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

Synopsis: Transit development districts. Provides that the board of the northwest Indiana regional development authority (NWIRDA) may establish any nonprofit entity to carry out and further the purposes, plans, and goals of the NWIRDA with regard to projects located within a transit development district. Authorizes the nonprofit entity to use money it receives only for projects that are located within a transit development district and to further any part of the comprehensive strategic plan of the development authority that relates to transit development districts. Specifies that the nonprofit entity is a governamental body required to provide its current audited financial statements to the development authority. Provides that each member of the governing board of the nonprofit entity must be nominated by one or more officers of the board of the NWIRDA and approved by majority vote of all members of the board of the NWIRDA at a regular (Continued next page)

Effective: July 1, 2020.

Soliday, Pressel, Harris
(SENATE SPONSORS — MISHLER, CHARBONNEAU)


SENATE ACTION
February 13, 2020, read first time and referred to Committee on Appropriations.  February 20, 2020, amended, reported favorably — Do Pass.
or special board meeting. Adds similar provisions to allow the north central Indiana regional development authority to establish a nonprofit entity to carry out and further the purposes, plans, and goals of that development authority with regard to projects located within a transit development district established by the NWIRDA. Requires the redevelopment commission for each county that is a member of the north central Indiana regional development authority to collaborate with the development authority for the purposes of the nonprofit entity. Provides that certain provisions related to electronic communications, executive sessions, and public records apply to a nonprofit entity created by the NWIRDA or a nonprofit entity established by the north central Indiana regional development authority. Provides that the NWIRDA may expend money related to transit development districts or any nonprofit entity created by the NWIRDA to carry out and further the purposes of the NWIRDA with regard to projects located within a transit development district.

EH 1279—LS 6575/DI 134
ENGROSSED
HOUSE BILL No. 1279

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

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

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

   (1) A charter school (as defined in IC 20-24-1-4).
   (2) A public agency of the state, including a body corporate and politic established as an instrumentality of the state.
   (3) An airport authority or a department of aviation under IC 8-22.

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

   (1) the member;
   (2) all other members participating in the meeting;
   (3) all members of the public physically present at the place where the meeting is conducted; and
   (4) if the meeting is conducted under a policy adopted under

EH 1279—LS 6575/DI 134
subsection (g)(7), all members of the public physically present at
a public location at which a member participates by means of
electronic communication;
to simultaneously communicate with each other during the meeting.
(c) The governing body must fulfill both of the following
requirements for a member of the governing body to participate in a
meeting by electronic communication:
(1) This subdivision does not apply to committees appointed by
a board of trustees of a state educational institution, by the
commission for higher education, by the board of the Indiana
economic development corporation, or by the board of directors
of the Indiana secondary market for education loans, as
established, incorporated, and designated under IC 21-16-5-1, the
governing board of a nonprofit affiliate entity established by
the northwest Indiana regional development authority under
IC 36-7.5-4.5-18.5, or the governing board of a nonprofit
affiliate entity established by the north central Indiana
regional development authority under IC 36-7.6-3-3.5. The
minimum number of members who must be physically present at
the place where the meeting is conducted must be the greater of:
(A) two (2) of the members; or
(B) one-third (1/3) of the members.
(2) All votes of the governing body during the electronic meeting
must be taken by roll call vote.
Nothing in this section affects the public's right under this chapter to
attend a meeting of the governing body at the place where the meeting
is conducted and the minimum number of members is physically
present as provided for in subdivision (1).
(d) Each member of the governing body is required to physically
attend at least one (1) meeting of the governing body annually.
(e) Unless a policy adopted by a governing body under subsection
(g) provides otherwise, a member who participates in a meeting by
electronic communication:
(1) is considered to be present at the meeting;
(2) shall be counted for purposes of establishing a quorum; and
(3) may vote at the meeting.
(f) A governing body may not conduct meetings using a means of
electronic communication until the governing body:
(1) meets all requirements of this chapter; and
(2) by a favorable vote of a majority of the members of the
governing body, adopts a policy under subsection (g) governing
participation in meetings of the governing body by electronic
communication.

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

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

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

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

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

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

   (A) the member votes with the majority; and

   (B) the official action is adopted or defeated by one (1) vote.

6. Require a member participating in a meeting by electronic
   communication to confirm in writing the votes cast by the
   member during the meeting within a certain number of days after
   the date of the meeting.

7. Provide that in addition to the location where a meeting is
   conducted, the public may also attend some or all meetings of the
   governing body, excluding executive sessions, at a public place
   or public places at which a member is physically present and
   participates by electronic communication. If the governing body's
   policy includes this provision, a meeting notice must provide the
   following information:

   (A) The identity of each member who will be physically
       present at a public place and participate in the meeting by
       electronic communication.

   (B) The address and telephone number of each public place
       where a member will be physically present and participate by
       electronic communication.

   (C) Unless the meeting is an executive session, a statement
that a location described in clause (B) will be open and accessible to the public.

(8) Require at least a quorum of members to be physically present at the location where the meeting is conducted.

(9) Provide that a member participating by electronic communication may vote on official action only if, subject to subsection (e), a specified number of members:

(A) are physically present at the location where the meeting is conducted; and

(B) concur in the official action.

(10) Establish any other procedures, limitations, or conditions that govern participation in meetings of the governing body by electronic communication and are not in conflict with this chapter.

(h) The policy adopted by the governing body must be posted on the Internet web site of the governing body, the charter school, the airport, or the public agency.

(i) Nothing in this section affects a public agency's or charter school's right to exclude the public from an executive session in which a member participates by electronic communication.

SECTION 2. IC 5-14-1.5-6.1, AS AMENDED BY P.L.164-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

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

(1) who is a member of a governing body of a public agency; or

(2) whose tenure and compensation are fixed by law and who executes an oath.

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

(1) Where authorized by federal or state statute.

(2) For discussion of strategy with respect to any of the following:

(A) Collective bargaining.

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

(C) The implementation of security systems.

(D) A real property transaction including:

(i) a purchase;

(ii) a lease as lessor;

(iii) a lease as lessee;

(iv) a transfer;

(v) an exchange; or
(vi) a sale;

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

(E) School consolidation.

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

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

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

(A) the Indiana economic development corporation;

(B) the office of tourism development (before July 1, 2020) or
the Indiana destination development corporation (after June
30, 2020);

(C) the Indiana finance authority;

(D) the ports of Indiana;

(E) an economic development commission;

(F) the Indiana state department of agriculture;

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

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

(I) A nonprofit affiliate entity established by the northwest
Indiana regional development authority under
IC 36-7.5-4.5-18.5, or a nonprofit affiliate entity
established by the north central Indiana regional
development authority under IC 36-7.6-3-3.5.

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

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

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

(A) to receive information concerning the individual's alleged
misconduct; and
(B) to discuss, before a determination, the individual's status
as an employee, a student, or an independent contractor who
is:
   (i) a physician; or
   (ii) a school bus driver.
(7) For discussion of records classified as confidential by state or
federal statute.
(8) To discuss before a placement decision an individual student's
abilities, past performance, behavior, and needs.
(9) To discuss a job performance evaluation of individual
employees. This subdivision does not apply to a discussion of the
salary, compensation, or benefits of employees during a budget
process.
(10) When considering the appointment of a public official, to do
the following:
   (A) Develop a list of prospective appointees.
   (B) Consider applications.
   (C) Make one (1) initial exclusion of prospective appointees
      from further consideration.
Notwithstanding IC 5-14-3-4(b)(12), a governing body may
release and shall make available for inspection and copying in
accordance with IC 5-14-3-3 identifying information concerning
prospective appointees not initially excluded from further
consideration. An initial exclusion of prospective appointees from
further consideration may not reduce the number of prospective
appointees to fewer than three (3) unless there are fewer than
three (3) prospective appointees. Interviews of prospective
appointees must be conducted at a meeting that is open to the
public.
(11) To train school board members with an outside consultant
about the performance of the role of the members as public
officials.
(12) To prepare or score examinations used in issuing licenses,
certificates, permits, or registrations under IC 25.
(13) To discuss information and intelligence intended to prevent,
mitigate, or respond to the threat of terrorism.
(14) To train members of a board of aviation commissioners
appointed under IC 8-22-2 or members of an airport authority
board appointed under IC 8-22-3 with an outside consultant about
the performance of the role of the members as public officials. A
board may hold not more than one (1) executive session per
calendar year under this subdivision.

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

(A) the assessment of; or

(B) negotiation with another entity concerning;

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

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

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

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

SECTION 3. IC 5-14-3-4, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(1) Those declared confidential by state statute.

(2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.

(3) Those required to be kept confidential by federal law.

(4) Records containing trade secrets.

(5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.
(6) Information concerning research, including actual research
documents, conducted under the auspices of a state educational
institution, including information:
   (A) concerning any negotiations made with respect to the
research; and
   (B) received from another party involved in the research.
(7) Grade transcripts and license examination scores obtained as
part of a licensure process.
(8) Those declared confidential by or under rules adopted by the
supreme court of Indiana.
(9) Patient medical records and charts created by a provider,
unless the patient gives written consent under IC 16-39 or as
provided under IC 16-41-8.
(10) Application information declared confidential by the Indiana
economic development corporation under IC 5-28-16, a
nonprofit affiliate entity established by the northwest Indiana
regional development authority under IC 36-7.5-4.5-18.5, or
a nonprofit affiliate entity established by the north central
Indiana regional development authority under
IC 36-7.6-3-3.5.
(11) A photograph, a video recording, or an audio recording of an
autopsy, except as provided in IC 36-2-14-10.
(12) A Social Security number contained in the records of a
public agency.
(13) The following information that is part of a foreclosure action
subject to IC 32-30-10.5:
   (A) Contact information for a debtor, as described in
IC 32-30-10.5-8(d)(1)(B).
   (B) Any document submitted to the court as part of the debtor's
loss mitigation package under IC 32-30-10.5-10(a)(3).
(14) The following information obtained from a call made to a
fraud hotline established under IC 36-1-8-8.5:
   (A) The identity of any individual who makes a call to the
fraud hotline.
   (B) A report, transcript, audio recording, or other information
concerning a call to the fraud hotline.
However, records described in this subdivision may be disclosed
to a law enforcement agency, a private university police
deptartment, the attorney general, the inspector general, the state
examiner, or a prosecuting attorney.
(b) Except as otherwise provided by subsection (a), the following
public records shall be excepted from section 3 of this chapter at the
discretion of a public agency:

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

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

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

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

(2) The work product of an attorney representing, pursuant to
state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

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

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

(5) The following:

(A) Records relating to negotiations between:

(i) the Indiana economic development corporation;

(ii) the ports of Indiana;

(iii) the Indiana state department of agriculture;

(iv) the Indiana finance authority;

(v) an economic development commission;

(vi) a local economic development organization that is a
nonprofit corporation established under state law whose
primary purpose is the promotion of industrial or business
development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana; or
(vii) a governing body of a political subdivision; or
(viii) a nonprofit affiliate entity established by the northwest Indiana regional development authority under IC 36-7.5-4.5-18.5, or a nonprofit affiliate entity established by the north central Indiana regional development authority under IC 36-7.6-3-3.5;
with industrial, research, or commercial prospects, if the records are created while negotiations are in progress. However, this clause does not apply to records regarding research that is prohibited under IC 16-34.5-1-2 or any other law.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, a nonprofit affiliate entity established by the northwest Indiana regional development authority under IC 36-7.5-4.5-18.5, a nonprofit affiliate entity established by the north central Indiana regional development authority under IC 36-7.6-3-3.5, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

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

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

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

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

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

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

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

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

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

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

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

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

(12) Records specifically prepared for discussion or developed
during discussion in an executive session under IC 5-14-1.5-6.1.

However, this subdivision does not apply to that information
required to be available for inspection and copying under
subdivision (8).

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

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

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

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

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

(16) Library or archival records:
(A) which can be used to identify any library patron; or
(B) deposited with or acquired by a library upon a condition
that the records be disclosed only:
(i) to qualified researchers;
(ii) after the passing of a period of years that is specified in
the documents under which the deposit or acquisition is
made; or
(iii) after the death of persons specified at the time of the
acquisition or deposit.

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

(17) The identity of any person who contacts the bureau of motor
vehicles concerning the ability of a driver to operate a motor
vehicle safely and the medical records and evaluations made by
the bureau of motor vehicles staff or members of the driver
licensing medical advisory board regarding the ability of a driver
to operate a motor vehicle safely. However, upon written request
to the commissioner of the bureau of motor vehicles, the driver
must be given copies of the driver's medical records and
evaluations.

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

(19) A record or a part of a record, the public disclosure of which
would have a reasonable likelihood of threatening public safety
by exposing a vulnerability to terrorist attack. A record described
under this subdivision includes the following:
(A) A record assembled, prepared, or maintained to prevent,
mitigate, or respond to an act of terrorism under IC 35-47-12-1
(before its repeal), an act of agricultural terrorism under
IC 35-47-12-2 (before its repeal), or a felony terrorist offense
(as defined in IC 35-50-2-18).
(B) Vulnerability assessments.
(C) Risk planning documents.
(D) Needs assessments.
(E) Threat assessments.
(F) Intelligence assessments.
(G) Domestic preparedness strategies.
(H) The location of community drinking water wells and
surface water intakes.
(I) The emergency contact information of emergency responders and volunteers.

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

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

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

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

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

(i) emergency management worker (as defined in IC 10-14-3-3);

(ii) public safety officer (as defined in IC 35-47-4.5-3);

(iii) emergency medical responder (as defined in IC 16-18-2-109.8); or

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

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):
   (A) Telephone number.
   (B) Address.
   (C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:
   (A) Telephone number.
   (B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

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

(23) Records requested by an offender that:
   (A) contain personal information relating to:
      (i) a correctional officer (as defined in IC 5-10-10-1.5);
      (ii) a law enforcement officer (as defined in IC 35-31.5-2-185);
      (iii) a judge (as defined in IC 33-38-12-3);
      (iv) the victim of a crime; or
      (v) a family member of a correctional officer, law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3), or victim of a crime; or
   (B) concern or could affect the security of a jail or correctional facility.

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

(A) Name.

(B) Address.

(C) Telephone number.

(D) Electronic mail account address.

(25) Criminal intelligence information.

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

(A) Date of birth.

(B) Driver's license number.

(C) Taxpayer identification number.

(D) Employer identification number.

(E) Account number.

(27) Except as provided in subdivision (19) and sections 5.1 and
5.2 of this chapter, a law enforcement recording. However, before
disclosing the recording, the public agency must comply with the
obscuring requirements of sections 5.1 and 5.2 of this chapter, if
applicable.

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

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

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

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

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

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

(h) Notwithstanding subsection (d) and section 7 of this chapter:
(1) public records subject to IC 5-15 may be destroyed only in
accordance with record retention schedules under IC 5-15; or
(2) public records not subject to IC 5-15 may be destroyed in the
ordinary course of business.

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

(b) Any nonprofit entity established under this section shall be
a governmental body under IC 5-22-2-13 and:
(1) may use money received under subsection (a) only for
projects that are located within a transit development district
and to further any part of the comprehensive strategic plan of
the development authority that relates to transit development
districts;
(2) must report to the budget committee each year; and
(3) may deposit money received under subsection (a) in an
account or fund that is:
(A) administered by the entity; and
(B) not part of the state treasury.

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

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

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

SECTION 5. IC 36-7.5-3-1.5, AS AMENDED BY P.L.189-2018,
SECTION 169, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2020]: Sec. 1.5. (a) Except as provided in
section 1.7 of this chapter, this section applies to revenue received by
the authority to the extent that the revenue has not been pledged or
otherwise obligated to pay bonds or leases entered into before July 1,
2015, for a project other than a rail project.

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

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

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

(B) the Marquette Plan; and

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

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

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

SECTION 6. IC 36-7.5-4.5-29, AS ADDED BY P.L.248-2017,
SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2020]: Sec. 29. All expenses incurred in carrying out this
chapter are may be payable solely from revenue received under this
chapter or from the proceeds of the financial instruments issued by the
development authority payable from revenues received under this
chapter, or any other fund the development authority finds
appropriate. A liability or obligation may not be incurred by the
development authority that is greater than the revenue to be received
SECTION 7. IC 36-7.6-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) This section applies only to the development authority established under this article for north central Indiana.

(b) As used in this section, "transit development district" refers to a transit development district established by the northwest Indiana regional development authority under IC 36-7.5-4.5-17.

(c) The development board of the development authority described in subsection (a) may establish any nonprofit entity to solicit and accept private or public funding, gifts, donations, bequests, devises, and contributions in order to carry out and further the purposes, plans, and goals of the development authority with regard to projects located within a transit development district.

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

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

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

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

(A) administered by the entity; and

(B) not part of the state treasury.

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

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

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

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

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created under this section.
COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1279, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 5-1.3-3-11, AS ADDED BY P.L.189-2018, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 11. (a) The IFA, the NWIRDA, or the NICTD may:

(1) in the manner provided by IC 32-24; or
(2) as otherwise required for a railroad federal aid project funded in any part under 49 U.S.C. 103, et seq.;

acquire by appropriation any land, rights-of-way, property, rights, easements, or other legal or equitable interests necessary or convenient for the construction or the efficient operation of any rail project. However, compensation for the property taken shall first be made in money as provided by IC 32-24 or as otherwise required for a railroad federal aid project funded in any part under 49 U.S.C. 103, et seq.

(b) The IFA, the NWIRDA, or the NICTD:

(1) may enter upon land to conduct a survey or investigation by manual or mechanical means for the construction or operation of a rail project; and
(2) shall, when acting under subdivision (1), have all the same powers and duties that the Indiana department of transportation has under IC 8-23-7-26 through IC 8-23-7-28."

Page 15, after line 42, begin a new paragraph and insert:

"SECTION 5. IC 36-7-14-0.5, AS AMENDED BY P.L.235-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 0.5. (a) The definitions in this section apply throughout this chapter.

(b) "Obligation" means any bond, note, warrant, lease, or other instrument under which money is borrowed.

c) "Public funds" means all fees, payments, tax receipts, and funds of whatever kind or character coming into the possession of a:

(1) redevelopment commission; or
(2) department of redevelopment.

d) "Residential housing" means housing or workforce housing that consists of single family dwelling units sufficient to secure quality housing in reasonable proximity to employment. The term includes condominiums and townhouses located within an economic
development target area that is designated under IC 6-1.1-12.1-7.

(e) "Residential housing development program" means a residential housing development program for the:

(1) construction of new residential housing; or
(2) renovation of existing residential housing;

established by a commission under section 53 of this chapter.

(f) "Workforce housing" means housing that is affordable for households with earned income that is sufficient to secure quality housing in reasonable proximity to employment.

SECTION 6. IC 36-7-14-53, AS ADDED BY P.L.235-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 53. (a) Subject to subsection (g), a commission may establish a residential housing development program by resolution for the construction of new residential housing or the renovation of existing residential housing if:

(1) for a commission established by a county, the average of new, single family residential houses constructed in the unincorporated area of the county during the preceding three (3) calendar years is less than one percent (1%) of the total number of single family residential houses within the unincorporated area of the county on January 1 of the year in which the resolution is adopted; or
(2) for a commission established by a municipality, the average of new, single family residential houses constructed within the municipal boundaries during the preceding three (3) calendar years is less than one percent (1%) of the total number of single family residential houses within the boundaries of the municipality on January 1 of the year in which the resolution is adopted.

However, the calculations described in subdivisions (1) and (2) and the provisions of subsection (f) do not apply for purposes of establishing a residential housing development program within an economic development target area designated under IC 6-1.1-12.1-7.

(b) The program, which may include any relevant elements the commission considers appropriate, may be adopted as part of a redevelopment plan or amendment to a redevelopment plan, and must establish an allocation area for purposes of sections 39 and 56 of this chapter for the accomplishment of the program. The program must be approved by the municipal legislative body or county executive as specified in section 17 of this chapter.

(c) The notice and hearing provisions of sections 17 and 17.5 of this chapter, including notice under section 17(c) of this chapter to a taxing
unit that is wholly or partly located within an allocation area, apply to
the resolution adopted under subsection (b). Judicial review of the
resolution may be made under section 18 of this chapter.

(d) Before formal submission of any residential housing
development program to the commission, the department of
redevelopment shall:

(1) consult with persons interested in or affected by the proposed
program;
(2) provide the affected neighborhood associations, residents, and
township assessors with an adequate opportunity to participate in
an advisory role in planning, implementing, and evaluating the
proposed program; and
(3) hold public meetings in the affected neighborhood to obtain
the views of neighborhood associations and residents.

(e) A residential housing development program established under
this section must terminate not later than twenty (20) years after the
date the program is established under subsection (b).

(f) The department of local government finance, in cooperation with
either the appropriate county agency or the appropriate municipal
agency, or both, shall determine whether a county or municipality
meets the requirements under subsection (a). A county or municipality
may request from the department of local government finance a report,
if it exists, describing the effect of current assessed value allocated to
tax increment financing allocation areas on the amount of the tax levy
or proceeds and the credit for excessive property taxes under
IC 6-1.1-20.6 for the taxing units within the boundaries of the
residential housing development program.

(g) A program established under subsection (a) may not take effect
in any part of the program allocation area that lies outside an
economic development target area designated under
IC 6-1.1-12.1-7 until the governing body of each school corporation
affected by the program passes a resolution approving the program. A
program established under subsection (a) takes effect in the part
of a program allocation area that lies within an economic
development target area when the program is established, without
additional approval under this subsection."

Page 18, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 11. IC 36-7.5-2-3, AS AMENDED BY P.L.248-2017,
SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2020]: Sec. 3. (a) The development authority is governed by
the development board appointed under this section.

(b) Except as provided in subsections (e), (f), and (h), the
development board is composed of the following **seven (7) eleven (11)** members:

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

2. The following members from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):
   - (A) One (1) member appointed by the mayor of the largest city in the county in which a riverboat is located.
   - (B) One (1) member appointed by the mayor of the second largest city in the county in which a riverboat is located.
   - (C) One (1) member appointed by the mayor of the third largest city in the county in which a riverboat is located.
   - (D) One (1) member appointed jointly by the county executive and the county fiscal body. A member appointed under this clause may not reside in a city described in clause (A), (B), or (C).

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

4. The following four (4) members appointed under subsection (j):
   - (A) One (1) member appointed from Lake County.
   - (B) One (1) member appointed from Porter County.
   - (C) One (1) member appointed from LaPorte County.
   - (D) One (1) member appointed from St. Joseph County.

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

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

1. Rail transportation or air transportation.
2. Regional economic development.

(d) The mayor of the largest city in a county having a population of more than one hundred fifty thousand (150,000) but less than one
hundred seventy thousand (170,000) shall nominate three (3) residents of the county for appointment to the development board. One (1) of the governor's initial appointments under subsection (b)(1) must be an individual nominated by the mayor. At the expiration of the member's term, the mayor of the second largest city in the county shall nominate three (3) residents of the county for appointment to the development board. One (1) of the governor's appointments under subsection (b)(1) must be an individual nominated by the mayor. Thereafter, the authority to nominate the three (3) individuals from among whom the governor shall make an appointment under subsection (b)(1) shall alternate between the mayors of the largest and the second largest city in the county at the expiration of a member's term.

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

(1) the development board shall be composed of nine (9) thirteen (13) members rather than seven (7) eleven (11) members; and
(2) the additional two (2) members shall be appointed in the following manner:

(A) One (1) additional member shall be appointed by the governor and shall serve at the pleasure of the governor. The member appointed under this clause must be an individual nominated under subsection (f).
(B) One (1) additional member shall be appointed jointly by the county executive and county fiscal body.

(f) This subsection applies only if the county described in subsection (e) is an eligible county participating in the development authority. The mayor of the largest city in the county described in subsection (e) shall nominate three (3) residents of the county for appointment to the development board. The governor's initial appointment under subsection (e)(2)(A) must be an individual nominated by the mayor. At the expiration of the member's term, the mayor of the second largest city in the county described in subsection (e) shall nominate three (3) residents of the county for appointment to the development board. The
governor's second appointment under subsection (e)(2)(A) must be an individual nominated by the mayor. Thereafter, the authority to nominate the three (3) individuals from among whom the governor shall make an appointment under subsection (e)(2)(A) shall alternate between the mayors of the largest and the second largest city in the county at the expiration of a member's term.

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

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

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

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

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

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

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

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

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

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1279 as introduced.)

PRESSEL

Committee Vote: yeas 10, nays 1.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill No. 1279, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.
Page 2, delete lines 1 through 3.

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Page 2, line 31, delete "by the development board".
Page 2, line 32, delete "of the northwest Indiana regional development authority,".
Page 2, line 32, strike "or".
Page 2, line 35, delete "." and insert ", the governing board of a nonprofit affiliate entity established by the northwest Indiana regional development authority under IC 36-7.5-4.5-18.5, or the governing board of a nonprofit affiliate entity established by the north central Indiana regional development authority under IC 36-7.6-3-3.5.".
Page 6, delete lines 5 through 7, begin a new line double block indented and insert:

"(I) A nonprofit affiliate entity established by the northwest Indiana regional development authority under IC 36-7.5-4.5-18.5, or a nonprofit affiliate entity established by the north central Indiana regional development authority under IC 36-7.6-3-3.5.".
Page 8, line 30, delete "or the" and insert ", a nonprofit affiliate entity established by the northwest Indiana regional development authority under IC 36-7.5-4.5-18.5, or a nonprofit affiliate entity established by the north central Indiana regional development authority under IC 36-7.6-3-3.5.".
Page 8, delete lines 31 through 32.
Page 10, delete lines 17 through 19, begin a new line triple block indented and insert:

"(viii) a nonprofit affiliate entity established by the northwest Indiana regional development authority under IC 36-7.5-4.5-18.5, or a nonprofit affiliate entity established by the north central Indiana regional development authority under IC 36-7.6-3-3.5;".
Page 10, line 29, delete "the northwest Indiana regional development".
Page 10, line 30, delete "authority," and insert "a nonprofit affiliate entity established by the northwest Indiana regional development authority under IC 36-7.5-4.5-18.5, a nonprofit affiliate entity established by the north central Indiana regional development authority under IC 36-7.6-3-3.5;".
Page 16, delete lines 21 through 42.
Delete pages 17 through 19.
Page 20, delete lines 1 through 21.
Page 20, line 22, delete "IC 36-7.5-2-1.5" and insert "IC 36-7.5-4.5-18.5".

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Page 20, line 24, delete "1.5." and insert "18.5."
Page 20, line 28, delete "authority." and insert "authority with regard to projects located within a transit development district established under section 17 of this chapter."
Page 20, line 29, after "Any" insert "nonprofit".
Page 20, delete lines 31 through 35, begin a new line block indented and insert:

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

Page 20, between lines 40 and 41, begin a new paragraph and insert:

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

Page 20, line 41, delete "(c)" and insert "(d)"
Page 20, line 41, after "Any" insert "nonprofit".
Page 21, line 3, delete "(d)" and insert "(e)"
Page 21, line 3, delete "corporation" and insert "nonprofit entity".
Page 21, delete lines 5 through 42.
Delete pages 22 through 25.
Page 26, delete lines 1 through 22.
Page 27, line 9, delete "by IC 36-7.5-2-1.5." and insert "under IC 36-7.5-4.5-18.5.".
Page 27, delete lines 10 through 42.
Delete pages 28 through 29.
Page 30, delete lines 1 through 2.
Page 30, line 10, reset in roman "A liability or obligation may not be incurred by the".
Page 30, reset in roman lines 11 through 12.
Page 30, after line 12, begin a new paragraph and insert:

"SECTION 7. IC 36-7.6-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3.5. (a) This section applies only to the development authority established under this article for north central Indiana.

(b) As used in this section, "transit development district" refers to a transit development district established by the northwest Indiana regional development authority under IC 36-7.5-4.5-17.

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(c) The development board of the development authority described in subsection (a) may establish any nonprofit entity to solicit and accept private or public funding, gifts, donations, bequests, devises, and contributions in order to carry out and further the purposes, plans, and goals of the development authority with regard to projects located within a transit development district.

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

1. may use money received under subsection (a) only for projects that are located within a transit development district and to further any part of the comprehensive strategic plan of the development authority that relates to transit development districts;
2. must report to the budget committee each year; and
3. may deposit money received under subsection (a) in an account or fund that is:
   (A) administered by the entity; and
   (B) not part of the state treasury.

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

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

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

(h) The redevelopment commission for each county that is a member of the development authority shall collaborate with the development authority for the purposes of any nonprofit entity created under this section.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1279 as printed January 24, 2020.)

MISHLER, Chairperson

Committee Vote: Yeas 10, Nays 2.