



Reprinted  
March 3, 2020

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# ENGROSSED

## SENATE BILL No. 367

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DIGEST OF SB 367 (Updated March 2, 2020 5:10 pm - DI 139)

**Citations Affected:** IC 4-37; IC 36-7.5; IC 36-7.6.

**Synopsis:** Regional development authorities. Specifies that a memorandum of understanding between the chief executive officer of the Indiana state museum and historic sites corporation (corporation) and a nonprofit organization that supports a specific state historic site may not include certain restrictions on the fundraising activities of the nonprofit organization and certain operations of the nonprofit organization. Requires the corporation to return certain donor restricted funds to a nonprofit organization if the funds are not used for a donor's specified use in a historic site project. Adds four members to the development board of the northwest Indiana regional development authority. Specifies that the open door law and access to public records act apply to a regional development authority and the authority's governing board.

**Effective:** Upon passage; July 1, 2020.

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## Niemeyer, Bohacek, Randolph Lonnie M

(HOUSE SPONSORS — AYLESWORTH, ABBOTT)

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January 13, 2020, read first time and referred to Committee on Local Government.  
January 23, 2020, reported favorably — Do Pass.  
January 27, 2020, read second time, ordered engrossed. Engrossed.  
January 28, 2020, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 10, 2020, read first time and referred to Committee on Government and Regulatory Reform.  
February 27, 2020, amended, reported — Do Pass.  
March 2, 2020, read second time, amended, ordered engrossed.

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ES 367—LS 6252/DI 87





Reprinted  
March 3, 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 SENATE BILL No. 367

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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 4-37-7-8, AS ADDED BY P.L.167-2011,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 8. **(a)** The chief executive officer of the  
4 corporation may enter into a memorandum of understanding with one  
5 (1) or more nonprofit organizations that are recognized supporters of  
6 a specific state historic site and are exempt from taxation under Section  
7 501(c)(3) of the Internal Revenue Code. The memorandum of  
8 understanding may provide that the nonprofit organization or  
9 organizations may maintain a gift shop and offer special events at the  
10 state historic site.
- 11 **(b) A memorandum of understanding entered into under this**  
12 **section may not do any of the following to restrict the fundraising**  
13 **activities of an organization described in subsection (a):**
- 14 **(1) Require the organization to deposit into the fund the**  
15 **proceeds of a fundraising activity approved by the chief**  
16 **executive officer.**
- 17 **(2) Require the organization to send money donated to the**

ES 367—LS 6252/DI 87



1 organization to the corporation.

2 (3) Require the approval of the chief executive officer, or the  
3 chief executive officer's designee, before the organization  
4 pursues general donations from individuals and other entities.

5 (4) Restrict, regulate, or limit the ability of the organization  
6 to hold offsite fundraising programs or activities.

7 (5) Restrict, regulate, or limit the ability of the organization  
8 to promote or advertise any onsite or offsite fundraising  
9 programs or activities on social media, via electronic mail, on  
10 an Internet web site, or by any other means.

11 (c) A memorandum of understanding entered into under this  
12 section may not do any of the following:

13 (1) Require the organization to be any type of supporting  
14 organization (as the term is used in the Internal Revenue  
15 Code).

16 (2) Require a representative of the corporation to be a voting  
17 or nonvoting member of the organization's board of directors.

18 (3) Require the organization to submit to the corporation any  
19 organization documents, correspondence, electronic mail, or  
20 other data that are not required to be submitted by the  
21 Internal Revenue Service.

22 (4) Require the organization to submit an audit of the  
23 organization's funds.

24 (5) Restrict, regulate, or otherwise limit the ability of the  
25 organization to promote any onsite or offsite activities.

26 (6) Allow the corporation to take a nonprofit organization's  
27 real or financial assets.

28 (7) Require the organization to pay any rental or other fee to  
29 support an event at a state historic site that is sponsored by  
30 the organization or the corporation.

31 (d) The corporation shall return to the organization any funds  
32 raised by the organization and donated to the corporation that:

33 (1) are designated as donor restricted funds for a specific use  
34 in a historic site project; and

35 (2) are not used for the donor's specified use in the historic  
36 site project;

37 upon the completion of the historic site project.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (1) Rail transportation or air transportation.

39 (2) Regional economic development.

40 (3) Business or finance.

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



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

13 (e) A county having a population of more than one hundred eleven  
 14 thousand (111,000) but less than one hundred fifteen thousand  
 15 (115,000) shall be an eligible county participating in the development  
 16 authority if the fiscal body of the county adopts an ordinance providing  
 17 that the county is joining the development authority and the fiscal body  
 18 of a city that is located in the county and that has a population of more  
 19 than thirty-one thousand (31,000) but less than thirty-one thousand five  
 20 hundred (31,500) adopts an ordinance providing that the city is joining  
 21 the development authority. Notwithstanding subsection (b), if  
 22 ordinances are adopted under this subsection and the county becomes  
 23 an eligible county participating in the development authority:

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

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

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

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

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



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

7 (g) An individual or entity required to make an appointment under  
8 subsection (b) or nominations under subsection (d) must make the  
9 initial appointment before September 1, 2005, or the initial nomination  
10 before August 15, 2005. If an individual or entity does not make an  
11 initial appointment under subsection (b) before September 1, 2005, or  
12 the initial nominations required under subsection (d) before September  
13 1, 2005, the governor shall instead make the initial appointment.

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

16 (1) has a population of more than one hundred fifty thousand  
17 (150,000) but less than one hundred seventy thousand (170,000);  
18 and

19 (2) was a member of the development authority on January 1,  
20 2009, and subsequently ceases to be a member of the  
21 development authority.

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

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

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



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

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

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

25           SECTION 3. IC 36-7.5-2-6, AS AMENDED BY P.L.192-2015,  
 26 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2020]: Sec. 6. **(a) The development authority is a public**  
 28 **agency for purposes of IC 5-14-1.5 and IC 5-14-3. The development**  
 29 **board is a governing body for purposes of IC 5-14-1.5.**

30           ~~(a)~~ **(b)** The development board shall meet at least quarterly.

31           ~~(b)~~ **(c)** The chair of the development board or any two (2) members  
 32 of the development board may call a special meeting of the  
 33 development board.

34           ~~(c)~~ **(d)** Five (5) members of the development board constitute a  
 35 quorum. However, if the county described in section 3(e) of this  
 36 chapter is an eligible county participating in the development authority,  
 37 six (6) members of the development board constitute a quorum.

38           ~~(d)~~ **(e)** The affirmative votes of at least five (5) members of the  
 39 development board are necessary to authorize any action of the  
 40 development authority. However, if the county described in section  
 41 3(e) of this chapter is an eligible county participating in the  
 42 development authority, the affirmative votes of at least six (6) members





1 of the development board are necessary to authorize any action of the  
2 development authority.

3 ~~(e)~~ **(f)** Notwithstanding any other provision of this article, the  
4 minimum number of affirmative votes required under subsection ~~(d)~~ **(e)**  
5 to take any of the following actions must include the affirmative vote  
6 of the member appointed by the governor who is not nominated under  
7 section 3(d) or 3(f) of this chapter:

8 (1) Making loans, loan guarantees, or grants or providing any  
9 other funding or financial assistance for projects.

10 (2) Acquiring or condemning property.

11 (3) Entering into contracts.

12 (4) Employing an executive director or any consultants or  
13 technical experts.

14 (5) Issuing bonds or entering into a lease of a project.

15 ~~(f)~~ **(g)** A member of the board may not:

16 (1) designate another individual to attend a board meeting on  
17 behalf of the member in the member's absence; or

18 (2) allow another member of the board to cast a proxy vote on  
19 behalf of the member in the member's temporary absence from a  
20 meeting.

21 SECTION 4. IC 36-7.6-2-11, AS ADDED BY P.L.232-2007,  
22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2020]: Sec. 11. **(a) A development authority is a public  
24 agency for purposes of IC 5-14-1.5 and IC 5-14-3. A development  
25 board is a governing body for purposes of IC 5-14-1.5.**

26 ~~(a)~~ **(b)** A development board shall meet at least quarterly.

27 ~~(b)~~ **(c)** The chair of a development board or any two (2) members of  
28 a development board may call a special meeting of the development  
29 board.

30 ~~(c)~~ **(d)** A majority of the appointed members of a development  
31 board constitutes a quorum.

32 ~~(d)~~ **(e)** The affirmative votes of at least a majority of the appointed  
33 members of a development board are necessary to authorize any action  
34 of the development authority.

35 SECTION 5. **An emergency is declared for this act.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 367, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 367 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 9, Nays 0

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 367, 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 4-37-7-8, AS ADDED BY P.L.167-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a)** The chief executive officer of the corporation may enter into a memorandum of understanding with one (1) or more nonprofit organizations that are recognized supporters of a specific state historic site and are exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. The memorandum of understanding may provide that the nonprofit organization or organizations may maintain a gift shop and offer special events at the state historic site.

**(b) A memorandum of understanding entered into under this section may not do any of the following to restrict the fundraising activities of an organization described in subsection (a):**

**(1) Require the organization to deposit into the fund the proceeds of a fundraising activity approved by the chief executive officer.**

**(2) Require the organization to send money donated to the organization to the corporation.**

ES 367—LS 6252/DI 87



**(3) Require the approval of the chief executive officer, or the chief executive officer's designee, before the organization pursues general donations from individuals and other entities.**

**(4) Restrict, regulate, or limit the ability of the organization to hold offsite fundraising programs or activities.**

**(5) Restrict, regulate, or limit the ability of the organization to promote or advertise any onsite or offsite fundraising programs or activities on social media, via electronic mail, on an Internet web site, or by any other means.**

**(c) A memorandum of understanding entered into under this section may not do any of the following:**

**(1) Require the organization to be any type of supporting organization (as the term is used in the Internal Revenue Code).**

**(2) Require a representative of the corporation to be a voting or nonvoting member of the organization's board of directors.**

**(3) Require the organization to submit to the corporation any organization documents, correspondence, electronic mail, or other data that are not required to be submitted by the Internal Revenue Service.**

**(4) Require the organization to submit an audit of the organization's funds.**

**(5) Restrict, regulate, or otherwise limit the ability of the organization to promote any onsite or offsite activities.**

**(6) Allow the corporation to take a nonprofit organization's real or financial assets.**

**(7) Require the organization to pay any rental or other fee to support an event at a state historic site that is sponsored by the organization or the corporation.**

**(d) The corporation shall return to the organization any funds raised by the organization and donated to the corporation that:**

**(1) are designated as donor restricted funds for a specific use in a historic site project; and**

**(2) are not used for the donor's specified use in the historic site project;**

**upon the completion of the historic site project.**

SECTION 2. IC 14-28-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]:

Sec. 23. (a) The director may remove or eliminate a structure, an obstruction, a deposit, or an excavation in a floodway that:

**(1) adversely affects the efficiency of or unduly restricts the capacity of the floodway;**



(2) constitutes an unreasonable hazard to the safety of life or property; or

(3) is unreasonably detrimental to fish, wildlife, or botanical resources;

by an action in condemnation.

(b) In assessing the damages in the proceedings, the appraisers and the court shall take into consideration whether the structure, obstruction, deposit, or excavation is legally in or on the floodway.

**(c) Beginning January 1, 2020, the director shall not exercise the authority under subsection (a) to remove or eliminate an abode or residence from a floodway if:**

**(1) the abode or residence was constructed before January 1, 2020;**

**(2) the owner of the abode or residence has taken necessary measures to elevate the lowest floor of the abode or residence as reconstructed, including the basement, to at least two (2) feet above the one hundred (100) year flood elevation within the two (2) years of receiving notification by the department; and**

**(3) the owner of the abode or residence has taken necessary measures to comply with all applicable federal, state, and local floodway regulations.**

SECTION 3. 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."**

Page 2, after line 35, begin a new paragraph and insert:  
"SECTION 6. **An emergency is declared for this act.**"  
Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 367 as printed January 24, 2020.)

PRESSEL

Committee Vote: yeas 10, nays 2.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 367 be amended to read as follows:

Page 2, delete lines 38 through 42.  
Page 3, delete lines 1 through 23.  
Re-number all SECTIONS consecutively.

(Reference is to ESB 367 as printed February 28, 2020.)

LEHMAN

