

# COMMITTEE REPORT

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## MR. PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 584, has had the same under consideration and begs leave to report the same back to the Senate 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 36-7-7-4 IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The following members of the  
 4 commission shall be appointed from each county in the region:  
 5 (1) A representative of the county executive who may be either a  
 6 member of the executive or a person appointed by it.  
 7 (2) A representative of the county fiscal body who must be a  
 8 member of the fiscal body.  
 9 (b) The following members of the commission shall be appointed  
 10 from each county in the region having a population of more than fifty  
 11 thousand (50,000):  
 12 (1) The county surveyor or a person appointed by him.  
 13 (2) Two (2) persons appointed by the executive of each  
 14 municipality having a population of more than fifty thousand  
 15 (50,000).  
 16 (3) ~~Except for a commission in which a county having a~~  
 17 ~~population of more than four hundred thousand (400,000) but less~~  
 18 ~~than seven hundred thousand (700,000) participates; One (1)~~  
 19 ~~person appointed by the executive of each of the seven (7) largest~~  
 20 ~~municipalities having a population of less than fifty thousand~~  
 21 ~~(50,000). If there are fewer than seven (7) municipalities, enough~~  
 22 ~~additional persons appointed by the county executive to bring the~~  
 23 ~~total appointed under this subdivision to seven (7).~~  
 24 (4) ~~For a commission in which a county having a population of~~  
 25 ~~more than four hundred thousand (400,000) but less than seven~~  
 26 ~~hundred thousand (700,000) participates; the membership is as~~

1 follows:

2 (A) For a county having a population of not more than four  
3 hundred thousand (400,000); one (1) person appointed by the  
4 executive of each of the eight (8) largest municipalities having  
5 a population of less than fifty thousand (50,000)-

6 (B) For a county having a population of more than four  
7 hundred thousand (400,000) but less than seven hundred  
8 thousand (700,000); one (1) person appointed by the executive  
9 of each city having a population of less than fifty thousand  
10 (50,000) and one (1) person appointed by the executive of  
11 each of the five (5) towns with the largest population:

12 (c) The following members of the commission shall be appointed  
13 from each county in the region having a population of less than fifty  
14 thousand (50,000):

15 (1) One (1) person appointed by the executive of each of the five  
16 (5) largest municipalities or of each municipality if there are  
17 fewer than five (5).

18 (2) If there are fewer than five (5) municipalities, enough  
19 additional persons appointed by the county executive to bring the  
20 total appointed under this subsection to five (5).

21 (d) One (1) voting member of the commission shall be appointed by  
22 the governor.

23 (e) At least two-thirds (2/3) of the commission members must be  
24 elected officials. All persons appointed to the commission must be:

25 (1) knowledgeable in matters of physical, social, or economic  
26 development of the region; and

27 (2) residents of the municipality, county, or region that they  
28 represent.

29 A member of the commission may also serve as a member of a plan  
30 commission in the region.

31 (f) Members of the commission shall serve without salary but may  
32 be reimbursed for expenses incurred in the performance of their duties.

33 (g) The respective appointing authorities shall certify their  
34 appointments, and the certification shall be retained as a part of the  
35 records of the commission.

36 (h) ~~This subsection applies to a commission that does not include  
37 members from a county having a population of more than four hundred  
38 thousand (400,000) but less than seven hundred thousand (700,000):~~

39 If a vacancy occurs by resignation or otherwise, the respective  
40 appointing authority shall appoint a member for the unexpired term.  
41 Members shall be certified annually, and their terms expire on  
42 December 31 of each year.

43 SECTION 2. IC 36-7-7-12 IS AMENDED TO READ AS  
44 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) The commission  
45 shall prepare and adopt an annual appropriation budget for its  
46 operation, which shall be apportioned to each participating county on  
47 a pro rata per capita basis. After adoption, any amount that does not  
48 exceed an amount for each participating county equal to ~~(1) seventy~~  
49 ~~cents (\$0.70) per capita for each participating county in a commission~~  
50 ~~in which a county having a population of more than four hundred~~

1 thousand (400,000) but less than seven hundred thousand (700,000)  
 2 participates; and (2) thirty cents (\$0.30) per capita for all other  
 3 commissions; shall be certified to the respective county auditor who  
 4 shall advertise the amount and establish the rate in the same manner as  
 5 other county budgets. Any amount of the adopted budget that exceeds  
 6 an amount equal to seventy cents (\$0.70) per capita for each  
 7 participating county in a commission in which a county having a  
 8 population of more than four hundred thousand (400,000) but less than  
 9 seven hundred thousand (700,000) participates and thirty cents (\$0.30)  
 10 per capita for each participating county for all other commissions is  
 11 subject to review by the county fiscal body in the usual manner of  
 12 budget review. The tax so levied and certified shall be estimated and  
 13 entered upon the tax duplicates by the county auditor and shall be  
 14 collected and enforced by the county treasurer in the same manner as  
 15 other county taxes are estimated, entered, collected, and enforced. The  
 16 tax, as collected by the county treasurer, shall be transferred to the  
 17 commission.

18 (b) In fixing and determining the amount of the necessary levy for  
 19 the purpose provided in this section, the commission shall take into  
 20 consideration the amount of revenue, if any, to be derived from the  
 21 federal grants, contractual services, and miscellaneous revenues above  
 22 the amount of those revenues considered necessary to be applied upon  
 23 or reserved upon the operation, maintenance, and administrative  
 24 expenses for working capital throughout the year.

25 (c) After approval no sums may be expended except as budgeted  
 26 unless the commission authorizes their expenditure. Before the  
 27 expenditure of sums appropriated as provided in this section, a claim  
 28 must be filed and processed as other claims for allowance or  
 29 disallowance, for payment as provided by law.

30 (d) Any two (2) of the following officers may allow claims:

- 31 (1) Chairman.
- 32 (2) Vice chairman.
- 33 (3) Secretary.
- 34 (4) Treasurer.

35 The treasurer of the commission may receive, disburse, and otherwise  
 36 handle funds of the commission subject to applicable statutes and  
 37 procedures established by the commission.

38 (e) The commission shall act as a board of finance under the statutes  
 39 relating to the deposit of public funds by political subdivisions.

40 (f) Any appropriated money remaining unexpended or  
 41 unencumbered at the end of the year becomes part of a nonreverting  
 42 cumulative fund to be held in the name of the commission. Unbudgeted  
 43 expenditures from this fund may be authorized by vote of the  
 44 commission and upon other approval as required by statute. The  
 45 commission is responsible for the safekeeping and deposit of such  
 46 sums, and the state board of accounts shall prescribe the methods and  
 47 forms for keeping the accounts, records, and books to be used by the  
 48 commission. The books, records, and accounts of the commission shall  
 49 be periodically audited by the state board of accounts, and these audits  
 50 shall be paid for as provided by statute.

1 SECTION 3. IC 36-7-7.6 IS ADDED TO THE INDIANA CODE  
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2001]:

4 **Chapter 7.6. Northwestern Indiana Council of Governments**

5 **Sec. 1. This chapter applies to the area consisting of the**  
6 **following counties:**

7 (1) A county having a population of more than four hundred  
8 thousand (400,000) but less than seven hundred thousand  
9 (700,000).

10 (2) A county having a population of more than one hundred  
11 twenty-five thousand (125,000) but less than one hundred  
12 twenty-nine thousand (129,000).

13 (3) A county having a population of more than one hundred  
14 seven thousand (107,000) but less than one hundred eight  
15 thousand (108,000).

16 **Sec. 2. As used in this chapter, "council" means the**  
17 **northwestern Indiana council of governments established by**  
18 **section 3 of this chapter**

19 **Sec. 3. The northwestern Indiana council of governments is**  
20 **established for the area described in section 1 of this chapter.**

21 **Sec. 4. (a) The following members shall be appointed to the**  
22 **council:**

23 (1) One (1) person appointed by the executive of each  
24 municipality in a county described in section 1 of this chapter.

25 (2) One (1) person appointed by the executive of each county  
26 described in section 1 of this chapter.

27 (3) One (1) person appointed by the governor.

28 (b) The person appointed under subsection (a)(3) is a nonvoting  
29 member of the council.

30 **Sec. 5. (a) All persons appointed to the council under section 4**  
31 **of this chapter must be:**

32 (1) knowledgeable in matters of physical, social, or economic  
33 development of the region; and

34 (2) residents of the municipality, county, or region that they  
35 represent.

36 (b) A member of the council may also serve as a member of a  
37 plan commission in the region.

38 (c) Each member of the council shall serve on the council  
39 without salary but may be reimbursed for expenses incurred in the  
40 performance of the member's duties.

41 (d) The respective appointing authorities shall certify their  
42 appointments, and the certification shall be retained as a part of  
43 the records of the council.

44 (e) Each member of the council serves at the pleasure of the  
45 appointing authority. The appointing authority must give written  
46 notice to the council of a change of an appointee and of the effective  
47 date of that change.

48 (f) If a vacancy on the council occurs by resignation or  
49 otherwise, the appointing authority shall promptly appoint a  
50 replacement member.

1           **(g) If a member of the council is absent for more than three (3)**  
 2 **consecutive meetings of the full council, the council shall notify that**  
 3 **member's appointing authority and request the appointing**  
 4 **authority to do one (1) of the following:**

5           **(1) Replace the member.**

6           **(2) Take action to ensure the member's conscientious**  
 7 **attendance at meetings of the full council.**

8           **Sec. 6. (a) At its first regular meeting in each year, the council**  
 9 **shall elect from its members a chairman, vice chairman, secretary,**  
 10 **and a treasurer.**

11           **(b) Not more than two (2) of the officers elected under**  
 12 **subsection (a) may be from the same county. In addition, if the area**  
 13 **served by the council is divided into subregions under section 19 of**  
 14 **this chapter, there must be at least one (1) officer from each**  
 15 **subregion.**

16           **(c) The vice chairman may act as chairman during the absence**  
 17 **or disability of the chairman.**

18           **Sec. 7. (a) The council shall fix the time and place for holding**  
 19 **regular meetings, but it shall meet:**

20           **(1) at least quarterly; and**

21           **(2) at such other times as are established by the council or the**  
 22 **executive board of the council.**

23           **(b) The chairman of the council or five (5) members of the**  
 24 **council may call a special meeting of the council upon written**  
 25 **request to the secretary of the council. The secretary shall send to**  
 26 **all council members at least forty-eight (48) hours in advance of a**  
 27 **special meeting a written notice fixing the time and place of the**  
 28 **special meeting. Written notice of a special meeting is not required**  
 29 **if:**

30           **(1) the time of the special meeting has been fixed in a regular**  
 31 **meeting; or**

32           **(2) all members are present at the special meeting.**

33           **(c) A council member may waive notice of any meeting by filing**  
 34 **a written waiver with the secretary of the council.**

35           **Sec. 8. (a) The council shall adopt rules for the transaction of**  
 36 **business and shall keep a record of its resolutions, transactions,**  
 37 **findings, and determinations. The council's record is a public**  
 38 **record.**

39           **(b) A majority of members of the council constitutes a quorum.**  
 40 **An action of the council is official, however, only if the action is**  
 41 **authorized by a majority of the council at:**

42           **(1) a regular meeting; or**

43           **(2) a properly called special meeting;**

44 **in which at least one (1) member from each county described in**  
 45 **section 1 of this chapter is present.**

46           **Sec. 9. The council has a total of one hundred (100) votes. Each**  
 47 **voting member of the council is allocated a percentage of the total**  
 48 **one hundred (100) votes that may be cast. The percentage that a**  
 49 **member is allocated shall be determined as follows:**

50           **(1) In the case of a member appointed by the executive of a**

1           municipality, divide the population of the municipality by the  
2           total population of the counties described in section 1 of this  
3           chapter.

4           (2) In the case of a member appointed by the executive of a  
5           county, divide the population of the area in the county that is  
6           not within a municipality by the total population of the  
7           counties described in section 1 of this chapter.

8           **Sec. 10. (a)** The council shall elect from among its members an  
9           executive board consisting of:

10           (1) the four (4) officers of the council;

11           (2) one (1) member of the council from each county described  
12           in section 1 of this chapter; and

13           (3) the member of the council appointed by the governor.

14           (b) The members of the executive board referred to in  
15           subsection (a)(2) shall be elected by a vote of the full membership  
16           of the council.

17           (c) If a vacancy occurs in a position on the executive board  
18           referred to in subsection (a)(2), a successor shall be elected from  
19           among the members in the same manner as the member whose  
20           position has been vacated.

21           (d) The executive board shall conduct the business of the  
22           council, except for:

23           (1) the adoption and amendment of bylaws, rules, and  
24           procedures for the operation of the council;

25           (2) the election of officers and members of the executive board  
26           as provided in this chapter; and

27           (3) the adoption of the annual appropriation budget after  
28           review by the executive board.

29           (e) The executive board shall meet regularly at least once each  
30           month, unless otherwise determined by its members. The executive  
31           board shall notify the full membership of the council of all its  
32           meetings with copies of its preliminary or final agendas and shall  
33           report all its actions and determinations to the full membership of  
34           the council.

35           (f) A majority of members of the executive board constitutes a  
36           quorum. An action of the executive board is official, however, only  
37           if it is authorized by a majority of the board at a regular or  
38           properly called special meeting. Any action of the executive board  
39           shall be reviewed at the next regular meeting of the council  
40           following the executive board's action and, upon written request of  
41           a member of the council, shall be brought to a vote of the full  
42           council.

43           **Sec. 11. (a)** After review and recommendation by the executive  
44           board, the council shall appoint an executive director, who shall  
45           serve at the pleasure of the council. The executive director must be  
46           qualified by training and experience in the management of public  
47           agencies and knowledgeable in planning.

48           (b) The executive director is the chief administrative officer and  
49           regular technical adviser of the council. Subject to supervision by  
50           the council, the executive director:

- 1 (1) shall execute the council functions;
- 2 (2) shall appoint and remove the staff of the council;
- 3 (3) shall submit to the council annually, or more often if
- 4 required, a status report on the operation of the agency;
- 5 (4) may, with the approval of the executive board, execute
- 6 contracts, leases, or agreements with other persons on behalf
- 7 of the council;
- 8 (5) is entitled, upon the executive director's written request,
- 9 to be given access by all governmental agencies to all studies,
- 10 reports, surveys, records, and other information and material
- 11 in their possession that are required by the executive director
- 12 for the accomplishment of the activities and objectives of the
- 13 council;
- 14 (6) shall propose annually a budget for the operation of the
- 15 council and administer the budget as approved by the council;
- 16 (7) shall keep the records and care for and preserve all papers
- 17 and documents of the council; and
- 18 (8) shall perform other duties and may exercise other powers
- 19 that the council or the executive board delegates to the
- 20 executive director.

21 **Sec. 12. The council may do any of the following:**

- 22 (1) Transact business and enter into contracts that support
- 23 the council's purposes.
- 24 (2) Receive grants or appropriations from federal, state, or
- 25 local governmental entities or from individuals or
- 26 foundations, and enter into agreements or contracts regarding
- 27 the acceptance or use of those grants and appropriations for
- 28 the purpose of carrying out any of the activities of the council.
- 29 (3) Apply for, receive, and disburse gifts, contributions, and
- 30 grants of funds or in-kind services.
- 31 (4) Acquire by grant, purchase, gift, devise, lease, or otherwise
- 32 and hold, use, sell, improve, maintain, operate, own, manage,
- 33 lease, or dispose of:
  - 34 (A) real and personal property of every kind and nature;
  - 35 and
  - 36 (B) any right and interest;
- 37 as necessary for the full exercise, or convenient or useful for
- 38 the carrying on, of any of the council's powers under this
- 39 chapter.
- 40 (5) Make and enter into all contracts, undertakings, and
- 41 agreements necessary or incidental to the performance of the
- 42 council's duties and the execution of the council's powers
- 43 under this chapter.
- 44 (6) Employ and fix the compensation of any employees and
- 45 agents the council considers necessary.
- 46 (7) Contract for special and temporary services and for
- 47 professional assistance.
- 48 (8) Hold, use, administer, and expend money that is
- 49 appropriated or transferred to the council.
- 50 (9) Make contracts and leases for facilities and services.

- 1           **(10) Act as a coordinating agency for programs and activities**  
 2           **of other public and private agencies that are related to the**  
 3           **council's objectives.**
- 4           **(11) Take any action or perform any service, including direct**  
 5           **services to citizens, that the council considers appropriate and**  
 6           **that is not otherwise prohibited by law.**
- 7           **(12) Enter into agreements or partnerships to do the**  
 8           **following:**
- 9               **(A) Assist in coordinating activities involving state and**  
 10              **local government, business organizations, and nonprofit**  
 11              **organizations.**
- 12              **(B) Assist in the development and implementation of**  
 13              **programs by other regional agencies and entities.**
- 14           **(13) Enter into coordinative arrangements with:**
- 15              **(A) any unit of government in Indiana or an adjoining**  
 16              **state;**
- 17              **(B) an overlapping multicounty or interstate planning or**  
 18              **development agency;**
- 19              **(C) a state agency;**
- 20              **(D) a federal agency; or**
- 21              **(E) a private entity;**
- 22           **as are appropriate to the achievement of the council's**  
 23           **objectives or to address a common issue.**
- 24           **(14) Provide any administrative, management, or technical**  
 25           **services to a unit of local government that requests the**  
 26           **services. The local unit and the council may enter into a**  
 27           **contract concerning the council's provision of administrative,**  
 28           **management, or technical services and the cost to the local**  
 29           **unit for the services.**
- 30           **(15) Conduct all necessary studies for the accomplishment of**  
 31           **the council's duties and objectives.**
- 32           **(16) Publicize and advertise the council's purposes, objectives,**  
 33           **and findings and distribute reports on those purposes,**  
 34           **objectives, and findings.**
- 35           **(17) Provide recommendations to units of local government**  
 36           **and to other public and private agencies.**
- 37           **(18) Take any other action necessary to achieve the council's**  
 38           **purpose.**
- 39           **Sec. 13. (a) The council shall act as the designated review agency**  
 40           **and as the clearinghouse as described in federal Office of**  
 41           **Management and Budget Circular A-95.**
- 42           **(b) The council shall institute and maintain a comprehensive**  
 43           **policy planning and programming and coordinative management**  
 44           **process for the counties described in section 1 of this chapter. The**  
 45           **council shall coordinate its activities with all units in the counties**  
 46           **and shall coordinate the planning programs of those units and the**  
 47           **state.**
- 48           **Sec. 14. The council may adopt by resolution any regional**  
 49           **comprehensive or functional plan, program, or policy as the**  
 50           **council's official recommendation for the development of the**



1 region, subject to the power of a county to exempt itself under  
2 section 15 of this chapter. The council shall provide an annual  
3 report of its activities to the legislative bodies of the counties and  
4 municipalities in the region.

5 **Sec. 15. If the council receives a petition that:**

- 6 (1) is signed by a majority of the council members  
7 representing a county affected by a particular program; and
- 8 (2) objects to the establishment of the program within that  
9 county;

10 the council may not implement the program in that county.

11 **Sec. 16. The council may appoint advisory committees to assist  
12 in the achievement of its objectives. Members of advisory  
13 committees are not entitled to compensation for their services but  
14 may be reimbursed by the council for expenses incurred in the  
15 performance of their duties.**

16 **Sec. 17. The council may not implement, enter into an  
17 agreement for, or propose a program that includes interstate  
18 wastewater management or disposal.**

19 **Sec. 18. A county or municipality may, from time to time upon  
20 the request of the council, assign or detail to the council any  
21 employees of the county or municipality to make special surveys or  
22 studies requested by the council.**

23 **Sec. 19. (a) The council may organize into not more than two (2)  
24 subregions and provide for the following:**

- 25 (1) The organization of two (2) subregional councils.
- 26 (2) Meetings and rules of procedure of the subregional  
27 councils. The rules of procedure of the subregional councils  
28 shall be adopted as a part of the rules and bylaws of the  
29 council.

30 (b) The actions of each subregional council shall be referred to  
31 the other subregional council for review. The executive director  
32 and staff of the council shall serve both subregional councils. Each  
33 subregional council shall consider problems that do not directly  
34 affect the other subregion. Each subregional council may hold  
35 meetings and elect a chairman and secretary from among its own  
36 members.

37 **Sec. 20. (a) The council shall prepare and adopt an annual  
38 appropriation budget for its operation. The appropriation budget  
39 shall be apportioned to each participating county on a pro rata per  
40 capita basis. After adoption of the appropriation budget, any  
41 amount that does not exceed an amount for each participating  
42 county equal to seventy cents (\$0.70) per capita for each  
43 participating county shall be certified to the respective county  
44 auditor. The county auditor shall advertise the amount and  
45 establish the rate in the same manner as for other county budgets.**

46 (b) Any amount of the adopted budget that exceeds an amount  
47 equal to seventy cents (\$0.70) per capita for each participating  
48 county is subject to review by the county fiscal body in the usual  
49 manner of budget review. The tax levied under this section and  
50 certified shall be estimated and entered upon the tax duplicates by

1 the county auditor and shall be collected and enforced by the  
 2 county treasurer in the same manner as other county taxes are  
 3 estimated, entered, collected, and enforced. The tax, as collected by  
 4 the county treasurer, shall be transferred to the council.

5 (c) In fixing and determining the amount of the necessary levy  
 6 for the purpose provided in this section, the council shall take into  
 7 consideration the amount of revenue, if any, to be derived from  
 8 federal grants, contractual services, and miscellaneous revenues  
 9 above the amount of those revenues considered necessary to be  
 10 applied upon or reserved upon the operation, maintenance, and  
 11 administrative expenses for working capital throughout the year.

12 (d) After the budget is approved, amounts may not be expended  
 13 except as budgeted, unless the council authorizes their expenditure.  
 14 Before the expenditure of sums appropriated as provided in this  
 15 section, a claim must be filed and processed as other claims for  
 16 allowance or disallowance, for payment as provided by law.

17 (e) Any two (2) of the following officers may allow claims:

- 18 (1) Chairman.
- 19 (2) Vice chairman.
- 20 (3) Secretary.
- 21 (4) Treasurer.

22 (f) The treasurer of the council may receive, disburse, and  
 23 otherwise handle funds of the council subject to applicable statutes  
 24 and to procedures established by the council.

25 (g) The council shall act as a board of finance under the statutes  
 26 relating to the deposit of public funds by political subdivisions.

27 (h) Any appropriated money remaining unexpended or  
 28 unencumbered at the end of the year becomes part of a  
 29 nonreverting cumulative fund to be held in the name of the council.  
 30 Unbudgeted expenditures from this fund may be authorized by  
 31 vote of the council and upon other approval as required by statute.  
 32 The council is responsible for the safekeeping and deposit of the  
 33 amounts in the nonreverting cumulative fund, and the state board  
 34 of accounts shall prescribe the methods and forms for keeping the  
 35 accounts, records, and books to be used by the council. The books,  
 36 records, and accounts of the council shall be periodically audited  
 37 by the state board of accounts, and these audits shall be paid for as  
 38 provided by statute.

39 SECTION 4. IC 36-7-7-4.1 IS REPEALED [EFFECTIVE JULY 1,  
 40 2001].

41 SECTION 5. [EFFECTIVE UPON PASSAGE] (a) A regional plan  
 42 commission under IC 36-7-7 that includes a county described in  
 43 IC 36-7-7.6-1, as added by this act, shall on July 1, 2001, become  
 44 the northwestern Indiana council of governments subject to  
 45 IC 36-7-7.6, as added by this act.

46 (b) A municipality or county required to make an appointment  
 47 to the northwestern Indiana council of governments under  
 48 IC 36-7-7.6-4, as added by this act, shall make the appointment  
 49 before July 15, 2001.

50 (c) On July 1, 2001, all property of the regional plan commission

1 described in subsection (a) shall become the property of the  
2 northwestern Indiana council of governments subject to  
3 IC 36-7-7.6, as added by this act.

4 (d) This SECTION expires January 1, 2002.  
5 SECTION 6. An emergency is declared for this act.  
(Reference is to SB 584 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Rules and Legislative Procedures.

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GARTON Chairperson