



Reprinted
March 2, 2018

ENGROSSED SENATE BILL No. 269

DIGEST OF SB 269 (Updated March 1, 2018 3:03 pm - DI 123)

Citations Affected: IC 8-6; IC 8-16; IC 8-23; IC 13-11; IC 13-26;
IC 34-30.

Synopsis: Road and utility repair. Requires the department of transportation (department) to schedule an appeal of a local unit's denial of a petition to close a railroad crossing within 60 days after the denial of the petition. Establishes the New Harmony and Wabash River bridge authority (bridge authority). Specifies the composition and terms of bridge authority membership. Describes the purpose and duties of the bridge authority. Authorizes the bridge authority to charge and collect a toll for transit across the White County bridge (bridge). Requires the bridge authority to equip, improve, maintain, operate, reconstruct, rehabilitate, and restore the bridge for use by motor vehicles, pedestrians, and other forms of transportation. Allows the bridge authority to issue bonds and notes in certain instances and for certain purposes. Defines "department action" as one or more of the following: (1) Detour creation or implementation. (2) Planned bridge
(Continued next page)

Effective: July 1, 2018.

**Koch, Buck, Crider, Niezgodski,
Randolph Lonnie M**

(HOUSE SPONSORS — SOLIDAY, FRYE R)

January 3, 2018, read first time and referred to Committee on Homeland Security and Transportation.

January 30, 2018, amended, reported favorably — Do Pass.

February 1, 2018, read second time, ordered engrossed. Engrossed.

February 5, 2018, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 12, 2018, read first time and referred to Committee on Roads and Transportation.

February 22, 2018, amended, reported — Do Pass.

March 1, 2018, read second time, amended, ordered engrossed.

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Digest Continued

repair. (3) Planned road repair. Requires the department to consider the following when determining when to let a contract involving certain construction, maintenance, and repair projects: (1) Impact on local commerce. (2) Impact on local residents. (3) Impact on local tourism. Requires the department to make a good faith effort to use: (1) the least disruptive timing when determining when to let a contract involving certain construction, maintenance, and repair projects; and (2) the least restrictive means when implementing or performing certain construction, maintenance, and repair projects. Requires the department to release a contract let list: (1) every 180 days; and (2) to at least 1 news media entity. Provides that the hearing officer appointed to conduct a hearing concerning a petition to establish a regional water, sewage, or solid waste district is required to provide notice of the hearing to the executive of a city or town that has a municipal sewage works or public sanitation department having extraterritorial jurisdiction within the boundaries of the area to be included in the proposed district. Requires the board of trustees of a regional sewage district, when seeking to add territory to the district, to file a copy of its motion for the addition of territory in the office of: (1) the executive of each governmental entity having territory within the territory proposed to be added to the regional sewage district; and (2) the executive of a city or town that has a municipal sewage works or public sanitation department if the territory proposed to be added to the regional sewage district includes territory within the extraterritorial jurisdiction of the municipal sewage works or public sanitation department. Defines "governmental entity", for purpose of the law concerning regional water, sewage, and solid waste districts, as a municipal corporation or a special taxing district. Defines certain terms.



Reprinted
March 2, 2018

Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 269

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

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

1 SECTION 1. IC 8-6-7.7-3.3, AS AMENDED BY P.L.198-2016,
2 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 3.3. (a) If a unit denies a petition to close a
4 crossing under section 3.2 of this chapter, the Indiana department of
5 transportation ~~may~~ **shall** schedule an appeal on the denial of the
6 petition as set forth in ~~this section~~. **IC 4-21.5** ~~If the Indiana department~~
7 ~~of transportation does not schedule an appeal on the denial of a petition~~
8 ~~within sixty (60) days after the petition is denied. the Indiana~~
9 ~~department of transportation is considered to have decided not to~~
10 ~~schedule an appeal on the denial of the petition. The decision to~~
11 ~~schedule or not schedule an appeal is subject to review under~~
12 ~~IC 4-21.5.~~
13 (b) If the Indiana department of transportation after reviewing the
14 findings of the local unit on the petition determines that:
15 (1) the crossing meets the criteria for closure; opening; or denial
16 of a closure; adopted by the Indiana department of transportation
17 under section 3.1 of this chapter; and

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- 1 (2) a compelling reason has been shown for the crossing to remain
 2 open;
 3 the Indiana department of transportation shall issue written findings
 4 that the crossing may remain open.
 5 (c) If the Indiana department of transportation after reviewing the
 6 findings of the local unit on the petition determines that:
 7 (1) the crossing meets the criteria for closure adopted by the
 8 Indiana department of transportation under section 3.1 of this
 9 chapter; and
 10 (2) a compelling reason has not been shown for the crossing to
 11 remain open;
 12 the Indiana department of transportation shall issue an order abolishing
 13 the crossing under section 3 of this chapter.
 14 SECTION 2. IC 8-16-15.5 IS ADDED TO THE INDIANA CODE
 15 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2018]:
 17 **Chapter 15.5. New Harmony and Wabash River Bridge**
 18 **Authority**
 19 **Sec. 1. The following definitions apply throughout this chapter:**
 20 (1) "Bridge" means the White County bridge over the
 21 Wabash River that connects White County, Illinois, and Posey
 22 County, Indiana. The term includes all approaches and rights
 23 of way necessary or desirable for the operation and
 24 maintenance of the bridge.
 25 (2) "Bridge authority" means the New Harmony and Wabash
 26 River bridge authority created by section 2 of this chapter.
 27 (3) "Commission" refers to the White County bridge
 28 commission created by Congressional Act of April 12, 1941,
 29 Public Law 77-37, 55 Stat. 140.
 30 **Sec. 2. (a) The New Harmony and Wabash River bridge**
 31 **authority is established as a separate body corporate and politic of**
 32 **the state for the purposes set forth in section 6 of this chapter.**
 33 (b) The bridge authority is an entity separate from the state or
 34 any entity responsible for appointing the initial members of the
 35 bridge authority. Though separate from the state and state entities,
 36 the bridge authority's exercise of its powers constitutes an essential
 37 governmental, public, and corporate function when carrying out
 38 the purposes of this chapter.
 39 (c) The bridge authority has the power to make and enter into
 40 any contract that may be necessary to implement this chapter. The
 41 bridge authority's contract power includes the ability to enter into
 42 an agreement or contract with the state of Illinois or any



1 governmental entity in the state of Illinois to:

- 2 (1) jointly form the bridge authority; or
 3 (2) grant to the bridge authority the power to own and
 4 operate assets in the state of Illinois that are transferred by
 5 the commission to the bridge authority.

6 Except as otherwise provided by this chapter, a contract made by
 7 the bridge authority is not subject to approval or ratification by
 8 any other board, body, or officer.

9 (d) The bridge authority may exercise its powers with respect to
 10 the assets of the commission, including the power to contract with
 11 an entity, public or private, established in Illinois, to the extent
 12 permitted by Illinois law.

13 Sec. 3. (a) The bridge authority shall be composed of the
 14 following five (5) individuals:

- 15 (1) Three (3) members appointed by the governor, no more
 16 than two (2) of whom may be from the same political party.
 17 (2) One (1) member appointed by the appropriate county
 18 executive of Posey County.
 19 (3) One (1) member appointed by the appropriate town
 20 executive of New Harmony.

21 (b) Except as provided in subsection (c), all members must be
 22 residents of Posey County and at least eighteen (18) years of age.

23 (c) If the bridge authority:

- 24 (1) forms a joint authority between:
 25 (A) the state and Illinois; or
 26 (B) the state and an Illinois entity; or
 27 (2) enters into an agreement with an Illinois entity to jointly
 28 act in implementing this chapter;

29 the bridge authority may determine the membership and term of
 30 office for any bridge authority member representing Illinois or an
 31 Illinois entity.

32 (d) Each bridge authority member, before beginning the
 33 member's duties, shall execute a bond payable to the state. The
 34 bond must:

- 35 (1) be in the sum of fifteen thousand dollars (\$15,000);
 36 (2) be conditioned upon the member's faithful performance of
 37 the duties of the member's office; and
 38 (3) account for all monies and property that may come into
 39 the member's possession or under the member's control.

40 The cost of the bond shall be paid by the bridge authority.

41 (e) If a member ceases to be qualified under this section, the
 42 member forfeits the member's office.



1 (f) Bridge authority members are not entitled to salaries but
 2 may seek reimbursement for expenses incurred in the performance
 3 of their duties.

4 Sec. 4. (a) An appointment to the bridge authority shall be for
 5 a term of four (4) years. Each member appointed to the bridge
 6 authority:

- 7 (1) shall hold office for the term of the appointment;
 8 (2) shall continue to serve after the expiration of the
 9 appointment until a qualified successor is appointed;
 10 (3) remains eligible for reappointment to the bridge authority
 11 if the requirements described in section 3 of this chapter
 12 remain met; and
 13 (4) may be removed from office by the other members of the
 14 bridge authority with or without cause.

15 (b) Members of the bridge authority shall fill vacancies for any
 16 unexpired term of a member or for any member appointed by the
 17 other members of the bridge authority as provided in this section.

18 (c) A member of the bridge authority, including a member
 19 appointed under section 3(c) of this chapter, may be reappointed.

20 Sec. 5. (a) The bridge authority shall hold an organizational
 21 meeting within thirty (30) days after the initial appointment of the
 22 members and every January of each subsequent year. During each
 23 organizational meeting, the bridge authority must elect the
 24 following officers from existing bridge authority membership:

- 25 (1) A chair.
 26 (2) A vice chair.
 27 (3) A secretary treasurer.

28 (b) The bridge authority may adopt rules under IC 4-22-2 in
 29 order to implement this section.

30 Sec. 6. The bridge authority is established for the purpose of:

- 31 (1) inheriting the assets, duties, powers, and rights of the
 32 commission;
 33 (2) accepting the transfer and ownership of the bridge and all
 34 interests of the commission in real and personal property;
 35 (3) accepting or receiving all other assets of the commission;
 36 and
 37 (4) equipping, financing, improving, maintaining, operating,
 38 reconstructing, rehabilitating, and restoring the bridge for use
 39 by motor vehicles, pedestrians, and other modes of
 40 transportation.

41 Sec. 7. (a) The bridge authority may do the following:

- 42 (1) Accept the assets of the commission.



- 1 **(2) Hold, exchange, lease, rent, sell (by conveyance by deed,**
 2 **land sale contract, or other instrument), use, or otherwise**
 3 **dispose of property acquired for the purpose of implementing**
 4 **this chapter.**
- 5 **(3) Prescribe the duties and regulate the compensation of the**
 6 **employees of the bridge authority.**
- 7 **(4) Provide a pension and retirement system for employees of**
 8 **the bridge authority through use of the Indiana public**
 9 **employees' retirement fund.**
- 10 **(5) Contract for the alteration, construction, extension,**
 11 **improvement, rehabilitation, or restoration of the bridge.**
- 12 **(6) Accept grants, loans, and other forms of financial**
 13 **assistance from the federal government, the state government,**
 14 **a political subdivision (as defined in IC 36-1-2-13), a**
 15 **foundation, or any other source.**
- 16 **(7) Establish and revise, as necessary, any charge or toll**
 17 **assessed for transit over the bridge.**
- 18 **(8) Collect or cause to be collected any charge or toll assessed**
 19 **for transit over the bridge.**
- 20 **(9) Borrow money, make guaranties, issue bonds, and**
 21 **otherwise incur indebtedness for any of the bridge authority's**
 22 **purposes.**
- 23 **(10) Issue debentures, notes, or other evidences of**
 24 **indebtedness, whether secured or unsecured, to any person, as**
 25 **provided in this chapter.**
- 26 **(b) The bridge authority may exercise any of the powers**
 27 **authorized by this chapter in the state of Illinois to the extent**
 28 **provided:**
- 29 **(1) under Illinois law; or**
- 30 **(2) through a joint action taken with Illinois or an Illinois**
 31 **entity as described in section 2(c) of this chapter.**
- 32 **Sec. 8. (a) The bridge authority may, by resolution, issue and sell**
 33 **bonds or notes of the bridge authority for the purpose of providing**
 34 **funds to implement this chapter.**
- 35 **(b) Before issuing a series of bonds or notes, the bridge**
 36 **authority shall publish a notice of its determination to issue the**
 37 **bonds or notes in accordance with IC 5-3-1.**
- 38 **(c) No action to contest the validity of:**
- 39 **(1) any contract entered into by the bridge authority before**
 40 **the bonds or notes are issued; or**
- 41 **(2) a series of bonds or notes issued by the bridge authority;**
 42 **may be brought after the thirtieth day following the publication of**



1 the notice required by subsection (b).

2 (d) If an action challenging a contract, bond, or note is not
3 brought within the time frame described in subsection (c), the
4 contract, bond, or note shall be presumed to be fully authorized
5 and valid under the laws of the state and no person or entity may
6 question the authorization, validity, execution, delivery, or issuance
7 of the contract, bond, or note.

8 Sec. 9. The:

9 (1) members of the bridge authority; and

10 (2) officers and employees of the bridge authority;

11 responsible for the approval or execution of a bond, lease,
12 obligation, or other agreement may not be subject to personal
13 liability or accountability for the performance of any act
14 authorized by this chapter.

15 Sec. 10. (a) All bonds or notes issued under this chapter are
16 issued by the bridge authority as a body corporate and politic of
17 the state, but not as a state agency, and for an essential public and
18 governmental purpose. The bonds and notes, the interest on the
19 bonds and notes, the proceeds received by an owner from the sale
20 of the bonds or notes to the extent of the owner's cost of
21 acquisition, proceeds received upon redemption for maturity,
22 proceeds received at maturity, and the receipt of the interest and
23 proceeds are exempt from taxation for all purposes except the
24 financial institutions tax imposed under IC 6-5.5.

25 (b) No bonds or notes issued by the bridge authority under this
26 chapter constitute a debt, liability, or obligation of the state or any
27 political subdivision or a pledge of the faith and credit of the state
28 or any political subdivision. Each bond or note issued under this
29 chapter must contain on its face a statement that neither the faith
30 and credit nor the taxing power of the state or any political
31 subdivision is pledged to the payment of the principal of or the
32 interest on the bond or the note.

33 Sec. 11. Notwithstanding any other law or provision, all
34 financial institutions, investment companies, insurance companies,
35 insurance associations, executors, administrators, guardians,
36 trustees, and other fiduciaries may legally invest sinking funds,
37 money, or other funds belonging to them or within their control in
38 bonds or notes issued under this chapter.

39 Sec. 12. Bonds or notes issued under this chapter are exempt
40 from the registration requirements of IC 23-19 and any other state
41 securities registration statutes.

42 Sec. 13. A pledge of proceeds of bonds or notes, investment



1 earnings on those proceeds, or other money pledged by the bridge
 2 authority is binding from the time the pledge is made. Proceeds of
 3 bonds or notes, investment earnings on those proceeds, or other
 4 money pledged by the bridge authority and then received by the
 5 bridge authority or its trustee or fiduciary is immediately subject
 6 to the lien of the pledge without any further act, and the lien of the
 7 pledge is binding against all parties having claims of any kind in
 8 tort, contract, or otherwise against the bridge authority, regardless
 9 of whether the parties have notice of the lien. A resolution, trust
 10 agreement, or any other instrument that creates a pledge is
 11 required to be filed or recorded only in the records of the bridge
 12 authority.

13 **Sec. 14. All property of the bridge authority is public property**
 14 **devoted to an essential public and governmental function and**
 15 **purpose and is exempt from all taxes and special assessments of the**
 16 **state or any political subdivision.**

17 **Sec. 15. Neither:**

18 **(1) the state; nor**

19 **(2) a political subdivision of the state, including, without**
 20 **limitation, Posey County and the town of New Harmony;**
 21 **is liable for any action taken by the bridge authority.**

22 SECTION 3. IC 8-23-31 IS ADDED TO THE INDIANA CODE AS
 23 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2018]:

25 **Chapter 31. Notice of Department Actions**

26 **Sec. 1. (a) As used in this chapter, "department action" means**
 27 **one (1) or more of the following:**

28 **(1) Detour creation or implementation.**

29 **(2) Planned bridge repair.**

30 **(3) Planned road repair.**

31 **(b) As used in this chapter, "news media entity" means:**

32 **(1) a newspaper or locality newspaper or other publication**
 33 **issued at regular intervals and having a general circulation;**
 34 **or**

35 **(2) a licensed radio or television station that regularly**
 36 **broadcasts local news.**

37 **(c) Beginning January 1 of every year, the department's**
 38 **districts shall release a contract let list to at least one (1) news**
 39 **media entity servicing each county served by the district every one**
 40 **hundred eighty (180) days. The contract let list described in this**
 41 **subsection must list all of the department's scheduled construction**
 42 **projects in the district for the one hundred eighty (180) day period**



1 and the projected letting date for each of the listed construction
2 projects.

3 **Sec. 2. The department shall consider the following when**
4 **determining when to let a contract involving a department action:**

5 (1) **The impact of the scheduled department action on local**
6 **commerce.**

7 (2) **The impact of the scheduled department action on local**
8 **residents.**

9 (3) **The impact of the scheduled department action on local**
10 **tourism.**

11 **Sec. 3. Notwithstanding any other law or provision, the**
12 **department shall make a good faith effort to:**

13 (1) **use the least disruptive timing when determining when to**
14 **let a contract involving a department action; and**

15 (2) **use the least restrictive means when implementing or**
16 **performing a scheduled department action.**

17 SECTION 4. IC 13-11-2-90, AS AMENDED BY P.L.78-2009,
18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2018]: Sec. 90. (a) "Governmental entity", for purposes of
20 IC 13-18-3 and IC 13-25-6, means the state or a political subdivision.

21 (b) **"Governmental entity", as used in IC 13-26, means a**
22 **political subdivision (as defined in IC 36-1-2-13).**

23 SECTION 5. IC 13-26-2-6, AS AMENDED BY P.L.263-2013,
24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2018]: Sec. 6. (a) Except as provided in section 9 of this
26 chapter, the hearing officer shall fix a time and place inside or within
27 ten (10) miles of the proposed district for the hearing on any matter for
28 which a hearing is authorized under this chapter.

29 (b) The hearing officer shall make a reasonable effort to provide
30 notice of the hearing as follows:

31 (1) By publication of notice two (2) times each week for two (2)
32 consecutive weeks in at least two (2) newspapers of general
33 circulation in each of the counties, in whole or in part, in the
34 district. The publication of notice must, at a minimum, include a
35 legal notice and a prominently displayed three (3) inches by five
36 (5) inches advertisement.

37 (2) By United States mail sent at least two (2) weeks before the
38 hearing to the following:

39 (A) The fiscal and executive bodies of each county with
40 territory in the proposed district.

41 (B) The executive of all other eligible entities with territory in
42 the proposed district, **including the executive of a city or**



1 town that has:

2 (i) a municipal sewage works under IC 36-9-23; or

3 (ii) a public sanitation department under IC 36-9-25;

4 having extraterritorial jurisdiction within the boundaries
5 of the area to be included in the proposed district.

6 (C) The state and any of its agencies owning, controlling, or
7 leasing land within the proposed district, excluding highways
8 and public thoroughfares owned or controlled by the Indiana
9 department of transportation.

10 (D) Each sewage disposal company holding a certificate of
11 territorial authority under IC 8-1-2-89 respecting territory in
12 the proposed district.

13 (3) By making a reasonable effort to provide notice of the hearing
14 by regular United States mail, postage prepaid, mailed at least two
15 (2) weeks before the hearing to each freeholder within the
16 proposed district.

17 (4) By including the date on which the hearing is to be held and
18 a brief description of:

19 (A) the subject of the petition, including a description of the
20 general boundaries of the area to be included in the proposed
21 district; and

22 (B) the locations where copies of the petition are available for
23 viewing.

24 SECTION 6. IC 13-26-8-4, AS AMENDED BY P.L.292-2013,
25 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2018]: Sec. 4. (a) This section applies to the addition of
27 territory to a regional sewage or solid waste district other than at the
28 request of an eligible entity described in section 1 of this chapter. This
29 section does not apply to a regional water district.

30 (b) To add territory to a district already established, the board of the
31 district must file with the department a motion adopted by the board
32 requesting the addition of territory to the district. **If the motion is for
33 the addition of territory to a regional sewage district, the board,
34 not later than ten (10) days after filing the motion with the
35 department, must also file a copy of the motion in the office of:**

36 (1) the executive of each governmental entity having territory
37 within the territory proposed to be added to the regional
38 sewage district; and

39 (2) the executive of a city or town having:

40 (A) a municipal sewage works under IC 36-9-23; or

41 (B) a public sanitation department under IC 36-9-25;

42 if the territory proposed to be added to the regional sewage



- 1 **district includes territory within the extraterritorial**
 2 **jurisdiction of the municipal sewage works or public**
 3 **sanitation department.**
- 4 (c) Except as provided under subsections (d) and (e), if a motion is
 5 filed with the department under subsection (b):
- 6 (1) the same procedure must be used to add territory to the district
 7 as is provided for the establishment of a district under IC 13-26-2;
 8 and
- 9 (2) the department shall proceed in the same manner that is set
 10 forth in IC 13-26-2, IC 13-26-4, IC 13-26-6, and IC 13-26-7.
- 11 (d) Not more than one hundred eighty (180) days after the date a
 12 motion is filed with the department under subsection (b) to add
 13 territory to a district already established, if a petition is filed with the
 14 department that is signed by a majority of the freeholders within the
 15 area proposed to be added and indicating that the freeholders are
 16 opposed to the addition of the area by the district:
- 17 (1) the department may not proceed under subsection (c); and
 18 (2) the territory may not be added to the district.
- 19 (e) For purposes of subsection (c):
- 20 (1) the commissioner is not required to appoint a hearing officer
 21 under IC 13-26-2-5;
- 22 (2) the board shall:
- 23 (A) provide the notice of; and
 24 (B) conduct;
 25 the hearing required under IC 13-26-2-6; and
- 26 (3) instead of making findings and recommendations under
 27 IC 13-26-2-8, the board shall submit documentary evidence to the
 28 commissioner to prove the:
- 29 (A) notice was provided; and
 30 (B) hearing was conducted;
 31 by the board as required under subdivision (2).
- 32 SECTION 7. IC 34-30-2-25.5 IS ADDED TO THE INDIANA
 33 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 34 [EFFECTIVE JULY 1, 2018]: **Sec. 25.5. IC 8-16-15.5-9 (Concerning**
 35 **members of the New Harmony and Wabash River bridge**
 36 **authority).**
- 37 SECTION 8. IC 34-30-2-25.6 IS ADDED TO THE INDIANA
 38 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 39 [EFFECTIVE JULY 1, 2018]: **Sec. 25.6. IC 8-16-15.5-15 (Concerning**
 40 **actions taken by the New Harmony and Wabash River bridge**
 41 **authority).**



COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Senate Bill No. 269, 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, line 4, delete "Local Municipalities" and insert "**Cities, Counties, or Towns**".

Page 1, delete line 10, begin a new paragraph and insert:

"Sec. 2. "Local news media organization" means any entity or organization that:

- (1) broadcasts local news on television, radio, or the Internet;**
- or**
- (2) distributes, prints, or publishes written local news."**

Page 3, between lines 8 and 9, begin a new paragraph and insert:

"Sec. 9. The department shall consider the following when determining when to let a contract involving a department action:

- (1) The impact of the scheduled department action on local commerce.**
- (2) The impact of the scheduled department action on local residents.**
- (3) The impact of the scheduled department action on local tourism.**

Sec. 10. Notwithstanding any other law or provision, the department shall make a good faith effort to:

- (1) use the least disruptive timing when determining when to let a contract involving a department action; and**
- (2) use the least restrictive means when implementing or performing a scheduled department action.**

Sec. 11. Beginning on January 1 of every year, the department shall release a contract let list to at least one (1) local news media organization every one hundred and eighty (180) days. The contract let list described in this section shall list all of the department's scheduled construction projects for the one hundred



and eighty (180) day period and the projected letting date for each of the listed construction projects."

and when so amended that said bill do pass.

(Reference is to SB 269 as introduced.)

CRIDER, Chairperson

Committee Vote: Yeas 7, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 269, 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:

Delete the title and insert the following:

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

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-6-7.7-3.3, AS AMENDED BY P.L.198-2016, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.3. (a) If a unit denies a petition to close a crossing under section 3.2 of this chapter, the Indiana department of transportation ~~may~~ **shall** schedule an appeal on the denial of the petition as set forth in ~~this section: IC 4-21.5~~ **If the Indiana department of transportation does not schedule an appeal on the denial of a petition within sixty (60) days after the petition is denied. the Indiana department of transportation is considered to have decided not to schedule an appeal on the denial of the petition. The decision to schedule or not schedule an appeal is subject to review under IC 4-21.5.**

(b) ~~If the Indiana department of transportation after reviewing the findings of the local unit on the petition determines that:~~

(1) ~~the crossing meets the criteria for closure, opening, or denial of a closure, adopted by the Indiana department of transportation under section 3.1 of this chapter; and~~

(2) ~~a compelling reason has been shown for the crossing to remain open;~~

~~the Indiana department of transportation shall issue written findings~~

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that the crossing may remain open:

(c) If the Indiana department of transportation after reviewing the findings of the local unit on the petition determines that:

- (1) the crossing meets the criteria for closure adopted by the Indiana department of transportation under section 3.1 of this chapter; and
- (2) a compelling reason has not been shown for the crossing to remain open;

the Indiana department of transportation shall issue an order abolishing the crossing under section 3 of this chapter."

Page 1, delete lines 4 through 15.

Delete page 2.

Page 3, delete lines 1 through 33, begin a new paragraph and insert:

"Chapter 31. Notice of Department Actions

Sec. 1. (a) As used in this chapter, "department action" means one (1) or more of the following:

- (1) Detour creation or implementation.**
- (2) Planned bridge repair.**
- (3) Planned road repair.**

(b) As used in this chapter, "local news media organization" means any entity or organization that:

- (1) broadcasts local news on television, radio, or the Internet;**
or
- (2) distributes, prints, or publishes written local news.**

(c) Beginning on January 1 of every year, the department shall release a contract let list to at least one (1) local news media organization every one hundred eighty (180) days. The contract let list described in this subsection must list all of the department's scheduled construction projects in the local transportation district for the one hundred eighty (180) day period and the projected letting date for each of the listed construction projects.

Sec. 2. The department shall consider the following when determining when to let a contract involving a department action:

- (1) The impact of the scheduled department action on local commerce.**
- (2) The impact of the scheduled department action on local residents.**
- (3) The impact of the scheduled department action on local tourism.**

Sec. 3. Notwithstanding any other law or provision, the department shall make a good faith effort to:

- (1) use the least disruptive timing when determining when to**



**let a contract involving a department action; and
(2) use the least restrictive means when implementing or
performing a scheduled department action."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 269 as printed January 31, 2018.)

SOLIDAY

Committee Vote: yeas 11, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 269 be amended to read as follows:

Page 1, line 3, strike "(a)".

Page 2, between lines 15 and 16, begin a new paragraph and insert:
"SECTION 2. IC 8-16-15.5 IS ADDED TO THE INDIANA CODE
AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2018]:

**Chapter 15.5. New Harmony and Wabash River Bridge
Authority**

Sec. 1. The following definitions apply throughout this chapter:

**(1) "Bridge" means the White County bridge over the
Wabash River that connects White County, Illinois, and Posey
County, Indiana. The term includes all approaches and rights
of way necessary or desirable for the operation and
maintenance of the bridge.**

**(2) "Bridge authority" means the New Harmony and Wabash
River bridge authority created by section 2 of this chapter.**

**(3) "Commission" refers to the White County bridge
commission created by Congressional Act of April 12, 1941,
Public Law 77-37, 55 Stat. 140.**

**Sec. 2. (a) The New Harmony and Wabash River bridge
authority is established as a separate body corporate and politic of
the state for the purposes set forth in section 6 of this chapter.**

**(b) The bridge authority is an entity separate from the state or
any entity responsible for appointing the initial members of the
bridge authority. Though separate from the state and state entities,
the bridge authority's exercise of its powers constitutes an essential**



governmental, public, and corporate function when carrying out the purposes of this chapter.

(c) The bridge authority has the power to make and enter into any contract that may be necessary to implement this chapter. The bridge authority's contract power includes the ability to enter into an agreement or contract with the state of Illinois or any governmental entity in the state of Illinois to:

- (1) jointly form the bridge authority; or
- (2) grant to the bridge authority the power to own and operate assets in the state of Illinois that are transferred by the commission to the bridge authority.

EXCEPT as otherwise provided by this chapter, a contract made by the bridge authority is not subject to approval or ratification by any other board, body, or officer.

(d) The bridge authority may exercise its powers with respect to the assets of the commission, including the power to contract with an entity, public or private, established in Illinois, to the extent permitted by Illinois law.

Sec. 3. (a) The bridge authority shall be composed of the following five (5) individuals:

- (1) Three (3) members appointed by the governor, no more than two (2) of whom may be from the same political party.
- (2) One (1) member appointed by the appropriate county executive of Posey County.
- (3) One (1) member appointed by the appropriate town executive of New Harmony.

(b) Except as provided in subsection (c), all members must be residents of Posey County and at least eighteen (18) years of age.

(c) If the bridge authority:

- (1) forms a joint authority between:
 - (A) the state and Illinois; or
 - (B) the state and an Illinois entity; or
- (2) enters into an agreement with an Illinois entity to jointly act in implementing this chapter;

the bridge authority may determine the membership and term of office for any bridge authority member representing Illinois or an Illinois entity.

(d) Each bridge authority member, before beginning the member's duties, shall execute a bond payable to the state. The bond must:

- (1) be in the sum of fifteen thousand dollars (\$15,000);
- (2) be conditioned upon the member's faithful performance of



the duties of the member's office; and

(3) account for all monies and property that may come into the member's possession or under the member's control.

The cost of the bond shall be paid by the bridge authority.

(e) If a member ceases to be qualified under this section, the member forfeits the member's office.

(f) Bridge authority members are not entitled to salaries but may seek reimbursement for expenses incurred in the performance of their duties.

Sec. 4. (a) An appointment to the bridge authority shall be for a term of four (4) years. Each member appointed to the bridge authority:

- (1) shall hold office for the term of the appointment;
- (2) shall continue to serve after the expiration of the appointment until a qualified successor is appointed;
- (3) remains eligible for reappointment to the bridge authority if the requirements described in section 3 of this chapter remain met; and
- (4) may be removed from office by the other members of the bridge authority with or without cause.

(b) Members of the bridge authority shall fill vacancies for any unexpired term of a member or for any member appointed by the other members of the bridge authority as provided in this section.

(c) A member of the bridge authority, including a member appointed under section 3(c) of this chapter, may be reappointed.

Sec. 5. (a) The bridge authority shall hold an organizational meeting within thirty (30) days after the initial appointment of the members and every January of each subsequent year. During each organizational meeting, the bridge authority must elect the following officers from existing bridge authority membership:

- (1) A chair.
- (2) A vice chair.
- (3) A secretary treasurer.

(b) The bridge authority may adopt rules under IC 4-22-2 in order to implement this section.

Sec. 6. The bridge authority is established for the purpose of:

- (1) inheriting the assets, duties, powers, and rights of the commission;
 - (2) accepting the transfer and ownership of the bridge and all interests of the commission in real and personal property;
 - (3) accepting or receiving all other assets of the commission;
- and



(4) equipping, financing, improving, maintaining, operating, reconstructing, rehabilitating, and restoring the bridge for use by motor vehicles, pedestrians, and other modes of transportation.

Sec. 7. (a) The bridge authority may do the following:

- (1) Accept the assets of the commission.
- (2) Hold, exchange, lease, rent, sell (by conveyance by deed, land sale contract, or other instrument), use, or otherwise dispose of property acquired for the purpose of implementing this chapter.
- (3) Prescribe the duties and regulate the compensation of the employees of the bridge authority.
- (4) Provide a pension and retirement system for employees of the bridge authority through use of the Indiana public employees' retirement fund.
- (5) Contract for the alteration, construction, extension, improvement, rehabilitation, or restoration of the bridge.
- (6) Accept grants, loans, and other forms of financial assistance from the federal government, the state government, a political subdivision (as defined in IC 36-1-2-13), a foundation, or any other source.
- (7) Establish and revise, as necessary, any charge or toll assessed for transit over the bridge.
- (8) Collect or cause to be collected any charge or toll assessed for transit over the bridge.
- (9) Borrow money, make guaranties, issue bonds, and otherwise incur indebtedness for any of the bridge authority's purposes.
- (10) Issue debentures, notes, or other evidences of indebtedness, whether secured or unsecured, to any person, as provided in this chapter.

(b) The bridge authority may exercise any of the powers authorized by this chapter in the state of Illinois to the extent provided:

- (1) under Illinois law; or
- (2) through a joint action taken with Illinois or an Illinois entity as described in section 2(c) of this chapter.

Sec. 8. (a) The bridge authority may, by resolution, issue and sell bonds or notes of the bridge authority for the purpose of providing funds to implement this chapter.

(b) Before issuing a series of bonds or notes, the bridge authority shall publish a notice of its determination to issue the



bonds or notes in accordance with IC 5-3-1.

(c) No action to contest the validity of:

(1) any contract entered into by the bridge authority before the bonds or notes are issued; or

(2) a series of bonds or notes issued by the bridge authority; may be brought after the thirtieth day following the publication of the notice required by subsection (b).

(d) If an action challenging a contract, bond, or note is not brought within the time frame described in subsection (c), the contract, bond, or note shall be presumed to be fully authorized and valid under the laws of the state and no person or entity may question the authorization, validity, execution, delivery, or issuance of the contract, bond, or note.

Sec. 9. The:

(1) members of the bridge authority; and

(2) officers and employees of the bridge authority;

responsible for the approval or execution of a bond, lease, obligation, or other agreement may not be subject to personal liability or accountability for the performance of any act authorized by this chapter.

Sec. 10. (a) All bonds or notes issued under this chapter are issued by the bridge authority as a body corporate and politic of the state, but not as a state agency, and for an essential public and governmental purpose. The bonds and notes, the interest on the bonds and notes, the proceeds received by an owner from the sale of the bonds or notes to the extent of the owner's cost of acquisition, proceeds received upon redemption for maturity, proceeds received at maturity, and the receipt of the interest and proceeds are exempt from taxation for all purposes except the financial institutions tax imposed under IC 6-5.5.

(b) No bonds or notes issued by the bridge authority under this chapter constitute a debt, liability, or obligation of the state or any political subdivision or a pledge of the faith and credit of the state or any political subdivision. Each bond or note issued under this chapter must contain on its face a statement that neither the faith and credit nor the taxing power of the state or any political subdivision is pledged to the payment of the principal of or the interest on the bond or the note.

Sec. 11. Notwithstanding any other law or provision, all financial institutions, investment companies, insurance companies, insurance associations, executors, administrators, guardians, trustees, and other fiduciaries may legally invest sinking funds,



money, or other funds belonging to them or within their control in bonds or notes issued under this chapter.

Sec. 12. Bonds or notes issued under this chapter are exempt from the registration requirements of IC 23-19 and any other state securities registration statutes.

Sec. 13. A pledge of proceeds of bonds or notes, investment earnings on those proceeds, or other money pledged by the bridge authority is binding from the time the pledge is made. Proceeds of bonds or notes, investment earnings on those proceeds, or other money pledged by the bridge authority and then received by the bridge authority or its trustee or fiduciary is immediately subject to the lien of the pledge without any further act, and the lien of the pledge is binding against all parties having claims of any kind in tort, contract, or otherwise against the bridge authority, regardless of whether the parties have notice of the lien. A resolution, trust agreement, or any other instrument that creates a pledge is required to be filed or recorded only in the records of the bridge authority.

Sec. 14. All property of the bridge authority is public property devoted to an essential public and governmental function and purpose and is exempt from all taxes and special assessments of the state or any political subdivision.

Sec. 15. Neither:

(1) the state; nor

(2) a political subdivision of the state, including, without limitation, Posey County and the town of New Harmony;

is liable for any action taken by the bridge authority."

Page 5, after line 23, begin a new paragraph and insert:

"SECTION 6. IC 34-30-2-25.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 25.5. IC 8-16-15.5-9 (Concerning members of the New Harmony and Wabash River bridge authority).

SECTION 7. IC 34-30-2-25.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 25.6. IC 8-16-15.5-15 (Concerning



actions taken by the New Harmony and Wabash River bridge authority).".

Re-number all SECTIONS consecutively.

(Reference is to ESB 269 as printed February 23, 2018.)

MCNAMARA

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 269 be amended to read as follows:

Page 1, line 3, strike "(a)".

Page 2, delete lines 25 through 36, begin a new paragraph and insert:

"(b) As used in this chapter, "news media entity" means:

(1) a newspaper or locality newspaper or other publication issued at regular intervals and having a general circulation;

or

(2) a licensed radio or television station that regularly broadcasts local news.

(c) Beginning January 1 of every year, the department's districts shall release a contract let list to at least one (1) news media entity servicing each county served by the district every one hundred eighty (180) days. The contract let list described in this subsection must list all of the department's scheduled construction projects in the district for the one hundred eighty (180) day period and the projected letting date for each of the listed construction projects."

(Reference is to ESB 269 as printed February 23, 2018.)

SOLIDAY

