



Reprinted
March 29, 2013

ENGROSSED SENATE BILL No. 535

DIGEST OF SB 535 (Updated March 28, 2013 10:57 am - DI 84)

Citations Affected: IC 8-22.

Synopsis: Airport authorities. Specifies that if the fiscal body of Clark County establishes an airport authority with four members, one of the members shall be appointed by the legislative body of the town of Sellersburg and three members shall be appointed by the county executive of Clark County. Provides that the board of the airport authority may consist of five members if the county fiscal body adopts an ordinance or resolution under the provision in current law authorizing such a five member board. Provides that if the board of the airport authority consists of five members, three of the members of the board shall be appointed by the county executive of Clark County, one of the members of the board shall be appointed by the fiscal body of Clark County, and one of the members of the board shall be appointed by the legislative body of the town of Sellersburg. Specifies, however, (Continued next page)

Effective: Upon passage.

Grooms, Broden

(HOUSE SPONSORS — STEMLER, CLERE, GOODIN, DAVISSON)

January 14, 2013, read first time and referred to Committee on Commerce, Economic Development & Technology.

February 18, 2013, reported favorably — Do Pass.

February 25, 2013, read second time, amended, ordered engrossed.

February 26, 2013, engrossed. Read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 5, 2013, read first time and referred to Committee on Local Government.

March 25, 2013, amended, reported — Do Pass.

March 28, 2013, read second time, amended, ordered engrossed.

C
o
p
y

ES 535—LS 6560/DI 73+



Digest Continued

that the individuals serving as members of the Clark County board of aviation commissioners at the time the airport authority is established shall become the initial members of the board of the airport authority. Provides that if the fiscal body of Clark County establishes an airport authority: (1) the airport authority shall be named the South Central Regional Airport Authority; and (2) the airport authority's budget, tax levies, and bonds or leases payable from property taxes must be approved by the Clark County fiscal body. Requires the board of the airport authority to maintain liability insurance coverage in an amount determined sufficient by the board. Requires the board of the airport authority to issue for each year an annual report that contains certain elements and to present the annual report at public hearings of the county executive of Clark County, the fiscal body of Clark County, and the legislative body of the town of Sellersburg.

C
o
p
y



Reprinted
March 29, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 535

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

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

1 SECTION 1. IC 8-22-3-4, AS AMENDED BY P.L.119-2012,
2 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 4. (a) Except as provided in subsections (b),
4 (c), (d), (e), (f), and (g) and section 4.3 of this chapter, the board
5 consists of four (4) members, whenever the fiscal body of an eligible
6 entity, acting individually, establishes an authority. **Except as**
7 **provided in subsection (h) and section 4.5(f) of this chapter**, the
8 members of the board shall be appointed by the executive of the entity,
9 and not more than two (2) members of the board may be of the same
10 political party.

11 (b) In the event that two (2) cities or one (1) city and one (1) town
12 act jointly to establish an authority under this chapter, the board
13 consists of five (5) members. The executive of each city or town shall
14 each appoint two (2) members to the board. The county executive shall
15 appoint one (1) member to the board. Each member appointed by an
16 executive must be of a different political party than the other appointed
17 member.

ES 535—LS 6560/DI 73+



C
O
P
Y

1 (c) In the event that an authority is established by a city or town and
 2 a county, acting jointly, the board consists of six (6) members. The
 3 executive of each entity shall appoint three (3) members. Not more
 4 than two (2) members appointed by each executive may be of the same
 5 political party.

6 (d) In the event that an authority was established under IC 19-6-3
 7 (before its repeal on April 1, 1980) the board consists of five (5)
 8 members. Three (3) members of the board shall be appointed by the
 9 mayor of the city, and two (2) members of the board shall be appointed
 10 by the board of commissioners of the county. Not more than two (2)
 11 members representing the city may be members of the same political
 12 party, and not more than one (1) member representing the county may
 13 be a member of the same political party.

14 (e) Except as provided in section 4.1(b)(3) of this chapter, the
 15 county executive of each Indiana county that is adjacent to a county
 16 establishing an authority under this chapter and in which the authority
 17 owns real property may appoint one (1) advisory member to the board.
 18 An advisory member who is appointed under this subsection:

- 19 (1) must be a resident of the adjacent county;
 20 (2) may not vote on any matter before the board;
 21 (3) serves at the pleasure of the appointing authority; and
 22 (4) serves without compensation or payment for expenses.

23 (f) The board of an authority established in a city having a
 24 population of more than sixteen thousand four hundred (16,400) but
 25 less than seventeen thousand (17,000) consists of five (5) members.
 26 The members of the board shall be appointed by the executive of the
 27 eligible entity, and not more than three (3) members of the board may
 28 be of the same political party.

29 (g) This subsection does not apply to a board subject to subsection
 30 (b), (c), (d), or (f). Notwithstanding subsection (a), the fiscal body of
 31 an eligible entity may adopt an ordinance or a resolution providing that
 32 the board consists of five (5) members. If the board consists of five (5)
 33 members, not more than three (3) members may be of the same
 34 political party.

35 **(h) If an airport authority is established under this section by**
 36 **the fiscal body of Clark County, the board must consist of four (4)**
 37 **members. Subject to section 4.5(f) of this chapter (concerning the**
 38 **initial members of the board):**

- 39 **(1) three (3) of the members of the board shall be appointed**
 40 **by the county executive of Clark County; and**
 41 **(2) one (1) of the members of the board shall be appointed by**
 42 **the legislative body of the town of Sellersburg.**



C
 O
 P
 Y

1 The board may consist of five (5) members if the fiscal body of
 2 Clark County adopts an ordinance or resolution as provided in
 3 subsection (g). Subject to section 4.5(f) of this chapter (concerning
 4 the initial members of the board), if the board consists of five (5)
 5 members, three (3) of the members of the board shall be appointed
 6 by the county executive of Clark County, one (1) of the members
 7 of the board shall be appointed by the fiscal body of Clark County,
 8 and one (1) of the members of the board shall be appointed by the
 9 legislative body of the town of Sellersburg.

10 SECTION 2. IC 8-22-3-4.5 IS ADDED TO THE INDIANA CODE
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 4.5. (a) This section applies only to an
 13 airport authority established under this chapter by the fiscal body
 14 of Clark County.

15 (b) The following apply to the authority:

16 (1) The authority shall be named the South Central Regional
 17 Airport Authority.

18 (2) The budget and tax levies of the authority must be
 19 approved by the fiscal body of Clark County as provided in
 20 IC 6-1.1-17-20.

21 (3) The authority may not issue bonds or enter into a lease
 22 payable in whole or in part from property taxes unless the
 23 authority obtains the approval of the fiscal body of Clark
 24 County as provided in IC 6-1.1-17-20.5.

25 (c) The board must at all times maintain liability insurance
 26 coverage for the authority that provides general liability coverage
 27 in an amount determined sufficient by the board.

28 (d) The board must issue for each year an annual report that
 29 includes at least the following:

30 (1) The reports submitted to the board under section 21 of this
 31 chapter by the treasurer of the authority for the year.

32 (2) An audited balance sheet, an audited cash flow statement,
 33 and an audited income statement for the year.

34 (3) Minutes of each meeting of the board held during the year.

35 (4) A report of any pending or potential litigation involving
 36 the authority or the board, including a discussion of potential
 37 loss resulting from the pending or potential litigation.

38 (e) The board must each year present the annual report issued
 39 under subsection (d):

40 (1) at a public meeting of the county executive of Clark
 41 County;

42 (2) at a public meeting of the fiscal body of Clark County; and



C
 O
 P
 Y

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

(3) at a public meeting of the legislative body of the town of Sellersburg.

(f) Notwithstanding sections 4 and 5 of this chapter or any other law, the following apply to the membership of the board of the authority:

(1) Subject to subdivision (2), the individuals serving as members of the Clark County board of aviation commissioners at the time the authority is established shall become the initial members of the board of the authority.

(2) If:

(A) the Clark County board of aviation commissioners consists of five (5) members at the time the authority is established; and

(B) the board of the authority consists of only four (4) members;

the county executive of Clark County shall determine which four (4) of the members of the Clark County board of aviation commissioners shall become the initial members of the board of the authority.

(3) The terms of the individuals who serve as the initial members of the board of the authority as provided in subdivision (1) expire on January 1 of the first calendar year that begins at least twelve (12) months after the authority is established.

(4) Upon the expiration of the terms of the individuals who serve as the initial members of the board of the authority, the members of the board shall be appointed as provided in section 4(h) of this chapter.

(g) The general assembly finds that by enacting this section and section 4(h) of this chapter, Clark County will have the opportunity to advance the economic development potential of the county through the airport authority, the military base reuse authority, and the ports of Indiana.

SECTION 3. An emergency is declared for this act.

C
O
P
Y



COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Economic Development and Technology, to which was referred Senate Bill No. 535, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 535 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 5, Nays 3.

 SENATE MOTION

Madam President: I move that Senate Bill 535 be amended to read as follows:

Page 2, line 40, delete "Three (3)" and insert "**Two (2)**".

Page 2, line 41, delete "Not more than two (2) of the" and insert "**The**".

Page 2, line 42, after "may" insert "**not**".

Page 3, line 5, delete "executive" and insert "**legislative body**".

Page 3, delete lines 7 through 8, begin a new line block indented and insert:

"(4) One (1) member appointed by the legislative body of the town of Clarksville.

(5) One (1) member appointed by the legislative body of the town of Sellersburg."

Page 3, line 18, delete "Two (2)" and insert "**One (1)**".

Page 3, between lines 29 and 30, begin a new line block indented and insert:

"(5) The member appointed under subsection (a)(5) shall serve an initial term of three (3) years."

Page 6, line 36, after "(28)" insert "**This subdivision applies only to a redevelopment commission established by a unit located in a county having a population of more than one hundred ten thousand (110,000) but less than one hundred eleven thousand (111,000).**".

Page 12, line 20, after "(M)" insert "**This clause applies only to a redevelopment commission established by a unit located in a county having a population of more than one hundred ten thousand (110,000) but less than one hundred eleven thousand (111,000).**".

ES 535—LS 6560/DI 73+



C
O
P
Y

Page 15, delete lines 25 through 42.

Delete pages 16 through 25.

Page 26, delete lines 1 through 34.

Page 28, line 38, after "(26)" insert **"This subdivision applies only to a reuse authority established by a unit located in a county having a population of more than one hundred ten thousand (110,000) but less than one hundred eleven thousand (111,000)."**

Page 31, line 21, after "(G)" insert **"This clause applies only to a reuse authority established by a unit located in a county having a population of more than one hundred ten thousand (110,000) but less than one hundred eleven thousand (111,000)."**

Re-number all SECTIONS consecutively.

(Reference is to SB 535 as printed February 19, 2013.)

GROOMS

SENATE MOTION

Madam President: I move that Senate Bill 535 be amended to read as follows:

Page 4, between lines 6 and 7, begin a new paragraph and insert:

"(i) The board must at all times maintain liability insurance coverage for the authority that provides general liability coverage in an amount determined sufficient by the board.

(j) The board must issue for each year an annual report that includes at least the following:

- (1) The reports submitted to the board under section 21 of this chapter by the treasurer of the authority for the year.**
- (2) An audited balance sheet, an audited cash flow statement, and an audited income statement for the year.**
- (3) Minutes of each meeting of the board held during the year.**
- (4) A report of any pending or potential litigation involving the authority or the board, including a discussion of potential loss resulting from the pending or potential litigation."**

Page 4, line 7, delete "(i)" and insert "(k)".

(Reference is to SB 535 as printed February 19, 2013.)

SMITH J

C
O
P
Y



SENATE MOTION

Madam President: I move that Senate Bill 535 be amended to read as follows:

Page 2, line 38, delete "seven (7) members appointed" and insert **"eleven (11) members appointed as follows:**

- (1) Three (3) members appointed by the fiscal body of Clark County. Not more than two (2) members appointed under this subdivision may be affiliated with the same political party.**
- (2) Two (2) members appointed by the executive of Clark County. The members appointed under this subdivision may not be affiliated with the same political party.**
- (3) One (1) member appointed by the executive of the city of Jeffersonville.**
- (4) One (1) member appointed by the executive of the city of Charlestown.**
- (5) One (1) member appointed by the legislative body of the town of Borden.**
- (6) One (1) member appointed by the legislative body of the town of Sellersburg.**
- (7) One (1) member appointed by the legislative body of the town of Utica.**
- (8) One (1) member appointed by the legislative body of the town of Clarksville."**

Page 2, delete lines 39 through 42.

Page 3, delete lines 1 through 8.

Page 3, delete lines 16 through 29, begin a new paragraph and insert:

"(d) The initial terms of the initial members appointed to the board are as follows:

- (1) One (1) of the members appointed under subsection (a)(1) shall serve an initial term of two (2) years, one (1) of the members appointed under subsection (a)(1) shall serve an initial term of three (3) years, and the other member appointed under subsection (a)(1) shall serve an initial term of four (4) years.**
- (2) One (1) of the members appointed under subsection (a)(2) shall serve an initial term of one (1) year, and the other member appointed under subsection (a)(2) shall serve an initial term of three (3) years.**
- (3) The member appointed under subsection (a)(3) shall serve an initial term of one (1) year.**
- (4) The member appointed under subsection (a)(4) shall serve**

ES 535—LS 6560/DI 73+



C
O
P
Y

- an initial term of two (2) years.
- (5) The member appointed under subsection (a)(5) shall serve an initial term of three (3) years.
- (6) The member appointed under subsection (a)(6) shall serve an initial term of four (4) years.
- (7) The member appointed under subsection (a)(7) shall serve an initial term of two (2) years.
- (8) The member appointed under subsection (a)(8) shall serve an initial term of three (3) years."

(Reference is to SB 535 as printed February 19, 2013.)

SMITH J

C
O
P
Y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 535, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

- Page 1, delete lines 1 through 17.
- Page 2, delete lines 1 through 33.
- Page 2, line 36, delete "If" and insert "**The following apply if**".
- Page 2, line 37, delete "," and insert ":".
- Page 2, delete lines 38 through 42.
- Delete page 3.
- Page 4, delete lines 1 through 14.
- Page 4, line 24, delete "(i)" and insert "**(b)**".
- Page 4, line 27, delete "(j)" and insert "**(c)**".
- Page 4, delete lines 37 through 41.
- Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 535 as reprinted February 26, 2013.)

NEESE, Chair

Committee Vote: yeas 5, nays 4.



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 535 be amended to read as follows:

Page 1, delete lines 1 through 5, begin a new paragraph and insert:
 "SECTION 1. IC 8-22-3-4, AS AMENDED BY P.L.119-2012, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as provided in subsections (b), (c), (d), (e), (f), and (g) and section 4.3 of this chapter, the board consists of four (4) members, whenever the fiscal body of an eligible entity, acting individually, establishes an authority. **Except as provided in subsection (h) and section 4.5(f) of this chapter**, the members of the board shall be appointed by the executive of the entity, and not more than two (2) members of the board may be of the same political party.

(b) In the event that two (2) cities or one (1) city and one (1) town act jointly to establish an authority under this chapter, the board consists of five (5) members. The executive of each city or town shall each appoint two (2) members to the board. The county executive shall appoint one (1) member to the board. Each member appointed by an executive must be of a different political party than the other appointed member.

(c) In the event that an authority is established by a city or town and a county, acting jointly, the board consists of six (6) members. The executive of each entity shall appoint three (3) members. Not more than two (2) members appointed by each executive may be of the same political party.

(d) In the event that an authority was established under IC 19-6-3 (before its repeal on April 1, 1980) the board consists of five (5) members. Three (3) members of the board shall be appointed by the mayor of the city, and two (2) members of the board shall be appointed by the board of commissioners of the county. Not more than two (2) members representing the city may be members of the same political party, and not more than one (1) member representing the county may be a member of the same political party.

(e) Except as provided in section 4.1(b)(3) of this chapter, the county executive of each Indiana county that is adjacent to a county establishing an authority under this chapter and in which the authority owns real property may appoint one (1) advisory member to the board. An advisory member who is appointed under this subsection:

- (1) must be a resident of the adjacent county;
- (2) may not vote on any matter before the board;

ES 535—LS 6560/DI 73+



C
O
P
Y

(3) serves at the pleasure of the appointing authority; and

(4) serves without compensation or payment for expenses.

(f) The board of an authority established in a city having a population of more than sixteen thousand four hundred (16,400) but less than seventeen thousand (17,000) consists of five (5) members. The members of the board shall be appointed by the executive of the eligible entity, and not more than three (3) members of the board may be of the same political party.

(g) This subsection does not apply to a board subject to subsection (b), (c), (d), or (f). Notwithstanding subsection (a), the fiscal body of an eligible entity may adopt an ordinance or a resolution providing that the board consists of five (5) members. If the board consists of five (5) members, not more than three (3) members may be of the same political party.

(h) If an airport authority is established under this section by the fiscal body of Clark County, the board must consist of four (4) members. Subject to section 4.5(f) of this chapter (concerning the initial members of the board):

(1) three (3) of the members of the board shall be appointed by the county executive of Clark County; and

(2) one (1) of the members of the board shall be appointed by the legislative body of the town of Sellersburg.

The board may consist of five (5) members if the fiscal body of Clark County adopts an ordinance or resolution as provided in subsection (g). Subject to section 4.5(f) of this chapter (concerning the initial members of the board), if the board consists of five (5) members, three (3) of the members of the board shall be appointed by the county executive of Clark County, one (1) of the members of the board shall be appointed by the fiscal body of Clark County, and one (1) of the members of the board shall be appointed by the legislative body of the town of Sellersburg.

SECTION 2. IC 8-22-3-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. (a) This section applies only to an airport authority established under this chapter by the fiscal body of Clark County.**

(b) The following apply to the authority:"

Page 1, line 15, delete "(b)" and insert "(c)".

Page 2, line 1, delete "(c)" and insert "(d)".

Page 2, delete lines 11 through 42, begin a new paragraph and insert:

"(e) The board must each year present the annual report issued

C
O
P
Y



under subsection (d):

- (1) at a public meeting of the county executive of Clark County;
- (2) at a public meeting of the fiscal body of Clark County; and
- (3) at a public meeting of the legislative body of the town of Sellersburg.

(f) Notwithstanding sections 4 and 5 of this chapter or any other law, the following apply to the membership of the board of the authority:

(1) Subject to subdivision (2), the individuals serving as members of the Clark County board of aviation commissioners at the time the authority is established shall become the initial members of the board of the authority.

(2) If:

(A) the Clark County board of aviation commissioners consists of five (5) members at the time the authority is established; and

(B) the board of the authority consists of only four (4) members;

the county executive of Clark County shall determine which four (4) of the members of the Clark County board of aviation commissioners shall become the initial members of the board of the authority.

(3) The terms of the individuals who serve as the initial members of the board of the authority as provided in subdivision (1) expire on January 1 of the first calendar year that begins at least twelve (12) months after the authority is established.

(4) Upon the expiration of the terms of the individuals who serve as the initial members of the board of the authority, the members of the board shall be appointed as provided in section 4(h) of this chapter.

(g) The general assembly finds that by enacting this section and section 4(h) of this chapter, Clark County will have the opportunity to advance the economic development potential of the county through the airport authority, the military base reuse authority, and the ports of Indiana."

Delete pages 3 through 20.

Page 21, delete lines 1 through 6.

Renumber all SECTIONS consecutively.

(Reference is to ESB 535 as printed March 26, 2013.)

STEMLER



COPY