

Adopted	Rejected
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COMMITTEE REPORT

YES:	9
NO:	4

MR. SPEAKER:

*Your Committee on Government and Regulatory Reform, to which was referred House Bill 1589, 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 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 8-10-1-7, AS AMENDED BY P.L.98-2008,
- 3 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 MAY 15, 2013]: Sec. 7. The ports of Indiana is authorized and
- 5 empowered to do the following:
- 6 (1) To adopt an official seal which shall not be the seal of the
- 7 state of Indiana.
- 8 (2) To maintain a principal office and sub-offices at such place or
- 9 places within the state as it may designate.
- 10 (3) To sue and be sued, and to plead and be impleaded in the
- 11 name of the ports of Indiana. However, actions at law against the
- 12 ports of Indiana shall be brought in the circuit court of the county
- 13 in which the principal office of the ports of Indiana is located or
- 14 in the circuit court of the county in which the cause of action

- 1 arose, if the county is located within the state. All summonses and
 2 legal notices of every kind shall be served on the ports of Indiana
 3 by leaving a copy thereof at the principal office of the ports of
 4 Indiana with the person in charge thereof or with the secretary of
 5 the ports of Indiana. However, no such action shall be deemed
 6 commenced until a copy of the summons and complaint, cross
 7 complaint, petition, bill, or pleading is served upon the attorney
 8 general of Indiana.
- 9 (4) To acquire, lease, construct, maintain, repair, police, and
 10 operate a port or project as provided in this chapter, and to
 11 establish rules and regulations for the use of the port or project,
 12 and other property subject to the jurisdiction and control of the
 13 ports of Indiana.
- 14 (5) To issue both taxable and tax exempt revenue bonds of the
 15 state, payable solely from revenues, as herein provided, for the
 16 purpose of paying all or any part of the cost of a port or project.
- 17 (6) To acquire, lease, and operate tug boats, locomotives, and any
 18 and every kind of motive power and conveyances or appliances
 19 necessary or proper to carry passengers, goods, wares,
 20 merchandise, or articles of commerce in, on, or around the port or
 21 project.
- 22 (7) To fix and revise from time to time and to collect fees, rentals,
 23 tolls, and other charges for the use of any port or project.
- 24 (8) To acquire, obtain option on, hold, and dispose of real and
 25 personal property in the exercise of its powers and the
 26 performance of its duties under this chapter.
- 27 (9) To designate the location and establish, limit, and control
 28 points of ingress to and egress from a port or project.
- 29 (10) To lease to others for development or operation such portions
 30 of any port or project, on such terms and conditions as the ports
 31 of Indiana shall deem advisable.
- 32 (11) To make and enter into all contracts, undertakings, and
 33 agreements necessary or incidental to the performance of its
 34 duties and the execution of its powers under this chapter. **Except**
 35 **as provided in section 29 of this chapter**, when the cost of any
 36 such contract for construction, or for the purchase of equipment,
 37 materials, or supplies, involves an expenditure of more than
 38 ~~twenty-five~~ **one hundred fifty** thousand dollars (~~\$25,000~~);

1 **(\$150,000)**, the ports of Indiana shall make a written contract with
2 the lowest and best bidder after advertisement for not less than
3 two (2) consecutive weeks in a newspaper of general circulation
4 in the county where the construction will occur and in such other
5 publications as the ports of Indiana shall determine. The notice
6 shall state the general character of the work and the general
7 character of the materials to be furnished, the place where plans
8 and specifications therefor may be examined, and the time and
9 place of receiving bids. Each bid shall contain the full name of
10 every person or company interested in it and shall be
11 accompanied by a sufficient bond or certified check on a solvent
12 bank that if the bid is accepted a contract will be entered into and
13 the performance of its proposal secured. The ports of Indiana may
14 reject any and all bids. A bond with good and sufficient surety as
15 shall be approved by the ports of Indiana shall be required of all
16 contractors in an amount equal to at least fifty percent (50%) of
17 the contract price conditioned upon the faithful performance of
18 the contract. **A contract for construction or a contract for the**
19 **purchase of materials or supplies requires only the approval**
20 **of the commission. Upon the ports of Indiana's approval of a**
21 **contract, the ports of Indiana may immediately proceed with**
22 **the construction or purchase.**

23 (12) To construct, assemble, or otherwise build, own, lease,
24 operate, manage, or otherwise control any project throughout
25 Indiana for the purpose of promoting economic growth and
26 development throughout Indiana, retaining existing employment
27 within Indiana, and attracting new employment opportunities
28 within Indiana.

29 (13) To employ a chief executive, consulting engineers,
30 superintendents, and such other engineers, construction and
31 accounting experts, attorneys, and other employees and agents as
32 may be necessary in its judgment, and to fix their compensation
33 and title, but no compensation of any employee of the ports of
34 Indiana shall exceed the compensation of the highest paid officer
35 or employee of the state.

36 (14) To receive and accept from any federal agency grants for or
37 in aid of the construction of any port or project, and to receive and
38 accept aid or contributions from any source of either money,

1 property, labor, or other things of value, to be held, used, and
2 applied only for the purposes for which such grants and
3 contributions may be made.

4 (15) To provide coverage for its employees under the provisions
5 of IC 22-3-2 through IC 22-3-6, and IC 22-4.

6 (16) To do all acts and things necessary or proper to carry out the
7 powers expressly granted in this article.

8 (17) To hold, use, administer, and expend such sum or sums as
9 may herein or hereafter be appropriated or transferred to the ports
10 of Indiana.

11 SECTION 2. IC 8-10-1-29, AS AMENDED BY P.L.98-2008,
12 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 MAY 15, 2013]: Sec. 29. (a) Unless the ports of Indiana declares an
14 emergency, the ports of Indiana may not during any six (6) month
15 period make separate contracts with another party for similar
16 construction projects or the purchase of similar equipment, materials,
17 or supplies under IC 8-10-1-7(5) without advertising for and accepting
18 public bids, if the aggregate cost of the separate contracts is more than
19 ~~twenty-five~~ **one hundred fifty** thousand dollars (~~\$25,000~~). **(\$150,000)**.

20 (b) A commission member or an employee of the ports of Indiana
21 who knowingly violates subsection (a) commits a Class D felony.

22 (c) A person who accepts a contract with the ports of Indiana
23 knowing that subsection (a) was violated in connection with the
24 contract commits a Class D felony and may not be a party to or benefit
25 from any contract with a public body in the state for two (2) years from
26 the date of the person's conviction.

27 **(d) If the ports of Indiana declares an emergency, the ports of**
28 **Indiana may:**

29 **(1) contract for a construction project or the purchase of**
30 **equipment, materials, or supplies, without advertising for**
31 **bids, if bids or quotes are invited from at least three (3)**
32 **persons known to deal in:**

- 33 **(A) the public work required to be done; or**
- 34 **(B) the equipment, materials, or supplies sought to be**
- 35 **purchased; and**

- 36 **(2) either:**
- 37 **(A) reject all bids or quotes submitted; or**
- 38 **(B) contract with the lowest and best bidder or quoter for**

- 1 **the construction project or purchase.**
- 2 **SECTION 3. An emergency is declared for this act.**
(Reference is to HB 1589 as introduced.)

and when so amended that said bill do pass.

Representative Mahan