

Adopted	Rejected
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# COMMITTEE REPORT

<b>YES:</b>	<b>12</b>
<b>NO:</b>	<b>0</b>

## MR. SPEAKER:

*Your Committee on Roads and Transportation, to which was referred House Bill 1045, 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 1, delete everything after the enacting clause and insert the
- 2 following:
- 3 SECTION 1. IC 5-30-1-11, AS AMENDED BY P.L.7-2012,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2013]: Sec. 11. (a) "Public agency" means:
- 6 (1) a state agency (as defined in IC 4-13-1-1);
- 7 (2) a state educational institution;
- 8 (3) a unit (as defined in IC 36-1-2-23);
- 9 (4) a body corporate and politic created by state statute;
- 10 (5) a school corporation (as defined in IC 20-26-2-4);
- 11 (6) a conservancy district established for a purpose described in
- 12 IC 14-33-1-1(a)(4) or IC 14-33-1-1(a)(5); ~~or~~
- 13 (7) a fire protection district established under IC 36-8-11;
- 14 **(8) a department of aviation established under IC 8-22-2-1(a);**

- 1           **or**  
 2           **(9) an airport authority established under IC 8-22-3-1.**  
 3           (b) The term does not include the Indiana department of  
 4 transportation.  
 5           SECTION 2. IC 8-22-3-11, AS AMENDED BY P.L.139-2011,  
 6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2013]: Sec. 11. The board may do all acts necessary or  
 8 reasonably incident to carrying out the purposes of this chapter,  
 9 including the following:  
 10           (1) As a municipal corporation, to sue and be sued in its own  
 11 name.  
 12           (2) To have all the powers and duties conferred by statute upon  
 13 boards of aviation commissioners. The board supersedes all  
 14 boards of aviation commissioners within the district. The board  
 15 has exclusive jurisdiction within the district.  
 16           (3) To protect all property owned or managed by the board.  
 17           (4) To adopt an annual budget and levy taxes in accordance with  
 18 this chapter.  
 19           (A) The board may not levy taxes on property in excess of the  
 20 following rate schedule, except as provided in sections 17 and  
 21 25 of this chapter:
- | Total Assessed<br>Property Valuation | Rate Per \$100 Of<br>Assessed Valuation |
|--------------------------------------|---|
| \$300 million or less                | \$0.10                                  |
| More than \$300 million              |   |
| but not more than \$450 million      | \$0.0833                                |
| More than \$450 million              |   |
| but not more than \$600 million      | \$0.0667                                |
| More than \$600 million              |   |
| but not more than \$900 million      | \$0.05                                  |
| More than \$900 million              | \$0.0333                                |
- 22           (B) Clause (A) does not apply to an authority that was  
 23 established under IC 19-6-2 or IC 19-6-3 (before their repeal  
 24 on April 1, 1980).  
 25           (C) The board of an authority that was established under  
 26 IC 19-6-3 (before its repeal on April 1, 1980) may levy taxes  
 27 on property not in excess of six and sixty-seven hundredths  
 28 cents (\$0.0667) on each one hundred dollars (\$100) of  
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- 1           assessed valuation.
- 2           (5) To incur indebtedness in the name of the authority in  
3           accordance with this chapter.
- 4           (6) To adopt administrative procedures, rules, and regulations.
- 5           (7) To acquire property, real, personal, or mixed, by deed,  
6           purchase, lease, condemnation, or otherwise and dispose of it for  
7           use or in connection with or for administrative purposes of the  
8           airport; to receive gifts, donations, bequests, and public trusts and  
9           to agree to conditions and terms accompanying them and to bind  
10          the authority to carry them out; to receive and administer federal  
11          or state aid; and to erect buildings or structures that may be  
12          needed to administer and carry out this chapter.
- 13          (8) To determine matters of policy regarding internal organization  
14          and operating procedures not specifically provided for otherwise.
- 15          (9) To adopt a schedule of reasonable charges and to collect them  
16          from all users of facilities and services within the district.
- 17          (10) To purchase supplies, materials, and equipment to carry out  
18          the duties and functions of the board in accordance with  
19          procedures adopted by the board.
- 20          (11) To employ personnel that are necessary to carry out the  
21          duties, functions, and powers of the board.
- 22          (12) To establish an employee pension plan. The board may, upon  
23          due investigation, authorize and begin a fair and reasonable  
24          pension or retirement plan and program for personnel, the cost to  
25          be borne by either the authority or by the employee or by both, as  
26          the board determines. If the authority was established under  
27          IC 19-6-2 (before its repeal on April 1, 1980), the entire cost must  
28          be borne by the authority, and ordinances creating the plan or  
29          making changes in it must be approved by the mayor of the city.  
30          The plan may be administered and funded by a trust fund or by  
31          insurance purchased from an insurance company licensed to do  
32          business in Indiana or by a combination of them. The board may  
33          also include in the plan provisions for life insurance, disability  
34          insurance, or both.
- 35          (13) To sell surplus real or personal property in accordance with  
36          law. If the board negotiates an agreement to sell trees situated in  
37          woods or forest areas owned by the board, the trees are considered  
38          to be personal property of the board for severance or sale.

- 1 (14) To adopt and use a seal.
- 2 (15) To acquire, establish, construct, improve, equip, maintain,  
3 control, lease, and regulate municipal airports, landing fields, and  
4 other air navigation facilities, either inside or outside the district;  
5 to acquire by lease (with or without the option to purchase)  
6 airports, landing fields, or navigation facilities, and any structures,  
7 equipment, or related improvements; and to erect, install,  
8 construct, and maintain at the airport or airports facilities for the  
9 servicing of aircraft and for the comfort and accommodation of air  
10 travelers and the public. The Indiana department of transportation  
11 must grant its approval before land may be purchased for the  
12 establishment of an airport or landing field and before an airport  
13 or landing field may be established.
- 14 (16) To fix and determine exclusively the uses to which the  
15 airport lands may be put. All uses must be necessary or desirable  
16 to the airport or the aviation industry and must be compatible with  
17 the uses of the surrounding lands as far as practicable.
- 18 (17) To elect a secretary from its membership, or to employ a  
19 secretary, an airport director, superintendents, managers, a  
20 treasurer, engineers, surveyors, attorneys, clerks, guards,  
21 mechanics, laborers, and all employees the board considers  
22 expedient, and to prescribe and assign their respective duties and  
23 authorities and to fix and regulate the compensation to be paid to  
24 the persons employed by it in accordance with the authority's  
25 appropriations. All employees shall be selected irrespective of  
26 their political affiliations.
- 27 (18) To make all rules and regulations, consistent with laws  
28 regarding air commerce, for the management and control of its  
29 airports, landing fields, air navigation facilities, and other  
30 property under its control.
- 31 (19) To acquire by lease the use of an airport or landing field for  
32 aircraft pending the acquisition and improvement of an airport or  
33 landing field.
- 34 (20) To manage and operate airports, landing fields, and other air  
35 navigation facilities acquired or maintained by an authority; to  
36 lease all or part of an airport, landing field, or any buildings or  
37 other structures, and to fix, charge, and collect rentals, tolls, fees,  
38 and charges to be paid for the use of the whole or a part of the

1 airports, landing fields, or other air navigation facilities by aircraft  
 2 landing there and for the servicing of the aircraft; to construct  
 3 public recreational facilities that will not interfere with air  
 4 operational facilities; to fix, charge, and collect fees for public  
 5 admissions and privileges; and to make contracts for the operation  
 6 and management of the airports, landing fields, and other air  
 7 navigation facilities; and to provide for the use, management, and  
 8 operation of the air navigation facilities through lessees, its own  
 9 employees, or otherwise. Contracts ~~or leases~~ for the maintenance,  
 10 operation, or use of the airport or any part of it may be made for  
 11 a term not exceeding fifteen (15) years and may be extended for  
 12 similar terms of years. ~~except that any parcels of~~ **However, the**  
 13 ~~land of the airport, including all or part of its land, facilities, or~~  
 14 ~~structures,~~ may be leased for any use connected with the  
 15 operation and convenience of the airport for an initial term not  
 16 exceeding forty (40) years and may be extended for a period not  
 17 to exceed ten (10) years. If a person whose character, experience,  
 18 and financial responsibility have been determined satisfactory by  
 19 the board offers to erect a permanent structure that facilitates and  
 20 is consistent with the operation, use, and purpose of the airport on  
 21 land belonging to the airport, a lease may be entered into for a  
 22 period not to exceed ninety-nine (99) years. However, the board  
 23 must pass an ordinance to enter into such a lease. The board may  
 24 not grant an exclusive right for the use of a landing area under its  
 25 jurisdiction. However, this does not prevent the making of leases  
 26 in accordance with other provisions of this chapter. All contracts,  
 27 and leases, are subject to restrictions and conditions that the board  
 28 prescribes. The authority may lease its property and facilities for  
 29 any commercial or industrial use it considers necessary and  
 30 proper, including the use of providing airport motel facilities. For  
 31 the airport authority established by the city of Gary, the board  
 32 may approve a lease, management agreement, or other contract:  
 33 (A) with a person:  
 34 (i) who is selected by the board using the procedures under  
 35 IC 36-1-9.5; and  
 36 (ii) whose character, experience, and financial responsibility  
 37 have been determined satisfactory by the board; and  
 38 (B) to use, plan, design, acquire, construct, reconstruct,

1 improve, extend, expand, lease, operate, repair, manage,  
2 maintain, or finance all or any part of the airport and its  
3 landing fields, air navigation facilities, and other buildings and  
4 structures for a period not to exceed ninety-nine (99) years.  
5 However, the board must pass an ordinance to enter into such  
6 a lease, management agreement, or other contract. All  
7 contracts, leases, and management agreements are subject to  
8 restrictions and conditions that the board prescribes. The  
9 authority may lease its property and facilities for any  
10 commercial or industrial use it considers necessary and proper,  
11 including the use of providing airport motel facilities. A lease,  
12 management agreement, or other contract entered into under  
13 this section or any other provision of this chapter may be  
14 entered into without complying with IC 5-23.

15 (21) To sell machinery, equipment, or material that is not required  
16 for aviation purposes. The proceeds shall be deposited with the  
17 treasurer of the authority.

18 (22) To negotiate and execute contracts for sale or purchase,  
19 lease, personal services, materials, supplies, equipment, or any  
20 other transaction or business relative to an airport under the  
21 board's control and operation. However, whenever the board  
22 determines to sell part or all of aviation lands, buildings, or  
23 improvements owned by the authority, the sale must be in  
24 accordance with law.

25 (23) To vacate all or parts of roads, highways, streets, or alleys,  
26 whether inside or outside the district, in the manner provided by  
27 statute.

28 (24) To annex lands to itself if the lands are owned by the  
29 authority or are streets, roads, or other public ways.

30 (25) To approve any state, county, city, or other highway, road,  
31 street or other public way, railroad, power line, or other  
32 right-of-way to be laid out or opened across an airport or in such  
33 proximity as to affect the safe operation of the airport.

34 (26) To construct drainage and sanitary sewers with connections  
35 and outlets as are necessary for the proper drainage and  
36 maintenance of an airport or landing field acquired or maintained  
37 under this chapter, including the necessary buildings and  
38 improvements and for the public use of them in the same manner

1 that the authority may construct sewers and drains. However, with  
2 respect to the construction of drains and sanitary sewers beyond  
3 the boundaries of the airport or landing field, the board shall  
4 proceed in the same manner as private owners of property and  
5 may institute proceedings and negotiate with the departments,  
6 bodies, and officers of an eligible entity to secure the proper  
7 orders and approvals; and to order a public utility or public  
8 service corporation or other person to remove or to install in  
9 underground conduits wires, cables, and power lines passing  
10 through or over the airport or landing field or along the borders or  
11 within a reasonable distance that may be determined to be  
12 necessary for the safety of operations, upon payment to the utility  
13 or other person of due compensation for the expense of the  
14 removal or reinstallation. The board must consent before any  
15 franchise may be granted by state or local authorities for the  
16 construction of or maintenance of railway, telephone, telegraph,  
17 electric power, pipe, or conduit line upon, over, or through land  
18 under the control of the board or within a reasonable distance of  
19 land that is necessary for the safety of operation. The board must  
20 also consent before overhead electric power lines carrying a  
21 voltage of more than four thousand four hundred (4,400) volts and  
22 having poles, standards, or supports over thirty (30) feet in height  
23 within one-half (1/2) mile of a landing area acquired or  
24 maintained under this chapter may be installed.

25 (27) To contract with any other state agency or instrumentality or  
26 any political subdivision for the rendition of services, the rental  
27 or use of equipment or facilities, or the joint purchase and use of  
28 equipment or facilities that are necessary for the operation,  
29 maintenance, or construction of an airport operated under this  
30 chapter.

31 (28) To provide air transportation in furtherance of the duties and  
32 responsibilities of the board.

33 (29) To promote or encourage aviation-related trade or commerce  
34 at the airports that it operates.

- 1 (30) To provide aviation services to public use airports within or
- 2 outside Indiana either directly or through an affiliate entity
- 3 established by the board.

(Reference is to HB 1045 as introduced.)

**and when so amended that said bill do pass.**

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Representative Soliday