

Adopted	Rejected
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## COMMITTEE REPORT

<b>YES:</b>	<b>9</b>
<b>NO:</b>	<b>4</b>

**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.**

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Representative Mahan