



January 24, 2020

HOUSE BILL No. 1279

DIGEST OF HB 1279 (Updated January 23, 2020 8:45 am - DI 133)

Citations Affected: IC 5-1.3; IC 5-14; IC 36-7; IC 36-7.5.

Synopsis: Development areas. Provides that the general assembly finds that the powers and responsibilities provided to the northwest Indiana regional development authority (development authority) are appropriate and necessary to further facilitate the provision of transit development districts. Amends the definition of "economic development project". Provides that a purpose of the development authority is to set and align the economic development strategy and connectivity for northwest Indiana. Provides that the development board may establish any nonprofit entity to solicit and accept various funding in order to carry out and further the purposes, plans, and goals of the development authority. Provides that any such entity shall be a governmental body required to provide its current audited financial statements to the development authority not later than four months after the end of the development authority's fiscal year. Provides that all assets of a corporation shall accrue to and vest in the development authority upon dissolution. Provides that the development authority may contract with, assign to, or delegate to a commuter transportation district or a nonprofit entity to perform any duties and exercise any

(Continued next page)

Effective: July 1, 2020.

Soliday

January 14, 2020, read first time and referred to Committee on Government and Regulatory Reform.
January 23, 2020, amended, reported — Do Pass.

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Digest Continued

powers of the development authority. Provides that the development authority shall act as the chief developmental officer for the state with regard to transit development districts and provide administrative and financial support to any entity created for transit development districts or for economic development projects. Provides that the development authority may expend money related to transit development districts or nonprofit subsidiary corporations established to solicit and accept various funding in order to carry out and further the purposes of the development authority. Provides that the development authority may create any entity in furtherance of any economic development project or any other purpose of the development authority, including the comprehensive plan of the development authority. Removes the provision specifying that a liability or obligation may not be incurred by the development authority that is greater than the revenue to be received for rail transit development district purposes. Makes certain provisions under the public meetings and public records laws for the development authority. Provides that the Indiana finance authority (IFA), the northwest Indiana regional development authority (NWIRDA), or the northern Indiana commuter transportation district (NICTD) may enter upon land to conduct a survey or investigation for the construction of the following rail projects: (1) The mainline double tracking project. (2) The West Lake corridor project. Provides that the IFA, the NWIRDA, or the NICTD has the same powers and duties as the Indiana department of transportation with regard to the work, including the means of conducting the survey or investigation, provision of notice to occupants of the land, and compensation for damages to land or water incurred in conducting the work. Provides that the threshold condition for establishing a residential housing development program (program) does not apply for purposes of establishing a program in an economic development target area (target area). Modifies the definition of "residential housing" to specify that the term includes condominiums and townhouses located within a target area. Provides that a program: (1) takes effect in the part of the tax increment financing area that lies within a target area when the program is established; and (2) does not take effect in the part of the tax increment financing area that lies outside a target area until the governing body of each school corporation affected by the program approves the program. Adds four members to the development board of NWIRDA.

HB 1279—LS 6575/DI 134



January 24, 2020

Second Regular Session of the 121st General Assembly (2020)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1279

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 5-1.3-3-11, AS ADDED BY P.L.189-2018,
2 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 11. **(a)** The IFA, the NWIRDA, or the NICTD
4 may:
5 (1) in the manner provided by IC 32-24; or
6 (2) as otherwise required for a railroad federal aid project funded
7 in any part under 49 U.S.C. 103, et seq.;
8 acquire by appropriation any land, rights-of-way, property, rights,
9 easements, or other legal or equitable interests necessary or convenient
10 for the construction or the efficient operation of any rail project.
11 However, compensation for the property taken shall first be made in
12 money as provided by IC 32-24 or as otherwise required for a railroad
13 federal aid project funded in any part under 49 U.S.C. 103, et seq.
14 **(b) The IFA, the NWIRDA, or the NICTD:**
15 **(1) may enter upon land to conduct a survey or investigation**
16 **by manual or mechanical means for the construction or**
17 **operation of a rail project; and**

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1 **(2) shall, when acting under subdivision (1), have all the same**
 2 **powers and duties that the Indiana department of**
 3 **transportation has under IC 8-23-7-26 through IC 8-23-7-28.**

4 SECTION 2. IC 5-14-1.5-3.6, AS AMENDED BY P.L.237-2017,
 5 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2020]: Sec. 3.6. (a) This section applies only to a governing
 7 body of the following:

8 (1) A charter school (as defined in IC 20-24-1-4).

9 (2) A public agency of the state, including a body corporate and
 10 politic established as an instrumentality of the state.

11 (3) An airport authority or a department of aviation under IC 8-22.

12 (b) A member of a governing body who is not physically present at
 13 a meeting of the governing body may participate in a meeting of the
 14 governing body by electronic communication only if the member uses
 15 a means of communication that permits:

16 (1) the member;

17 (2) all other members participating in the meeting;

18 (3) all members of the public physically present at the place
 19 where the meeting is conducted; and

20 (4) if the meeting is conducted under a policy adopted under
 21 subsection (g)(7), all members of the public physically present at
 22 a public location at which a member participates by means of
 23 electronic communication;

24 to simultaneously communicate with each other during the meeting.

25 (c) The governing body must fulfill both of the following
 26 requirements for a member of the governing body to participate in a
 27 meeting by electronic communication:

28 (1) This subdivision does not apply to committees appointed by
 29 a board of trustees of a state educational institution, by the
 30 commission for higher education, by the board of the Indiana
 31 economic development corporation, **by the development board**
 32 **of the northwest Indiana regional development authority**, or
 33 by the board of directors of the Indiana secondary market for
 34 education loans, as established, incorporated, and designated
 35 under IC 21-16-5-1. The minimum number of members who must
 36 be physically present at the place where the meeting is conducted
 37 must be the greater of:

38 (A) two (2) of the members; or

39 (B) one-third (1/3) of the members.

40 (2) All votes of the governing body during the electronic meeting
 41 must be taken by roll call vote.

42 Nothing in this section affects the public's right under this chapter to



1 attend a meeting of the governing body at the place where the meeting
 2 is conducted and the minimum number of members is physically
 3 present as provided for in subdivision (1).

4 (d) Each member of the governing body is required to physically
 5 attend at least one (1) meeting of the governing body annually.

6 (e) Unless a policy adopted by a governing body under subsection
 7 (g) provides otherwise, a member who participates in a meeting by
 8 electronic communication:

9 (1) is considered to be present at the meeting;

10 (2) shall be counted for purposes of establishing a quorum; and

11 (3) may vote at the meeting.

12 (f) A governing body may not conduct meetings using a means of
 13 electronic communication until the governing body:

14 (1) meets all requirements of this chapter; and

15 (2) by a favorable vote of a majority of the members of the
 16 governing body, adopts a policy under subsection (g) governing
 17 participation in meetings of the governing body by electronic
 18 communication.

19 (g) A policy adopted by a governing body to govern participation in
 20 the governing body's meetings by electronic communication may do
 21 any of the following:

22 (1) Require a member to request authorization to participate in a
 23 meeting of the governing body by electronic communication
 24 within a certain number of days before the meeting to allow for
 25 arrangements to be made for the member's participation by
 26 electronic communication.

27 (2) Subject to subsection (e), limit the number of members who
 28 may participate in any one (1) meeting by electronic
 29 communication.

30 (3) Limit the total number of meetings that the governing body
 31 may conduct in a calendar year by electronic communication.

32 (4) Limit the number of meetings in a calendar year in which any
 33 one (1) member of the governing body may participate by
 34 electronic communication.

35 (5) Provide that a member who participates in a meeting by
 36 electronic communication may not cast the deciding vote on any
 37 official action. For purposes of this subdivision, a member casts
 38 the deciding vote on an official action if, regardless of the order
 39 in which the votes are cast:

40 (A) the member votes with the majority; and

41 (B) the official action is adopted or defeated by one (1) vote.

42 (6) Require a member participating in a meeting by electronic



1 communication to confirm in writing the votes cast by the
 2 member during the meeting within a certain number of days after
 3 the date of the meeting.

4 (7) Provide that in addition to the location where a meeting is
 5 conducted, the public may also attend some or all meetings of the
 6 governing body, excluding executive sessions, at a public place
 7 or public places at which a member is physically present and
 8 participates by electronic communication. If the governing body's
 9 policy includes this provision, a meeting notice must provide the
 10 following information:

11 (A) The identity of each member who will be physically
 12 present at a public place and participate in the meeting by
 13 electronic communication.

14 (B) The address and telephone number of each public place
 15 where a member will be physically present and participate by
 16 electronic communication.

17 (C) Unless the meeting is an executive session, a statement
 18 that a location described in clause (B) will be open and
 19 accessible to the public.

20 (8) Require at least a quorum of members to be physically present
 21 at the location where the meeting is conducted.

22 (9) Provide that a member participating by electronic
 23 communication may vote on official action only if, subject to
 24 subsection (e), a specified number of members:

25 (A) are physically present at the location where the meeting is
 26 conducted; and

27 (B) concur in the official action.

28 (10) Establish any other procedures, limitations, or conditions that
 29 govern participation in meetings of the governing body by
 30 electronic communication and are not in conflict with this
 31 chapter.

32 (h) The policy adopted by the governing body must be posted on the
 33 Internet web site of the governing body, the charter school, the airport,
 34 or the public agency.

35 (i) Nothing in this section affects a public agency's or charter
 36 school's right to exclude the public from an executive session in which
 37 a member participates by electronic communication.

38 SECTION 3. IC 5-14-1.5-6.1, AS AMENDED BY P.L.164-2019,
 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2020]: Sec. 6.1. (a) As used in this section, "public official"
 41 means a person:

42 (1) who is a member of a governing body of a public agency; or



- 1 (2) whose tenure and compensation are fixed by law and who
 2 executes an oath.
- 3 (b) Executive sessions may be held only in the following instances:
 4 (1) Where authorized by federal or state statute.
 5 (2) For discussion of strategy with respect to any of the following:
 6 (A) Collective bargaining.
 7 (B) Initiation of litigation or litigation that is either pending or
 8 has been threatened specifically in writing. As used in this
 9 clause, "litigation" includes any judicial action or
 10 administrative law proceeding under federal or state law.
 11 (C) The implementation of security systems.
 12 (D) A real property transaction including:
 13 (i) a purchase;
 14 (ii) a lease as lessor;
 15 (iii) a lease as lessee;
 16 (iv) a transfer;
 17 (v) an exchange; or
 18 (vi) a sale;
 19 by the governing body up to the time a contract or option is
 20 executed by the parties. This clause does not affect a political
 21 subdivision's duty to comply with any other statute that
 22 governs the conduct of the real property transaction, including
 23 IC 36-1-10 or IC 36-1-11.
 24 (E) School consolidation.
- 25 However, all such strategy discussions must be necessary for
 26 competitive or bargaining reasons and may not include
 27 competitive or bargaining adversaries.
- 28 (3) For discussion of the assessment, design, and implementation
 29 of school safety and security measures, plans, and systems.
- 30 (4) Interviews and negotiations with industrial or commercial
 31 prospects or agents of industrial or commercial prospects by:
 32 (A) the Indiana economic development corporation;
 33 (B) the office of tourism development (before July 1, 2020) or
 34 the Indiana destination development corporation (after June
 35 30, 2020);
 36 (C) the Indiana finance authority;
 37 (D) the ports of Indiana;
 38 (E) an economic development commission;
 39 (F) the Indiana state department of agriculture;
 40 (G) a local economic development organization that is a
 41 nonprofit corporation established under state law whose
 42 primary purpose is the promotion of industrial or business



- 1 development in Indiana, the retention or expansion of Indiana
 2 businesses, or the development of entrepreneurial activities in
 3 Indiana; ~~or~~
 4 (H) a governing body of a political subdivision; **or**
 5 **(I) the northwest Indiana regional development authority**
 6 **or any nonprofit affiliate entity of the northwest Indiana**
 7 **regional development authority.**
- 8 However, this subdivision does not apply to any discussions
 9 regarding research that is prohibited under IC 16-34.5-1-2 or
 10 under any other law.
- 11 (5) To receive information about and interview prospective
 12 employees.
- 13 (6) With respect to any individual over whom the governing body
 14 has jurisdiction:
- 15 (A) to receive information concerning the individual's alleged
 16 misconduct; and
- 17 (B) to discuss, before a determination, the individual's status
 18 as an employee, a student, or an independent contractor who
 19 is:
- 20 (i) a physician; or
 21 (ii) a school bus driver.
- 22 (7) For discussion of records classified as confidential by state or
 23 federal statute.
- 24 (8) To discuss before a placement decision an individual student's
 25 abilities, past performance, behavior, and needs.
- 26 (9) To discuss a job performance evaluation of individual
 27 employees. This subdivision does not apply to a discussion of the
 28 salary, compensation, or benefits of employees during a budget
 29 process.
- 30 (10) When considering the appointment of a public official, to do
 31 the following:
- 32 (A) Develop a list of prospective appointees.
 33 (B) Consider applications.
 34 (C) Make one (1) initial exclusion of prospective appointees
 35 from further consideration.
- 36 Notwithstanding IC 5-14-3-4(b)(12), a governing body may
 37 release and shall make available for inspection and copying in
 38 accordance with IC 5-14-3-3 identifying information concerning
 39 prospective appointees not initially excluded from further
 40 consideration. An initial exclusion of prospective appointees from
 41 further consideration may not reduce the number of prospective
 42 appointees to fewer than three (3) unless there are fewer than



- 1 three (3) prospective appointees. Interviews of prospective
 2 appointees must be conducted at a meeting that is open to the
 3 public.
- 4 (11) To train school board members with an outside consultant
 5 about the performance of the role of the members as public
 6 officials.
- 7 (12) To prepare or score examinations used in issuing licenses,
 8 certificates, permits, or registrations under IC 25.
- 9 (13) To discuss information and intelligence intended to prevent,
 10 mitigate, or respond to the threat of terrorism.
- 11 (14) To train members of a board of aviation commissioners
 12 appointed under IC 8-22-2 or members of an airport authority
 13 board appointed under IC 8-22-3 with an outside consultant about
 14 the performance of the role of the members as public officials. A
 15 board may hold not more than one (1) executive session per
 16 calendar year under this subdivision.
- 17 (15) For discussion by the governing body of a state educational
 18 institution of:
- 19 (A) the assessment of; or
 20 (B) negotiation with another entity concerning;
 21 the establishment of a collaborative relationship or venture to
 22 advance the research, engagement, or education mission of the
 23 state educational institution. However, this subdivision does not
 24 apply to any discussions regarding research that is prohibited
 25 under IC 16-34.5-1-2 or under any other law.
- 26 (c) A final action must be taken at a meeting open to the public.
 27 (d) Public notice of executive sessions must state the subject matter
 28 by specific reference to the enumerated instance or instances for which
 29 executive sessions may be held under subsection (b). The requirements
 30 stated in section 4 of this chapter for memoranda and minutes being
 31 made available to the public is modified as to executive sessions in that
 32 the memoranda and minutes must identify the subject matter
 33 considered by specific reference to the enumerated instance or
 34 instances for which public notice was given. The governing body shall
 35 certify by a statement in the memoranda and minutes of the governing
 36 body that no subject matter was discussed in the executive session
 37 other than the subject matter specified in the public notice.
- 38 (e) A governing body may not conduct an executive session during
 39 a meeting, except as otherwise permitted by applicable statute. A
 40 meeting may not be recessed and reconvened with the intent of
 41 circumventing this subsection.
- 42 SECTION 4. IC 5-14-3-4, AS AMENDED BY THE TECHNICAL



1 CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS
 2 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:
 3 Sec. 4. (a) The following public records are excepted from section 3 of
 4 this chapter and may not be disclosed by a public agency, unless access
 5 to the records is specifically required by a state or federal statute or is
 6 ordered by a court under the rules of discovery:

- 7 (1) Those declared confidential by state statute.
 8 (2) Those declared confidential by rule adopted by a public
 9 agency under specific authority to classify public records as
 10 confidential granted to the public agency by statute.
 11 (3) Those required to be kept confidential by federal law.
 12 (4) Records containing trade secrets.
 13 (5) Confidential financial information obtained, upon request,
 14 from a person. However, this does not include information that is
 15 filed with or received by a public agency pursuant to state statute.
 16 (6) Information concerning research, including actual research
 17 documents, conducted under the auspices of a state educational
 18 institution, including information:
 19 (A) concerning any negotiations made with respect to the
 20 research; and
 21 (B) received from another party involved in the research.
 22 (7) Grade transcripts and license examination scores obtained as
 23 part of a licensure process.
 24 (8) Those declared confidential by or under rules adopted by the
 25 supreme court of Indiana.
 26 (9) Patient medical records and charts created by a provider,
 27 unless the patient gives written consent under IC 16-39 or as
 28 provided under IC 16-41-8.
 29 (10) Application information declared confidential by the Indiana
 30 economic development corporation under IC 5-28-16 **or the**
 31 **northwest Indiana regional development authority under**
 32 **IC 36-7.5.**
 33 (11) A photograph, a video recording, or an audio recording of an
 34 autopsy, except as provided in IC 36-2-14-10.
 35 (12) A Social Security number contained in the records of a
 36 public agency.
 37 (13) The following information that is part of a foreclosure action
 38 subject to IC 32-30-10.5:
 39 (A) Contact information for a debtor, as described in
 40 IC 32-30-10.5-8(d)(1)(B).
 41 (B) Any document submitted to the court as part of the debtor's
 42 loss mitigation package under IC 32-30-10.5-10(a)(3).



1 (14) The following information obtained from a call made to a
2 fraud hotline established under IC 36-1-8-8.5:

3 (A) The identity of any individual who makes a call to the
4 fraud hotline.

5 (B) A report, transcript, audio recording, or other information
6 concerning a call to the fraud hotline.

7 However, records described in this subdivision may be disclosed
8 to a law enforcement agency, a private university police
9 department, the attorney general, the inspector general, the state
10 examiner, or a prosecuting attorney.

11 (b) Except as otherwise provided by subsection (a), the following
12 public records shall be excepted from section 3 of this chapter at the
13 discretion of a public agency:

14 (1) Investigatory records of law enforcement agencies or private
15 university police departments. For purposes of this chapter, a law
16 enforcement recording is not an investigatory record. Law
17 enforcement agencies or private university police departments
18 may share investigatory records with a:

19 (A) person who advocates on behalf of a crime victim,
20 including a victim advocate (as defined in IC 35-37-6-3.5) or
21 a victim service provider (as defined in IC 35-37-6-5), for the
22 purposes of providing services to a victim or describing
23 services that may be available to a victim; and

24 (B) school corporation (as defined by IC 20-18-2-16(a)),
25 charter school (as defined by IC 20-24-1-4), or nonpublic
26 school (as defined by IC 20-18-2-12) for the purpose of
27 enhancing the safety or security of a student or a school
28 facility;

29 without the law enforcement agency or private university police
30 department losing its discretion to keep those records confidential
31 from other records requesters. However, certain law enforcement
32 records must be made available for inspection and copying as
33 provided in section 5 of this chapter.

34 (2) The work product of an attorney representing, pursuant to
35 state employment or an appointment by a public agency:

36 (A) a public agency;

37 (B) the state; or

38 (C) an individual.

39 (3) Test questions, scoring keys, and other examination data used
40 in administering a licensing examination, examination for
41 employment, or academic examination before the examination is
42 given or if it is to be given again.



1 (4) Scores of tests if the person is identified by name and has not
 2 consented to the release of the person's scores.

3 (5) The following:

4 (A) Records relating to negotiations between:

5 (i) the Indiana economic development corporation;

6 (ii) the ports of Indiana;

7 (iii) the Indiana state department of agriculture;

8 (iv) the Indiana finance authority;

9 (v) an economic development commission;

10 (vi) a local economic development organization that is a
 11 nonprofit corporation established under state law whose
 12 primary purpose is the promotion of industrial or business
 13 development in Indiana, the retention or expansion of
 14 Indiana businesses, or the development of entrepreneurial
 15 activities in Indiana; or

16 (vii) a governing body of a political subdivision; or

17 **(viii) the northwest Indiana regional development**
 18 **authority or any nonprofit affiliate entity of the**
 19 **northwest Indiana regional development authority;**

20 with industrial, research, or commercial prospects, if the
 21 records are created while negotiations are in progress.
 22 However, this clause does not apply to records regarding
 23 research that is prohibited under IC 16-34.5-1-2 or any other
 24 law.

25 (B) Notwithstanding clause (A), the terms of the final offer of
 26 public financial resources communicated by the Indiana
 27 economic development corporation, the ports of Indiana, the
 28 Indiana finance authority, an economic development
 29 commission, **the northwest Indiana regional development**
 30 **authority**, or a governing body of a political subdivision to an
 31 industrial, a research, or a commercial prospect shall be
 32 available for inspection and copying under section 3 of this
 33 chapter after negotiations with that prospect have terminated.

34 (C) When disclosing a final offer under clause (B), the Indiana
 35 economic development corporation shall certify that the
 36 information being disclosed accurately and completely
 37 represents the terms of the final offer.

38 (D) Notwithstanding clause (A), an incentive agreement with
 39 an incentive recipient shall be available for inspection and
 40 copying under section 3 of this chapter after the date the
 41 incentive recipient and the Indiana economic development
 42 corporation execute the incentive agreement regardless of



- 1 whether negotiations are in progress with the recipient after
 2 that date regarding a modification or extension of the incentive
 3 agreement.
- 4 (6) Records that are intra-agency or interagency advisory or
 5 deliberative material, including material developed by a private
 6 contractor under a contract with a public agency, that are
 7 expressions of opinion or are of a speculative nature, and that are
 8 communicated for the purpose of decision making.
- 9 (7) Diaries, journals, or other personal notes serving as the
 10 functional equivalent of a diary or journal.
- 11 (8) Personnel files of public employees and files of applicants for
 12 public employment, except for:
- 13 (A) the name, compensation, job title, business address,
 14 business telephone number, job description, education and
 15 training background, previous work experience, or dates of
 16 first and last employment of present or former officers or
 17 employees of the agency;
- 18 (B) information relating to the status of any formal charges
 19 against the employee; and
- 20 (C) the factual basis for a disciplinary action in which final
 21 action has been taken and that resulted in the employee being
 22 suspended, demoted, or discharged.
- 23 However, all personnel file information shall be made available
 24 to the affected employee or the employee's representative. This
 25 subdivision does not apply to disclosure of personnel information
 26 generally on all employees or for groups of employees without the
 27 request being particularized by employee name.
- 28 (9) Minutes or records of hospital medical staff meetings.
- 29 (10) Administrative or technical information that would
 30 jeopardize a record keeping system, voting system, voter
 31 registration system, or security system.
- 32 (11) Computer programs, computer codes, computer filing
 33 systems, and other software that are owned by the public agency
 34 or entrusted to it and portions of electronic maps entrusted to a
 35 public agency by a utility.
- 36 (12) Records specifically prepared for discussion or developed
 37 during discussion in an executive session under IC 5-14-1.5-6.1.
 38 However, this subdivision does not apply to that information
 39 required to be available for inspection and copying under
 40 subdivision (8).
- 41 (13) The work product of the legislative services agency under
 42 personnel rules approved by the legislative council.



- 1 (14) The work product of individual members and the partisan
 2 staffs of the general assembly.
- 3 (15) The identity of a donor of a gift made to a public agency if:
 4 (A) the donor requires nondisclosure of the donor's identity as
 5 a condition of making the gift; or
 6 (B) after the gift is made, the donor or a member of the donor's
 7 family requests nondisclosure.
- 8 (16) Library or archival records:
 9 (A) which can be used to identify any library patron; or
 10 (B) deposited with or acquired by a library upon a condition
 11 that the records be disclosed only:
 12 (i) to qualified researchers;
 13 (ii) after the passing of a period of years that is specified in
 14 the documents under which the deposit or acquisition is
 15 made; or
 16 (iii) after the death of persons specified at the time of the
 17 acquisition or deposit.
- 18 However, nothing in this subdivision shall limit or affect contracts
 19 entered into by the Indiana state library pursuant to IC 4-1-6-8.
- 20 (17) The identity of any person who contacts the bureau of motor
 21 vehicles concerning the ability of a driver to operate a motor
 22 vehicle safely and the medical records and evaluations made by
 23 the bureau of motor vehicles staff or members of the driver
 24 licensing medical advisory board regarding the ability of a driver
 25 to operate a motor vehicle safely. However, upon written request
 26 to the commissioner of the bureau of motor vehicles, the driver
 27 must be given copies of the driver's medical records and
 28 evaluations.
- 29 (18) School safety and security measures, plans, and systems,
 30 including emergency preparedness plans developed under 511
 31 IAC 6.1-2-2.5.
- 32 (19) A record or a part of a record, the public disclosure of which
 33 would have a reasonable likelihood of threatening public safety
 34 by exposing a vulnerability to terrorist attack. A record described
 35 under this subdivision includes the following:
 36 (A) A record assembled, prepared, or maintained to prevent,
 37 mitigate, or respond to an act of terrorism under IC 35-47-12-1
 38 (before its repeal), an act of agricultural terrorism under
 39 IC 35-47-12-2 (before its repeal), or a felony terrorist offense
 40 (as defined in IC 35-50-2-18).
 41 (B) Vulnerability assessments.
 42 (C) Risk planning documents.



- 1 (D) Needs assessments.
- 2 (E) Threat assessments.
- 3 (F) Intelligence assessments.
- 4 (G) Domestic preparedness strategies.
- 5 (H) The location of community drinking water wells and
- 6 surface water intakes.
- 7 (I) The emergency contact information of emergency
- 8 responders and volunteers.
- 9 (J) Infrastructure records that disclose the configuration of
- 10 critical systems such as voting system and voter registration
- 11 system critical infrastructure, and communication, electrical,
- 12 ventilation, water, and wastewater systems.
- 13 (K) Detailed drawings or specifications of structural elements,
- 14 floor plans, and operating, utility, or security systems, whether
- 15 in paper or electronic form, of any building or facility located
- 16 on an airport (as defined in IC 8-21-1-1) that is owned,
- 17 occupied, leased, or maintained by a public agency, or any part
- 18 of a law enforcement recording that captures information
- 19 about airport security procedures, areas, or systems. A record
- 20 described in this clause may not be released for public
- 21 inspection by any public agency without the prior approval of
- 22 the public agency that owns, occupies, leases, or maintains the
- 23 airport. Both of the following apply to the public agency that
- 24 owns, occupies, leases, or maintains the airport:
- 25 (i) The public agency is responsible for determining whether
- 26 the public disclosure of a record or a part of a record,
- 27 including a law enforcement recording, has a reasonable
- 28 likelihood of threatening public safety by exposing a
- 29 security procedure, area, system, or vulnerability to terrorist
- 30 attack.
- 31 (ii) The public agency must identify a record described
- 32 under item (i) and clearly mark the record as "confidential
- 33 and not subject to public disclosure under
- 34 IC 5-14-3-4(b)(19)(J) without approval of (insert name of
- 35 submitting public agency)". However, in the case of a law
- 36 enforcement recording, the public agency must clearly mark
- 37 the record as "confidential and not subject to public
- 38 disclosure under IC 5-14-3-4(b)(19)(K) without approval of
- 39 (insert name of the public agency that owns, occupies,
- 40 leases, or maintains the airport)".
- 41 (L) The home address, home telephone number, and
- 42 emergency contact information for any:



- 1 (i) emergency management worker (as defined in
2 IC 10-14-3-3);
3 (ii) public safety officer (as defined in IC 35-47-4.5-3);
4 (iii) emergency medical responder (as defined in
5 IC 16-18-2-109.8); or
6 (iv) advanced emergency medical technician (as defined in
7 IC 16-18-2-6.5).
- 8 This subdivision does not apply to a record or portion of a record
9 pertaining to a location or structure owned or protected by a
10 public agency in the event that an act of terrorism under
11 IC 35-47-12-1 (before its repeal), an act of agricultural terrorism
12 under IC 35-47-12-2 (before its repeal), or a felony terrorist
13 offense (as defined in IC 35-50-2-18) has occurred at that location
14 or structure, unless release of the record or portion of the record
15 would have a reasonable likelihood of threatening public safety
16 by exposing a vulnerability of other locations or structures to
17 terrorist attack.
- 18 (20) The following personal information concerning a customer
19 of a municipally owned utility (as defined in IC 8-1-2-1):
20 (A) Telephone number.
21 (B) Address.
22 (C) Social Security number.
- 23 (21) The following personal information about a complainant
24 contained in records of a law enforcement agency:
25 (A) Telephone number.
26 (B) The complainant's address. However, if the complainant's
27 address is the location of the suspected crime, infraction,
28 accident, or complaint reported, the address shall be made
29 available for public inspection and copying.
- 30 (22) Notwithstanding subdivision (8)(A), the name,
31 compensation, job title, business address, business telephone
32 number, job description, education and training background,
33 previous work experience, or dates of first employment of a law
34 enforcement officer who is operating in an undercover capacity.
- 35 (23) Records requested by an offender that:
36 (A) contain personal information relating to:
37 (i) a correctional officer (as defined in IC 5-10-10-1.5);
38 (ii) a law enforcement officer (as defined in
39 IC 35-31.5-2-185);
40 (iii) a judge (as defined in IC 33-38-12-3);
41 (iv) the victim of a crime; or
42 (v) a family member of a correctional officer, law



- 1 enforcement officer (as defined in IC 35-31.5-2-185), judge
 2 (as defined in IC 33-38-12-3), or victim of a crime; or
 3 (B) concern or could affect the security of a jail or correctional
 4 facility.
- 5 (24) Information concerning an individual less than eighteen (18)
 6 years of age who participates in a conference, meeting, program,
 7 or activity conducted or supervised by a state educational
 8 institution, including the following information regarding the
 9 individual or the individual's parent or guardian:
- 10 (A) Name.
 11 (B) Address.
 12 (C) Telephone number.
 13 (D) Electronic mail account address.
- 14 (25) Criminal intelligence information.
- 15 (26) The following information contained in a report of unclaimed
 16 property under IC 32-34-1-26 or in a claim for unclaimed
 17 property under IC 32-34-1-36:
- 18 (A) Date of birth.
 19 (B) Driver's license number.
 20 (C) Taxpayer identification number.
 21 (D) Employer identification number.
 22 (E) Account number.
- 23 (27) Except as provided in subdivision (19) and sections 5.1 and
 24 5.2 of this chapter, a law enforcement recording. However, before
 25 disclosing the recording, the public agency must comply with the
 26 obscuring requirements of sections 5.1 and 5.2 of this chapter, if
 27 applicable.
- 28 (28) Records relating to negotiations between a state educational
 29 institution and another entity concerning the establishment of a
 30 collaborative relationship or venture to advance the research,
 31 engagement, or educational mission of the state educational
 32 institution, if the records are created while negotiations are in
 33 progress. The terms of the final offer of public financial resources
 34 communicated by the state educational institution to an industrial,
 35 a research, or a commercial prospect shall be available for
 36 inspection and copying under section 3 of this chapter after
 37 negotiations with that prospect have terminated. However, this
 38 subdivision does not apply to records regarding research
 39 prohibited under IC 16-34.5-1-2 or any other law.
- 40 (c) Nothing contained in subsection (b) shall limit or affect the right
 41 of a person to inspect and copy a public record required or directed to
 42 be made by any statute or by any rule of a public agency.



1 (d) Notwithstanding any other law, a public record that is classified
 2 as confidential, other than a record concerning an adoption or patient
 3 medical records, shall be made available for inspection and copying
 4 seventy-five (75) years after the creation of that record.

5 (e) Only the content of a public record may form the basis for the
 6 adoption by any public agency of a rule or procedure creating an
 7 exception from disclosure under this section.

8 (f) Except as provided by law, a public agency may not adopt a rule
 9 or procedure that creates an exception from disclosure under this
 10 section based upon whether a public record is stored or accessed using
 11 paper, electronic media, magnetic media, optical media, or other
 12 information storage technology.

13 (g) Except as provided by law, a public agency may not adopt a rule
 14 or procedure nor impose any costs or liabilities that impede or restrict
 15 the reproduction or dissemination of any public record.

16 (h) Notwithstanding subsection (d) and section 7 of this chapter:

17 (1) public records subject to IC 5-15 may be destroyed only in
 18 accordance with record retention schedules under IC 5-15; or

19 (2) public records not subject to IC 5-15 may be destroyed in the
 20 ordinary course of business.

21 SECTION 5. IC 36-7-14-0.5, AS AMENDED BY P.L.235-2019,
 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2020]: Sec. 0.5. (a) The definitions in this section apply
 24 throughout this chapter.

25 (b) "Obligation" means any bond, note, warrant, lease, or other
 26 instrument under which money is borrowed.

27 (c) "Public funds" means all fees, payments, tax receipts, and funds
 28 of whatever kind or character coming into the possession of a:

29 (1) redevelopment commission; or

30 (2) department of redevelopment.

31 (d) "Residential housing" means housing or workforce housing that
 32 consists of single family dwelling units sufficient to secure quality
 33 housing in reasonable proximity to employment. **The term includes**
 34 **condominiums and townhouses located within an economic**
 35 **development target area that is designated under IC 6-1.1-12.1-7.**

36 (e) "Residential housing development program" means a residential
 37 housing development program for the:

38 (1) construction of new residential housing; or

39 (2) renovation of existing residential housing;

40 established by a commission under section 53 of this chapter.

41 (f) "Workforce housing" means housing that is affordable for
 42 households with earned income that is sufficient to secure quality



1 housing in reasonable proximity to employment.

2 SECTION 6. IC 36-7-14-53, AS ADDED BY P.L.235-2019,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2020]: Sec. 53. (a) Subject to subsection (g), a commission
5 may establish a residential housing development program by resolution
6 for the construction of new residential housing or the renovation of
7 existing residential housing if:

8 (1) for a commission established by a county, the average of new,
9 single family residential houses constructed in the unincorporated
10 area of the county during the preceding three (3) calendar years
11 is less than one percent (1%) of the total number of single family
12 residential houses within the unincorporated area of the county on
13 January 1 of the year in which the resolution is adopted; or

14 (2) for a commission established by a municipality, the average
15 of new, single family residential houses constructed within the
16 municipal boundaries during the preceding three (3) calendar
17 years is less than one percent (1%) of the total number of single
18 family residential houses within the boundaries of the
19 municipality on January 1 of the year in which the resolution is
20 adopted.

21 **However, the calculations described in subdivisions (1) and (2) and**
22 **the provisions of subsection (f) do not apply for purposes of**
23 **establishing a residential housing development program within an**
24 **economic development target area designated under**
25 **IC 6-1.1-12.1-7.**

26 (b) The program, which may include any relevant elements the
27 commission considers appropriate, may be adopted as part of a
28 redevelopment plan or amendment to a redevelopment plan, and must
29 establish an allocation area for purposes of sections 39 and 56 of this
30 chapter for the accomplishment of the program. The program must be
31 approved by the municipal legislative body or county executive as
32 specified in section 17 of this chapter.

33 (c) The notice and hearing provisions of sections 17 and 17.5 of this
34 chapter, including notice under section 17(c) of this chapter to a taxing
35 unit that is wholly or partly located within an allocation area, apply to
36 the resolution adopted under subsection (b). Judicial review of the
37 resolution may be made under section 18 of this chapter.

38 (d) Before formal submission of any residential housing
39 development program to the commission, the department of
40 redevelopment shall:

41 (1) consult with persons interested in or affected by the proposed
42 program;



- 1 (2) provide the affected neighborhood associations, residents, and
- 2 township assessors with an adequate opportunity to participate in
- 3 an advisory role in planning, implementing, and evaluating the
- 4 proposed program; and
- 5 (3) hold public meetings in the affected neighborhood to obtain
- 6 the views of neighborhood associations and residents.
- 7 (e) A residential housing development program established under
- 8 this section must terminate not later than twenty (20) years after the
- 9 date the program is established under subsection (b).
- 10 (f) The department of local government finance, in cooperation with
- 11 either the appropriate county agency or the appropriate municipal
- 12 agency, or both, shall determine whether a county or municipality
- 13 meets the requirements under subsection (a). A county or municipality
- 14 may request from the department of local government finance a report,
- 15 if it exists, describing the effect of current assessed value allocated to
- 16 tax increment financing allocation areas on the amount of the tax levy
- 17 or proceeds and the credit for excessive property taxes under
- 18 IC 6-1.1-20.6 for the taxing units within the boundaries of the
- 19 residential housing development program.
- 20 (g) A program established under subsection (a) may not take effect
- 21 **in any part of the program allocation area that lies outside an**
- 22 **economic development target area designated under**
- 23 **IC 6-1.1-12.1-7** until the governing body of each school corporation
- 24 affected by the program passes a resolution approving the program. **A**
- 25 **program established under subsection (a) takes effect in the part**
- 26 **of a program allocation area that lies within an economic**
- 27 **development target area when the program is established, without**
- 28 **additional approval under this subsection.**
- 29 SECTION 7. IC 36-7.5-0.1-1, AS ADDED BY P.L.220-2011,
- 30 SECTION 667, IS AMENDED TO READ AS FOLLOWS
- 31 [EFFECTIVE JULY 1, 2020]: Sec. 1. The general assembly finds the
- 32 following:
- 33 (1) The eligible counties face unique and distinct challenges and
- 34 opportunities related to transportation and economic development
- 35 that are different in scope and type than those faced by other units
- 36 of local government in Indiana.
- 37 (2) A unique approach is required to fully take advantage of the
- 38 economic development potential of the Chicago, South Shore, and
- 39 South Bend Railway and the Gary/Chicago International Airport
- 40 and the Lake Michigan shoreline.
- 41 (3) The powers and responsibilities provided to the development
- 42 authority are appropriate and necessary to carry out the public



1 purposes of encouraging economic development and further
 2 facilitating the provision of air, rail, and bus transportation
 3 services, projects, **transit development districts**, and facilities,
 4 shoreline development projects, and economic development
 5 projects in the eligible counties.

6 SECTION 8. IC 36-7.5-1-10, AS AMENDED BY P.L.204-2016,
 7 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2020]: Sec. 10. "Economic development project" means the
 9 following:

10 (1) An economic development project described in any of the
 11 following:

12 (A) IC 36-7.5-2-1(2), IC 36-7.5-2-1(3), or IC 36-7.5-2-1(4).

13 (B) IC 36-7.5-3-1(2) ~~or IC 36-7.5-3-1(4)~~, or **IC 36-7.5-4.5-5.**

14 (C) The Marquette Plan.

15 **(D) A rail project under IC 36-7.5-4.5-12 or IC 5-1.3-2-14.**

16 **(E) A transit development district established under**
 17 **IC 36-7.5-4.5-17.**

18 **(F) A project undertaken by any entity established under**
 19 **IC 36-7.5-2-1.5 in furtherance of the mission of the**
 20 **development authority.**

21 (2) A dredging, sediment, removal, or channel improvement
 22 project.

23 SECTION 9. IC 36-7.5-1-15.7 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2020]: **Sec. 15.7. As used in this article,**
 26 **"transit development district" means a transit development district**
 27 **(established under IC 36-7.5-4.5) for which the development**
 28 **authority is the exclusive developmental officer for the state.**

29 SECTION 10. IC 36-7.5-2-1, AS AMENDED BY P.L.229-2017,
 30 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2020]: Sec. 1. The northwest Indiana regional development
 32 authority is established as a separate body corporate and politic to carry
 33 out the purposes of this article by:

34 (1) acquiring, constructing, equipping, owning, leasing, and
 35 financing projects and facilities for lease to or for the benefit of
 36 eligible political subdivisions under this article in accordance
 37 with IC 36-7.5-3-1.5;

38 (2) funding and developing the Gary/Chicago International
 39 Airport expansion and other airport authority projects, commuter
 40 transportation district and other rail projects and services,
 41 regional bus authority projects and services, regional
 42 transportation authority projects and services, **transit**



1 **development districts**, Lake Michigan marina and shoreline
 2 development projects and activities, and economic development
 3 projects in northwestern Indiana;

4 (3) assisting with the funding of infrastructure needed to sustain
 5 development of an intermodal facility in northwestern Indiana;

6 (4) funding and developing regional transportation infrastructure
 7 projects under IC 36-9-43; ~~and~~

8 (5) studying and evaluating destination based economic
 9 development projects that have:

10 (A) an identified market;

11 (B) identified funding sources and these funding sources
 12 include at least fifty percent (50%) from nongovernmental
 13 sources; and

14 (C) a demonstrable short and long term local and regional
 15 economic impact, as verified by an independent economic
 16 analysis.

17 An economic analysis conducted under clause (C) must be
 18 submitted to the budget committee at least thirty (30) days before
 19 review is sought for the project under IC 36-7.5-3-1.5; **and**

20 **(6) setting and aligning the economic development strategy**
 21 **and connectivity for northwest Indiana.**

22 SECTION 11. IC 36-7.5-2-1.5 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2020]: **Sec. 1.5. (a) The development board**
 25 **may establish any nonprofit entity to solicit and accept private or**
 26 **public funding, gifts, donations, bequests, devises, and**
 27 **contributions in order to carry out and further the purposes, plans,**
 28 **and goals of the development authority.**

29 **(b) Any entity established under this section shall be a**
 30 **governmental body under IC 5-22-2-13 and:**

31 **(1) may use money received under subsection (a) to carry out**
 32 **in any manner the purposes and programs of the development**
 33 **authority, including transit development districts and**
 34 **furtherance of the comprehensive strategic plan of the**
 35 **development authority;**

36 **(2) must report to the budget committee each year; and**

37 **(3) may deposit money received under subsection (a) in an**
 38 **account or fund that is:**

39 **(A) administered by the entity; and**

40 **(B) not part of the state treasury.**

41 **(c) Any entity created under this section shall provide its**
 42 **current audited financial statements to the development authority**



1 **not later than four (4) months after the end of the development**
 2 **authority's fiscal year.**

3 **(d) All assets of the corporation shall accrue to and vest in the**
 4 **development authority upon dissolution.**

5 SECTION 12. IC 36-7.5-2-3, AS AMENDED BY P.L.248-2017,
 6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2020]: Sec. 3. (a) The development authority is governed by
 8 the development board appointed under this section.

9 (b) Except as provided in subsections (e), (f), and (h), the
 10 development board is composed of the following ~~seven (7)~~ **eleven (11)**
 11 members:

12 (1) Two (2) members appointed by the governor. One (1) of the
 13 members appointed by the governor under this subdivision must
 14 be an individual nominated under subsection (d). The members
 15 appointed by the governor under this subdivision serve at the
 16 pleasure of the governor.

17 (2) The following members from a county having a population of
 18 more than four hundred thousand (400,000) but less than seven
 19 hundred thousand (700,000):

20 (A) One (1) member appointed by the mayor of the largest city
 21 in the county in which a riverboat is located.

22 (B) One (1) member appointed by the mayor of the second
 23 largest city in the county in which a riverboat is located.

24 (C) One (1) member appointed by the mayor of the third
 25 largest city in the county in which a riverboat is located.

26 (D) One (1) member appointed jointly by the county executive
 27 and the county fiscal body. A member appointed under this
 28 clause may not reside in a city described in clause (A), (B), or
 29 (C).

30 (3) One (1) member appointed jointly by the county executive and
 31 county fiscal body of a county having a population of more than
 32 one hundred fifty thousand (150,000) but less than one hundred
 33 seventy thousand (170,000).

34 **(4) The following four (4) members appointed under**
 35 **subsection (j):**

36 **(A) One (1) member appointed from Lake County.**

37 **(B) One (1) member appointed from Porter County.**

38 **(C) One (1) member appointed from LaPorte County.**

39 **(D) One (1) member appointed from St. Joseph County.**

40 **The members appointed under clauses (C) and (D) may only**
 41 **vote on matters that pertain strictly to the transit**
 42 **development district within LaPorte County and St. Joseph**



1 **County.**

2 (c) A member appointed to the development board must have
3 knowledge and at least five (5) years professional work experience in
4 at least one (1) of the following:

- 5 (1) Rail transportation or air transportation.
6 (2) Regional economic development.
7 (3) Business or finance.

8 (d) The mayor of the largest city in a county having a population of
9 more than one hundred fifty thousand (150,000) but less than one
10 hundred seventy thousand (170,000) shall nominate three (3) residents
11 of the county for appointment to the development board. One (1) of the
12 governor's initial appointments under subsection (b)(1) must be an
13 individual nominated by the mayor. At the expiration of the member's
14 term, the mayor of the second largest city in the county shall nominate
15 three (3) residents of the county for appointment to the development
16 board. One (1) of the governor's appointments under subsection (b)(1)
17 must be an individual nominated by the mayor. Thereafter, the
18 authority to nominate the three (3) individuals from among whom the
19 governor shall make an appointment under subsection (b)(1) shall
20 alternate between the mayors of the largest and the second largest city
21 in the county at the expiration of a member's term.

22 (e) A county having a population of more than one hundred eleven
23 thousand (111,000) but less than one hundred fifteen thousand
24 (115,000) shall be an eligible county participating in the development
25 authority if the fiscal body of the county adopts an ordinance providing
26 that the county is joining the development authority and the fiscal body
27 of a city that is located in the county and that has a population of more
28 than thirty-one thousand (31,000) but less than thirty-one thousand five
29 hundred (31,500) adopts an ordinance providing that the city is joining
30 the development authority. Notwithstanding subsection (b), if
31 ordinances are adopted under this subsection and the county becomes
32 an eligible county participating in the development authority:

- 33 (1) the development board shall be composed of ~~nine (9)~~ **thirteen**
34 **(13)** members rather than ~~seven (7)~~ **eleven (11)** members; and
35 (2) the additional two (2) members shall be appointed in the
36 following manner:
37 (A) One (1) additional member shall be appointed by the
38 governor and shall serve at the pleasure of the governor. The
39 member appointed under this clause must be an individual
40 nominated under subsection (f).
41 (B) One (1) additional member shall be appointed jointly by
42 the county executive and county fiscal body.



1 (f) This subsection applies only if the county described in subsection
 2 (e) is an eligible county participating in the development authority. The
 3 mayor of the largest city in the county described in subsection (e) shall
 4 nominate three (3) residents of the county for appointment to the
 5 development board. The governor's initial appointment under
 6 subsection (e)(2)(A) must be an individual nominated by the mayor. At
 7 the expiration of the member's term, the mayor of the second largest
 8 city in the county described in subsection (e) shall nominate three (3)
 9 residents of the county for appointment to the development board. The
 10 governor's second appointment under subsection (e)(2)(A) must be an
 11 individual nominated by the mayor. Thereafter, the authority to
 12 nominate the three (3) individuals from among whom the governor
 13 shall make an appointment under subsection (e)(2)(A) shall alternate
 14 between the mayors of the largest and the second largest city in the
 15 county at the expiration of a member's term.

16 (g) An individual or entity required to make an appointment under
 17 subsection (b) or nominations under subsection (d) must make the
 18 initial appointment before September 1, 2005, or the initial nomination
 19 before August 15, 2005. If an individual or entity does not make an
 20 initial appointment under subsection (b) before September 1, 2005, or
 21 the initial nominations required under subsection (d) before September
 22 1, 2005, the governor shall instead make the initial appointment.

23 (h) Subsection (i) applies only to municipalities located in a county
 24 that:

- 25 (1) has a population of more than one hundred fifty thousand
- 26 (150,000) but less than one hundred seventy thousand (170,000);
- 27 and
- 28 (2) was a member of the development authority on January 1,
- 29 2009, and subsequently ceases to be a member of the
- 30 development authority.

31 (i) If the fiscal bodies of at least two (2) municipalities subject to
 32 this subsection adopt ordinances to become members of the
 33 development authority, those municipalities shall become members of
 34 the development authority. If two (2) or more municipalities become
 35 members of the development authority under this subsection, the fiscal
 36 bodies of the municipalities that become members of the development
 37 authority shall jointly appoint one (1) member of the development
 38 board who shall serve in place of the member described in subsection
 39 (b)(3). A municipality that becomes a member of the development
 40 authority under this subsection is considered an eligible municipality
 41 for purposes of this article.

42 (j) **The governor shall appoint four (4) members to the**



1 development board as follows:

2 (1) The initial appointment of one (1) member shall be
 3 selected out of a list of three (3) nominations from the county
 4 executive of Lake County. The nominations shall be
 5 transmitted to the governor not later than July 1, 2020. If the
 6 entity does not make the initial nominations by July 1, 2020,
 7 the governor shall instead make the initial appointment. After
 8 the initial appointment, the governor shall appoint a resident
 9 of Lake County.

10 (2) The initial appointment of one (1) member shall be
 11 selected out of a list of three (3) nominations from the county
 12 executive of Porter County. The nominations shall be
 13 transmitted to the governor not later than July 1, 2020. If the
 14 entity does not make the initial nominations by July 1, 2020,
 15 the governor shall instead make the initial appointment. After
 16 the initial appointment, the governor shall appoint a resident
 17 of Porter County.

18 (3) The initial appointment of one (1) member shall be
 19 selected out of a list of three (3) nominations from the county
 20 executive of LaPorte County. The nominations shall be
 21 transmitted to the governor not later than July 1, 2020. If the
 22 entity does not make the initial nominations by July 1, 2020,
 23 the governor shall instead make the initial appointment. After
 24 the initial appointment, the governor shall appoint a resident
 25 of LaPorte County.

26 (4) The initial appointment of one (1) member shall be
 27 selected out of a list of three (3) nominations from the county
 28 executive of St. Joseph County. The nominations shall be
 29 transmitted to the governor not later than July 1, 2020. If the
 30 entity does not make the initial nominations by July 1, 2020,
 31 the governor shall instead make the initial appointment. After
 32 the initial appointment, the governor shall appoint a resident
 33 of St. Joseph County.

34 SECTION 13. IC 36-7.5-2-8, AS AMENDED BY P.L.10-2019,
 35 SECTION 136, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) Except as provided in
 37 subsection (c), the development authority must comply with IC 5-22
 38 (public purchasing), IC 36-1-12 (public work projects), and any
 39 applicable federal bidding statutes and regulations. An eligible political
 40 subdivision that receives a loan, a grant, or other financial assistance
 41 from the development authority or enters into a lease with the
 42 development authority must comply with applicable federal, state, and



1 local public purchasing and bidding law and regulations. However, a
 2 purchasing agency (as defined in IC 5-22-2-25) of an eligible political
 3 subdivision may:

4 (1) assign or sell a lease for property to the development
 5 authority; or

6 (2) enter into a lease for property with the development authority;
 7 at any price and under any other terms and conditions as may be
 8 determined by the eligible political subdivision and the development
 9 authority. However, before making an assignment or sale of a lease or
 10 entering into a lease under this section that would otherwise be subject
 11 to IC 5-22, the eligible political subdivision or its purchasing agent
 12 must obtain or cause to be obtained a purchase price for the property
 13 to be subject to the lease from the lowest responsible and responsive
 14 bidder in accordance with the requirements for the purchase of supplies
 15 under IC 5-22.

16 (b) In addition to the provisions of subsection (a), with respect to
 17 projects undertaken by the authority, the authority shall set a goal for
 18 participation by minority business enterprises of fifteen percent (15%)
 19 and women's business enterprises of five percent (5%), consistent with
 20 the goals of delivering the project on time and within the budgeted
 21 amount and, insofar as possible, using Indiana businesses for
 22 employees, goods, and services. In fulfilling the goal, the authority
 23 shall take into account historical precedents in the same market.

24 (c) As an alternative to IC 36-1-12, the development authority may
 25 utilize and may comply with:

26 (1) IC 5-16;

27 (2) IC 5-23;

28 (3) IC 5-30;

29 (4) IC 5-32; or

30 (5) any combination of the ~~articles~~ **provisions under the articles**
 31 listed in subdivisions (1) through (4) as determined by the
 32 development authority as appropriate;

33 when acquiring, financing, and constructing a ~~public work that is a~~
 34 ~~development project (as defined in IC 36-7.5-4.5-5):~~ **an economic**
 35 **development project (as defined in IC 36-7.5-1-10).**

36 (d) The development authority may:

37 (1) contract with;

38 (2) assign to; or

39 (3) delegate to;

40 a commuter transportation district (**established under IC 8-5-15**) or
 41 **any entity established under IC 36-7.5-2-1.5** to perform any duties
 42 and exercise any powers of the development authority under this



1 chapter.

2 SECTION 14. IC 36-7.5-3-1, AS AMENDED BY P.L.189-2018,
3 SECTION 168, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2020]: Sec. 1. The development authority shall
5 do the following:

6 (1) Subject to sections 1.5 and 1.7 of this chapter, assist in the
7 coordination of local efforts concerning projects.

8 (2) Assist a commuter transportation district, an airport authority,
9 the Lake Michigan marina and shoreline development
10 commission, a regional transportation authority, and a regional
11 bus authority in coordinating regional transportation and
12 economic development efforts.

13 (3) Subject to sections 1.5 and 1.7 of this chapter, fund projects
14 as provided in this article.

15 ~~(4) Fund bus services (including fixed route services and flexible
16 or demand-responsive services) and projects related to bus
17 services and bus terminals, stations, or facilities.~~

18 **(4) Act as the chief developmental officer for the state with
19 regard to transit development districts under IC 36-7.5-4.5.**

20 **(5) Provide administrative and financial support to any entity
21 created under IC 36-7.5-2-1.5 for transit development
22 districts or for economic development projects.**

23 SECTION 15. IC 36-7.5-3-1.5, AS AMENDED BY P.L.189-2018,
24 SECTION 169, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2020]: Sec. 1.5. (a) Except as provided in
26 section 1.7 of this chapter, this section applies to revenue received by
27 the authority to the extent that the revenue has not been pledged or
28 otherwise obligated to pay bonds or leases entered into before July 1,
29 2015, for a project other than a rail project.

30 (b) The authority may expend money received under this article to
31 fund economic development projects ~~only~~ to the extent that:

32 (1) the development board finds that the economic development
33 project is a destination based economic development project
34 evaluated under IC 36-7.5-2-1(4) or is consistent with:

35 (A) a duty imposed upon the development authority under
36 section 1(2) or 1(4) of this chapter; or

37 (B) the Marquette Plan; and

38 (2) funding the project is reviewed by the budget committee under
39 subsection (c).

40 (c) The development board shall submit to the budget committee for
41 review and comment any proposal to fund an economic development
42 project (including any destination based economic development



1 project) under this article. The budget committee shall review any
 2 proposal received under this subsection and may request that the
 3 authority appear at a public meeting of the budget committee
 4 concerning the funding proposal. This subsection does not apply to a
 5 rail project financed under IC 5-1.3.

6 **(d) Notwithstanding subsections (a) through (c), the**
 7 **development authority may expend money related to transit**
 8 **development districts (established under IC 36-7.5-4.5) or any**
 9 **entity created by IC 36-7.5-2-1.5.**

10 SECTION 16. IC 36-7.5-3-2, AS AMENDED BY P.L.229-2017,
 11 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2020]: Sec. 2. (a) The development authority may do any of
 13 the following:

14 (1) Finance, improve, construct, reconstruct, renovate, purchase,
 15 lease, acquire, and equip land and projects located in an eligible
 16 county or eligible municipality.

17 (2) Lease land or a project to an eligible political subdivision.

18 (3) Finance and construct additional improvements to projects or
 19 other capital improvements owned by the development authority
 20 and lease them to or for the benefit of an eligible political
 21 subdivision.

22 (4) Acquire land or all or a portion of one (1) or more projects
 23 from an eligible political subdivision by purchase or lease and
 24 lease the land or projects back to the eligible political subdivision,
 25 with any additional improvements that may be made to the land
 26 or projects.

27 (5) Acquire all or a portion of one (1) or more projects from an
 28 eligible political subdivision by purchase or lease to fund or
 29 refund indebtedness incurred on account of the projects to enable
 30 the eligible political subdivision to make a savings in debt service
 31 obligations or lease rental obligations or to obtain relief from
 32 covenants that the eligible political subdivision considers to be
 33 unduly burdensome.

34 (6) Make loans, loan guarantees, and grants or provide other
 35 financial assistance to or on behalf of the following:

36 (A) A commuter transportation district.

37 (B) An airport authority or airport development authority.

38 (C) The Lake Michigan marina and shoreline development
 39 commission.

40 (D) A regional bus authority. A loan, loan guarantee, grant, or
 41 other financial assistance under this clause may be used by a
 42 regional bus authority for acquiring, improving, operating,



- 1 maintaining, financing, and supporting the following:
- 2 (i) Bus services (including fixed route services and flexible
- 3 or demand-responsive services) that are a component of a
- 4 public transportation system.
- 5 (ii) Bus terminals, stations, or facilities or other regional bus
- 6 authority projects.
- 7 (E) A regional transportation authority.
- 8 (F) A member municipality that is eligible to make an
- 9 appointment to the development board under
- 10 IC 36-7.5-2-3(b)(2) and that has pledged admissions tax
- 11 revenue for a bond anticipation note after March 31, 2014, and
- 12 before June 30, 2015. However, a loan made to such a member
- 13 municipality before June 30, 2016, under this clause must
- 14 have a term of not more than ten (10) years, must require
- 15 annual level debt service payments, and must have a market
- 16 based interest rate. If a member municipality defaults on the
- 17 repayment of a loan made under this clause, the development
- 18 authority shall notify the treasurer of state of the default and
- 19 the treasurer of state shall:
- 20 (i) withhold from any funds held for distribution to the
- 21 municipality under IC 4-33-12, or IC 4-33-13 an amount
- 22 sufficient to cure the default; and
- 23 (ii) pay that amount to the development authority.
- 24 (7) Provide funding to assist a railroad that is providing commuter
- 25 transportation services in an eligible county or eligible
- 26 municipality.
- 27 (8) Provide funding to assist an airport authority located in an
- 28 eligible county or eligible municipality in the construction,
- 29 reconstruction, renovation, purchase, lease, acquisition, and
- 30 equipping of an airport facility or airport project.
- 31 (9) Provide funding to assist in the development of an intermodal
- 32 facility to facilitate the interchange and movement of freight.
- 33 (10) Provide funding to assist the Lake Michigan marina and
- 34 shoreline development commission in carrying out the purposes
- 35 of IC 36-7-13.5.
- 36 (11) Provide funding for economic development projects in an
- 37 eligible county or eligible municipality.
- 38 (12) Hold, use, lease, rent, purchase, acquire, and dispose of by
- 39 purchase, exchange, gift, bequest, grant, condemnation, lease, or
- 40 sublease, on the terms and conditions determined by the
- 41 development authority, any real or personal property located in an
- 42 eligible county or eligible municipality.



- 1 (13) After giving notice, enter upon any lots or lands for the
- 2 purpose of surveying or examining them to determine the location
- 3 of a project.
- 4 (14) Make or enter into all contracts and agreements necessary or
- 5 incidental to the performance of its duties and the execution of its
- 6 powers under this article.
- 7 (15) Sue, be sued, plead, and be impleaded.
- 8 (16) Design, order, contract for, and construct, reconstruct, and
- 9 renovate a project or improvements to a project.
- 10 (17) Appoint an executive director and employ appraisers, real
- 11 estate experts, engineers, architects, surveyors, attorneys,
- 12 accountants, auditors, clerks, construction managers, and any
- 13 consultants or employees that are necessary or desired by the
- 14 development authority in exercising its powers or carrying out its
- 15 duties under this article.
- 16 (18) Accept loans, grants, and other forms of financial assistance
- 17 from the federal government, the state government, a political
- 18 subdivision, or any other public or private source.
- 19 (19) Use the development authority's funds to match federal
- 20 grants or make loans, loan guarantees, or grants to carry out the
- 21 development authority's powers and duties under this article.
- 22 (20) Provide funding for regional transportation infrastructure
- 23 projects under IC 36-9-43.
- 24 **(21) Create any entity under IC 36-7.5-2-1.5 in furtherance of**
- 25 **any economic development project or any other purpose of**
- 26 **the development authority, including the comprehensive**
- 27 **strategic plan of the development authority.**
- 28 ~~(21)~~ **(22)** Except as prohibited by law, take any action necessary
- 29 to carry out this article.
- 30 (b) If the development authority is unable to agree with the owners,
- 31 lessees, or occupants of any real property selected for the purposes of
- 32 this article, the development authority may proceed under IC 32-24-1
- 33 to procure the condemnation of the property. The development
- 34 authority may not institute a proceeding until it has adopted a
- 35 resolution that:
- 36 (1) describes the real property sought to be acquired and the
- 37 purpose for which the real property is to be used;
- 38 (2) declares that the public interest and necessity require the
- 39 acquisition by the development authority of the property involved;
- 40 and
- 41 (3) sets out any other facts that the development authority
- 42 considers necessary or pertinent.



1 The resolution is conclusive evidence of the public necessity of the
2 proposed acquisition.
3 SECTION 17. IC 36-7.5-4.5-29, AS ADDED BY P.L.248-2017,
4 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2020]: Sec. 29. All expenses incurred in carrying out this
6 chapter ~~are~~ **may be** payable ~~safely~~ from revenue received under this
7 chapter or from the proceeds of the financial instruments issued by the
8 development authority payable from revenues received under this
9 chapter, **or any other fund the development authority finds**
10 **appropriate. A liability or obligation may not be incurred by the**
11 **development authority that is greater than the revenue to be received**
12 **under this chapter.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1279, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-1.3-3-11, AS ADDED BY P.L.189-2018, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. **(a)** The IFA, the NWIRDA, or the NICTD may:

- (1) in the manner provided by IC 32-24; or
- (2) as otherwise required for a railroad federal aid project funded in any part under 49 U.S.C. 103, et seq.;

acquire by appropriation any land, rights-of-way, property, rights, easements, or other legal or equitable interests necessary or convenient for the construction or the efficient operation of any rail project. However, compensation for the property taken shall first be made in money as provided by IC 32-24 or as otherwise required for a railroad federal aid project funded in any part under 49 U.S.C. 103, et seq.

(b) The IFA, the NWIRDA, or the NICTD:

- (1) may enter upon land to conduct a survey or investigation by manual or mechanical means for the construction or operation of a rail project; and**
- (2) shall, when acting under subdivision (1), have all the same powers and duties that the Indiana department of transportation has under IC 8-23-7-26 through IC 8-23-7-28."**

Page 15, after line 42, begin a new paragraph and insert:

"SECTION 5. IC 36-7-14-0.5, AS AMENDED BY P.L.235-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.5. (a) The definitions in this section apply throughout this chapter.

(b) "Obligation" means any bond, note, warrant, lease, or other instrument under which money is borrowed.

(c) "Public funds" means all fees, payments, tax receipts, and funds of whatever kind or character coming into the possession of a:

- (1) redevelopment commission; or
- (2) department of redevelopment.

(d) "Residential housing" means housing or workforce housing that consists of single family dwelling units sufficient to secure quality housing in reasonable proximity to employment. **The term includes condominiums and townhouses located within an economic**



development target area that is designated under IC 6-1.1-12.1-7.

(e) "Residential housing development program" means a residential housing development program for the:

- (1) construction of new residential housing; or
- (2) renovation of existing residential housing;

established by a commission under section 53 of this chapter.

(f) "Workforce housing" means housing that is affordable for households with earned income that is sufficient to secure quality housing in reasonable proximity to employment.

SECTION 6. IC 36-7-14-53, AS ADDED BY P.L.235-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 53. (a) Subject to subsection (g), a commission may establish a residential housing development program by resolution for the construction of new residential housing or the renovation of existing residential housing if:

- (1) for a commission established by a county, the average of new, single family residential houses constructed in the unincorporated area of the county during the preceding three (3) calendar years is less than one percent (1%) of the total number of single family residential houses within the unincorporated area of the county on January 1 of the year in which the resolution is adopted; or
- (2) for a commission established by a municipality, the average of new, single family residential houses constructed within the municipal boundaries during the preceding three (3) calendar years is less than one percent (1%) of the total number of single family residential houses within the boundaries of the municipality on January 1 of the year in which the resolution is adopted.

However, the calculations described in subdivisions (1) and (2) and the provisions of subsection (f) do not apply for purposes of establishing a residential housing development program within an economic development target area designated under IC 6-1.1-12.1-7.

(b) The program, which may include any relevant elements the commission considers appropriate, may be adopted as part of a redevelopment plan or amendment to a redevelopment plan, and must establish an allocation area for purposes of sections 39 and 56 of this chapter for the accomplishment of the program. The program must be approved by the municipal legislative body or county executive as specified in section 17 of this chapter.

(c) The notice and hearing provisions of sections 17 and 17.5 of this chapter, including notice under section 17(c) of this chapter to a taxing



unit that is wholly or partly located within an allocation area, apply to the resolution adopted under subsection (b). Judicial review of the resolution may be made under section 18 of this chapter.

(d) Before formal submission of any residential housing development program to the commission, the department of redevelopment shall:

- (1) consult with persons interested in or affected by the proposed program;
- (2) provide the affected neighborhood associations, residents, and township assessors with an adequate opportunity to participate in an advisory role in planning, implementing, and evaluating the proposed program; and
- (3) hold public meetings in the affected neighborhood to obtain the views of neighborhood associations and residents.

(e) A residential housing development program established under this section must terminate not later than twenty (20) years after the date the program is established under subsection (b).

(f) The department of local government finance, in cooperation with either the appropriate county agency or the appropriate municipal agency, or both, shall determine whether a county or municipality meets the requirements under subsection (a). A county or municipality may request from the department of local government finance a report, if it exists, describing the effect of current assessed value allocated to tax increment financing allocation areas on the amount of the tax levy or proceeds and the credit for excessive property taxes under IC 6-1.1-20.6 for the taxing units within the boundaries of the residential housing development program.

(g) A program established under subsection (a) may not take effect **in any part of the program allocation area that lies outside an economic development target area designated under IC 6-1.1-12.1-7** until the governing body of each school corporation affected by the program passes a resolution approving the program. **A program established under subsection (a) takes effect in the part of a program allocation area that lies within an economic development target area when the program is established, without additional approval under this subsection."**

Page 18, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 11. IC 36-7.5-2-3, AS AMENDED BY P.L.248-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) The development authority is governed by the development board appointed under this section.

(b) Except as provided in subsections (e), (f), and (h), the



development board is composed of the following ~~seven (7)~~ **eleven (11)** members:

(1) Two (2) members appointed by the governor. One (1) of the members appointed by the governor under this subdivision must be an individual nominated under subsection (d). The members appointed by the governor under this subdivision serve at the pleasure of the governor.

(2) The following members from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) One (1) member appointed by the mayor of the largest city in the county in which a riverboat is located.

(B) One (1) member appointed by the mayor of the second largest city in the county in which a riverboat is located.

(C) One (1) member appointed by the mayor of the third largest city in the county in which a riverboat is located.

(D) One (1) member appointed jointly by the county executive and the county fiscal body. A member appointed under this clause may not reside in a city described in clause (A), (B), or (C).

(3) One (1) member appointed jointly by the county executive and county fiscal body of a county having a population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000).

(4) The following four (4) members appointed under subsection (j):

(A) One (1) member appointed from Lake County.

(B) One (1) member appointed from Porter County.

(C) One (1) member appointed from LaPorte County.

(D) One (1) member appointed from St. Joseph County.

The members appointed under clauses (C) and (D) may only vote on matters that pertain strictly to the transit development district within LaPorte County and St. Joseph County.

(c) A member appointed to the development board must have knowledge and at least five (5) years professional work experience in at least one (1) of the following:

(1) Rail transportation or air transportation.

(2) Regional economic development.

(3) Business or finance.

(d) The mayor of the largest city in a county having a population of more than one hundred fifty thousand (150,000) but less than one



hundred seventy thousand (170,000) shall nominate three (3) residents of the county for appointment to the development board. One (1) of the governor's initial appointments under subsection (b)(1) must be an individual nominated by the mayor. At the expiration of the member's term, the mayor of the second largest city in the county shall nominate three (3) residents of the county for appointment to the development board. One (1) of the governor's appointments under subsection (b)(1) must be an individual nominated by the mayor. Thereafter, the authority to nominate the three (3) individuals from among whom the governor shall make an appointment under subsection (b)(1) shall alternate between the mayors of the largest and the second largest city in the county at the expiration of a member's term.

(e) A county having a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000) shall be an eligible county participating in the development authority if the fiscal body of the county adopts an ordinance providing that the county is joining the development authority and the fiscal body of a city that is located in the county and that has a population of more than thirty-one thousand (31,000) but less than thirty-one thousand five hundred (31,500) adopts an ordinance providing that the city is joining the development authority. Notwithstanding subsection (b), if ordinances are adopted under this subsection and the county becomes an eligible county participating in the development authority:

(1) the development board shall be composed of ~~nine (9)~~ **thirteen (13)** members rather than ~~seven (7)~~ **eleven (11)** members; and

(2) the additional two (2) members shall be appointed in the following manner:

(A) One (1) additional member shall be appointed by the governor and shall serve at the pleasure of the governor. The member appointed under this clause must be an individual nominated under subsection (f).

(B) One (1) additional member shall be appointed jointly by the county executive and county fiscal body.

(f) This subsection applies only if the county described in subsection (e) is an eligible county participating in the development authority. The mayor of the largest city in the county described in subsection (e) shall nominate three (3) residents of the county for appointment to the development board. The governor's initial appointment under subsection (e)(2)(A) must be an individual nominated by the mayor. At the expiration of the member's term, the mayor of the second largest city in the county described in subsection (e) shall nominate three (3) residents of the county for appointment to the development board. The



governor's second appointment under subsection (e)(2)(A) must be an individual nominated by the mayor. Thereafter, the authority to nominate the three (3) individuals from among whom the governor shall make an appointment under subsection (e)(2)(A) shall alternate between the mayors of the largest and the second largest city in the county at the expiration of a member's term.

(g) An individual or entity required to make an appointment under subsection (b) or nominations under subsection (d) must make the initial appointment before September 1, 2005, or the initial nomination before August 15, 2005. If an individual or entity does not make an initial appointment under subsection (b) before September 1, 2005, or the initial nominations required under subsection (d) before September 1, 2005, the governor shall instead make the initial appointment.

(h) Subsection (i) applies only to municipalities located in a county that:

(1) has a population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000); and

(2) was a member of the development authority on January 1, 2009, and subsequently ceases to be a member of the development authority.

(i) If the fiscal bodies of at least two (2) municipalities subject to this subsection adopt ordinances to become members of the development authority, those municipalities shall become members of the development authority. If two (2) or more municipalities become members of the development authority under this subsection, the fiscal bodies of the municipalities that become members of the development authority shall jointly appoint one (1) member of the development board who shall serve in place of the member described in subsection (b)(3). A municipality that becomes a member of the development authority under this subsection is considered an eligible municipality for purposes of this article.

(j) The governor shall appoint four (4) members to the development board as follows:

(1) The initial appointment of one (1) member shall be selected out of a list of three (3) nominations from the county executive of Lake County. The nominations shall be transmitted to the governor not later than July 1, 2020. If the entity does not make the initial nominations by July 1, 2020, the governor shall instead make the initial appointment. After the initial appointment, the governor shall appoint a resident of Lake County.



(2) The initial appointment of one (1) member shall be selected out of a list of three (3) nominations from the county executive of Porter County. The nominations shall be transmitted to the governor not later than July 1, 2020. If the entity does not make the initial nominations by July 1, 2020, the governor shall instead make the initial appointment. After the initial appointment, the governor shall appoint a resident of Porter County.

(3) The initial appointment of one (1) member shall be selected out of a list of three (3) nominations from the county executive of LaPorte County. The nominations shall be transmitted to the governor not later than July 1, 2020. If the entity does not make the initial nominations by July 1, 2020, the governor shall instead make the initial appointment. After the initial appointment, the governor shall appoint a resident of LaPorte County.

(4) The initial appointment of one (1) member shall be selected out of a list of three (3) nominations from the county executive of St. Joseph County. The nominations shall be transmitted to the governor not later than July 1, 2020. If the entity does not make the initial nominations by July 1, 2020, the governor shall instead make the initial appointment. After the initial appointment, the governor shall appoint a resident of St. Joseph County."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1279 as introduced.)

PRESSEL

Committee Vote: yeas 10, nays 1.

