

SENATE BILL No. 452

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-9-3.

Synopsis: Regional transportation authorities. Authorizes the fiscal body of a county or municipality in which a regional transportation authority is established to levy property taxes within the area designated as a transportation planning district by the Indiana department of transportation to provide funding to be used for the purposes of the regional transportation authority and to support a public transportation system. Amends current provisions to provide that the members of the county executive shall serve as the board of a regional transportation authority established in Lake County. Establishes an advisory committee to the regional transportation authority in Lake County to advise and assist the board in the performance of its powers, duties, and functions. Provides for the appointment of one resident of each township in the county to serve on the advisory committee. Makes conforming changes.

Effective: July 1, 2020.

Niemeyer

January 16, 2020, read first time and referred to Committee on Tax and Fiscal Policy.



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 BILL No. 452

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

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

- 1 SECTION 1. IC 36-9-3-3.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2020]: **Sec. 3.2. (a) Subject to subsection (b), the fiscal body of a**
4 **county or municipality that establishes a regional transportation**
5 **authority under section 2 of this chapter may, by ordinance, levy**
6 **property taxes within the area designated as a transportation**
7 **planning district to provide funding to be used for the purposes of**
8 **the regional transportation authority and to support a public**
9 **transportation system.**
10 **(b) In the case of a regional transportation authority established**
11 **by a county under section 2 of this chapter, the following apply for**
12 **purposes of this section:**
13 **(1) The tax that is levied under subsection (a) can only be**
14 **levied in the following geographic areas of the county:**
15 **(A) The unincorporated areas of the county:**
16 **(i) in which the county regional transportation authority**
17 **provides transportation services through and by a fixed**



route, urban demand response, or rural demand response; and

(ii) that is not excluded under subdivision (2) or (3).

(B) The boundaries of any municipality located within the county:

(i) in which the county regional transportation authority provides transportation services through and by a fixed route, urban demand response, or rural demand response; and

(ii) that is not excluded under subdivision (2) or (3).

(2) If a municipality located within the county establishes a public transportation corporation under IC 36-9-4 with a tax district for the corporation that is located within the area designated as a transportation planning district for the county, either before or after the district is established, the tax levy for the county established under subsection (a) shall not apply within the boundaries of the taxing district for the public transportation corporation of the municipality.

(3) If a municipality located within the county establishes a regional transportation authority under section 2 of this chapter and a tax levy within the transportation planning district of the municipality under subsection (a), the tax levy established by the county under subsection (a) shall not apply within the boundaries of the transportation planning district of the municipality.

SECTION 2. IC 36-9-3-5, AS AMENDED BY P.L.121-2016, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) An authority is under the control of a board (referred to as "the board" in this chapter) that, except as provided in subsections (b) and (c), consists of:

(1) two (2) members appointed by the executive of each county in the authority;

(2) one (1) member appointed by the executive of the largest municipality in each county in the authority;

(3) one (1) member appointed by the executive of each second class city in a county in the authority; and

(4) one (1) member from any other political subdivision that has public transportation responsibilities in a county in the authority.

(b) An authority that includes a consolidated city is under the control of a board consisting of the following:

(1) Two (2) members appointed by the executive of the county having the consolidated city.



(2) One (1) member appointed by the board of commissioners of the county having the consolidated city.

(3) One (1) member appointed by the executive of each other county in the authority.

(4) Two (2) members appointed by the governor from a list of at least five (5) names provided by the Indianapolis regional transportation council.

(5) One (1) member representing the four (4) largest municipalities in the authority located in a county other than a county containing a consolidated city. The member shall be appointed by the executives of the municipalities acting jointly.

(6) One (1) member representing the excluded cities located in a county containing a consolidated city that are members of the authority. The member shall be appointed by the executives of the excluded cities acting jointly.

(7) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member.

(c) An authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is under the control of **the members of the county executive, which shall serve as the board of the authority.** a board consisting of the following twenty-one (21) members:

(1) Three (3) members appointed by the executive of a city with a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400):

(2) Two (2) members appointed by the executive of a city with a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000):

(3) One (1) member jointly appointed by the executives of the following municipalities located within a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A city with a population of more than four thousand nine hundred fifty (4,950) but less than five thousand (5,000):

(B) A city with a population of more than twenty-nine thousand six hundred (29,600) but less than twenty-nine thousand nine hundred (29,900):

(4) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less



1 than seven hundred thousand (700,000):

2 (A) A town with a population of more than sixteen thousand
3 five hundred (16,500) but less than twenty thousand (20,000):

4 (B) A town with a population of more than twenty-three
5 thousand seven hundred (23,700) but less than twenty-four
6 thousand (24,000):

7 (C) A town with a population of more than twenty thousand
8 (20,000) but less than twenty-three thousand seven hundred
9 (23,700):

10 (5) One (1) member who is jointly appointed by the fiscal body of
11 the following municipalities located within a county with a
12 population of more than four hundred thousand (400,000) but less
13 than seven hundred thousand (700,000):

14 (A) A town with a population of more than fourteen thousand
15 (14,000) but less than sixteen thousand (16,000):

16 (B) A town with a population of more than twenty-four
17 thousand (24,000) but less than thirty thousand (30,000):

18 (C) A town with a population of more than sixteen thousand
19 (16,000) but less than sixteen thousand five hundred (16,500):

20 (6) One (1) member who is jointly appointed by the following
21 authorities of municipalities located in a county having a
22 population of more than four hundred thousand (400,000) but less
23 than seven hundred thousand (700,000):

24 (A) The executive of a city with a population of more than
25 twenty-five thousand (25,000) but less than twenty-nine
26 thousand (29,000):

27 (B) The fiscal body of a town with a population of more than
28 ten thousand (10,000) but less than fourteen thousand
29 (14,000):

30 (C) The fiscal body of a town with a population of more than
31 five thousand (5,000) but less than ten thousand (10,000):

32 (D) The fiscal body of a town with a population of less than
33 one thousand five hundred (1,500):

34 (E) The fiscal body of a town with a population of more than
35 two thousand two hundred (2,200) but less than five thousand
36 (5,000):

37 (7) One (1) member appointed by the fiscal body of a town with
38 a population of more than thirty thousand (30,000) located within
39 a county with a population of more than four hundred thousand
40 (400,000) but less than seven hundred thousand (700,000):

41 (8) One (1) member who is jointly appointed by the following
42 authorities of municipalities that are located within a county with



a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a city having a population of more than twenty-nine thousand (29,000) but less than twenty-nine thousand five hundred (29,500):

(B) The executive of a city having a population of more than twelve thousand five hundred (12,500) but less than twelve thousand seven hundred (12,700):

(C) The fiscal body of a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200):

(9) Three (3) members appointed by the fiscal body of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(10) One (1) member appointed by the county executive of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(11) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member. If more than one (1) labor organization represents the employees of the authority, each organization shall submit one (1) name to the governor, and the governor shall appoint the member from the list of names submitted by the organizations:

(12) The executive of a city with a population of more than thirty-one thousand seven hundred twenty-five (31,725) but less than thirty-five thousand (35,000); or the executive's designee:

(13) The executive of a city with a population of more than thirty-six thousand eight hundred twenty-five (36,825) but less than forty thousand (40,000); or the executive's designee:

(14) One (1) member of the board of commissioners of a county, with a population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000); appointed by the board of commissioners; or the member's designee:

(15) One (1) member appointed jointly by the township executive of the township containing the following towns:

(A) Chesterton:

(B) Porter:

(C) Burns Harbor:

(D) Dune Acres:



The member appointed under this subdivision must be a resident of a town listed in this subdivision.

(16) One (1) member appointed jointly by the township executives of the following townships located in Porter County:

(A) Washington Township.

(B) Morgan Township.

(C) Pleasant Township.

(D) Boone Township.

(E) Union Township.

(F) Porter Township.

(G) Jackson Township.

(H) Liberty Township.

(I) Pine Township.

The member appointed under this subdivision must be a resident of a township listed in this subdivision.

If a county or city becomes a member of the authority under section 3-5 of this chapter, the executive of the county or city shall appoint one (1) member to serve on the board.

SECTION 3. IC 36-9-3-6, AS AMENDED BY P.L.182-2009(ss), SECTION 447, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) Except as provided in subsection (d), The appointments required by section 5 5(a) and 5(b) of this chapter must be made as soon as is practical, but not later than sixty (60) days after the adoption of the ordinance establishing the authority. If any appointing authority fails to make the required appointment within the sixty (60) day time limit, the circuit court from the jurisdiction of the appointing authority shall make the appointment without delay.

(b) The term of office of a member of the board is:

(1) two (2) years, for a member of a board located in a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), if such a board exists under this chapter; and

(2) four (4) years for all other boards;

and continues until the member's successor has qualified for the office. A member may be reappointed for successive terms.

(c) A member of the board serves at the pleasure of the appointing authority.

(d) An appointment to an authority located in a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); if such an authority exists under this chapter, must be made not later than sixty (60) days after the



1 adoption of the ordinance establishing the authority; or for the purpose
 2 of reappointments, sixty (60) days after a scheduled reappointment. If
 3 the appointing authority designated in section 5(c)(3), 5(c)(4), 5(c)(5),
 4 5(c)(6), or 5(c)(8) of this chapter fails to make an appointment, the
 5 appointment shall be made by the governor. If a county or city becomes
 6 a member of the authority under section 3-5 of this chapter and the
 7 executive of the county or city fails to make an appointment to the
 8 board within sixty (60) days after the county or city becomes a member
 9 of the authority, the appointment shall be made by the governor. The
 10 governor shall select an individual from a list comprised of one (1)
 11 name from each appointing authority for that particular appointment.

12 SECTION 4. IC 36-9-3-7, AS AMENDED BY P.L.121-2016,
 13 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2020]: Sec. 7. (a) Except as provided in subsection (e); As
 15 soon as is practical, but not later than ninety (90) days after the
 16 authority is established, the members shall meet and organize
 17 themselves as a board. **However, this subsection does not apply to a**
 18 **county having a population of more than four hundred thousand**
 19 **(400,000) but less than seven hundred thousand (700,000) in which**
 20 **the members of the county executive serve as the board of the**
 21 **authority.**

22 (b) Except as provided in subsection (f); (e), at its first meeting, and
 23 annually after that, the board shall elect from its members a president,
 24 a vice president who shall perform the duties of the president during
 25 the absence or disability of the president, a secretary, and a treasurer.
 26 If the authority includes more than one (1) county, the president and
 27 vice president must be from different counties.

28 (c) The regional planning commission staff or the metropolitan
 29 planning organization if the authority includes a consolidated city shall
 30 serve as staff to the board secretary for the purpose of recording the
 31 minutes of all board meetings and keeping the records of the authority.

32 (d) The board shall keep its maps, plans, documents, records, and
 33 accounts in a suitable office, subject to public inspection at all
 34 reasonable times.

35 (e) If the authority includes a county having a population of more
 36 than four hundred thousand (400,000) but less than seven hundred
 37 thousand (700,000); the first meeting of the board shall be at the call
 38 of the county council of the county having a population of more than
 39 four hundred thousand (400,000) but less than seven hundred thousand
 40 (700,000). The president of the county council shall preside over the
 41 first meeting until the officers of the board have been elected.

42 (f) (e) If the authority includes **In the case of** a county having a



population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the board shall first meet in January. At the first meeting the board shall elect from its members a president **and** a vice president who shall perform the duties of the president during the absence or disability of the president ~~a secretary;~~ ~~a treasurer;~~ and any other officers the board determines are necessary for the board to function.

SECTION 5. IC 36-9-3-9, AS AMENDED BY P.L.121-2016, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) A majority of the members:

(1) appointed to the board; **or**

(2) of the county executive serving as the board under section 5(c) of this chapter;

constitutes a quorum for a meeting.

(b) Except as provided in subsection (c), the board may act officially by an affirmative vote of a majority of those present at the meeting at which the action is taken.

(c) If the authority includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), then

(1) an affirmative vote of a majority of **the members of the county executive serving as** the board is necessary for an action to be taken. ~~and~~

~~(2) a vacancy in membership does not impair the right of a quorum to exercise all rights and perform all duties of the board.~~

SECTION 6. IC 36-9-3-10, AS AMENDED BY P.L.121-2016, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) ~~Except as provided in subsection (b);~~ The members of the board are not entitled to a salary but are entitled to an allowance for actual expenses and mileage at the same rate as other county officials.

(b) If the authority includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); a member of the board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided:

(1) in the procedures established by the department of administration and approved by the budget agency for state employee travel; **or**

(2) by ordinance of the county fiscal body.

SECTION 7. IC 36-9-3-12.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1, 2020]: **Sec. 12.7. (a) This section applies to a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).**

(b) There is established a county transportation advisory committee. The executive of each township in the county shall appoint one (1) resident of the executive's township to serve on the committee. Committee members serve for four (4) year terms. Members may not receive per diem or mileage for service on the committee.

(c) The county transportation advisory committee shall advise and assist the board in the performance of its powers, duties, and functions. The board or the county legislative body may assign responsibilities to the committee concerning transportation. The committee may select one (1) of its members as chair.

(d) The transportation advisory committee shall meet quarterly for purposes of assisting the board, and it may meet at the chair's call or at the call of any three (3) of its members.

SECTION 8. IC 36-9-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 13. The board may:

- (1) exercise the executive and legislative powers of the authority as provided by this chapter;
- (2) as a municipal corporation, sue and be sued in its name;
- (3) sell, lease, or otherwise contract for advertising in or on the facilities of the authority;
- (4) protect all property owned or managed by the board;
- (5) adopt an annual budget;
- (6) incur indebtedness in the name of the authority in accordance with this chapter;
- (7) acquire real, personal, or mixed property by deed, purchase, or lease and dispose of it for use in connection with or for administrative purposes;
- (8) receive gifts, donations, bequests, and public trusts, agree to conditions and terms accompanying them, and bind the authority to carry them out;
- (9) receive federal or state aid and administer that aid;
- (10) erect the buildings or structures needed to administer and carry out this chapter;
- (11) determine matters of policy regarding internal organization and operating procedures not specifically provided for by law;
- (12) adopt a schedule of reasonable charges and rents, and collect them from all users of facilities and services within the jurisdiction of the authority;



- 1 (13) purchase supplies, materials, and equipment to carry out the
- 2 duties and functions of the board, in accordance with procedures
- 3 adopted by the board and under applicable statutes;
- 4 (14) employ the personnel necessary to carry out the duties,
- 5 functions, and powers of the board;
- 6 (15) sell any surplus or unneeded real and personal property in
- 7 accordance with procedures adopted by the board and under
- 8 applicable statutes;
- 9 (16) adopt rules governing the duties of its officers, employees,
- 10 and personnel, and the internal management of the affairs of the
- 11 board;
- 12 (17) fix the compensation of the various officers and employees
- 13 of the authority, within the limitations of the total personal
- 14 services budget;
- 15 (18) purchase public transportation services from public or
- 16 private transportation agencies upon the terms and conditions set
- 17 forth in purchase of service agreements between the authority and
- 18 the transportation agencies;
- 19 (19) acquire, establish, construct, improve, equip, operate,
- 20 maintain, subsidize, and regulate public transportation systems
- 21 within the jurisdiction of the authority;
- 22 (20) after receiving a request for assistance from a public
- 23 transportation system, enter into agreements with government
- 24 agencies, political subdivisions, private transportation companies,
- 25 railroads, and other persons providing for:
- 26 (A) construction, operation, and use by the other party of any
- 27 public transportation system and equipment held or later
- 28 acquired by the authority; and
- 29 (B) acquisition of any public transportation system and
- 30 equipment of another party if all or part of the operations of
- 31 that party take place within the jurisdiction of the authority;
- 32 (21) rent or lease any real property, including air rights above real
- 33 property owned or leased by a transportation system, for
- 34 transportation or other purposes, with the revenues from those
- 35 rentals to accrue to the authority and to be used exclusively for the
- 36 purposes of this chapter;
- 37 (22) negotiate and execute contracts of sale, purchase, or lease, or
- 38 contracts for personal services, materials, supplies, equipment, or
- 39 passenger transportation services;
- 40 (23) establish at or near its terminals and stations the off-street
- 41 parking facilities and access roads that are necessary and
- 42 desirable, and charge fees for or allow free use of those facilities;



- 1 (24) enter into agreements with other persons for the purpose of
- 2 participating in transportation planning activities;
- 3 (25) administer any rail services or other use of rail rights-of-way
- 4 that may be the responsibility of state or local government under
- 5 the Federal Regional Rail Reorganization Act of 1973, as
- 6 amended (45 U.S.C. sections 701-794);
- 7 (26) determine the level and kind of public transportation services
- 8 that should be provided by the authority; ~~and~~
- 9 (27) do all other acts necessary or reasonably incident to carrying
- 10 out the purposes of this chapter; **and**
- 11 **(28) use revenue from property taxes levied under section 3.2**
- 12 **of this chapter for purposes of this chapter.**

