: Sec. 12. "Eligible political subdivision" means the
27 following:

28 (1) An airport authority.

29 (2) A commuter transportation district.

30 (3) ~~A regional bus authority~~ **The northwest Indiana bus**
31 **commission** under IC 36-9-3-2(c).

32 (4) A regional transportation authority established under
33 IC 36-9-3-2.

34 (5) A shoreline development commission under IC 36-7-13.5.

35 SECTION 4. IC 36-7.5-1-13, AS AMENDED BY P.L.47-2006,
36 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2011]: Sec. 13. "Project" means an airport authority project,
38 a commuter transportation district project, an economic development
39 project, a ~~regional bus authority~~ **northwest Indiana bus commission**
40 project, a regional transportation authority project, or a shoreline
41 development commission project.

42 SECTION 5. IC 36-7.5-1-12.5 IS ADDED TO THE INDIANA

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2011]: **Sec. 12.5. "Northwest Indiana bus
3 commission" means a regional transportation authority operating
4 as the northwest Indiana bus commission under IC 36-9-3-2(c).**

5 SECTION 6. IC 36-7.5-1-12.6 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2011]: **Sec. 12.6. "Northwest Indiana bus
8 commission project" means a project that can be financed with the
9 proceeds of bonds issued by the northwest Indiana regional
10 development authority under IC 36-7.5-4-3 on behalf of the
11 northwest Indiana bus commission.**

12 SECTION 7. IC 36-7.5-2-1, AS AMENDED BY P.L.47-2006,
13 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2011]: Sec. 1. The northwest Indiana regional development
15 authority is established as a separate body corporate and politic to carry
16 out the purposes of this article by:

- 17 (1) acquiring, constructing, equipping, owning, leasing, and
18 financing projects and facilities for lease to or for the benefit of
19 eligible political subdivisions under this article;
- 20 (2) funding and developing the Gary/Chicago International
21 Airport expansion and other airport authority projects, commuter
22 transportation district and other rail projects and services,
23 ~~regional bus authority~~ **northwest Indiana bus commission**
24 projects and services, regional transportation authority projects
25 and services, shoreline development projects and activities, and
26 economic development projects in northwestern Indiana; and
- 27 (3) assisting with the funding of infrastructure needed to sustain
28 development of an intermodal facility in northwestern Indiana.

29 SECTION 8. IC 36-7.5-3-1, AS AMENDED BY P.L.47-2006,
30 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2011]: Sec. 1. The development authority shall do the
32 following:

- 33 (1) Assist in the coordination of local efforts concerning projects.
- 34 (2) Assist a commuter transportation district, an airport authority,
35 a shoreline development commission, a regional transportation
36 authority, and ~~a regional bus authority~~ **the northwest Indiana
37 bus commission** in coordinating regional transportation and
38 economic development efforts.
- 39 (3) Fund projects as provided in this article.
- 40 (4) Fund bus services (including fixed route services and flexible
41 or demand-responsive services) and projects related to bus
42 services and bus terminals, stations, or facilities.

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1 SECTION 9. IC 36-7.5-3-2, AS AMENDED BY P.L.182-2009(ss),
2 SECTION 424, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) The development authority
4 may do any of the following:

5 (1) Finance, improve, construct, reconstruct, renovate, purchase,
6 lease, acquire, and equip land and projects located in an eligible
7 county or eligible municipality.

8 (2) Lease land or a project to an eligible political subdivision.

9 (3) Finance and construct additional improvements to projects or
10 other capital improvements owned by the development authority
11 and lease them to or for the benefit of an eligible political
12 subdivision.

13 (4) Acquire land or all or a portion of one (1) or more projects
14 from an eligible political subdivision by purchase or lease and
15 lease the land or projects back to the eligible political subdivision,
16 with any additional improvements that may be made to the land
17 or projects.

18 (5) Acquire all or a portion of one (1) or more projects from an
19 eligible political subdivision by purchase or lease to fund or
20 refund indebtedness incurred on account of the projects to enable
21 the eligible political subdivision to make a savings in debt service
22 obligations or lease rental obligations or to obtain relief from
23 covenants that the eligible political subdivision considers to be
24 unduly burdensome.

25 (6) Make loans, loan guarantees, and grants or provide other
26 financial assistance to or on behalf of the following:

27 (A) A commuter transportation district.

28 (B) An airport authority or airport development authority.

29 (C) A shoreline development commission.

30 (D) ~~A regional bus authority.~~ **The northwest Indiana bus**
31 **commission.** A loan, loan guarantee, grant, or other financial
32 assistance under this clause may be used by a ~~regional bus~~
33 ~~authority~~ **the northwest Indiana bus commission** for
34 acquiring, improving, operating, maintaining, financing, and
35 supporting the following:

36 (i) Bus services (including fixed route services and flexible
37 or demand-responsive services) that are a component of a
38 public transportation system.

39 (ii) Bus terminals, stations, or facilities or other ~~regional bus~~
40 ~~authority~~ **northwest Indiana bus commission** projects.

41 (E) A regional transportation authority.

42 (7) Provide funding to assist a railroad that is providing commuter

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- 1 transportation services in an eligible county or eligible
- 2 municipality.
- 3 (8) Provide funding to assist an airport authority located in an
- 4 eligible county or eligible municipality in the construction,
- 5 reconstruction, renovation, purchase, lease, acquisition, and
- 6 equipping of an airport facility or airport project.
- 7 (9) Provide funding to assist in the development of an intermodal
- 8 facility to facilitate the interchange and movement of freight.
- 9 (10) Provide funding to assist a shoreline development
- 10 commission in carrying out the purposes of IC 36-7-13.5.
- 11 (11) Provide funding for economic development projects in an
- 12 eligible county or eligible municipality.
- 13 (12) Hold, use, lease, rent, purchase, acquire, and dispose of by
- 14 purchase, exchange, gift, bequest, grant, condemnation, lease, or
- 15 sublease, on the terms and conditions determined by the
- 16 development authority, any real or personal property located in an
- 17 eligible county or eligible municipality.
- 18 (13) After giving notice, enter upon any lots or lands for the
- 19 purpose of surveying or examining them to determine the location
- 20 of a project.
- 21 (14) Make or enter into all contracts and agreements necessary or
- 22 incidental to the performance of its duties and the execution of its
- 23 powers under this article.
- 24 (15) Sue, be sued, plead, and be impleaded.
- 25 (16) Design, order, contract for, and construct, reconstruct, and
- 26 renovate a project or improvements to a project.
- 27 (17) Appoint an executive director and employ appraisers, real
- 28 estate experts, engineers, architects, surveyors, attorneys,
- 29 accountants, auditors, clerks, construction managers, and any
- 30 consultants or employees that are necessary or desired by the
- 31 development authority in exercising its powers or carrying out its
- 32 duties under this article.
- 33 (18) Accept loans, grants, and other forms of financial assistance
- 34 from the federal government, the state government, a political
- 35 subdivision, or any other public or private source.
- 36 (19) Use the development authority's funds to match federal
- 37 grants or make loans, loan guarantees, or grants to carry out the
- 38 development authority's powers and duties under this article.
- 39 (20) Except as prohibited by law, take any action necessary to
- 40 carry out this article.
- 41 (b) If the development authority is unable to agree with the owners,
- 42 lessees, or occupants of any real property selected for the purposes of

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1 this article, the development authority may proceed under IC 32-24-1
2 to procure the condemnation of the property. The development
3 authority may not institute a proceeding until it has adopted a
4 resolution that:

- 5 (1) describes the real property sought to be acquired and the
- 6 purpose for which the real property is to be used;
- 7 (2) declares that the public interest and necessity require the
- 8 acquisition by the development authority of the property involved;
- 9 and
- 10 (3) sets out any other facts that the development authority
- 11 considers necessary or pertinent.

12 The resolution is conclusive evidence of the public necessity of the
13 proposed acquisition.

14 SECTION 10. IC 36-7.6-3-2, AS ADDED BY P.L.232-2007,
15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2011]: Sec. 2. (a) A development authority may do any of the
17 following:

- 18 (1) Finance, improve, construct, reconstruct, renovate, purchase,
- 19 lease, acquire, and equip land and projects that are of regional
- 20 importance.
- 21 (2) Lease land or a project to an eligible political subdivision.
- 22 (3) Finance and construct additional improvements to projects or
- 23 other capital improvements owned by the development authority
- 24 and lease them to or for the benefit of an eligible political
- 25 subdivision.
- 26 (4) Construct or reconstruct highways, roads, and bridges.
- 27 (5) Acquire land or all or a part of one (1) or more projects from
- 28 an eligible political subdivision by purchase or lease and lease the
- 29 land or projects back to the eligible political subdivision, with any
- 30 additional improvements that may be made to the land or projects.
- 31 (6) Acquire all or a part of one (1) or more projects from an
- 32 eligible political subdivision by purchase or lease to fund or
- 33 refund indebtedness incurred on account of the projects to enable
- 34 the eligible political subdivision to make a savings in debt service
- 35 obligations or lease rental obligations or to obtain relief from
- 36 covenants that the eligible political subdivision considers to be
- 37 unduly burdensome.
- 38 (7) Make loans, loan guarantees, and grants or provide other
- 39 financial assistance to or on behalf of the following:
- 40 (A) A commuter transportation district.
- 41 (B) An airport authority.
- 42 (C) A regional transportation authority. A loan, a loan

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guarantee, a grant, or other financial assistance under this clause may be used by a regional transportation authority for acquiring, improving, operating, maintaining, financing, and supporting the following:

(i) Bus services (including fixed route services and flexible or demand-responsive services) that are a component of a public transportation system.

(ii) Bus terminals, stations, or facilities or other ~~regional bus authority~~ **northwest Indiana bus commission** projects.

(D) A county.

(E) A municipality.

(8) Provide funding to assist a railroad that is providing commuter transportation services in a county containing territory included in the development authority.

(9) Provide funding to assist an airport authority located in a county containing territory included in the development authority in the construction, reconstruction, renovation, purchase, lease, acquisition, and equipping of an airport facility or airport project.

(10) Provide funding for intermodal transportation projects and facilities.

(11) Provide funding for regional trails and greenways.

(12) Provide funding for economic development projects.

(13) Hold, use, lease, rent, purchase, acquire, and dispose of by purchase, exchange, gift, bequest, grant, condemnation, lease, or sublease, on the terms and conditions determined by the development authority, any real or personal property.

(14) After giving notice, enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a project.

(15) Make or enter into all contracts and agreements necessary or incidental to the performance of the development authority's duties and the execution of the development authority's powers under this article.

(16) Sue, be sued, plead, and be impleaded.

(17) Design, order, contract for, construct, reconstruct, and renovate a project or improvements to a project.

(18) Appoint an executive director and employ appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, auditors, clerks, construction managers, and any consultants or employees that are necessary or desired by the development authority in exercising its powers or carrying out its duties under this article.

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1 (19) Accept loans, grants, and other forms of financial assistance
 2 from the federal government, the state government, a political
 3 subdivision, or any other public or private source.
 4 (20) Use the development authority's funds to match federal
 5 grants or make loans, loan guarantees, or grants to carry out the
 6 development authority's powers and duties under this article.
 7 (21) Except as prohibited by law, take any action necessary to
 8 carry out this article.
 9 (b) Projects funded by a development authority must be of regional
 10 importance.
 11 (c) If a development authority is unable to agree with the owners,
 12 lessees, or occupants of any real property selected for the purposes of
 13 this article, the development authority may proceed under IC 32-24-1
 14 to procure the condemnation of the property. The development
 15 authority may not institute a proceeding until it has adopted a
 16 resolution that:
 17 (1) describes the real property sought to be acquired and the
 18 purpose for which the real property is to be used;
 19 (2) declares that the public interest and necessity require the
 20 acquisition by the development authority of the property involved;
 21 and
 22 (3) sets out any other facts that the development authority
 23 considers necessary or pertinent.
 24 The resolution is conclusive evidence of the public necessity of the
 25 proposed acquisition.
 26 SECTION 11. IC 36-9-3-2, AS AMENDED BY P.L.182-2009(ss),
 27 SECTION 445, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) Except as provided in
 29 subsection (d), a fiscal body of a county or municipality may, by
 30 ordinance, establish a regional transportation authority (referred to as
 31 "the authority" in this chapter) for the purpose of acquiring, improving,
 32 operating, maintaining, financing, and generally supporting a public
 33 transportation system that operates within the boundaries of an area
 34 designated as a transportation planning district by the Indiana
 35 department of transportation. However, only one (1) public
 36 transportation authority may be established within an area designated
 37 as a transportation planning district by the Indiana department of
 38 transportation.
 39 (b) The ordinance establishing the authority must include an
 40 effective date and a name for the authority. Except as provided in
 41 subsection (c), the words "regional transportation authority" must be
 42 included in the name of the authority.

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1 (c) After December 31, 2009, this subsection applies if a county is
2 not a member of the northern Indiana regional transportation district
3 established under IC 8-24. The words "regional bus authority"
4 "northern Indiana bus commission" must be included in the name
5 of an authority that includes a county having a population of more than
6 four hundred thousand (400,000) but less than seven hundred thousand
7 (700,000).

8 (d) After December 31, 2009, this subsection applies if a county is
9 a member of the northern Indiana regional transportation district
10 established under IC 8-24 and has a population of:

11 (1) more than four hundred thousand (400,000) but less than
12 seven hundred thousand (700,000); or

13 (2) more than one hundred forty-five thousand (145,000) but less
14 than one hundred forty-eight thousand (148,000).

15 In such a county the regional bus authority or regional transportation
16 authority, whichever applies, is abolished effective January 1, 2010.
17 After December 31, 2009, a regional transportation authority may not
18 be established by a fiscal body of such a county or a municipality in
19 such a county.

20 SECTION 12. IC 36-9-3-3.5, AS ADDED BY P.L.70-2007,
21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2011]: Sec. 3.5. (a) This section applies to a county with a
23 population of more than one hundred ~~ten~~ **forty-five** thousand (~~110,000~~)
24 **(145,000)** but less than one hundred ~~fifteen~~ **forty-eight** thousand
25 (~~115,000~~) **(148,000)** and any ~~second~~ **class** city **with a population of**
26 **nineteen thousand (19,000) or more** located in the county.

27 (b) A county or city described in subsection (a) shall become a
28 member of an authority described in section 5(c) of this chapter if the
29 fiscal body of the county or city adopts a resolution authorizing the
30 county or city to become a member of the authority and the board of the
31 authority approves the membership of the county or city.

32 SECTION 13. IC 36-9-3-5, AS AMENDED BY P.L.182-2009(ss),
33 SECTION 446, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) An authority is under the
34 control of a board (referred to as "the board" in this chapter) that,
35 except as provided in subsections (b) and (c), consists of:

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

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

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

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- 1 (4) one (1) member from any other political subdivision that has
- 2 public transportation responsibilities in a county in the authority.
- 3 (b) An authority that includes a consolidated city is under the
- 4 control of a board consisting of the following:
- 5 (1) Two (2) members appointed by the executive of the county
- 6 having the consolidated city.
- 7 (2) One (1) member appointed by the board of commissioners of
- 8 the county having the consolidated city.
- 9 (3) One (1) member appointed by the executive of each other
- 10 county in the authority.
- 11 (4) Two (2) members appointed by the governor from a list of at
- 12 least five (5) names provided by the Indianapolis regional
- 13 transportation council.
- 14 (5) One (1) member representing the four (4) largest
- 15 municipalities in the authority located in a county other than a
- 16 county containing a consolidated city. The member shall be
- 17 appointed by the executives of the municipalities acting jointly.
- 18 (6) One (1) member representing the excluded cities located in a
- 19 county containing a consolidated city that are members of the
- 20 authority. The member shall be appointed by the executives of the
- 21 excluded cities acting jointly.
- 22 (7) One (1) member of a labor organization representing
- 23 employees of the authority who provide public transportation
- 24 services within the geographic jurisdiction of the authority. The
- 25 labor organization shall appoint the member.
- 26 (c) ~~After December 31, 2009, this subsection applies if both a~~
- 27 ~~county having a population of more than four hundred thousand~~
- 28 ~~(400,000) but less than seven hundred thousand (700,000) and a county~~
- 29 ~~having a population of more than one hundred forty-five thousand~~
- 30 ~~(145,000) but less than one hundred forty-eight thousand (148,000) are~~
- 31 ~~not members of the northern Indiana regional transportation district~~
- 32 ~~established under IC 8-24. An authority that includes a county having~~
- 33 ~~a population of more than four hundred thousand (400,000) but less~~
- 34 ~~than seven hundred thousand (700,000) is under the control of a board~~
- 35 ~~consisting of the following twenty-one (21) members:~~
- 36 (1) ~~Three (3) members appointed by the executive of a city with~~
- 37 ~~a population of more than ninety thousand (90,000) but less than~~
- 38 ~~one hundred five thousand (105,000):~~
- 39 (2) ~~Two (2) members appointed by the executive of a city with a~~
- 40 ~~population of more than seventy-five thousand (75,000) but less~~
- 41 ~~than ninety thousand (90,000):~~
- 42 (3) ~~One (1) member jointly appointed by the executives of the~~

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- 1 following municipalities located within a county having a
- 2 population of more than four hundred thousand (400,000) but less
- 3 than seven hundred thousand (700,000):
- 4 (A) A city with a population of more than five thousand one
- 5 hundred thirty-five (5,135) but less than five thousand two
- 6 hundred (5,200).
- 7 (B) A city with a population of more than thirty-two thousand
- 8 (32,000) but less than thirty-two thousand eight hundred
- 9 (32,800).
- 10 (4) One (1) member who is jointly appointed by the fiscal body of
- 11 the following municipalities located within a county with a
- 12 population of more than four hundred thousand (400,000) but less
- 13 than seven hundred thousand (700,000):
- 14 (A) A town with a population of more than fifteen thousand
- 15 (15,000) but less than twenty thousand (20,000).
- 16 (B) A town with a population of more than twenty-three
- 17 thousand (23,000) but less than twenty-four thousand
- 18 (24,000).
- 19 (C) A town with a population of more than twenty thousand
- 20 (20,000) but less than twenty-three thousand (23,000).
- 21 (5) 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 eight thousand
- 26 (8,000) but less than nine thousand (9,000).
- 27 (B) A town with a population of more than twenty-four
- 28 thousand (24,000) but less than thirty thousand (30,000).
- 29 (C) A town with a population of more than twelve thousand
- 30 five hundred (12,500) but less than fifteen thousand (15,000).
- 31 (6) One (1) member who is jointly appointed by the following
- 32 authorities of municipalities located in a county having a
- 33 population of more than four hundred thousand (400,000) but less
- 34 than seven hundred thousand (700,000):
- 35 (A) The executive of a city with a population of more than
- 36 nineteen thousand eight hundred (19,800) but less than
- 37 twenty-one thousand (21,000).
- 38 (B) The fiscal body of a town with a population of more than
- 39 nine thousand (9,000) but less than twelve thousand five
- 40 hundred (12,500).
- 41 (C) The fiscal body of a town with a population of more than
- 42 five thousand (5,000) but less than eight thousand (8,000).

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- 1 (D) The fiscal body of a town with a population of less than
- 2 one thousand five hundred (1,500):
- 3 (E) The fiscal body of a town with a population of more than
- 4 two thousand two hundred (2,200) but less than five thousand
- 5 (5,000):
- 6 (7) One (1) member appointed by the fiscal body of a town with
- 7 a population of more than thirty thousand (30,000) located within
- 8 a county with a population of more than four hundred thousand
- 9 (400,000) but less than seven hundred thousand (700,000):
- 10 (8) One (1) member who is jointly appointed by the following
- 11 authorities of municipalities that are located within a county with
- 12 a population of more than four hundred thousand (400,000) but
- 13 less than seven hundred thousand (700,000):
- 14 (A) The executive of a city having a population of more than
- 15 twenty-five thousand (25,000) but less than twenty-seven
- 16 thousand (27,000):
- 17 (B) The executive of a city having a population of more than
- 18 thirteen thousand nine hundred (13,900) but less than fourteen
- 19 thousand two hundred (14,200):
- 20 (C) The fiscal body of a town having a population of more
- 21 than one thousand five hundred (1,500) but less than two
- 22 thousand two hundred (2,200):
- 23 (9) Three (3) members appointed by the fiscal body of a county
- 24 with a population of more than four hundred thousand (400,000)
- 25 but less than seven hundred thousand (700,000):
- 26 (10) One (1) member appointed by (1) The county executive of a
- 27 county with a population of more than four hundred thousand
- 28 (400,000) but less than seven hundred thousand (700,000).
- 29 (11) One (1) member of a labor organization representing
- 30 employees of the authority who provide public transportation
- 31 services within the geographic jurisdiction of the authority. The
- 32 labor organization shall appoint the member. If more than one (1)
- 33 labor organization represents the employees of the authority, each
- 34 organization shall submit one (1) name to the governor, and the
- 35 governor shall appoint the member from the list of names
- 36 submitted by the organizations.
- 37 (12) The executive of a city with a population of more than
- 38 twenty-seven thousand four hundred (27,400) but less than
- 39 twenty-eight thousand (28,000), located within a county with a
- 40 population of more than one hundred forty-five thousand
- 41 (145,000) but less than one hundred forty-eight thousand
- 42 (148,000), or the executive's designee.

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1 (13) The executive of a city with a population of more than
2 thirty-three thousand (33,000) but less than thirty-six thousand
3 (36,000); located within a county with a population of more than
4 one hundred forty-five thousand (145,000) but less than one
5 hundred forty-eight thousand (148,000); or the executive's
6 designee.

7 (14) One (1) member of the board of commissioners of a county
8 with a population of more than one hundred forty-five thousand
9 (145,000) but less than one hundred forty-eight thousand
10 (148,000); appointed by the board of commissioners; or the
11 member's designee.

12 (15) One (1) member appointed jointly by the township executive
13 of the township containing the following towns:

- 14 (A) Chesterton.
- 15 (B) Porter.
- 16 (C) Burns Harbor.
- 17 (D) Dune Acres.

18 The member appointed under this subdivision must be a resident
19 of a town listed in this subdivision.

20 (16) One (1) member appointed jointly by the township
21 executives of the following townships located in Porter County:

- 22 (A) Washington Township.
- 23 (B) Morgan Township.
- 24 (C) Pleasant Township.
- 25 (D) Boone Township.
- 26 (E) Union Township.
- 27 (F) Porter Township.
- 28 (G) Jackson Township.
- 29 (H) Liberty Township.
- 30 (I) Pine Township.

31 The member appointed under this subdivision must be a resident
32 of a township listed in this subdivision.

33 **(2) The executive of each municipality with a population**
34 **greater than nineteen thousand (19,000) located in the county.**

35 If a county or city becomes a member of the authority under section 3.5
36 of this chapter, the executive of the county or city shall appoint one (1)
37 is a member to serve on of the board.

38 **(d) A member of a board described in subsection (c) may**
39 **designate an alternate member to represent and act for the**
40 **member. An alternate member designated under this subsection**
41 **must have:**

- 42 **(1) at least five (5) years experience in:**

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- 1 **(A) transportation management;**
- 2 **(B) financial management; or**
- 3 **(C) urban planning; and**
- 4 **(2) at least five (5) years experience as a member of another**
- 5 **board.**

6 SECTION 14. IC 36-9-3-11 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. **(a)** The board shall
 8 appoint a qualified person to be executive director of the authority. The
 9 executive director is the chief executive officer of the authority.

10 **(b) The executive director of an authority that includes a county**
 11 **having a population of more than four hundred thousand (400,000)**
 12 **but less than seven hundred thousand (700,000) must have at least**
 13 **seven (7) years experience in public transportation at a senior**
 14 **executive level.**

15 SECTION 15. IC 36-9-3-29, AS AMENDED BY P.L.146-2008,
 16 SECTION 785, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2011]: Sec. 29. **(a)** The board shall prepare an
 18 annual budget for the authority's operating and maintenance
 19 expenditures and necessary capital expenditures. Each annual budget
 20 is subject to review and modification by the:

- 21 (1) fiscal body of the county or municipality that establishes the
- 22 authority; and
- 23 (2) county board of tax adjustment and the department of local
- 24 government finance under IC 6-1.1-17.

25 **(b) Beginning October 1, 2011, and not later than October 1 of**
 26 **each odd numbered year thereafter, a board described in section**
 27 **5(c) of this chapter shall submit a fiscal plan to the fiscal body of a**
 28 **county having a population of more than four hundred thousand**
 29 **(400,000) but less than seven hundred thousand (700,000) for**
 30 **review.**

31 SECTION 16. THE FOLLOWING ARE REPEALED [EFFECTIVE
 32 JULY 1, 2011]: IC 36-7.5-1-14; IC 36-7.5-1-15.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1366, 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 3, line 9, after "by" insert "**the northwest Indiana regional development authority under IC 36-7.5-4-3 on behalf of**".

Page 3, line 9, after "commission" insert ".".

Page 3, delete line 10.

Page 13, line 32, delete "city" and insert "**municipality**".

Page 14, line 16, delete "2010]" and insert "2011]".

and when so amended that said bill do pass.

(Reference is to HB 1366 as introduced.)

SOLIDAY, Chair

Committee Vote: yeas 10, nays 0.

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