



April 3, 2007

**ENGROSSED
HOUSE BILL No. 1742**

DIGEST OF HB 1742 (Updated April 3, 2007 11:03 am - DI 71)

Citations Affected: IC 36-9.

Synopsis: Northwest Indiana regional bus authority. Provides that LaPorte County or a second class city in LaPorte County shall become a member of the northwest Indiana regional bus authority if the fiscal body of the county or city adopts a resolution authorizing the county or city to become a member of the authority and the board of the bus authority approves the membership of the county or city. Provides that if the county or a city becomes a member of the bus authority, the executive of the county or city shall appoint a member to the bus authority's board and a member to the citizens advisory council.

Effective: July 1, 2007.

Pelath, Dermody

(SENATE SPONSORS — HEINOLD, ARNOLD)

January 26, 2007, read first time and referred to Committee on Roads and Transportation.
February 19, 2007, amended, reported — Do Pass.
February 22, 2007, read second time, ordered engrossed.
February 23, 2007, engrossed.
February 26, 2007, read third time, passed. Yeas 99, nays 0.

SENATE ACTION

March 5, 2007, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.
April 3, 2007, reported favorably — Do Pass.

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April 3, 2007

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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ENGROSSED HOUSE BILL No. 1742

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 36-9-3-3 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2007]: Sec. 3. **Except as provided in section**
3 **3.5 of this chapter**, the authority may be expanded to include one (1)
4 or more additional counties or municipalities within the same planning
5 district if resolutions approving the expansion are adopted by the fiscal
6 bodies of:

- 7 (1) the counties or municipalities to be added to the authority; and
- 8 (2) a majority of the counties and municipalities already in the
9 authority.

10 SECTION 2. IC 36-9-3-3.5 IS ADDED TO THE INDIANA CODE
11 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2007]: **Sec. 3.5. (a) This section applies to a county with a**
13 **population of more than one hundred ten thousand (110,000) but**
14 **less than one hundred fifteen thousand (115,000) and any second**
15 **class city located in the county.**

EH 1742—LS 7744/DI 73+



1 **(b) A county or city described in subsection (a) shall become a**
2 **member of an authority described in section 5(c) of this chapter if**
3 **the fiscal body of the county or city adopts a resolution authorizing**
4 **the county or city to become a member of the authority and the**
5 **board of the authority approves the membership of the county or**
6 **city.**

7 SECTION 3. IC 36-9-3-5, AS AMENDED BY P.L.1-2006,
8 SECTION 584, AND AS AMENDED BY P.L.169-2006, SECTION
9 79, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) An authority is under the
11 control of a board (referred to as "the board" in this chapter) that,
12 except as provided in subsections (b) and (c), consists of:

- 13 (1) two (2) members appointed by the executive of each county in
- 14 the authority;
- 15 (2) one (1) member appointed by the executive of the largest
- 16 municipality in each county in the authority;
- 17 (3) one (1) member appointed by the executive of each second
- 18 class city in a county in the authority; and
- 19 (4) one (1) member from any other political subdivision that has
- 20 public transportation responsibilities in a county in the authority.

21 (b) An authority that includes a consolidated city is under the
22 control of a board consisting of the following:

- 23 (1) Two (2) members appointed by the executive of the county
- 24 having the consolidated city.
- 25 (2) One (1) member appointed by the board of commissioners of
- 26 the county having the consolidated city.
- 27 (3) One (1) member appointed by the executive of each other
- 28 county in the authority.
- 29 (4) Two (2) members appointed by the governor from a list of at
- 30 least five (5) names provided by the Indianapolis regional
- 31 transportation council.
- 32 (5) One (1) member representing the four (4) largest
- 33 municipalities in the authority located in a county other than a
- 34 county containing a consolidated city. The member shall be
- 35 appointed by the executives of the municipalities acting jointly.
- 36 (6) One (1) member representing the excluded cities located in a
- 37 county containing a consolidated city that are members of the
- 38 authority. The member shall be appointed by the executives of the
- 39 excluded cities acting jointly.
- 40 (7) One (1) member of a labor organization representing
- 41 employees of the authority who provide public transportation
- 42 services within the geographic jurisdiction of the authority. The

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1 labor organization shall appoint the member.

2 (c) An authority that includes a county having a population of more

3 than four hundred thousand (400,000) but less than seven hundred

4 thousand (700,000) is under the control of a board consisting of the

5 following ~~nineteen (19)~~ *twenty-one (21)* members:

6 (1) Three (3) members appointed by the executive of a city with

7 a population of more than ninety thousand (90,000) but less than

8 one hundred five thousand (105,000).

9 (2) Two (2) members appointed by the executive of a city with a

10 population of more than seventy-five thousand (75,000) but less

11 than ninety thousand (90,000).

12 (3) One (1) member jointly appointed by the executives of the

13 following municipalities located within a county having a

14 population of more than four hundred thousand (400,000) but less

15 than seven hundred thousand (700,000):

16 (A) A city with a population of more than five thousand one

17 hundred thirty-five (5,135) but less than five thousand two

18 hundred (5,200).

19 (B) A city with a population of more than thirty-two thousand

20 (32,000) but less than thirty-two thousand eight hundred

21 (32,800).

22 (4) One (1) member who is jointly appointed by the fiscal body of

23 the following municipalities located within a county with a

24 population of more than four hundred thousand (400,000) but less

25 than seven hundred thousand (700,000):

26 (A) A town with a population of more than fifteen thousand

27 (15,000) but less than twenty thousand (20,000).

28 (B) A town with a population of more than twenty-three

29 thousand (23,000) but less than twenty-four thousand

30 (24,000).

31 (C) A town with a population of more than twenty thousand

32 (20,000) but less than twenty-three thousand (23,000).

33 (5) One (1) member who is jointly appointed by the fiscal body of

34 the following municipalities located within a county with a

35 population of more than four hundred thousand (400,000) but less

36 than seven hundred thousand (700,000):

37 (A) A town with a population of more than eight thousand

38 (8,000) but less than nine thousand (9,000).

39 (B) A town with a population of more than twenty-four

40 thousand (24,000) but less than thirty thousand (30,000).

41 (C) A town with a population of more than twelve thousand

42 five hundred (12,500) but less than fifteen thousand (15,000).

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- 1 (6) One (1) member who is jointly appointed by the following
- 2 authorities of municipalities located in a county having a
- 3 population of more than four hundred thousand (400,000) but less
- 4 than seven hundred thousand (700,000):
- 5 (A) The executive of a city with a population of more than
- 6 nineteen thousand eight hundred (19,800) but less than
- 7 twenty-one thousand (21,000).
- 8 (B) The fiscal body of a town with a population of more than
- 9 nine thousand (9,000) but less than twelve thousand five
- 10 hundred (12,500).
- 11 (C) The fiscal body of a town with a population of more than
- 12 five thousand (5,000) but less than eight thousand (8,000).
- 13 (D) The fiscal body of a town with a population of less than
- 14 one thousand five hundred (1,500).
- 15 (E) The fiscal body of a town with a population of more than
- 16 two thousand two hundred (2,200) but less than five thousand
- 17 (5,000).
- 18 (7) One (1) member appointed by the fiscal body of a town with
- 19 a population of more than thirty thousand (30,000) located within
- 20 a county with a population of more than four hundred thousand
- 21 (400,000) but less than seven hundred thousand (700,000).
- 22 (8) One (1) member who is jointly appointed by the following
- 23 authorities of municipalities that are located within a county with
- 24 a population of more than four hundred thousand (400,000) but
- 25 less than seven hundred thousand (700,000):
- 26 (A) The executive of a city having a population of more than
- 27 twenty-five thousand (25,000) but less than twenty-seven
- 28 thousand (27,000).
- 29 (B) The executive of a city having a population of more than
- 30 thirteen thousand nine hundred (13,900) but less than fourteen
- 31 thousand two hundred (14,200).
- 32 (C) The fiscal body of a town having a population of more
- 33 than one thousand five hundred (1,500) but less than two
- 34 thousand two hundred (2,200).
- 35 (9) Three (3) members appointed by the fiscal body of a county
- 36 with a population of more than four hundred thousand (400,000)
- 37 but less than seven hundred thousand (700,000).
- 38 (10) One (1) member appointed by the county executive of a
- 39 county with a population of more than four hundred thousand
- 40 (400,000) but less than seven hundred thousand (700,000).
- 41 (11) One (1) member of a labor organization representing
- 42 employees of the authority who provide public transportation

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1 services within the geographic jurisdiction of the authority. The
2 labor organization shall appoint the member. If more than one (1)
3 labor organization represents the employees of the authority, each
4 organization shall submit one (1) name to the governor, and the
5 governor shall appoint the member from the list of names
6 submitted by the organizations.

7 (12) The executive of a city with a population of more than
8 twenty-seven thousand four hundred (27,400) but less than
9 twenty-eight thousand (28,000), located within a county with a
10 population of more than one hundred forty-five thousand
11 (145,000) but less than one hundred forty-eight thousand
12 (148,000), or the executive's designee.

13 (13) The executive of a city with a population of more than
14 thirty-three thousand (33,000) but less than thirty-six thousand
15 (36,000), located within a county with a population of more than
16 one hundred forty-five thousand (145,000) but less than one
17 hundred forty-eight thousand (148,000), or the executive's
18 designee.

19 (14) One (1) member of the board of commissioners of a county
20 with a population of more than one hundred forty-five thousand
21 (145,000) but less than one hundred forty-eight thousand
22 (148,000), appointed by the board of commissioners, or the
23 member's designee.

24 (15) *One (1) member appointed jointly by the township executive
25 of the township containing the following towns:*

- 26 (A) *Chesterton.*
- 27 (B) *Porter.*
- 28 (C) *Burns Harbor.*
- 29 (D) *Dune Acres.*

30 *The member appointed under this subdivision must be a resident
31 of a town listed in this subdivision.*

32 (16) *One (1) member appointed jointly by the township executives
33 of the following townships located in Porter County:*

- 34 (A) *Washington Township.*
- 35 (B) *Morgan Township.*
- 36 (C) *Pleasant Township.*
- 37 (D) *Boone Township.*
- 38 (E) *Union Township.*
- 39 (F) *Porter Township.*
- 40 (G) *Jackson Township.*
- 41 (H) *Liberty Township.*
- 42 (I) *Pine Township.*

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1 *The member appointed under this subdivision must be a resident*
2 *of a township listed in this subdivision.*

3 **If a county or city becomes a member of the authority under**
4 **section 3.5 of this chapter, the executive of the county or city shall**
5 **appoint one (1) member to serve on the board.**

6 SECTION 4. IC 36-9-3-6 IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Except as provided in
8 subsection (d), the appointments required by section 5 of this chapter
9 must be made as soon as is practical, but not later than sixty (60) days
10 after the adoption of the ordinance establishing the authority. If any
11 appointing authority fails to make the required appointment within the
12 sixty (60) day time limit, the circuit court from the jurisdiction of the
13 appointing authority shall make the appointment without delay.

14 (b) The term of office of a member of the board is:
15 (1) two (2) years, for a member of a board located in a county
16 with a population of more than four hundred thousand (400,000)
17 but less than seven hundred thousand (700,000); and
18 (2) four (4) years, for all other boards;

19 and continues until the member's successor has qualified for the office.
20 A member may be reappointed for successive terms.

21 (c) A member of the board serves at the pleasure of the appointing
22 authority.

23 (d) An appointment to an authority located in a county with a
24 population of more than four hundred thousand (400,000) but less than
25 seven hundred thousand (700,000) must be made not later than sixty
26 (60) days after the adoption of the ordinance establishing the authority,
27 or for the purpose of reappointments, sixty (60) days after a scheduled
28 reappointment. If the appointing authority designated in section 5(c)(3),
29 5(c)(4), 5(c)(5), 5(c)(6), or 5(c)(8) of this chapter fails to make an
30 appointment, the appointment shall be made by the governor. **If a**
31 **county or city becomes a member of the authority under section 3.5**
32 **of this chapter and the executive of the county or city fails to make**
33 **an appointment to the board within sixty (60) days after the county**
34 **or city becomes a member of the authority, the appointment shall**
35 **be made by the governor.** The governor shall select an individual
36 from a list comprised of one (1) name from each appointing authority
37 for that particular appointment.

38 SECTION 5. IC 36-9-3-12.5 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12.5. (a) This section
40 applies only to an authority located in a county with a population of
41 more than four hundred thousand (400,000) but less than seven
42 hundred thousand (700,000).

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- 1 (b) The board shall establish a citizens advisory council consisting
- 2 of thirteen (13) members appointed as follows:
- 3 (1) Three (3) members appointed by the executive of a city with
- 4 a population of more than ninety thousand (90,000) but less than
- 5 one hundred five thousand (105,000).
- 6 (2) Two (2) members appointed by the executive of a city with a
- 7 population of more than seventy-five thousand (75,000) but less
- 8 than ninety thousand (90,000).
- 9 (3) One (1) member appointed jointly by the executive of the
- 10 following cities located within the county:
- 11 (A) A city with a population of more than thirty-two thousand
- 12 (32,000) but less than thirty-two thousand eight hundred
- 13 (32,800).
- 14 (B) A city with a population of more than five thousand one
- 15 hundred thirty-five (5,135) but less than five thousand two
- 16 hundred (5,200).
- 17 (4) One (1) member selected from a list of citizens submitted by
- 18 community based organizations which advocate for public
- 19 transportation by the fiscal body of the county.
- 20 (5) One (1) member selected from a list of citizens submitted by
- 21 community based organizations which advocate for public
- 22 transportation by the county executive of the county.
- 23 (6) One (1) member who is jointly appointed by the following
- 24 individuals or entities representing municipalities that are located
- 25 within the county:
- 26 (A) The executive of a city having a population of more than
- 27 twenty-five thousand (25,000) but less than twenty-seven
- 28 thousand (27,000).
- 29 (B) The executive of a city having a population of more than
- 30 thirteen thousand nine hundred (13,900) but less than fourteen
- 31 thousand two hundred (14,200).
- 32 (C) The fiscal body of a town having a population of more
- 33 than one thousand five hundred (1,500) but less than two
- 34 thousand two hundred (2,200).
- 35 (7) One (1) member who is jointly appointed by the following
- 36 authorities of municipalities located in a county having a
- 37 population of more than four hundred thousand (400,000) but less
- 38 than seven hundred thousand (700,000):
- 39 (A) The executive of a city with a population of more than
- 40 nineteen thousand eight hundred (19,800) but less than
- 41 twenty-one thousand (21,000).
- 42 (B) The fiscal body of a town with a population of more than

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- 1 nine thousand (9,000) but less than twelve thousand five
- 2 hundred (12,500).
- 3 (C) The fiscal body of a town with a population of more than
- 4 five thousand (5,000) but less than eight thousand (8,000).
- 5 (D) The fiscal body of a town with a population of less than
- 6 one thousand five hundred (1,500).
- 7 (E) The fiscal body of a town with a population of more than
- 8 two thousand two hundred (2,200) but less than five thousand
- 9 (5,000).
- 10 (8) One (1) member who is jointly appointed by the fiscal body of
- 11 the following municipalities located within a county with a
- 12 population of more than four hundred thousand (400,000) but less
- 13 than seven hundred thousand (700,000):
- 14 (A) A town with a population of more than fifteen thousand
- 15 (15,000) but less than twenty thousand (20,000).
- 16 (B) A town with a population of more than twenty-three
- 17 thousand (23,000) but less than twenty-four thousand
- 18 (24,000).
- 19 (C) A town with a population of more than twenty thousand
- 20 (20,000) but less than twenty-three thousand (23,000).
- 21 (9) One (1) member who is jointly appointed by the fiscal body of
- 22 the following municipalities located within a county with a
- 23 population of more than four hundred thousand (400,000) but less
- 24 than seven hundred thousand (700,000):
- 25 (A) A town having a population of more than twenty-four
- 26 thousand (24,000) but less than thirty thousand (30,000).
- 27 (B) A town having a population of more than twelve thousand
- 28 five hundred (12,500) but less than fifteen thousand (15,000).
- 29 (C) A town having a population of more than eight thousand
- 30 (8,000) but less than nine thousand (9,000).
- 31 (10) One (1) member appointed by the fiscal body of a town
- 32 having a population of more than thirty thousand (30,000) located
- 33 in a county having a population of more than four hundred
- 34 thousand (400,000) but less than seven hundred thousand
- 35 (700,000).
- 36 **If a county or city becomes a member of the authority under**
- 37 **section 3.5 of this chapter, the executive of the county or city shall**
- 38 **appoint one (1) member to serve on the citizens advisory council.**
- 39 (c) A member of a citizens advisory council:
- 40 (1) must live in the geographic area represented by the appointing
- 41 authority;
- 42 (2) may not be:

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- 1 (A) an elected official; or
- 2 (B) a public employee of the appointing authority;
- 3 (3) may serve a two (2) year term; and
- 4 (4) may be reappointed to multiple terms.
- 5 (d) The citizens advisory council shall:
- 6 (1) meet at least once every six (6) months;
- 7 (2) review and make recommendations to the board on:
- 8 (A) the authority plan;
- 9 (B) the proposed route and time schedule changes of the
- 10 regional transportation system;
- 11 (C) the authority budget; and
- 12 (D) the hiring of the authority director;
- 13 (3) be responsible for assuring direct citizen input into the
- 14 authority plan; and
- 15 (4) refer all complaints and concerns of citizens to the appropriate
- 16 person or committee within the authority.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1742, 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 15.

Delete pages 2 through 23.

Page 24, delete lines 1 through 31.

Page 25, line 1, delete "municipality located".

Page 25, line 2, delete "in a".

Page 25, line 4, after "(115,000)" delete "." and insert "**and any second class city located in the county.**".

Page 25, line 5, delete "municipality" and insert "**county or city**".

Page 25, line 7, delete "municipality" and insert "**county or city**".

Page 25, line 8, delete "municipality" and insert "**county or city**".

Page 25, line 8, after "authority" delete "." and insert "**and the board of the authority approves the membership of the county or city.**".

Page 29, line 5, delete "municipality" and insert "**county or city**".

Page 29, line 6, delete "municipality" and insert "**county or city**".

Page 29, line 33, delete "municipality" and insert "**county or city**".

Page 29, line 34, delete "municipality" and insert "**county or city**".

Page 29, line 35, delete "fiscal" and insert "**county or city becomes**".

Page 29, delete line 36.

Page 29, line 37, delete "municipality to become".

Page 29, run in lines 35 through 37.

Page 31, line 39, delete "municipality" and insert "**county or city**".

Page 31, line 40, delete "municipality" and insert "**county or city**".

Page 32, delete lines 20 through 33.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1742 as introduced.)

AUSTIN, Chair

Committee Vote: yeas 10, nays 0.

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SENATE MOTION

Madam President: I move that Senator Bowser be removed as second sponsor of Engrossed House Bill 1742 and that Senator Arnold be substituted therefor.

HEINOLD

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1742, 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 House Bill 1742 as printed February 20, 2007.)

WYSS, Chairperson

Committee Vote: Yeas 10, Nays 0.

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