



Reprinted
February 28, 2020

ENGROSSED

HOUSE BILL No. 1279

DIGEST OF HB 1279 (Updated February 27, 2020 5:10 pm - DI 135)

Citations Affected: IC 5-1.3; IC 5-14; IC 8-25; IC 36-7.5; IC 36-7.6.

Synopsis: Local transportation projects. 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
(Continued next page)

Effective: Upon passage; July 1, 2020.

Soliday, Pressel, Harris

(SENATE SPONSORS — MISHLER, CHARBONNEAU, MELTON)

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.

February 27, 2020, read second time, amended, ordered engrossed.

EH 1279—LS 6575/DI 134



development districts. Specifies that the nonprofit entity is a governmental body required to provide its current audited financial statements to the development authority. 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. Provides that the Indiana finance authority (IFA), the 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. Requires the state budget committee to annually review the amount raised from sources other than taxes and fares for public transportation projects established in certain central Indiana counties. Provides that, in the case of Marion County, if the fiscal body of Marion County does not pay at least 10% of the annual operating expenses of the public transportation project from sources other than taxes and fares, then after December 31 of that year the following apply until the fiscal body of Marion County pays the amount, as determined following the annual state budget committee for review: (1) Beginning after June 30, 2020, the treasurer of state shall withhold 10% from the amount of the certified distribution attributable to the additional tax local income tax rate imposed in Marion County for the public transportation project. (2) Money in Marion County's public transportation project fund may be used only for certain purposes.



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February 28, 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 a statute 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

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 UPON PASSAGE]: 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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(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.

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

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

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

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

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

(1) the member;

(2) all other members participating in the meeting;

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

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

to simultaneously communicate with each other during the meeting.

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

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

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

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



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

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

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

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

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

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

(3) may vote at the meeting.

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

(1) meets all requirements of this chapter; and

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

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

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

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

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

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

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



- 1 (A) the member votes with the majority; and
- 2 (B) the official action is adopted or defeated by one (1) vote.
- 3 (6) Require a member participating in a meeting by electronic
- 4 communication to confirm in writing the votes cast by the
- 5 member during the meeting within a certain number of days after
- 6 the date of the meeting.
- 7 (7) Provide that in addition to the location where a meeting is
- 8 conducted, the public may also attend some or all meetings of the
- 9 governing body, excluding executive sessions, at a public place
- 10 or public places at which a member is physically present and
- 11 participates by electronic communication. If the governing body's
- 12 policy includes this provision, a meeting notice must provide the
- 13 following information:
- 14 (A) The identity of each member who will be physically
- 15 present at a public place and participate in the meeting by
- 16 electronic communication.
- 17 (B) The address and telephone number of each public place
- 18 where a member will be physically present and participate by
- 19 electronic communication.
- 20 (C) Unless the meeting is an executive session, a statement
- 21 that a location described in clause (B) will be open and
- 22 accessible to the public.
- 23 (8) Require at least a quorum of members to be physically present
- 24 at the location where the meeting is conducted.
- 25 (9) Provide that a member participating by electronic
- 26 communication may vote on official action only if, subject to
- 27 subsection (e), a specified number of members:
- 28 (A) are physically present at the location where the meeting is
- 29 conducted; and
- 30 (B) concur in the official action.
- 31 (10) Establish any other procedures, limitations, or conditions that
- 32 govern participation in meetings of the governing body by
- 33 electronic communication and are not in conflict with this
- 34 chapter.
- 35 (h) The policy adopted by the governing body must be posted on the
- 36 Internet web site of the governing body, the charter school, the airport,
- 37 or the public agency.
- 38 (i) Nothing in this section affects a public agency's or charter
- 39 school's right to exclude the public from an executive session in which
- 40 a member participates by electronic communication.
- 41 SECTION 3. IC 5-14-1.5-6.1, AS AMENDED BY P.L.164-2019,
- 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2020]: Sec. 6.1. (a) As used in this section, "public official" means a person:

- (1) who is a member of a governing body of a public agency; or
- (2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following instances:

- (1) Where authorized by federal or state statute.
- (2) For discussion of strategy with respect to any of the following:

(A) Collective bargaining.

(B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing. As used in this clause, "litigation" includes any judicial action or administrative law proceeding under federal or state law.

(C) The implementation of security systems.

(D) A real property transaction including:

- (i) a purchase;
- (ii) a lease as lessor;
- (iii) a lease as lessee;
- (iv) a transfer;
- (v) an exchange; or
- (vi) a sale;

by the governing body up to the time a contract or option is executed by the parties. This clause does not affect a political subdivision's duty to comply with any other statute that governs the conduct of the real property transaction, including IC 36-1-10 or IC 36-1-11.

(E) School consolidation.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

(3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.

(4) Interviews and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects by:

- (A) the Indiana economic development corporation;
- (B) the office of tourism development (before July 1, 2020) or the Indiana destination development corporation (after June 30, 2020);
- (C) the Indiana finance authority;
- (D) the ports of Indiana;
- (E) an economic development commission;
- (F) the Indiana state department of agriculture;



(G) a local economic development organization that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana; ~~or~~

(H) a governing body of a political subdivision; **or**

(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.

However, this subdivision does not apply to any discussions regarding research that is prohibited under IC 16-34.5-1-2 or under any other law.

(5) To receive information about and interview prospective employees.

(6) With respect to any individual over whom the governing body has jurisdiction:

(A) to receive information concerning the individual's alleged misconduct; and

(B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:

(i) a physician; or

(ii) a school bus driver.

(7) For discussion of records classified as confidential by state or federal statute.

(8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.

(9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.

(10) When considering the appointment of a public official, to do the following:

(A) Develop a list of prospective appointees.

(B) Consider applications.

(C) Make one (1) initial exclusion of prospective appointees from further consideration.

Notwithstanding IC 5-14-3-4(b)(12), a governing body may release and shall make available for inspection and copying in



1 accordance with IC 5-14-3-3 identifying information concerning
 2 prospective appointees not initially excluded from further
 3 consideration. An initial exclusion of prospective appointees from
 4 further consideration may not reduce the number of prospective
 5 appointees to fewer than three (3) unless there are fewer than
 6 three (3) prospective appointees. Interviews of prospective
 7 appointees must be conducted at a meeting that is open to the
 8 public.

9 (11) To train school board members with an outside consultant
 10 about the performance of the role of the members as public
 11 officials.

12 (12) To prepare or score examinations used in issuing licenses,
 13 certificates, permits, or registrations under IC 25.

14 (13) To discuss information and intelligence intended to prevent,
 15 mitigate, or respond to the threat of terrorism.

16 (14) To train members of a board of aviation commissioners
 17 appointed under IC 8-22-2 or members of an airport authority
 18 board appointed under IC 8-22-3 with an outside consultant about
 19 the performance of the role of the members as public officials. A
 20 board may hold not more than one (1) executive session per
 21 calendar year under this subdivision.

22 (15) For discussion by the governing body of a state educational
 23 institution of:

24 (A) the assessment of; or

25 (B) negotiation with another entity concerning;

26 the establishment of a collaborative relationship or venture to
 27 advance the research, engagement, or education mission of the
 28 state educational institution. However, this subdivision does not
 29 apply to any discussions regarding research that is prohibited
 30 under IC 16-34.5-1-2 or under any other law.

31 (c) A final action must be taken at a meeting open to the public.

32 (d) Public notice of executive sessions must state the subject matter
 33 by specific reference to the enumerated instance or instances for which
 34 executive sessions may be held under subsection (b). The requirements
 35 stated in section 4 of this chapter for memoranda and minutes being
 36 made available to the public is modified as to executive sessions in that
 37 the memoranda and minutes must identify the subject matter
 38 considered by specific reference to the enumerated instance or
 39 instances for which public notice was given. The governing body shall
 40 certify by a statement in the memoranda and minutes of the governing
 41 body that no subject matter was discussed in the executive session
 42 other than the subject matter specified in the public notice.



(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection.

SECTION 4. IC 5-14-3-4, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:
 Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

- (1) Those declared confidential by state statute.
- (2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
- (3) Those required to be kept confidential by federal law.
- (4) Records containing trade secrets.
- (5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.
- (6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:
 - (A) concerning any negotiations made with respect to the research; and
 - (B) received from another party involved in the research.
- (7) Grade transcripts and license examination scores obtained as part of a licensure process.
- (8) Those declared confidential by or under rules adopted by the supreme court of Indiana.
- (9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.
- (10) Application information declared confidential by the Indiana economic development corporation under IC 5-28-16, **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.**
- (11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.



(12) A Social Security number contained in the records of a public agency.

(13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:

(A) Contact information for a debtor, as described in IC 32-30-10.5-8(d)(1)(B).

(B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).

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

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

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

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

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

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

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

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

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

(2) The work product of an attorney representing, pursuant to



1 state employment or an appointment by a public agency:

2 (A) a public agency;

3 (B) the state; or

4 (C) an individual.

5 (3) Test questions, scoring keys, and other examination data used
6 in administering a licensing examination, examination for
7 employment, or academic examination before the examination is
8 given or if it is to be given again.

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

11 (5) The following:

12 (A) Records relating to negotiations between:

13 (i) the Indiana economic development corporation;

14 (ii) the ports of Indiana;

15 (iii) the Indiana state department of agriculture;

16 (iv) the Indiana finance authority;

17 (v) an economic development commission;

18 (vi) a local economic development organization that is a
19 nonprofit corporation established under state law whose
20 primary purpose is the promotion of industrial or business
21 development in Indiana, the retention or expansion of
22 Indiana businesses, or the development of entrepreneurial
23 activities in Indiana; **or**

24 (vii) a governing body of a political subdivision; **or**

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

30 with industrial, research, or commercial prospects, if the
31 records are created while negotiations are in progress.
32 However, this clause does not apply to records regarding
33 research that is prohibited under IC 16-34.5-1-2 or any other
34 law.

35 (B) Notwithstanding clause (A), the terms of the final offer of
36 public financial resources communicated by the Indiana
37 economic development corporation, the ports of Indiana, the
38 Indiana finance authority, an economic development
39 commission, **a nonprofit affiliate entity established by the**
40 **northwest Indiana regional development authority under**
41 **IC 36-7.5-4.5-18.5, a nonprofit affiliate entity established**
42 **by the north central Indiana regional development**



authority under IC 36-7.6-3-3.5, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

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

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

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available



to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping system, voting system, voter registration system, or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver



1 licensing medical advisory board regarding the ability of a driver
 2 to operate a motor vehicle safely. However, upon written request
 3 to the commissioner of the bureau of motor vehicles, the driver
 4 must be given copies of the driver's medical records and
 5 evaluations.

6 (18) School safety and security measures, plans, and systems,
 7 including emergency preparedness plans developed under 511
 8 IAC 6.1-2-2.5.

9 (19) A record or a part of a record, the public disclosure of which
 10 would have a reasonable likelihood of threatening public safety
 11 by exposing a vulnerability to terrorist attack. A record described
 12 under this subdivision includes the following:

13 (A) A record assembled, prepared, or maintained to prevent,
 14 mitigate, or respond to an act of terrorism under IC 35-47-12-1
 15 (before its repeal), an act of agricultural terrorism under
 16 IC 35-47-12-2 (before its repeal), or a felony terrorist offense
 17 (as defined in IC 35-50-2-18).

18 (B) Vulnerability assessments.

19 (C) Risk planning documents.

20 (D) Needs assessments.

21 (E) Threat assessments.

22 (F) Intelligence assessments.

23 (G) Domestic preparedness strategies.

24 (H) The location of community drinking water wells and
 25 surface water intakes.

26 (I) The emergency contact information of emergency
 27 responders and volunteers.

28 (J) Infrastructure records that disclose the configuration of
 29 critical systems such as voting system and voter registration
 30 system critical infrastructure, and communication, electrical,
 31 ventilation, water, and wastewater systems.

32 (K) Detailed drawings or specifications of structural elements,
 33 floor plans, and operating, utility, or security systems, whether
 34 in paper or electronic form, of any building or facility located
 35 on an airport (as defined in IC 8-21-1-1) that is owned,
 36 occupied, leased, or maintained by a public agency, or any part
 37 of a law enforcement recording that captures information
 38 about airport security procedures, areas, or systems. A record
 39 described in this clause may not be released for public
 40 inspection by any public agency without the prior approval of
 41 the public agency that owns, occupies, leases, or maintains the
 42 airport. Both of the following apply to the public agency that



owns, occupies, leases, or maintains the airport:

(i) The public agency is responsible for determining whether the public disclosure of a record or a part of a record, including a law enforcement recording, has a reasonable likelihood of threatening public safety by exposing a security procedure, area, system, or vulnerability to terrorist attack.

(ii) The public agency must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)". However, in the case of a law enforcement recording, the public agency must clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(K) without approval of (insert name of the public agency that owns, occupies, leases, or maintains the airport)".

(L) The home address, home telephone number, and emergency contact information for any:

- (i) emergency management worker (as defined in IC 10-14-3-3);
- (ii) public safety officer (as defined in IC 35-47-4.5-3);
- (iii) emergency medical responder (as defined in IC 16-18-2-109.8); or
- (iv) advanced emergency medical technician (as defined in IC 16-18-2-6.5).

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18) has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

- (A) Telephone number.
- (B) Address.
- (C) Social Security number.

(21) The following personal information about a complainant



1 contained in records of a law enforcement agency:

2 (A) Telephone number.

3 (B) The complainant's address. However, if the complainant's
4 address is the location of the suspected crime, infraction,
5 accident, or complaint reported, the address shall be made
6 available for public inspection and copying.

7 (22) Notwithstanding subdivision (8)(A), the name,
8 compensation, job title, business address, business telephone
9 number, job description, education and training background,
10 previous work experience, or dates of first employment of a law
11 enforcement officer who is operating in an undercover capacity.

12 (23) Records requested by an offender that:

13 (A) contain personal information relating to:

14 (i) a correctional officer (as defined in IC 5-10-10-1.5);

15 (ii) a law enforcement officer (as defined in
16 IC 35-31.5-2-185);

17 (iii) a judge (as defined in IC 33-38-12-3);

18 (iv) the victim of a crime; or

19 (v) a family member of a correctional officer, law
20 enforcement officer (as defined in IC 35-31.5-2-185), judge
21 (as defined in IC 33-38-12-3), or victim of a crime; or

22 (B) concern or could affect the security of a jail or correctional
23 facility.

24 (24) Information concerning an individual less than eighteen (18)
25 years of age who participates in a conference, meeting, program,
26 or activity conducted or supervised by a state educational
27 institution, including the following information regarding the
28 individual or the individual's parent or guardian:

29 (A) Name.

30 (B) Address.

31 (C) Telephone number.

32 (D) Electronic mail account address.

33 (25) Criminal intelligence information.

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

37 (A) Date of birth.

38 (B) Driver's license number.

39 (C) Taxpayer identification number.

40 (D) Employer identification number.

41 (E) Account number.

42 (27) Except as provided in subdivision (19) and sections 5.1 and



5.2 of this chapter, a law enforcement recording. However, before disclosing the recording, the public agency must comply with the obscuring requirements of sections 5.1 and 5.2 of this chapter, if applicable.

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

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

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

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

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

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

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

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

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

SECTION 5. IC 8-25-3-6, AS AMENDED BY P.L.197-2016, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The following apply to the funding of a



1 public transportation project:

2 (1) For the first year of operations, an amount must be raised from
3 sources other than taxes and fares that is equal to at least ten
4 percent (10%) of the revenue that the budget agency certifies that
5 the county will receive in that year from a local income tax
6 imposed to fund the public transportation project.

7 (2) For the second year of operations and each year thereafter, at
8 least ten percent (10%) of the annual operating expenses of the
9 public transportation project must be paid from sources other than
10 taxes and fares. For purposes of this subdivision, operating
11 expenses include only those expenses incurred in the operation of
12 fixed route services that are established or expanded as a result of
13 a public transportation project authorized and funded under this
14 article.

15 The budget agency shall assist the fiscal body of an eligible county in
16 determining the amount of money that must be raised under
17 subdivision (1).

18 (b) A county fiscal body or another entity authorized to carry out a
19 public transportation project under IC 8-25-4 shall raise the revenue
20 required by subsection (a) for a particular calendar year before the end
21 of the third quarter of the preceding calendar year. Money raised under
22 this section must be deposited in the county public transportation fund
23 established under section 7 of this chapter.

24 (c) If a county fiscal body or other entity fails to raise the revenue
25 required by subsection (a) before the deadline specified in subsection
26 (b), the county in which the public transportation project is located is
27 responsible for paying the difference between:

- 28 (1) the amount that subsection (a) requires to be raised from
29 sources other than taxes and fares; minus
30 (2) the amount actually raised from sources other than taxes and
31 fares.

32 (d) **The state budget committee shall annually review the**
33 **amount raised from sources other than taxes and fares for a public**
34 **transportation project in eligible counties.**

35 (e) **This subsection applies only to Marion County. If, for any**
36 **year of operation, the fiscal body of Marion County does not pay**
37 **at least ten percent (10%) of the annual operating expenses of the**
38 **public transportation project from sources other than taxes and**
39 **fares, then after December 31 of that year the following apply until**
40 **the fiscal body of Marion County pays the amount required under**
41 **this section, as determined following the annual state budget**
42 **committee review under subsection (d):**



(1) Beginning after June 30, 2020, the treasurer of state shall withhold ten percent (10%) from the amount of the certified distribution attributable to the additional tax rate imposed in Marion County under 6-3.6-7-27.

(2) The fiscal body of Marion County may use the county's public transportation fund only for a purpose identified under section 7(e) of this chapter.

(3) The fiscal body of Marion County may issue bonds only for a purpose identified under IC 8-25-5-3.

(4) The fiscal body of Marion County may not pledge revenues under this article for the payment of bonds and principal on bonds under IC 8-25-5-6.

SECTION 6. IC 8-25-3-7, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) If the fiscal body of an eligible county imposes taxes to fund a public transportation project, the county treasurer of the eligible county shall establish a county public transportation project fund to receive tax revenues collected for the public transportation project. Money received from a foundation established under IC 8-25-7 or IC 8-25-8 may be deposited into the fund.

(b) Money in a fund established under subsection (a) at the end of the eligible county's fiscal year remains in the fund. Interest earned by the fund must be deposited in the fund.

(c) **Except as provided in subsections (e) and (f),** money deposited in an eligible county's public transportation project fund may be used only to purchase, establish, operate, repair, or maintain a public transportation project authorized under this article. Money in the fund may be pledged by the fiscal body of the eligible county to the repayment of bonds issued for purposes of a public transportation project authorized under this article.

(d) The fiscal body of an eligible county may, in the manner provided by law, appropriate money from the fund to a public transportation corporation that is authorized to purchase, establish, operate, repair, or maintain the public transportation project if the public transportation project is located, either entirely or partially, within the eligible county.

(e) This subsection applies only to Marion County. If, for any year of operation, the fiscal body of Marion County does not pay at least ten percent (10%) of the annual operating expenses of the public transportation project from sources other than taxes and fares as required by section 6 of this chapter, then after December



31 of that year money deposited in Marion County's public transportation fund may be used only for the following purposes until the fiscal body of Marion County pays the amount described under section 6 of this chapter, as determined following the annual state budget committee review under section 6(d) of this chapter:

(1) To operate, repair, or maintain a public transportation project that is:

(A) authorized under this article; and

(B) constructed and in service before October 1 in the year that the fiscal body of Marion County does not pay at least ten percent (10%) of the annual operating expenses of the public transportation project from sources other than taxes and fares as required by section 6 of this chapter.

(2) To pay debt service on bonds:

(A) issued under this article before October 1 in the year that the fiscal body of Marion County does not pay at least ten percent (10%) of the annual operating expenses of the public transportation project from sources other than taxes and fares as required by section 6 of this chapter; or

(B) issued under this article after September 30 in the year that the fiscal body of Marion County does not pay at least ten percent (10%) of the annual operating expenses of the public transportation project from sources other than taxes and fares as required by section 6 of this chapter, for the purpose of refunding or refinancing bonds described in clause (A).

(f) This subsection applies only to Marion County. If, for any year of operation, the fiscal body of Marion County does not pay at least ten percent (10%) of the annual operating expenses of the public transportation project from sources other than taxes and fares as required by section 6 of this chapter, then after December 31 of that year money deposited in Marion County's public transportation fund may not be used to do any of the following:

(1) Purchase or establish a public transportation project that is not constructed and in service before October 1 in the year that the fiscal body of Marion County does not pay at least ten percent (10%) of the annual operating expenses of the public transportation project from sources other than taxes and fares as required by section 6 of this chapter.

(2) Extend a public transportation project that is constructed and in service before October 1 in the year that the fiscal body of Marion County does not pay at least ten percent (10%) of



1 the annual operating expenses of the public transportation
2 project from sources other than taxes and fares as required
3 by section 6 of this chapter.

4 SECTION 7. IC 36-7.5-4.5-18.5 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2020]: Sec. 18.5. (a) The development board
7 may establish any nonprofit entity to solicit and accept private or
8 public funding, gifts, donations, bequests, devises, and
9 contributions in order to carry out and further the purposes, plans,
10 and goals of the development authority with regard to projects
11 located within a transit development district established under
12 section 17 of this chapter.

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

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

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

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

23 (A) administered by the entity; and

24 (B) not part of the state treasury.

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

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

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

36 SECTION 8. IC 36-7.5-3-1.5, AS AMENDED BY P.L.189-2018,
37 SECTION 169, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2020]: Sec. 1.5. (a) Except as provided in
39 section 1.7 of this chapter, this section applies to revenue received by
40 the authority to the extent that the revenue has not been pledged or
41 otherwise obligated to pay bonds or leases entered into before July 1,
42 2015, for a project other than a rail project.



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

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

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

(B) the Marquette Plan; and

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

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

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

SECTION 9. IC 36-7.5-4.5-29, AS ADDED BY P.L.248-2017, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 29. All expenses incurred in carrying out this chapter ~~are may be~~ payable ~~solely~~ from revenue received under this chapter or from the proceeds of the financial instruments issued by the development authority payable from revenues received under this chapter, **or any other fund the development authority finds appropriate.** A liability or obligation may not be incurred by the development authority that is greater than the revenue to be received under this chapter.

SECTION 10. 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



1 solicit and accept private or public funding, gifts, donations,
 2 bequests, devises, and contributions in order to carry out and
 3 further the purposes, plans, and goals of the development authority
 4 with regard to projects located within a transit development
 5 district.

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

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

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

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

16 (A) administered by the entity; and

17 (B) not part of the state treasury.

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

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

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

29 (h) The redevelopment commission for each county that is a
 30 member of the development authority shall collaborate with the
 31 development authority for the purposes of any nonprofit entity
 32 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.

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.

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1279 be amended to read 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 UPON PASSAGE]: 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 10, line 29, after "corporation" 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**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1279 as printed February 21, 2020.)

MISHLER

 SENATE MOTION

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 16, between lines 14 and 15, begin a new paragraph and insert:

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"SECTION 4. IC 8-25-3-6, AS AMENDED BY P.L.197-2016, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The following apply to the funding of a public transportation project:

(1) For the first year of operations, an amount must be raised from sources other than taxes and fares that is equal to at least ten percent (10%) of the revenue that the budget agency certifies that the county will receive in that year from a local income tax imposed to fund the public transportation project.

(2) For the second year of operations and each year thereafter, at least ten percent (10%) of the annual operating expenses of the public transportation project must be paid from sources other than taxes and fares. For purposes of this subdivision, operating expenses include only those expenses incurred in the operation of fixed route services that are established or expanded as a result of a public transportation project authorized and funded under this article.

The budget agency shall assist the fiscal body of an eligible county in determining the amount of money that must be raised under subdivision (1).

(b) A county fiscal body or another entity authorized to carry out a public transportation project under IC 8-25-4 shall raise the revenue required by subsection (a) for a particular calendar year before the end of the third quarter of the preceding calendar year. Money raised under this section must be deposited in the county public transportation fund established under section 7 of this chapter.

(c) If a county fiscal body or other entity fails to raise the revenue required by subsection (a) before the deadline specified in subsection (b), the county in which the public transportation project is located is responsible for paying the difference between:

(1) the amount that subsection (a) requires to be raised from sources other than taxes and fares; minus

(2) the amount actually raised from sources other than taxes and fares.

(d) The state budget committee shall annually review the amount raised from sources other than taxes and fares for a public transportation project in eligible counties.

(e) This subsection applies only to Marion County. If, for any year of operation, the fiscal body of Marion County does not pay at least ten percent (10%) of the annual operating expenses of the public transportation project from sources other than taxes and fares, then after December 31 of that year the following apply until



the fiscal body of Marion County pays the amount required under this section, as determined following the annual state budget committee review under subsection (d):

(1) Beginning after June 30, 2020, the treasurer of state shall withhold ten percent (10%) from the amount of the certified distribution attributable to the additional tax rate imposed in Marion County under 6-3.6-7-27.

(2) The fiscal body of Marion County may use the county's public transportation fund only for a purpose identified under section 7(e) of this chapter.

(3) The fiscal body of Marion County may issue bonds only for a purpose identified under IC 8-25-5-3.

(4) The fiscal body of Marion County may not pledge revenues under this article for the payment of bonds and principal on bonds under IC 8-25-5-6.

SECTION 5. IC 8-25-3-7, AS ADDED BY P.L.153-2014, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) If the fiscal body of an eligible county imposes taxes to fund a public transportation project, the county treasurer of the eligible county shall establish a county public transportation project fund to receive tax revenues collected for the public transportation project. Money received from a foundation established under IC 8-25-7 or IC 8-25-8 may be deposited into the fund.

(b) Money in a fund established under subsection (a) at the end of the eligible county's fiscal year remains in the fund. Interest earned by the fund must be deposited in the fund.

(c) **Except as provided in subsections (e) and (f),** money deposited in an eligible county's public transportation project fund may be used only to purchase, establish, operate, repair, or maintain a public transportation project authorized under this article. Money in the fund may be pledged by the fiscal body of the eligible county to the repayment of bonds issued for purposes of a public transportation project authorized under this article.

(d) The fiscal body of an eligible county may, in the manner provided by law, appropriate money from the fund to a public transportation corporation that is authorized to purchase, establish, operate, repair, or maintain the public transportation project if the public transportation project is located, either entirely or partially, within the eligible county.

(e) This subsection applies only to Marion County. If, for any year of operation, the fiscal body of Marion County does not pay



at least ten percent (10%) of the annual operating expenses of the public transportation project from sources other than taxes and fares as required by section 6 of this chapter, then after December 31 of that year money deposited in Marion County's public transportation fund may be used only for the following purposes until the fiscal body of Marion County pays the amount described under section 6 of this chapter, as determined following the annual state budget committee review under section 6(d) of this chapter:

(1) To operate, repair, or maintain a public transportation project that is:

(A) authorized under this article; and

(B) constructed and in service before October 1 in the year that the fiscal body of Marion County does not pay at least ten percent (10%) of the annual operating expenses of the public transportation project from sources other than taxes and fares as required by section 6 of this chapter.

(2) To pay debt service on bonds:

(A) issued under this article before October 1 in the year that the fiscal body of Marion County does not pay at least ten percent (10%) of the annual operating expenses of the public transportation project from sources other than taxes and fares as required by section 6 of this chapter; or

(B) issued under this article after September 30 in the year that the fiscal body of Marion County does not pay at least ten percent (10%) of the annual operating expenses of the public transportation project from sources other than taxes and fares as required by section 6 of this chapter, for the purpose of refunding or refinancing bonds described in clause (A).

(f) This subsection applies only to Marion County. If, for any year of operation, the fiscal body of Marion County does not pay at least ten percent (10%) of the annual operating expenses of the public transportation project from sources other than taxes and fares as required by section 6 of this chapter, then after December 31 of that year money deposited in Marion County's public transportation fund may not be used to do any of the following:

(1) Purchase or establish a public transportation project that is not constructed and in service before October 1 in the year that the fiscal body of Marion County does not pay at least ten percent (10%) of the annual operating expenses of the public transportation project from sources other than taxes and fares as required by section 6 of this chapter.



(2) Extend a public transportation project that is constructed and in service before October 1 in the year that the fiscal body of Marion County does not pay at least ten percent (10%) of the annual operating expenses of the public transportation project from sources other than taxes and fares as required by section 6 of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1279 as printed February 21, 2020.)

FREEMAN

