



February 21, 2020

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# ENGROSSED HOUSE BILL No. 1279

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DIGEST OF HB 1279 (Updated February 20, 2020 12:16 pm - DI 120)

**Citations Affected:** IC 5-14; IC 36-7.5; IC 36-7.6.

**Synopsis:** Transit development districts. Provides that the board of the northwest Indiana regional development authority (NWIRDA) may establish any nonprofit entity to carry out and further the purposes, plans, and goals of the NWIRDA with regard to projects located within a transit development district. Authorizes the nonprofit entity to use money it receives only for projects that are located within a transit development district and to further any part of the comprehensive strategic plan of the development authority that relates to transit development districts. Specifies that the nonprofit entity is a governmental body required to provide its current audited financial statements to the development authority. Provides that each member of the governing board of the nonprofit entity must be nominated by one or more officers of the board of the NWIRDA and approved by majority vote of all members of the board of the NWIRDA at a regular  
(Continued next page)

**Effective:** July 1, 2020.

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## Soliday, Pressel, Harris

(SENATE SPONSORS — MISHLER, CHARBONNEAU)

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January 14, 2020, read first time and referred to Committee on Government and Regulatory Reform.

January 23, 2020, amended, reported — Do Pass.

January 27, 2020, read second time, ordered engrossed. Engrossed.

January 28, 2020, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 13, 2020, read first time and referred to Committee on Appropriations.

February 20, 2020, amended, reported favorably — Do Pass.

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EH 1279—LS 6575/DI 134



Digest Continued

or special board meeting. Adds similar provisions to allow the north central Indiana regional development authority to establish a nonprofit entity to carry out and further the purposes, plans, and goals of that development authority with regard to projects located within a transit development district established by the NWIRDA. Requires the redevelopment commission for each county that is a member of the north central Indiana regional development authority to collaborate with the development authority for the purposes of the nonprofit entity. Provides that certain provisions related to electronic communications, executive sessions, and public records apply to a nonprofit entity created by the NWIRDA or a nonprofit entity established by the north central Indiana regional development authority. Provides that the NWIRDA may expend money related to transit development districts or any nonprofit entity created by the NWIRDA to carry out and further the purposes of the NWIRDA with regard to projects located within a transit development district.



February 21, 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.

## ENGROSSED HOUSE BILL No. 1279

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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 5-14-1.5-3.6, AS AMENDED BY P.L.237-2017,  
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2020]: Sec. 3.6. (a) This section applies only to a governing  
4 body of the following:  
5 (1) A charter school (as defined in IC 20-24-1-4).  
6 (2) A public agency of the state, including a body corporate and  
7 politic established as an instrumentality of the state.  
8 (3) An airport authority or a department of aviation under IC 8-22.  
9 (b) A member of a governing body who is not physically present at  
10 a meeting of the governing body may participate in a meeting of the  
11 governing body by electronic communication only if the member uses  
12 a means of communication that permits:  
13 (1) the member;  
14 (2) all other members participating in the meeting;  
15 (3) all members of the public physically present at the place  
16 where the meeting is conducted; and  
17 (4) if the meeting is conducted under a policy adopted under

**EH 1279—LS 6575/DI 134**



1 subsection (g)(7), all members of the public physically present at  
 2 a public location at which a member participates by means of  
 3 electronic communication;  
 4 to simultaneously communicate with each other during the meeting.

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

8 (1) This subdivision does not apply to committees appointed by  
 9 a board of trustees of a state educational institution, by the  
 10 commission for higher education, by the board of the Indiana  
 11 economic development corporation, ~~or~~ by the board of directors  
 12 of the Indiana secondary market for education loans, as  
 13 established, incorporated, and designated under IC 21-16-5-1, **the**  
 14 **governing board of a nonprofit affiliate entity established by**  
 15 **the northwest Indiana regional development authority under**  
 16 **IC 36-7.5-4.5-18.5, or the governing board of a nonprofit**  
 17 **affiliate entity established by the north central Indiana**  
 18 **regional development authority under IC 36-7.6-3-3.5.** The  
 19 minimum number of members who must be physically present at  
 20 the place where the meeting is conducted must be the greater of:

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

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

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

25 Nothing in this section affects the public's right under this chapter to  
 26 attend a meeting of the governing body at the place where the meeting  
 27 is conducted and the minimum number of members is physically  
 28 present as provided for in subdivision (1).

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

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

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

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

36 (3) may vote at the meeting.

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

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

40 (2) by a favorable vote of a majority of the members of the  
 41 governing body, adopts a policy under subsection (g) governing  
 42 participation in meetings of the governing body by electronic



- 1 communication.
- 2 (g) A policy adopted by a governing body to govern participation in  
3 the governing body's meetings by electronic communication may do  
4 any of the following:
- 5 (1) Require a member to request authorization to participate in a  
6 meeting of the governing body by electronic communication  
7 within a certain number of days before the meeting to allow for  
8 arrangements to be made for the member's participation by  
9 electronic communication.
- 10 (2) Subject to subsection (e), limit the number of members who  
11 may participate in any one (1) meeting by electronic  
12 communication.
- 13 (3) Limit the total number of meetings that the governing body  
14 may conduct in a calendar year by electronic communication.
- 15 (4) Limit the number of meetings in a calendar year in which any  
16 one (1) member of the governing body may participate by  
17 electronic communication.
- 18 (5) Provide that a member who participates in a meeting by  
19 electronic communication may not cast the deciding vote on any  
20 official action. For purposes of this subdivision, a member casts  
21 the deciding vote on an official action if, regardless of the order  
22 in which the votes are cast:
- 23 (A) the member votes with the majority; and  
24 (B) the official action is adopted or defeated by one (1) vote.
- 25 (6) Require a member participating in a meeting by electronic  
26 communication to confirm in writing the votes cast by the  
27 member during the meeting within a certain number of days after  
28 the date of the meeting.
- 29 (7) Provide that in addition to the location where a meeting is  
30 conducted, the public may also attend some or all meetings of the  
31 governing body, excluding executive sessions, at a public place  
32 or public places at which a member is physically present and  
33 participates by electronic communication. If the governing body's  
34 policy includes this provision, a meeting notice must provide the  
35 following information:
- 36 (A) The identity of each member who will be physically  
37 present at a public place and participate in the meeting by  
38 electronic communication.
- 39 (B) The address and telephone number of each public place  
40 where a member will be physically present and participate by  
41 electronic communication.
- 42 (C) Unless the meeting is an executive session, a statement



- 1 that a location described in clause (B) will be open and  
 2 accessible to the public.
- 3 (8) Require at least a quorum of members to be physically present  
 4 at the location where the meeting is conducted.
- 5 (9) Provide that a member participating by electronic  
 6 communication may vote on official action only if, subject to  
 7 subsection (e), a specified number of members:
- 8 (A) are physically present at the location where the meeting is  
 9 conducted; and
- 10 (B) concur in the official action.
- 11 (10) Establish any other procedures, limitations, or conditions that  
 12 govern participation in meetings of the governing body by  
 13 electronic communication and are not in conflict with this  
 14 chapter.
- 15 (h) The policy adopted by the governing body must be posted on the  
 16 Internet web site of the governing body, the charter school, the airport,  
 17 or the public agency.
- 18 (i) Nothing in this section affects a public agency's or charter  
 19 school's right to exclude the public from an executive session in which  
 20 a member participates by electronic communication.
- 21 SECTION 2. IC 5-14-1.5-6.1, AS AMENDED BY P.L.164-2019,  
 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2020]: Sec. 6.1. (a) As used in this section, "public official"  
 24 means a person:
- 25 (1) who is a member of a governing body of a public agency; or  
 26 (2) whose tenure and compensation are fixed by law and who  
 27 executes an oath.
- 28 (b) Executive sessions may be held only in the following instances:
- 29 (1) Where authorized by federal or state statute.
- 30 (2) For discussion of strategy with respect to any of the following:
- 31 (A) Collective bargaining.
- 32 (B) Initiation of litigation or litigation that is either pending or  
 33 has been threatened specifically in writing. As used in this  
 34 clause, "litigation" includes any judicial action or  
 35 administrative law proceeding under federal or state law.
- 36 (C) The implementation of security systems.
- 37 (D) A real property transaction including:
- 38 (i) a purchase;
- 39 (ii) a lease as lessor;
- 40 (iii) a lease as lessee;
- 41 (iv) a transfer;
- 42 (v) an exchange; or



- 1 (vi) a sale;  
 2 by the governing body up to the time a contract or option is  
 3 executed by the parties. This clause does not affect a political  
 4 subdivision's duty to comply with any other statute that  
 5 governs the conduct of the real property transaction, including  
 6 IC 36-1-10 or IC 36-1-11.  
 7 (E) School consolidation.
- 8 However, all such strategy discussions must be necessary for  
 9 competitive or bargaining reasons and may not include  
 10 competitive or bargaining adversaries.
- 11 (3) For discussion of the assessment, design, and implementation  
 12 of school safety and security measures, plans, and systems.
- 13 (4) Interviews and negotiations with industrial or commercial  
 14 prospects or agents of industrial or commercial prospects by:
- 15 (A) the Indiana economic development corporation;  
 16 (B) the office of tourism development (before July 1, 2020) or  
 17 the Indiana destination development corporation (after June  
 18 30, 2020);  
 19 (C) the Indiana finance authority;  
 20 (D) the ports of Indiana;  
 21 (E) an economic development commission;  
 22 (F) the Indiana state department of agriculture;  
 23 (G) a local economic development organization that is a  
 24 nonprofit corporation established under state law whose  
 25 primary purpose is the promotion of industrial or business  
 26 development in Indiana, the retention or expansion of Indiana  
 27 businesses, or the development of entrepreneurial activities in  
 28 Indiana; **or**  
 29 (H) a governing body of a political subdivision; **or**  
 30 **(I) A nonprofit affiliate entity established by the northwest**  
 31 **Indiana regional development authority under**  
 32 **IC 36-7.5-4.5-18.5, or a nonprofit affiliate entity**  
 33 **established by the north central Indiana regional**  
 34 **development authority under IC 36-7.6-3-3.5.**
- 35 However, this subdivision does not apply to any discussions  
 36 regarding research that is prohibited under IC 16-34.5-1-2 or  
 37 under any other law.
- 38 (5) To receive information about and interview prospective  
 39 employees.
- 40 (6) With respect to any individual over whom the governing body  
 41 has jurisdiction:  
 42 (A) to receive information concerning the individual's alleged



- 1 misconduct; and  
 2 (B) to discuss, before a determination, the individual's status  
 3 as an employee, a student, or an independent contractor who  
 4 is:  
 5 (i) a physician; or  
 6 (ii) a school bus driver.
- 7 (7) For discussion of records classified as confidential by state or  
 8 federal statute.
- 9 (8) To discuss before a placement decision an individual student's  
 10 abilities, past performance, behavior, and needs.
- 11 (9) To discuss a job performance evaluation of individual  
 12 employees. This subdivision does not apply to a discussion of the  
 13 salary, compensation, or benefits of employees during a budget  
 14 process.
- 15 (10) When considering the appointment of a public official, to do  
 16 the following:  
 17 (A) Develop a list of prospective appointees.  
 18 (B) Consider applications.  
 19 (C) Make one (1) initial exclusion of prospective appointees  
 20 from further consideration.
- 21 Notwithstanding IC 5-14-3-4(b)(12), a governing body may  
 22 release and shall make available for inspection and copying in  
 23 accordance with IC 5-14-3-3 identifying information concerning  
 24 prospective appointees not initially excluded from further  
 25 consideration. An initial exclusion of prospective appointees from  
 26 further consideration may not reduce the number of prospective  
 27 appointees to fewer than three (3) unless there are fewer than  
 28 three (3) prospective appointees. Interviews of prospective  
 29 appointees must be conducted at a meeting that is open to the  
 30 public.
- 31 (11) To train school board members with an outside consultant  
 32 about the performance of the role of the members as public  
 33 officials.
- 34 (12) To prepare or score examinations used in issuing licenses,  
 35 certificates, permits, or registrations under IC 25.
- 36 (13) To discuss information and intelligence intended to prevent,  
 37 mitigate, or respond to the threat of terrorism.
- 38 (14) To train members of a board of aviation commissioners  
 39 appointed under IC 8-22-2 or members of an airport authority  
 40 board appointed under IC 8-22-3 with an outside consultant about  
 41 the performance of the role of the members as public officials. A  
 42 board may hold not more than one (1) executive session per





- 1 calendar year under this subdivision.  
 2 (15) For discussion by the governing body of a state educational  
 3 institution of:  
 4 (A) the assessment of; or  
 5 (B) negotiation with another entity concerning;  
 6 the establishment of a collaborative relationship or venture to  
 7 advance the research, engagement, or education mission of the  
 8 state educational institution. However, this subdivision does not  
 9 apply to any discussions regarding research that is prohibited  
 10 under IC 16-34.5-1-2 or under any other law.  
 11 (c) A final action must be taken at a meeting open to the public.  
 12 (d) Public notice of executive sessions must state the subject matter  
 13 by specific reference to the enumerated instance or instances for which  
 14 executive sessions may be held under subsection (b). The requirements  
 15 stated in section 4 of this chapter for memoranda and minutes being  
 16 made available to the public is modified as to executive sessions in that  
 17 the memoranda and minutes must identify the subject matter  
 18 considered by specific reference to the enumerated instance or  
 19 instances for which public notice was given. The governing body shall  
 20 certify by a statement in the memoranda and minutes of the governing  
 21 body that no subject matter was discussed in the executive session  
 22 other than the subject matter specified in the public notice.  
 23 (e) A governing body may not conduct an executive session during  
 24 a meeting, except as otherwise permitted by applicable statute. A  
 25 meeting may not be recessed and reconvened with the intent of  
 26 circumventing this subsection.  
 27 SECTION 3. IC 5-14-3-4, AS AMENDED BY THE TECHNICAL  
 28 CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS  
 29 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:  
 30 Sec. 4. (a) The following public records are excepted from section 3 of  
 31 this chapter and may not be disclosed by a public agency, unless access  
 32 to the records is specifically required by a state or federal statute or is  
 33 ordered by a court under the rules of discovery:  
 34 (1) Those declared confidential by state statute.  
 35 (2) Those declared confidential by rule adopted by a public  
 36 agency under specific authority to classify public records as  
 37 confidential granted to the public agency by statute.  
 38 (3) Those required to be kept confidential by federal law.  
 39 (4) Records containing trade secrets.  
 40 (5) Confidential financial information obtained, upon request,  
 41 from a person. However, this does not include information that is  
 42 filed with or received by a public agency pursuant to state statute.



- 1 (6) Information concerning research, including actual research  
 2 documents, conducted under the auspices of a state educational  
 3 institution, including information:
- 4 (A) concerning any negotiations made with respect to the  
 5 research; and  
 6 (B) received from another party involved in the research.
- 7 (7) Grade transcripts and license examination scores obtained as  
 8 part of a licensure process.
- 9 (8) Those declared confidential by or under rules adopted by the  
 10 supreme court of Indiana.
- 11 (9) Patient medical records and charts created by a provider,  
 12 unless the patient gives written consent under IC 16-39 or as  
 13 provided under IC 16-41-8.
- 14 (10) Application information declared confidential by the Indiana  
 15 economic development corporation under IC 5-28-16, a  
 16 **nonprofit affiliate entity established by the northwest Indiana**  
 17 **regional development authority under IC 36-7.5-4.5-18.5, or**  
 18 **a nonprofit affiliate entity established by the north central**  
 19 **Indiana regional development authority under**  
 20 **IC 36-7.6-3-3.5.**
- 21 (11) A photograph, a video recording, or an audio recording of an  
 22 autopsy, except as provided in IC 36-2-14-10.
- 23 (12) A Social Security number contained in the records of a  
 24 public agency.
- 25 (13) The following information that is part of a foreclosure action  
 26 subject to IC 32-30-10.5:
- 27 (A) Contact information for a debtor, as described in  
 28 IC 32-30-10.5-8(d)(1)(B).
- 29 (B) Any document submitted to the court as part of the debtor's  
 30 loss mitigation package under IC 32-30-10.5-10(a)(3).
- 31 (14) The following information obtained from a call made to a  
 32 fraud hotline established under IC 36-1-8-8.5:
- 33 (A) The identity of any individual who makes a call to the  
 34 fraud hotline.
- 35 (B) A report, transcript, audio recording, or other information  
 36 concerning a call to the fraud hotline.
- 37 However, records described in this subdivision may be disclosed  
 38 to a law enforcement agency, a private university police  
 39 department, the attorney general, the inspector general, the state  
 40 examiner, or a prosecuting attorney.
- 41 (b) Except as otherwise provided by subsection (a), the following  
 42 public records shall be excepted from section 3 of this chapter at the



- 1 discretion of a public agency:
- 2 (1) Investigatory records of law enforcement agencies or private
- 3 university police departments. For purposes of this chapter, a law
- 4 enforcement recording is not an investigatory record. Law
- 5 enforcement agencies or private university police departments
- 6 may share investigatory records with a:
- 7 (A) person who advocates on behalf of a crime victim,
- 8 including a victim advocate (as defined in IC 35-37-6-3.5) or
- 9 a victim service provider (as defined in IC 35-37-6-5), for the
- 10 purposes of providing services to a victim or describing
- 11 services that may be available to a victim; and
- 12 (B) school corporation (as defined by IC 20-18-2-16(a)),
- 13 charter school (as defined by IC 20-24-1-4), or nonpublic
- 14 school (as defined by IC 20-18-2-12) for the purpose of
- 15 enhancing the safety or security of a student or a school
- 16 facility;
- 17 without the law enforcement agency or private university police
- 18 department losing its discretion to keep those records confidential
- 19 from other records requesters. However, certain law enforcement
- 20 records must be made available for inspection and copying as
- 21 provided in section 5 of this chapter.
- 22 (2) The work product of an attorney representing, pursuant to
- 23 state employment or an appointment by a public agency:
- 24 (A) a public agency;
- 25 (B) the state; or
- 26 (C) an individual.
- 27 (3) Test questions, scoring keys, and other examination data used
- 28 in administering a licensing examination, examination for
- 29 employment, or academic examination before the examination is
- 30 given or if it is to be given again.
- 31 (4) Scores of tests if the person is identified by name and has not
- 32 consented to the release of the person's scores.
- 33 (5) The following:
- 34 (A) Records relating to negotiations between:
- 35 (i) the Indiana economic development corporation;
- 36 (ii) the ports of Indiana;
- 37 (iii) the Indiana state department of agriculture;
- 38 (iv) the Indiana finance authority;
- 39 (v) an economic development commission;
- 40 (vi) 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  
 2 Indiana businesses, or the development of entrepreneurial  
 3 activities in Indiana; or

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

5 **(viii) a nonprofit affiliate entity established by the**  
 6 **northwest Indiana regional development authority under**  
 7 **IC 36-7.5-4.5-18.5, or a nonprofit affiliate entity**  
 8 **established by the north central Indiana regional**  
 9 **development authority under IC 36-7.6-3-3.5;**

10 with industrial, research, or commercial prospects, if the  
 11 records are created while negotiations are in progress.  
 12 However, this clause does not apply to records regarding  
 13 research that is prohibited under IC 16-34.5-1-2 or any other  
 14 law.

15 (B) Notwithstanding clause (A), the terms of the final offer of  
 16 public financial resources communicated by the Indiana  
 17 economic development corporation, the ports of Indiana, the  
 18 Indiana finance authority, an economic development  
 19 commission, **a nonprofit affiliate entity established by the**  
 20 **northwest Indiana regional development authority under**  
 21 **IC 36-7.5-4.5-18.5, a nonprofit affiliate entity established**  
 22 **by the north central Indiana regional development**  
 23 **authority under IC 36-7.6-3-3.5, or a governing body of a**  
 24 political subdivision to an industrial, a research, or a  
 25 commercial prospect shall be available for inspection and  
 26 copying under section 3 of this chapter after negotiations with  
 27 that prospect have terminated.

28 (C) When disclosing a final offer under clause (B), the Indiana  
 29 economic development corporation shall certify that the  
 30 information being disclosed accurately and completely  
 31 represents the terms of the final offer.

32 (D) Notwithstanding clause (A), an incentive agreement with  
 33 an incentive recipient shall be available for inspection and  
 34 copying under section 3 of this chapter after the date the  
 35 incentive recipient and the Indiana economic development  
 36 corporation execute the incentive agreement regardless of  
 37 whether negotiations are in progress with the recipient after  
 38 that date regarding a modification or extension of the incentive  
 39 agreement.

40 (6) Records that are intra-agency or interagency advisory or  
 41 deliberative material, including material developed by a private  
 42 contractor under a contract with a public agency, that are



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



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



- 1 (I) The emergency contact information of emergency  
 2 responders and volunteers.
- 3 (J) Infrastructure records that disclose the configuration of  
 4 critical systems such as voting system and voter registration  
 5 system critical infrastructure, and communication, electrical,  
 6 ventilation, water, and wastewater systems.
- 7 (K) Detailed drawings or specifications of structural elements,  
 8 floor plans, and operating, utility, or security systems, whether  
 9 in paper or electronic form, of any building or facility located  
 10 on an airport (as defined in IC 8-21-1-1) that is owned,  
 11 occupied, leased, or maintained by a public agency, or any part  
 12 of a law enforcement recording that captures information  
 13 about airport security procedures, areas, or systems. A record  
 14 described in this clause may not be released for public  
 15 inspection by any public agency without the prior approval of  
 16 the public agency that owns, occupies, leases, or maintains the  
 17 airport. Both of the following apply to the public agency that  
 18 owns, occupies, leases, or maintains the airport:
- 19 (i) The public agency is responsible for determining whether  
 20 the public disclosure of a record or a part of a record,  
 21 including a law enforcement recording, has a reasonable  
 22 likelihood of threatening public safety by exposing a  
 23 security procedure, area, system, or vulnerability to terrorist  
 24 attack.
- 25 (ii) The public agency must identify a record described  
 26 under item (i) and clearly mark the record as "confidential  
 27 and not subject to public disclosure under  
 28 IC 5-14-3-4(b)(19)(J) without approval of (insert name of  
 29 submitting public agency)". However, in the case of a law  
 30 enforcement recording, the public agency must clearly mark  
 31 the record as "confidential and not subject to public  
 32 disclosure under IC 5-14-3-4(b)(19)(K) without approval of  
 33 (insert name of the public agency that owns, occupies,  
 34 leases, or maintains the airport)".
- 35 (L) The home address, home telephone number, and  
 36 emergency contact information for any:
- 37 (i) emergency management worker (as defined in  
 38 IC 10-14-3-3);
- 39 (ii) public safety officer (as defined in IC 35-47-4.5-3);
- 40 (iii) emergency medical responder (as defined in  
 41 IC 16-18-2-109.8); or
- 42 (iv) advanced emergency medical technician (as defined in



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





1 or activity conducted or supervised by a state educational  
 2 institution, including the following information regarding the  
 3 individual or the individual's parent or guardian:

4 (A) Name.

5 (B) Address.

6 (C) Telephone number.

7 (D) Electronic mail account address.

8 (25) Criminal intelligence information.

9 (26) The following information contained in a report of unclaimed  
 10 property under IC 32-34-1-26 or in a claim for unclaimed  
 11 property under IC 32-34-1-36:

12 (A) Date of birth.

13 (B) Driver's license number.

14 (C) Taxpayer identification number.

15 (D) Employer identification number.

16 (E) Account number.

17 (27) Except as provided in subdivision (19) and sections 5.1 and  
 18 5.2 of this chapter, a law enforcement recording. However, before  
 19 disclosing the recording, the public agency must comply with the  
 20 obscuring requirements of sections 5.1 and 5.2 of this chapter, if  
 21 applicable.

22 (28) Records relating to negotiations between a state educational  
 23 institution and another entity concerning the establishment of a  
 24 collaborative relationship or venture to advance the research,  
 25 engagement, or educational mission of the state educational  
 26 institution, if the records are created while negotiations are in  
 27 progress. The terms of the final offer of public financial resources  
 28 communicated by the state educational institution to an industrial,  
 29 a research, or a commercial prospect shall be available for  
 30 inspection and copying under section 3 of this chapter after  
 31 negotiations with that prospect have terminated. However, this  
 32 subdivision does not apply to records regarding research  
 33 prohibited under IC 16-34.5-1-2 or any other law.

34 (c) Nothing contained in subsection (b) shall limit or affect the right  
 35 of a person to inspect and copy a public record required or directed to  
 36 be made by any statute or by any rule of a public agency.

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

41 (e) Only the content of a public record may form the basis for the  
 42 adoption by any public agency of a rule or procedure creating an



1 exception from disclosure under this section.

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

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

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

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

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

15 SECTION 4. IC 36-7.5-4.5-18.5 IS ADDED TO THE INDIANA  
16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2020]: **Sec. 18.5. (a) The development board  
18 may establish any nonprofit entity to solicit and accept private or  
19 public funding, gifts, donations, bequests, devises, and  
20 contributions in order to carry out and further the purposes, plans,  
21 and goals of the development authority with regard to projects  
22 located within a transit development district established under  
23 section 17 of this chapter.**

24 (b) Any nonprofit entity established under this section shall be  
25 a governmental body under IC 5-22-2-13 and:

26 (1) may use money received under subsection (a) only for  
27 projects that are located within a transit development district  
28 and to further any part of the comprehensive strategic plan of  
29 the development authority that relates to transit development  
30 districts;

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

32 (3) may deposit money received under subsection (a) in an  
33 account or fund that is:

34 (A) administered by the entity; and

35 (B) not part of the state treasury.

36 (c) Each member of the governing board of a nonprofit entity  
37 created under this section must be nominated by one (1) or more  
38 officers of the development board described in IC 36-7.5-2-5(b) and  
39 approved by majority vote of all members of the development  
40 board at a regular or special board meeting.

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



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

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

5 SECTION 5. IC 36-7.5-3-1.5, AS AMENDED BY P.L.189-2018,  
 6 SECTION 169, IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2020]: Sec. 1.5. (a) Except as provided in  
 8 section 1.7 of this chapter, this section applies to revenue received by  
 9 the authority to the extent that the revenue has not been pledged or  
 10 otherwise obligated to pay bonds or leases entered into before July 1,  
 11 2015, for a project other than a rail project.

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

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

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

19 (B) the Marquette Plan; and

20 (2) funding the project is reviewed by the budget committee under  
 21 subsection (c).

22 (c) The development board shall submit to the budget committee for  
 23 review and comment any proposal to fund an economic development  
 24 project (including any destination based economic development  
 25 project) under this article. The budget committee shall review any  
 26 proposal received under this subsection and may request that the  
 27 authority appear at a public meeting of the budget committee  
 28 concerning the funding proposal. This subsection does not apply to a  
 29 rail project financed under IC 5-1.3.

30 **(d) Notwithstanding subsections (a) through (c), the**  
 31 **development authority may expend money related to transit**  
 32 **development districts (established under IC 36-7.5-4.5) or any**  
 33 **entity created under IC 36-7.5-4.5-18.5.**

34 SECTION 6. IC 36-7.5-4.5-29, AS ADDED BY P.L.248-2017,  
 35 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2020]: Sec. 29. All expenses incurred in carrying out this  
 37 chapter ~~are may be~~ payable ~~solely~~ from revenue received under this  
 38 chapter or from the proceeds of the financial instruments issued by the  
 39 development authority payable from revenues received under this  
 40 chapter, **or any other fund the development authority finds**  
 41 **appropriate.** A liability or obligation may not be incurred by the  
 42 development authority that is greater than the revenue to be received



1 under this chapter.

2 SECTION 7. IC 36-7.6-3-3.5 IS ADDED TO THE INDIANA  
3 CODE AS A NEW SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2020]: **Sec. 3.5. (a) This section applies only**  
5 **to the development authority established under this article for**  
6 **north central Indiana.**

7 (b) As used in this section, "transit development district" refers  
8 to a transit development district established by the northwest  
9 Indiana regional development authority under IC 36-7.5-4.5-17.

10 (c) The development board of the development authority  
11 described in subsection (a) may establish any nonprofit entity to  
12 solicit and accept private or public funding, gifts, donations,  
13 bequests, devises, and contributions in order to carry out and  
14 further the purposes, plans, and goals of the development authority  
15 with regard to projects located within a transit development  
16 district.

17 (d) Any nonprofit entity established under this section shall be  
18 a governmental body under IC 5-22-2-13 and:

19 (1) may use money received under subsection (a) only for  
20 projects that are located within a transit development district  
21 and to further any part of the comprehensive strategic plan of  
22 the development authority that relates to transit development  
23 districts;

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

25 (3) may deposit money received under subsection (a) in an  
26 account or fund that is:

27 (A) administered by the entity; and

28 (B) not part of the state treasury.

29 (e) Each member of the governing board of a nonprofit entity  
30 created under this section must be nominated by one (1) or more  
31 officers of the development board described in IC 36-7.6-2-10(a)  
32 and approved by majority vote of all members of the development  
33 board at a regular or special board meeting.

34 (f) Any nonprofit entity created under this section shall provide  
35 its current audited financial statements to the development  
36 authority not later than four (4) months after the end of the  
37 development authority's fiscal year.

38 (g) All assets of the nonprofit entity shall accrue to and vest in  
39 the development authority upon dissolution.

40 (h) The redevelopment commission for each county that is a  
41 member of the development authority shall collaborate with the  
42 development authority for the purposes of any nonprofit entity



1 **created under this section.**



## 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**

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**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.

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#### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill No. 1279, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 3.

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Page 2, line 31, delete "by the development board".

Page 2, line 32, delete "of the northwest Indiana regional development authority,".

Page 2, line 32, strike "or".

Page 2, line 35, delete "." and insert ", **the governing board of a nonprofit affiliate entity established by the northwest Indiana regional development authority under IC 36-7.5-4.5-18.5, or the governing board of a nonprofit affiliate entity established by the north central Indiana regional development authority under IC 36-7.6-3-3.5.**".

Page 6, delete lines 5 through 7, begin a new line double block indented and insert:

**"(I) A nonprofit affiliate entity established by the northwest Indiana regional development authority under IC 36-7.5-4.5-18.5, or a nonprofit affiliate entity established by the north central Indiana regional development authority under IC 36-7.6-3-3.5."**

Page 8, line 30, delete "or the" and insert ", **a nonprofit affiliate entity established by the northwest Indiana regional development authority under IC 36-7.5-4.5-18.5, or a nonprofit affiliate entity established by the north central Indiana regional development authority under IC 36-7.6-3-3.5.**".

Page 8, delete lines 31 through 32.

Page 10, delete lines 17 through 19, begin a new line triple block indented and insert:

**"(viii) a nonprofit affiliate entity established by the northwest Indiana regional development authority under IC 36-7.5-4.5-18.5, or a nonprofit affiliate entity established by the north central Indiana regional development authority under IC 36-7.6-3-3.5;"**.

Page 10, line 29, delete "the northwest Indiana regional development".

Page 10, line 30, delete "authority," and insert "**a nonprofit affiliate entity established by the northwest Indiana regional development authority under IC 36-7.5-4.5-18.5, a nonprofit affiliate entity established by the north central Indiana regional development authority under IC 36-7.6-3-3.5,**".

Page 16, delete lines 21 through 42.

Delete pages 17 through 19.

Page 20, delete lines 1 through 21.

Page 20, line 22, delete "IC 36-7.5-2-1.5" and insert "IC 36-7.5-4.5-18.5".



Page 20, line 24, delete "1.5." and insert "**18.5.**".

Page 20, line 28, delete "authority." and insert "**authority with regard to projects located within a transit development district established under section 17 of this chapter.**".

Page 20, line 29, after "Any" insert "**nonprofit**".

Page 20, delete lines 31 through 35, begin a new line block indented and insert:

**"(1) may use money received under subsection (a) only for projects that are located within a transit development district and to further any part of the comprehensive strategic plan of the development authority that relates to transit development districts;"**.

Page 20, between lines 40 and 41, begin a new paragraph and insert:

**"(c) Each member of the governing board of a nonprofit entity created under this section must be nominated by one (1) or more officers of the development board described in IC 36-7.5-2-5(b) and approved by majority vote of all members of the development board at a regular or special board meeting."**

Page 20, line 41, delete "(c)" and insert "(d)".

Page 20, line 41, after "Any" insert "**nonprofit**".

Page 21, line 3, delete "(d)" and insert "(e)".

Page 21, line 3, delete "corporation" and insert "**nonprofit entity**".

Page 21, delete lines 5 through 42.

Delete pages 22 through 25.

Page 26, delete lines 1 through 22.

Page 27, line 9, delete "by IC 36-7.5-2-1.5." and insert "**under IC 36-7.5-4.5-18.5.**".

Page 27, delete lines 10 through 42.

Delete pages 28 through 29.

Page 30, delete lines 1 through 2.

Page 30, line 10, reset in roman "A liability or obligation may not be incurred by the".

Page 30, reset in roman lines 11 through 12.

Page 30, after line 12, begin a new paragraph and insert:

**"SECTION 7. IC 36-7.6-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) This section applies only to the development authority established under this article for north central Indiana.**

**(b) As used in this section, "transit development district" refers to a transit development district established by the northwest Indiana regional development authority under IC 36-7.5-4.5-17.**



(c) The development board of the development authority described in subsection (a) may establish any nonprofit entity to solicit and accept private or public funding, gifts, donations, bequests, devises, and contributions in order to carry out and further the purposes, plans, and goals of the development authority with regard to projects located within a transit development district.

(d) Any nonprofit entity established under this section shall be a governmental body under IC 5-22-2-13 and:

(1) may use money received under subsection (a) only for projects that are located within a transit development district and to further any part of the comprehensive strategic plan of the development authority that relates to transit development districts;

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

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

(A) administered by the entity; and

(B) not part of the state treasury.

(e) Each member of the governing board of a nonprofit entity created under this section must be nominated by one (1) or more officers of the development board described in IC 36-7.6-2-10(a) and approved by majority vote of all members of the development board at a regular or special board meeting.

(f) Any nonprofit entity created under this section shall provide its current audited financial statements to the development authority not later than four (4) months after the end of the development authority's fiscal year.

(g) All assets of the nonprofit entity shall accrue to and vest in the development authority upon dissolution.

(h) The redevelopment commission for each county that is a member of the development authority shall collaborate with the development authority for the purposes of any nonprofit entity created under this section."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1279 as printed January 24, 2020.)

MISHLER, Chairperson

Committee Vote: Yeas 10, Nays 2.

**EH 1279—LS 6575/DI 134**

