

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.

SENATE ENROLLED ACT No. 350

AN ACT to amend the Indiana Code concerning local government.

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

SECTION 1. IC 36-7-7.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 7.7. Indianapolis Metropolitan Planning Organization

Sec. 1. This chapter applies to an eligible political subdivision located within the metropolitan planning area of the MPO.

Sec. 2. The following definitions apply throughout this chapter:

(1) "Eligible political subdivision" means any of the following:

(A) A county.

(B) A municipality.

(C) An urban mass transportation system (as described in IC 36-9-4).

(2) "Metropolitan planning area" of the MPO means the aggregate geographic territory of the following political subdivisions:

(A) A county having a population of more than seven hundred thousand (700,000).

(B) All eligible political subdivisions in a county having a population of more than seven hundred thousand (700,000).

(C) All counties immediately adjacent to a county having



a population of more than seven hundred thousand (700,000).

(D) All eligible political subdivisions in a county immediately adjacent to a county having a population of more than seven hundred thousand (700,000).

(3) "MPO" means the Indianapolis metropolitan planning organization established by section 3 of this chapter.

Sec. 3. The Indianapolis metropolitan planning organization is established.

Sec. 4. (a) An eligible political subdivision that:

(1) is not a member of the MPO; and

(2) is in a county adjacent to a county that:

(A) is a member of the MPO; or

(B) contains a member of the MPO;

may join the MPO under this chapter.

(b) An eligible political subdivision described in subsection (a) may join the MPO under this chapter only if:

(1) the governing body of the eligible political subdivision adopts a resolution authorizing the eligible political subdivision to become a member of the MPO; and

(2) the MPO adopts a resolution authorizing the eligible political subdivision to become a member of the MPO.

(c) An eligible political subdivision becomes a member of the MPO upon the passage of a resolution under subsection (b)(2) authorizing the eligible political subdivision to become a member of the MPO.

(d) The MPO shall notify the governor's office promptly in writing when a new member joins the MPO.

Sec. 5. The purpose of the MPO is to institute and maintain a comprehensive planning and programming process for transportation policy and to assist the central Indiana regional development authority in carrying out its duties under IC 36-7.7. The MPO shall coordinate its activities with all member units in the counties and the member units of the central Indiana regional development authority and shall coordinate and assist the planning programs of member units, the central Indiana regional development authority, and the state that relate to its purposes.

Sec. 6. (a) This section applies to any eligible political subdivision authorized to join the MPO under section 4 of this chapter.

(b) An eligible political subdivision described in subsection (a) may withdraw from the MPO without the approval of the MPO.



However, the withdrawal of a county does not affect the membership of eligible political subdivisions within that county that are already members of the MPO. The MPO shall provide a process for withdrawal from the MPO in the MPO's bylaws.

(c) The MPO shall notify the governor's office promptly in writing when a member withdraws from the MPO.

Sec. 7. (a) Each eligible political subdivision described in section 2 of this chapter and each eligible political subdivision that joins the MPO under section 4 of this chapter is considered a member of the MPO.

(b) The highest ranking elected official, executive director, or board president of each MPO member shall serve on the MPO policy board.

(c) A member of the MPO policy board described in subsection (b) may appoint a proxy of record to serve in the member's place as a member of the MPO policy board. The proxy of record has the same authority to act and vote on all matters as does the member.

Sec. 8. The MPO may adopt bylaws and rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations. The MPO's record is a public record.

Sec. 9. The MPO may perform any function or duty necessary to carry out the purposes authorized by 23 CFR 450.300 through 23 CFR 450.340 or in support of the purposes of the central Indiana regional development authority authorized by IC 36-7.7.

Sec. 10. After review and recommendation by the executive board, the MPO may appoint an executive director, who serves at the pleasure of the MPO.

Sec. 11. Before October 1, 2021, the MPO shall do the following:

(1) Develop a comprehensive asset management report, in collaboration with the Indiana department of transportation centralized electronic statewide asset management data base developed under IC 8-14-3-3, which analyzes and compiles the transportation asset management plans of each eligible political subdivision that is a member of the MPO.

(2) Present the comprehensive asset management report described in subdivision (1) to:

(A) the city-county council of the consolidated city;

(B) the fiscal and legislative bodies of each entity that is a member of the MPO; and

(C) the budget committee.

SECTION 2. IC 36-7.7 IS ADDED TO THE INDIANA CODE AS



A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 7.7. CENTRAL INDIANA REGIONAL DEVELOPMENT AUTHORITY

Chapter 1. Applicability

Sec. 1. This article applies only to eligible political subdivisions described in IC 36-7.7-2-7 that are located in the Indianapolis-Carmel-Anderson Metropolitan Statistical Area as defined by the United States Census Bureau.

Sec. 2. This article expires July 1, 2025.

Chapter 2. Definitions

Sec. 1. Except as otherwise provided, the definitions in this chapter apply throughout this article.

Sec. 2. "Airport authority" refers to an airport authority established under IC 8-22-3.

Sec. 3. "Commuter transportation district" refers to a commuter transportation district established under IC 8-5-15.

Sec. 4. "Comprehensive development plan" refers to a comprehensive strategic economic development plan prepared under IC 36-7.7-3-4.

Sec. 5. "Development authority" refers to the central Indiana regional development authority established under IC 36-7.7-3-1.

Sec. 6. "Economic development project" means an economic development project described in IC 6-3.6-2-8.

Sec. 7. "Eligible political subdivision" means any of the following:

- (1) A county.
- (2) A municipality.
- (3) An airport authority.
- (4) A commuter transportation district.
- (5) A regional transportation authority.
- (6) A public transportation corporation under IC 36-9-4.

Sec. 8. "Strategy committee" refers to the strategy committee composed of members selected according to the terms of the preliminary development plan.

Sec. 9. "Preliminary development plan" means a preliminary strategic economic development plan prepared under IC 36-7.7-3-3.

Sec. 10. "Regional transportation authority" means a regional transportation authority established under IC 36-9-3.

Chapter 3. Development Authority and Board

Sec. 1. (a) In order to establish a development authority under



this article, the fiscal bodies of a combination of any two (2) or more counties or municipalities described in subsection (b) must adopt substantially similar resolutions to adopt a preliminary development plan prepared under section 3 of this chapter for the development authority.

(b) A development authority may be established by any of the following:

(1) One (1) or more counties and one (1) or more adjacent counties.

(2) One (1) or more counties and one (1) or more municipalities in adjacent counties.

(3) One (1) or more municipalities and one (1) or more municipalities in adjacent counties.

(c) If a development authority is established under subsection (a), the development authority shall promptly notify the Indiana economic development corporation of the establishment of the development authority by submitting a copy of the preliminary development plan to the Indiana economic development corporation.

(d) When a county establishes a development authority under subsection (a) with another unit, any municipality in the county does not also become a member of the development authority, unless the fiscal body of the municipality also adopts the preliminary development plan prepared under section 3 of this chapter for the development authority.

(e) A county or municipality may become a member of the development authority under this section only if the county or municipality is not a member of a development authority under IC 36-7.6. If a county or municipality is a member of another development authority established under IC 36-7.6, the county or municipality must withdraw its membership in that development authority before the county's or municipality's adoption of a preliminary development plan under subsection (a). A county or municipality may be a member of only one (1) development authority.

(f) If not already members, Marion County and the city of Indianapolis are required to join the central Indiana regional development authority if sixty percent (60%) or more of the eligible political subdivisions located within the Indianapolis-Carmel-Anderson Metropolitan Statistical Area as defined by the United States Census Bureau become members of the central Indiana regional development authority. If Marion



County and the city of Indianapolis are required to become members of the central Indiana regional development authority under this subsection, Marion County and the city of Indianapolis do not incur any financial obligation because of the fact they have become members of the central Indiana regional development authority. Marion County or the city of Indianapolis can incur a financial obligation in relation to the central Indiana regional development authority only by voluntarily entering into an agreement to undertake the financial obligation.

(g) Notwithstanding any other law, any of the following governmental units may immediately withdraw from the development authority to which they belong in order to join the central Indiana regional development authority:

- (1) The city of Westfield.
- (2) The city of Carmel.
- (3) The city of Greenwood.
- (4) Marion County.

Sec. 2. A development authority established under this chapter is a separate body corporate and politic that shall carry out the purposes of this article by:

- (1) acquiring, constructing, equipping, owning, and financing projects and facilities to or for the benefit of eligible political subdivisions under this article; and
- (2) funding and developing:
 - (A) airport authority projects;
 - (B) commuter transportation district and other rail projects and services;
 - (C) regional transportation authority projects and services;
 - (D) economic development projects;
 - (E) intermodal transportation projects;
 - (F) regional trail or greenway projects;
 - (G) regional transportation infrastructure projects under IC 36-9-43; and
 - (H) any other capital infrastructure project that enhances the region with the goal of attracting people or business; that are of regional importance.

Sec. 3. Units that wish to establish a development authority under this chapter must prepare and adopt a preliminary strategic economic development plan that includes provisions and general information concerning the following:

- (1) The participating members of the development authority.



(2) The membership of the strategy committee under section 5 of this chapter.

(3) A timeline for submitting the comprehensive development plan under section 4 of this chapter.

(4) A strategy for attracting (or any projected) investments, grants, matching funds, or local tax revenue.

Sec. 4. (a) A development authority established under this chapter shall prepare a comprehensive strategic economic development plan to serve as a roadmap to diversify and strengthen the regional economy, establish regional goals and objectives, develop and implement a regional action plan, identify ways to eliminate duplicative government services within the region, and identify investment priorities and funding sources.

(b) The comprehensive development plan must incorporate and comply with the requirements and content for comprehensive economic development strategies under 13 CFR 303.7 and be developed with broad based and diverse community participation, and may contain the following:

(1) An analysis of economic and community development problems and opportunities including incorporation of any relevant material or suggestions from other government sponsored or supported plans.

(2) A background and history of the economic development situation of the region, with a discussion of the economy, including as appropriate, geography, population, labor force, resources, and the environment.

(3) A discussion of community participation in the planning efforts.

(4) Identification of particular strengths or assets that can be leveraged for economic benefit and goals and objectives for taking advantage of those strengths and assets to solve the economic development problems of the region.

(5) A plan of action, including suggested projects, to achieve the goals and objectives.

(6) Performance measures to be used to evaluate whether and to what extent goals and objectives have been or are being met.

(7) Strategies for:

(A) ensuring access to affordable health care;

(B) ensuring access to affordable child care;

(C) establishing workforce pipelines for those exiting recovery and reentry programs;



- (D) recreation and entertainment;**
 - (E) coordinating with local businesses to ensure the supply of high technology or high demand job apprenticeships;**
 - (F) leveraging technology to improve delivery of government services;**
 - (G) eliminating duplicative government services within the region;**
 - (H) increasing the supply of affordable homes and other housing;**
 - (I) building connectivity between the business community and local schools;**
 - (J) incentivizing or attracting out-of-state residents and businesses to relocate to the region; and**
 - (K) branding and marketing the region as a means to recruit and retain businesses and people.**
- (8) Data analyses of other workforce and quality of place measures including, without limitation, detailed information for the most recent three (3) year period for which data is available for the following:**
- (A) Workforce availability compared to job postings.**
 - (B) Commercial and industrial electricity prices.**
 - (C) Local road and infrastructure spending.**
 - (D) Access to fixed broadband and mobile connectivity meeting Federal Communications Commission standards for businesses and residents.**
 - (E) Total employment in firms that are zero (0) to five (5) years old.**
 - (F) Net job creation in firms that are zero (0) to five (5) years old.**
 - (G) Net job creation in firms that are more than five (5) years old.**
 - (H) Venture capital invested.**
 - (I) Summary of the region's health related metrics including the following:**
 - (i) Adult smoking rate.**
 - (ii) Adult obesity rate.**
 - (iii) Drug related deaths.**
- (9) The proposed projects and programs to be undertaken or financed by the development authority.**
- (10) The following information for each project and program included under subdivision (9):**
- (A) Timeline and budget.**



(B) The return on investment.

(C) The projected or expected need for an ongoing subsidy.

(D) Any projected or expected federal matching funds.

Sec. 5. (a) A development authority established under this chapter is governed by a strategy committee.

(b) A strategy committee is composed of members according to the terms of the preliminary development plan adopted by the fiscal bodies of development authority members under section 1 of this chapter.

(c) The removal of a member and the filling of a vacancy on the strategy committee shall be made according to the terms of the development authority preliminary development plan.

(d) Each member of a strategy committee, before entering upon the duties of office, must take and subscribe an oath of office under IC 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the investment board.

(e) A member of a strategy committee is not entitled to receive any compensation for performance of the member's duties.

Sec. 6. (a) In January of each year, a strategy committee shall hold an organizational meeting at which the strategy committee shall elect the following officers from the members of the strategy committee:

(1) A chair.

(2) A vice chair.

(3) A secretary-treasurer.

(b) The affirmative vote of at least a majority of the members of the strategy committee is necessary to elect an officer under subsection (a).

(c) An officer elected under subsection (a) serves from the date of the officer's election until the officer's successor is elected and qualified.

Sec. 7. (a) A strategy committee shall meet at least quarterly.

(b) The chair of a strategy committee or any two (2) members of a strategy committee may call a special meeting of the strategy committee.

(c) A majority of the appointed members of a strategy committee constitutes a quorum.

(d) The affirmative votes of at least a majority of the appointed members of a strategy committee are necessary to authorize any action of the strategy committee.

Sec. 8. A strategy committee shall adopt the bylaws and rules that the strategy committee considers necessary for the proper



conduct of the strategy committee's duties and the safeguarding of the development authority's funds and property.

Sec. 9. (a) Only one (1) development authority may be established under this article. However, a county or municipality described in subsection (b) may join a development authority established under section 1 of this chapter if the fiscal body of the county or municipality:

- (1) adopts an ordinance authorizing the county or municipality to become a member of the development authority; and**
- (2) adopts a substantially similar resolution to adopt the preliminary development plan of the development authority as set forth under section 1 of this chapter.**

A development authority shall notify the Indiana economic development corporation promptly in writing when a new member joins the development authority.

(b) The following counties or municipalities may join a development authority established under section 1 of this chapter:

- (1) In the case of a county, a county that is adjacent to a county that:**
 - (A) is a member of the development authority; or**
 - (B) contains a member of the development authority.**
- (2) In the case of a municipality, a municipality that is located in a county that:**
 - (A) is a member of the development authority;**
 - (B) is adjacent to a county that is a member of the development authority; or**
 - (C) is adjacent to a county containing a member of the development authority.**

Sec. 10. A county or municipality that establishes or joins a development authority under this chapter shall be a member of the development authority for not less than five (5) years or until the expiration of this article.

Chapter 4. Compliance and Audit Requirements

Sec. 1. (a) A development authority shall comply with IC 5-22 (public purchasing), IC 36-1-12 (public work projects), and any applicable federal bidding statutes and regulations. An eligible political subdivision that receives a loan, a grant, or other financial assistance from a development authority or enters into a lease with a development authority must comply with applicable federal, state, and local public purchasing and bidding laws and regulations. However, a purchasing agency (as defined in



IC 5-22-2-25) of an eligible political subdivision may:

- (1) assign or sell a lease for property to a development authority; or
- (2) enter into a lease for property with a development authority;

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

(b) In addition to the provisions of subsection (a), with respect to projects undertaken by a development authority, the development authority shall set a goal for participation by minority business enterprises and women's business enterprises. The goals must be consistent with:

- (1) the participation goals established by the counties and municipalities that are members of the development authority; and
- (2) the goals of delivering the project on time and within the budgeted amount and, insofar as possible, using Indiana businesses for employees, goods, and services.

Sec. 2. (a) The state board of accounts shall, pursuant to IC 5-11-1-7 and IC 5-11-1-24, allow each development authority to contract with a certified public accountant for an annual financial audit of the development authority. The certified public accountant may not have a significant financial interest in a project, facility, or service funded by or leased by or to any development authority. The certified public accountant selected by a development authority must be approved by the state examiner and is subject to the direction of the state examiner while performing an annual financial audit under this article.

(b) The certified public accountant shall present an audit report not later than four (4) months after the end of each calendar year and shall make recommendations to improve the efficiency of development authority operations. The certified public accountant shall also perform a study and evaluation of internal accounting controls and shall express an opinion on the controls that were in



effect during the audit period.

(c) A development authority shall pay the cost of the annual financial audit under subsection (a). In addition, the state board of accounts may at any time conduct an audit of any phase of the operations of a development authority. The development authority shall pay the cost of any audit by the state board of accounts.

(d) The state board of accounts may waive the requirement that a certified public accountant perform an annual financial audit of a development authority for a particular year if the development authority certifies to the state board of accounts that the development authority had no financial activity during that year.

Chapter 5. Development Authority Powers and Duties

Sec. 1. A development authority shall do the following:

- (1) Assist in the coordination of local efforts concerning projects that are of regional importance.
- (2) Assist a county, a municipality, a commuter transportation district, an airport authority, and a regional transportation authority in coordinating regional transportation and economic development efforts.
- (3) Fund projects that are of regional importance, as provided in this article.

Sec. 2. (a) A development authority may do any of the following:

- (1) Finance, improve, construct, reconstruct, renovate, purchase, acquire, and equip land and projects that are of regional importance.
- (2) Finance and construct additional improvements to projects or other capital improvements owned by the development authority.
- (3) Construct or reconstruct highways, roads, and bridges.
- (4) Acquire land or all or a part of one (1) or more projects from an eligible political subdivision by purchase.
- (5) Acquire all or a part of one (1) or more projects from an eligible political subdivision by purchase to fund or refund indebtedness incurred on account of the projects to enable the eligible political subdivision to make a savings in debt service obligations or lease rental obligations or to obtain relief from covenants that the eligible political subdivision considers to be unduly burdensome.
- (6) Make grants or provide other financial assistance to or on behalf of the following:
 - (A) A commuter transportation district.
 - (B) An airport authority.



(C) A regional transportation authority. A loan, a loan guarantee, a grant, or other financial assistance under this clause may be used by a regional transportation authority for acquiring, improving, operating, maintaining, financing, and supporting the following:

(i) Bus services (including fixed route services and flexible or demand-responsive services) that are a component of a public transportation system.

(ii) Bus terminals, stations, or facilities or other regional bus authority projects.

(D) A county.

(E) A municipality.

(7) Provide funding to assist a railroad that is providing commuter transportation services in a county containing territory included in the development authority.

(8) Provide funding to assist an airport authority located in a county containing territory included in the development authority in the construction, reconstruction, renovation, purchase, lease, acquisition, and equipping of an airport facility or airport project.

(9) Provide funding for intermodal transportation projects and facilities.

(10) Provide funding for regional trails and greenways.

(11) Provide funding for economic development projects.

(12) Provide funding for regional transportation infrastructure projects under IC 36-9-43.

(13) Hold, use, lease, rent, purchase, acquire, and dispose of by purchase, exchange, gift, bequest, grant, condemnation, lease, or sublease, on the terms and conditions determined by the development authority, any real or personal property.

(14) After giving notice, enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a project.

(15) Make or enter into all contracts and agreements necessary or incidental to the performance of the development authority's duties and the execution of the development authority's powers under this article.

(16) Sue, be sued, plead, and be impleaded.

(17) Design, order, contract for, construct, reconstruct, and renovate a project or improvements to a project.

(18) Appoint an executive director and employ appraisers, real estate experts, engineers, architects, surveyors, attorneys,



accountants, auditors, clerks, construction managers, and any consultants or employees who are necessary or desired by the development authority in exercising its powers or carrying out its duties under this article.

(19) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a political subdivision, or any other public or private source.

(20) Use the development authority's funds to match federal grants or make loans, loan guarantees, or grants to carry out the development authority's powers and duties under this article.

(21) Except as prohibited by law, take any action necessary to carry out this article.

(b) Projects funded by a development authority must be of regional importance.

Sec. 3. A development authority may enter into an agreement with another development authority or any other entity to:

(1) jointly equip, own, lease, and finance projects and facilities; or

(2) otherwise carry out the purposes of the development authority;

in any location.

Sec. 4. A development authority shall, before April 1 of each year, issue a report to the legislative council, the budget committee, the Indiana economic development corporation, and the executive, fiscal body, and legislative body of each member of the development authority concerning the operations and activities of the development authority during the preceding calendar year. The report to the legislative council must be in an electronic format under IC 5-14-6.

Chapter 6. Regional Strategy Fund

Sec. 1. (a) A strategy committee shall establish and administer a regional strategy fund.

(b) A regional strategy fund consists of the following:

(1) Any payments required under an interlocal agreement for a project that specifically states:

(A) the amount for which each member is responsible; and

(B) the term of the agreement.

The transfers allowed by this subdivision may be made from any local revenue of the county or municipality, including property tax revenue, distributions, incentive payments, money deposited in the county's or municipality's local major



moves construction fund under IC 8-14-16, money received by the county or municipality under a development agreement (as defined by IC 36-1-8-9.5), or any other local revenue that is not otherwise restricted by law or committed for the payment of other obligations.

(2) Money received from the federal government.

(3) Gifts, contributions, donations, and private grants made to the fund.

(4) Money transferred to the development authority under an interlocal agreement.

Sec. 2. A development authority and an eligible political subdivision may enter into common wall (party wall) agreements or other agreements concerning easements or licenses. These agreements shall be recorded with the recorder of the county in which the project is located.

Sec. 3. (a) All:

(1) property owned by a development authority; and

(2) revenue of a development authority;

are exempt from taxation in Indiana for all purposes except the financial institutions tax imposed under IC 6-5.5.

(b) All securities issued under this chapter are exempt from the registration requirements of IC 23-19 and other securities registration statutes.

SECTION 3. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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