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|--------------------|---------------------|
| PREVAILED          | Roll Call No. _____ |
| FAILED             | Ayes _____          |
| WITHDRAWN          | Noes _____          |
| RULED OUT OF ORDER |                     |

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 585 be amended to read as follows:

- 1 Page 2, between lines 17 and 18, begin a new paragraph and insert:
- 2 "SECTION 3. IC 8-22-2-1, AS AMENDED BY P.L.119-2012,
- 3 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2013]: Sec. 1. (a) Whenever the fiscal body of an eligible
- 5 entity adopts an ordinance or a resolution in favor of the acquisition,
- 6 improvement, operation, or maintenance of an airport or landing field
- 7 for the entity under this chapter, and declaring a necessity for the
- 8 airport or landing field, then on the effective date of the ordinance or
- 9 resolution, there is established as an executive department of the entity
- 10 a department of aviation, under the control of a board to be known as
- 11 the board of aviation commissioners.
- 12 (b) The following apply to a board of aviation commissioners
- 13 established under this chapter:
- 14 (1) Except as provided in subsections (e), (f), and (g), the board
- 15 consists of four (4) members.
- 16 (2) Except as provided in subsection (e), the executive of the
- 17 entity shall appoint the members of the board.
- 18 (3) Except as provided in subsections (f) and (g), not more than
- 19 two (2) of the members of the board may be of the same political
- 20 party.
- 21 **(4) Each individual:**
- 22 **(A) reappointed to a successive term on a board of aviation**
- 23 **commissioners beginning after June 30, 2013; or**
- 24 **(B) appointed to a board of aviation commissioners to fill**

1                   **any vacancy occurring after June 30, 2013;**  
 2                   **must be approved by the governor.**

3           (c) The fiscal body of the entity may provide a per diem for the  
 4 members of the board in any amount not exceeding thirty-five dollars  
 5 (\$35) for each whole or part day a member is engaged in board  
 6 activities. The members of the board shall also be paid their actual  
 7 expenses, which may include the expenses of the members or  
 8 employees of the board in attending meetings or conventions held to  
 9 discuss aviation matters.

10          (d) Before beginning the duties of office, each board member shall  
 11 take and subscribe the usual oath of office, to be endorsed upon the  
 12 certificate of appointment, and shall cause that to be filed with the clerk  
 13 or other officer performing duties similar to that of clerk in the entity.  
 14 Any person who does not file the oath with the clerk or other officer  
 15 performing duties similar to that of the clerk within thirty (30) days  
 16 after the beginning of the term for which the person has been  
 17 appointed, or at the date of the person's appointment, if appointed after  
 18 the beginning of the term, is considered to have refused to serve and  
 19 the office becomes vacant.

20          (e) Notwithstanding subsection (b), if a county having a population  
 21 of more than two hundred fifty thousand (250,000) but less than two  
 22 hundred seventy thousand (270,000) has established a board, the  
 23 county council and the mayors of the two (2) cities in the county having  
 24 the largest populations may each appoint one (1) additional member to  
 25 the board, thereby creating a board consisting of a total of seven (7)  
 26 members. The three (3) additional members serve in the same manner,  
 27 are accorded the same status, and perform the same duties as the four  
 28 (4) initial board members, and serve terms of four (4) years. If either  
 29 the county council or either of the two (2) mayors fails to make  
 30 appointments to the board, that fact does not prejudice appointments  
 31 that may be made by the other appointing authority or authorities.

32          (f) This subsection applies to the following:

33           (1) A county having a population of more than one hundred ten  
 34 thousand (110,000) but less than one hundred eleven thousand  
 35 (111,000).

36           (2) A county having a population of more than thirty-seven  
 37 thousand five hundred (37,500) but less than thirty-eight thousand  
 38 (38,000).

39          Notwithstanding subsection (b), if a county has established a board  
 40 under this chapter, the county executive may add one (1) additional  
 41 member to the board so that the board has a total of five (5) members.  
 42 Not more than three (3) of the five (5) members of the board may be of  
 43 the same political party. The one (1) additional member shall serve in  
 44 the same manner, be accorded the same status, and perform the same  
 45 duties as the four (4) initial members, and serve a four (4) year term.

46          (g) This subsection does not apply to a board subject to subsection

1 (e) or (f). Notwithstanding subsection (b), the fiscal body of an eligible  
 2 entity may adopt an ordinance or a resolution providing that the board  
 3 consists of five (5) members. If the board consists of five (5) members,  
 4 not more than three (3) members may be of the same political party.

5 SECTION 4. IC 8-22-3-4, AS AMENDED BY P.L.119-2012,  
 6 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2013]: Sec. 4. (a) Except as provided in subsections (b), (c),  
 8 (d), (e), (f), and (g) and section 4.3 of this chapter, the board consists  
 9 of four (4) members, whenever the fiscal body of an eligible entity,  
 10 acting individually, establishes an authority. **Subject to subsection (h)**,  
 11 the members of the board shall be appointed by the executive of the  
 12 entity, and not more than two (2) members of the board may be of the  
 13 same political party.

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

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

26 (d) In the event that an authority was established under IC 19-6-3  
 27 (before its repeal on April 1, 1980) the board consists of five (5)  
 28 members. **Subject to subsection (h)**, three (3) members of the board  
 29 shall be appointed by the mayor of the city. ~~and~~ **Subject to subsection**  
 30 **(h)**, two (2) members of the board shall be appointed by the board of  
 31 commissioners of the county. Not more than two (2) members  
 32 representing the city may be members of the same political party, and  
 33 not more than one (1) member representing the county may be a  
 34 member of the same political party.

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

- 40 (1) must be a resident of the adjacent county;
- 41 (2) may not vote on any matter before the board;
- 42 (3) serves at the pleasure of the appointing authority; ~~and~~
- 43 (4) serves without compensation or payment for expenses; ~~and~~
- 44 **(5) must be approved by the governor.**

45 (f) The board of an authority established in a city having a  
 46 population of more than sixteen thousand four hundred (16,400) but

1 less than seventeen thousand (17,000) consists of five (5) members.  
 2 **Subject to subsection (h)**, the members of the board shall be appointed  
 3 by the executive of the eligible entity, and not more than three (3)  
 4 members of the board may be of the same political party.

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

11 **(h) Each individual:**

12 **(1) reappointed to a successive term on the board of an**  
 13 **authority beginning after June 30, 2013; or**

14 **(2) appointed to fill any vacancy on the board of an authority**  
 15 **occurring after June 30, 2013;**

16 **must be approved by the governor.**

17 SECTION 5. IC 8-22-3-4.1, AS AMENDED BY P.L.119-2012,  
 18 SECTION 100, IS AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2013]: Sec. 4.1. (a) This section applies only to  
 20 the board of an airport authority established for a county having a  
 21 consolidated city.

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

23 (1) **Subject to subsection (k)**, the mayor of the consolidated city  
 24 shall appoint five (5) members. Each member appointed under  
 25 this subdivision must be a resident of the county having the  
 26 consolidated city.

27 (2) **Subject to subsection (k)**, the majority leader of the  
 28 legislative body of the county having the consolidated city shall  
 29 appoint one (1) member. The member appointed under this  
 30 subdivision must be a resident of the county having the  
 31 consolidated city.

32 (3) **Subject to subsection (k)**, the county executive of each  
 33 Indiana county that fulfills all of the following requirements shall  
 34 each appoint one (1) member:

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

37 (B) The county has a population of:

38 (i) more than one hundred forty thousand (140,000) but less  
 39 than one hundred fifty thousand (150,000);

40 (ii) more than seventy thousand (70,000) but less than  
 41 seventy thousand fifty (70,050); or

42 (iii) more than two hundred seventy thousand (270,000) but  
 43 less than three hundred thousand (300,000).

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

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

- 1 section 4(e) of this chapter.  
 2 Not more than three (3) members appointed under subdivision (1) may  
 3 be members of the same political party.
- 4 (c) The member of the board appointed under subsection (b)(2)  
 5 must also be a resident of a township that:  
 6 (1) is located in the county having the consolidated city; and  
 7 (2) has a population of:  
 8 (A) less than fifty thousand (50,000); or  
 9 (B) more than one hundred thirty-three thousand (133,000) but  
 10 less than one hundred forty thousand (140,000).
- 11 (d) A member of the board appointed under subsection (b)(3)(B)(i)  
 12 must be a resident of a township:  
 13 (1) located in the county making the appointment; and  
 14 (2) having a population of more than twenty-five thousand  
 15 (25,000) but less than twenty-eight thousand (28,000).
- 16 (e) The county executive of a county that is not otherwise  
 17 represented on the board and that is located not more than one  
 18 thousand two hundred (1,200) feet from a certified air carrier airport  
 19 that is owned or operated by the authority may appoint one (1) advisory  
 20 member to the board. An advisory member appointed under this  
 21 subsection:  
 22 (1) must be a resident of:  
 23 (A) the county making the appointment; and  
 24 (B) one (1) of the two (2) townships in the county located  
 25 nearest to the airport;  
 26 (2) may not vote on any matter before the board;  
 27 (3) serves at the pleasure of the appointing authority; ~~and~~  
 28 (4) serves without compensation or payment for expenses; ~~and~~  
 29 **(5) must be approved by the governor.**
- 30 (f) A member of the board holds office for four (4) years and until  
 31 the member's successor is appointed and qualified.
- 32 (g) If a vacancy occurs in the board, the authority that appointed the  
 33 member that vacated the board shall appoint an individual to serve for  
 34 the remainder of the unexpired term.
- 35 (h) A board member may be reappointed to successive terms.
- 36 (i) A board member may be impeached under the procedure  
 37 provided for the impeachment of county officers.
- 38 (j) A board member appointed under subsection (b)(3) may not vote  
 39 on a matter before the board relating to imposing, increasing, or  
 40 decreasing property taxes in the county having the consolidated city.
- 41 **(k) Each individual:**  
 42 **(1) reappointed to a successive term on the board beginning**  
 43 **after June 30, 2013; or**  
 44 **(2) appointed to fill any vacancy on the board occurring after**  
 45 **June 30, 2013;**  
 46 **must be approved by the governor.**

1 SECTION 6. IC 8-22-3-4.2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.2. (a) In the event  
3 that an authority is established under section 1.1 of this chapter, the  
4 board consists of six (6) members. **Subject to subsection (b)**, three (3)  
5 members of the board shall be appointed by the board of  
6 commissioners of the county. ~~and~~ **Subject to subsection (b)**, three (3)  
7 members of the board shall be appointed by the mayor of the second  
8 class city. Not more than two (2) members appointed by the board of  
9 commissioners of the county may be members of the same political  
10 party and not more than two (2) members appointed by the mayor of  
11 the second class city may be members of the same political party.

12 **(b) Each individual:**

13 **(1) reappointed to a successive term on the board beginning**  
14 **after June 30, 2013; or**

15 **(2) appointed to fill any vacancy on the board occurring after**  
16 **June 30, 2013;**

17 **must be approved by the governor."**

18 Renumber all SECTIONS consecutively.

(Reference is to ESB 585 as printed April 8, 2013.)

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Representative Porter